

**THE
Punjab Legislative Assembly
Debates.**

From 9th to 24th January, 1939.

Vol. VII.

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 Dassundha Singh, B.A., LL.B.

Secretary.

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

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shujas, B.A.

PUNJAB LEGISLATIVE ASSEMBLY.

LIST OF MEMBERS.

PREMIER.

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

MINISTERS.

- ✓ The Hon'ble Dr. Sir Sunder Singh Majithia, Kt., C.I.E., D.O.L., Minister of Revenue (Batala, Sikh, Rural).
- ✓ The Hon'ble Chaudhri Sir Chhotu Ram, Kt., B.A., LL.B., Minister of Development (Jhajjar, General, Rural).
- ✓ The Hon'ble Mr. Manohar Lal, M.A., Finance Minister (University).
- ✓ The Hon'ble Nawabzada Major 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 (South-Eastern Towns, Muhammadan, Urban).

PARLIAMENTARY SECRETARIES.

- ✓ Khan Bahadur Mian Ahmad Yar Khan Daulatana, C.B.E., Political and Chief Official Whip (Mailsi, Muhammadan, Rural).
- ✓ Mir Maqbool Mahmood, General (Amritsar, Muhammadan, Rural).
- ✓ Sardar Bahadur Sardar Ujjal Singh, M.A., Home (Western Towns, Sikh, Urban).
- ✓ Mrs. Jahan Ara Shah Nawaz, M.B.E., Education, Medical Relief and Public Health (Outer Lahore; Muhammadan Women, Urban).
- ✓ Raja Ghazanfar Ali Khan, Revenue and Irrigation (Pind Dadan Khan, Muhammadan, Rural).
- ✓ Chaudhri Tikka Ram, B.A., LL.B., M.B.E., Development (Rohtak North, General, Rural).
- ✓ Thakur Ripudaman Singh, B.A., Finance (Gurdaspur, General, Rural).
- ✓ Shaikh Faiz Muhammad, B.A., LL.B., M.B.E., Local Government and Public Works (Dera Ghazi Khan Central, Muhammadan, Rural).

PARLIAMENTARY PRIVATE SECRETARIES.

- ✓ Syed Amjad Ali Shah, O.B.E. (Ferozepore East, Muhammadan, Rural).
- ✓ Bhagat Hans Raj, B.A., LL.B. (Amritsar and Sialkot, General—Reserved Seat, Rural).
- ✓ Sardar Jagjit Singh Man (Central Punjab, Land-holders).
- ✓ Sir William Roberts, Kt., C.I.E. (European).
- ✓ Rai Bahadur Chaudhri Sham Lal (West Multan Division, General, Rural).
- ✓ Nawabzada Muhammad Faiyaz Ali Khan (Karnal, Muhammadan, Rural).
- ✓ Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural).

PARLIAMENTARY PRIVATE SECRETARIES—CONCLUDED.

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

MEMBERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bhagat Ram Sharma, Pandit (Kangra West, General, Rural).

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

Bhim Sen Sachar, Lala, B.A., LL.B. (North-Western Towns, General, Urban).

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

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

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

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

Dev Raj Sethi, Mr. (Lyallpur and Jhang, General, Rural).

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

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

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

Faiz Muhammad Khan, Rai (Kangra and Eastern Hoshiarpur, Muhammadan, Rural).

Faqir Chand, Chaudhri (Karnal North, General—Reserved Seat, Rural).

MEMBERS—CONTINUED.

- ✓ Faqir Hussain Khan, Chaudhri (Tarn Taran, Muhammadan, Rural).
- ✓ Farman Ali Khan, Subedar-Major Raja (Gujar Khan, Muhammadan, Rural).
- ✓ Fatehjang Singh, 2nd-Lieut. Bhai (South-East, Sikh, Rural).
- ✓ Fateh Khan, Khan Sahib Raja (Rawalpindi East, Muhammadan, Rural).
- ✓ Fateh Muhammad, Mian (Gujrat North, Muhammadan, Rural).
- ✓ Fateh Sher Khan, Malik (Montgomery, Muhammadan, Rural).
- ✓ Fazl Ali, Khan Bahadur Nawab Chaudhri, O.B.E. (Gujrat East, Muhammadan, Rural).
- ✓ Fazal Din, Khan Sahib Chaudhri (Ajnala, Muhammadan, Rural).
- ✓ Fazal Karim Bakhsh, Mian (Muzaffargarh Sadar, Muhammadan, Rural).
- ✓ Few, Mr. E. (Anglo-Indian).
- ✓ Ghulam Mohy-ud-Din, Khan Bahadur Maulvi (Sheikhupura, Muhammadan, Rural).
- ✓ Ghulam Qadir Khan, Khan Bahadur (Mianwali North, Muhammadan, Rural).
- ✓ Ghulam Rasul, Chaudhri (Sialkot Central, Muhammadan, Rural).
- ✓ Ghulam Samad, Khawaja (Southern Towns, Muhammadan, Urban).
- ✓ Girdhari Das, Mahant (South-East Multan Division, General, Rural).
- ✓ Gokul Chand Narang, Dr. Sir, M.A., Ph.D. (West Lahore Division, General, Rural).
- ✓ Gopal Das, Rai Bahadur Lala (Kangra North, General, Rural).
- ✓ Gopi Chand Bhargava, Dr. (Lahore City, General, Urban).
- ✓ Gurbachan Singh, Sardar Sahib Sardar (Jullundur West, Sikh, Rural).
- ✓ Habib Ullah Khan, Malik (Sargodha, Muhammadan, Rural).
- ✓ Haibat Khan Daha, Khan (Khanewal, Muhammadan, Rural).
- ✓ Hari Chand, Rai Sahib Rai (Una, General, Rural).
- ✓ Hari Lal, Munshi (South-Western Towns, General, Urban).
- ✓ Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- ✓ Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
- ✓ Harnam Das, Lala (Lyallpur and Jhang, General—Reserved Seat, Rural).
- ✓ Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).
- ✓ Het Ram, Rai Sahib Chaudhri (Hissar South, General, Rural).
- ✓ Indar Singh, Sardar (Gurdaspur North, Sikh, Rural).
- ✓ Jafar Ali Khan, M. (Okara, Muhammadan, Rural).
- ✓ Jagjit Singh Bedi, Tikka (Montgomery East, Sikh, Rural).
- ✓ Jalal-ud-Din Amber, Chaudhri, B.A. (West Central Punjab, Indian Christian).
- ✓ Jogindar Singh Man, Sardar (Gujranwala and Shahdara, Sikh, Rural).
- ✓ Jugal Kishore, Chaudhri (Ambala and Simla, General—Reserved Seat, Rural).

MEMBERS—CONTINUED.

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

MEMBERS—CONTINUED.

- ✓ Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- ✓ Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).
- ✓ Muhammad Saadat Ali Khan, Khan Bahadur Khan (Samundri, Muhammadan, Rural).
- ✓ Muhammad Sadiq, Shaikh (Amritsar City, Muhammadan, Urban).
- ✓ Muhammad Sarfraz Khan, Chaudhri (Sialkot North, Muhammadan, Rural).
- ✓ Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- ✓ Muhammad Shafi Ali Khan, Khan Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- ✓ Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed (Lodhran, Muhammadan, Rural).
- ✓ Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- ✓ Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- ✓ Mukand Lal Puri, Rai Bahadur Mr. (Rawalpindi Division, General, Rural).
- ✓ Mula Singh, Sardar (Hoshiarpur West, General—Reserved Seat, Rural).
- ✓ Muni Lal Kalia, Pandit (Ludhiana and Ferozepore, General, Rural).
- ✓ Muzaffar Ali Khan Qizilbash, Sardar (Lahore, Muhammadan, Rural).
- ✓ Muzaffar Khan, Khan Bahadur Captain Malik (Mianwali South, Muhammadan, Rural).
- ✓ Muzaffar Khan, Khan Bahadur Nawab, C.I.E. (Attock North, Muhammadan, Rural).
- ✓ Nasir-ud-Din, Chaudhri (Gujranwala North, Muhammadan, Rural).
- ✓ Nasir-ud-Din Shah, Pir (Toba Tek Singh, Muhammadan, Rural).
- ✓ Nasrullah Khan, Rana (Hoshiarpur West, Muhammadan, Rural).
- ✓ Naunihal Singh Mann, Lieutenant Sardar (Sehikhupura West, Sikh-Rural).
- ✓ Nawazish Ali Shah, Syed (Jhang East, Muhammadan, Rural).
- ✓ Nur Ahmad Khan, Khan Sahib Mian (Dipalpur, Muhammadan, Rural).
- ✓ Partab Singh, Sardar (Amritsar South, Sikh, Rural).
- ✓ Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan, Rural).
- ✓ Pohap Singh, Rao, M.A., LL.B. (East Punjab, Landholders.)
- ✓ Prem Singh, Chaudhri (South-East Gurgaon, General—Reserved Seat, Rural).
- ✓ Prem Singh Mahant (Gujrat and Shahpur, Sikh, Rural).
- ✓ Pritam Singh Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).

MEMBERS—CONCLUDED.

- ✓ Raghbir Kaur, Shrimati (Amritsar, Sikh Women).
- ✓ Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
- ✓ Ranpat Singh, Chaudhri (Karnal North, General, Rural).
- ✓ Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
- ✓ Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- ✓ Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
- ✓ Sahib Dad Khan, Khan Sahib Chaudhri (Hissar, Muhammadan, Rural).
- ✓ Sahib Ram, Chaudhri (Hissar North, General, Rural).
- ✓ Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).
- ✓ Santokh Singh, Sardar Sahib Sardar (Eastern Towns, Sikh, Urban).
- ✓ Sant Ram Seth, Dr. (Amritsar City, General, Urban).
- ✓ Satya Pal, Dr. (Amritsar and Sialkot, General, Rural).
- ✓ Shahadat Khan, Khan Sahib Rai (Jaranwala, Muhammadan, Rural).
- ✓ 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).
- ✓ Sudarshan, Seth (Eastern Towns, General, Urban).
- ✓ Sultan Mahmud Hotiana, Mian, B.A. (Pakpattan, Muhammadan, Rural).
- ✓ Sumer Singh, Chaudhri, B.A., LL.B. (South-East Gurgaon, General, Rural).
- ✓ Suraj Mal, Chaudhri, B.A., LL.B. (Hansi, General, Rural).
- ✓ Talib Hussain Khen, Khan. (Jhang West, Muhammadan, Rural).
- ✓ Tara Singh, Sardar (Ferozepore South, Sikh, Rural).
- ✓ 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. Sleam, Barrister-at-Law.

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PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1st PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 9th January, 1939.

The Assembly met at the Assembly Chamber at 2 p. m. of the clock. The Secretary informed the House of the unavoidable absence of Mr. Speaker due to illness. Thereupon Mr. Deputy Speaker took the chair.

OATH OF OFFICE.

✓ *Rao Pohop Singh (East Punjab Landholders) was sworn in.*

STARRED QUESTIONS AND ANSWERS.

REPRESENTATIONS REGARDING RELEASE OF POLITICAL PRISONERS.

***3401. Sardar Hari Singh :** Will the Honourable Finance Minister be pleased to state whether the Government has, since the last session of the Punjab Legislative Assembly, received any representations urging the release of political prisoners; if so, the action proposed to be taken in the matter?

The Honourable Mr. Manohar Lal : Certain representations have been received in regard to individual terrorist prisoners. The representations are being given due consideration and in one case release orders have been issued.

Since this answer was framed Indar Pal has been released, and certain Babar Akali prisoners and also prisoners in the Gurdaspur Conspiracy Case have also been released.

Dr. Gopi Chand Bhargava : May I ask what has Government decided about Jehangiri Lal?

Minister : I did not say that Government has decided anything about him, did I?

Dr. Gopi Chand Bhargava : Has Government decided to take any action?

Minister : No decision has been reached yet.

Dr. Gopi Chand Bhargava : When can the decision be expected to be reached?

Minister : I could not say definitely but a very early decision is likely.

GRANT OF TWENTY JAGIRS.

***3407. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state the statutory authority under which the Punjab Government has recently sanctioned the award of twenty jagirs of Rs. 250 per annum each entailing an expenditure of Rs. 5,000 per annum from the provincial revenues without the sanction of the Punjab Legislative Assembly?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : These jagirs are not of recent origin ; they were sanctioned by the Punjab Government in 1917 with the approval of the Government of India and the Secretary of State,—*vide* Punjab Government Resolution No. 8397, dated the 5th April, 1917. These jagirs are assigned to particular villages and are treated as short collections of Government revenue and not as expenditure. They have consequently not appeared in the statement of accounts—the old practice in this respect having been followed.

Sardar Hari Singh : May I take it that the Government is of the opinion that money can be spent by way of jagirs without any limit and without any consultation with the members of the House ?

Premier : No. If the honourable member will read out the notification, he will find that there is a restriction already there.

Khawaja Ghulam Samad : Will the Honourable Minister please give us the names of jagirdars for whom jagirs have been sanctioned ?

Premier : The names have been published in the Gazette.

Diwan Chaman Lall : Is there any objection to the Honourable Member giving the names of the jagirdars on the floor of this House ?

Premier : I have not got them here.

Sardar Hari Singh : On what principle are these jagirs granted ?

Premier : The honourable member is referred to the same notification.

Diwan Chaman Lall : May I ask whether any of the gentlemen who have been granted jagirs is related to any member of the legislature ?

Premier : I do not think that that arises out of this question.

Diwan Chaman Lall : May I repeat the question ? As my honourable friend has referred the matter to you, Mr. Deputy Speaker, whether this question arises out of this question, will you please give your ruling whether my supplementary question arises out of this or not ? The question is simple. We want a specification of those persons who have been given these jagirs. My honourable friend quite rightly refers me to the official Gazette. I asked him to give me the names. He said, "I have not got them before me." Then I asked him, "Can you specify further and say whether anyone of those gentlemen is related to any member of the present legislature ?" He says the question does not arise out of the original question.

Mr. Deputy Speaker : I am sorry to hold that the supplementary question does not arise out of this question.

Diwan Chaman Lall : May I ask further whether the reasons given in the Gazette are the only reasons for the grant of these jagirs or are there any other reasons which have not been published ?

Premier : It would perhaps save my honourable friend's time as well as mine if I read out the question again. The question asks the statutory authority under which the Punjab Government has recently sanctioned the jagirs. All questions arising out of that are relevant and none other.

Rai Bahadur Mr. Mukand Lal Puri : Has not the time come for abolishing these jagirs ? Does Government intend to abolish these jagirs ?

Premier : It does not arise.

Lala Duni Chand : May I know if the grant of jagirs is an annual practice or an annual institution ?

Sardar Hari Singh : May I take it that there is no statutory authority under which these jagirs are being awarded ?

Premier : We have communicated all the information at our disposal.

Sardar Hari Singh : Has the Government consulted its legal advisers as to the legality of granting jagirs under the new Constitution ?

Premier : My honourable friend may rest assured that the matter will certainly receive consideration, if necessary.

Sardar Hari Singh : Has this aspect of the question not been considered so far ?

Premier : That does not arise.

Lala Duni Chand : Does not the Government consider the granting of jagirs as a contravention of the spirit of the new Constitution ?

Premier : That is a question of opinion.

—

SPEECH BY MAULANA ZAFAR ALI KHAN AT LUDHIANA.

*3408. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the police reporters took down notes of the speech of Maulana Zafar Ali Khan, M.L.A. (Central) on the night of 7th July at Ludhiana ;

(b) if answer to (a) above be in the affirmative, whether the speech was found to contain any objectionable portions ; and if so, the action contemplated by the Government in this matter for the sake of communal harmony and good will ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Maulana Zafar Ali did not deliver any speech at Ludhiana on the 7th July, 1938.

(b) Does not arise.

Sardar Hari Singh : Did Maulana Zafar Ali Khan deliver a speech on any other day in July ?

Parliamentary Secretary : I want notice of that question.

Sardar Hari Singh : Has Government not received any report that the Maulana delivered a speech during the month of July ?

Parliamentary Secretary : I have answered the question as it was originally put. If due notice is given of the new question now put I shall be delighted to consider it.

Sardar Hari Singh : Is the Government aware that the Maulana has been making inflammatory speeches ? Has not the attention of Government been drawn to those speeches ?

Diwan Chaman Lall : On what authority does my honourable friend say that the Maulana did not deliver a speech on the 7th of July at Ludhiana ?

Parliamentary Secretary : On the basis of inquiries made from responsible quarters.

Diwan Chaman Lall : Does that include the official quarters ?

Premier : Yes, that is our main source of information.

Lala Deshbandhu Gupta : Has the Honourable Premier not read the speech and does he not consider it inflammatory ?

Premier : It is my misfortune often to read certain speeches which are particularly brought to my notice as contravening the law or which are alleged to contravene the law, but there are so many of them that I cannot possibly give my honourable friends details of all such speeches.

Lala Deshbandhu Gupta : What action has been taken by the Honourable Premier on the speeches which in his opinion contravened the law ?

Premier : Where action is necessary, action is taken in accordance with the law ?

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state as to whether he has given instructions to the effect that all those speeches which savour of communalism be reported to him straight-away and whether he takes any action in such cases ?

Premier : Certainly, drastic action is taken in all such cases, where necessary.

Diwan Chaman Lall : Will the Honourable Premier be pleased to say whether when the responsible quarters informed him of the non-delivery of speeches on the 7th July he was also informed whether any speech was delivered by the Maulana on any other date either previous to or after the 7th July ?

Premier : If my honourable friend will give notice of that question I will make enquiries.

Dr. Gopi Chand Bhargava : Will the Honourable Premier please say whether Government has taken action against all the speakers who have made speeches which go against the law ?

Premier : Unfortunately I am very reluctant to take such action, and so probably it is only one in hundred cases in which action is taken.

CROSS CASES BETWEEN PRESIDENT, MUNICIPAL COMMITTEE,
JHAJJAR, AND LOCAL SUB-INSPECTOR, POLICE.

*3434. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether in the recent cross complaint cases between the President, Municipal Committee, Jhajjar, and the local sub-inspector, police, the expenses were borne by the Government on behalf of the sub-inspector, police, and the services of the public prosecutor were also made available to him ; if so, the reasons for these facilities ;

(b) the section under which the said cases were filed ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The gentleman mentioned—his name is Mangli Ram—was arrested by the station house officer of Jhajjar on the 8th May for obstructing him in the execution of his duty, and following the arrest a case under 186, Indian Penal Code, was lodged in court. On the day after the arrest a complaint was filed by Mangli Ram, accusing the station house officer of an offence under sections 342/500/504/323 of the Code. As the case against the officer arose out of the performance of his duties, sanction has been given for his defence at Government expense, subject to the usual condition that if the result of the proceedings shows that the officer exceeded his legal rights or acted otherwise than in good faith, the expenses incurred by Government will be refunded by him. It has been left to the officer to engage counsel of his own choice.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware of the fact that on appeal to the sessions court Rai Bahadur Mangli Ram was acquitted and that the court held that he did not obstruct the said sub-inspector in the discharge of his public duties ? If so, is the Government prepared to take action against the sub-inspector in question ?

Parliamentary Secretary : Government has received no information so far, but if the honourable member will give fresh notice of the question, the information will be supplied to him and action will be taken if considered necessary.

Pandit Shri Ram Sharma : Was the prosecution against Rai Bahadur Mangli Ram launched by the sub-inspector in his private capacity or in his official capacity ?

Parliamentary Secretary : I have made it clear in the answer that the prosecution was launched against Mangli Ram for obstructing the station house officer in the discharge of his duties. Therefore, under the rules Government gave the officer permission to offer defence at Government expense.

Khawaja Ghulam Samad : Has Government received any complaints of communalism against the President of the Small Town committee, Jhajjar ?

Parliamentary Secretary : That question does not arise.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state as to whether the services of the public prosecutor were placed at the disposal of the sub-inspector ?

Parliamentary Secretary : Yes.

Pandit Shri Ram Sharma : Does it mean that the sub-inspector will be made to refund the fees of the public prosecutor ?

Parliamentary Secretary : Yes, the expenses will have to be refunded by him, if Government is satisfied that he exceeded his legal rights.

WARNING GIVEN TO THE EDITOR, *HARYANA TILAK*.

*3436. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

(a) whether the Government sent a warning through the District Magistrate, Rohtak, to the Editor, *Haryana Tilak*, on the publication of an article in its issue of 12th July, 1938, under the heading—

“ Preference to big landlords at the sacrifice of poor zamindars ” ;

(b) the most objectionable feature of the article and the specific sentence to which the Government took exception ;

(c) whether the Government received any reply to the warning from the *Haryana Tilak* and whether it was considered satisfactory ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) The whole article was exaggerated and misleading.

(c) It was received and filed.

Pandit Shri Ram Sharma : Has the Parliamentary Secretary or the Premier read that particular speech on account of which the warning was issued to the *Haryana Tilak* ?

Parliamentary Secretary My honourable friend is referring to a speech whereas the question refers to a certain article.

Pandit Shri Ram Sharma : Yes, I meant the article. Has the Honourable Premier read the article ?

Premier : I have to read good many articles and most of them happen to be those published in the *Haryana Tilak*. I may state here that 80 or 90 per cent of those articles contravene not only the law but also ordinary canons of morality.

Pandit Shri Ram Sharma : I am not asking his general opinion about those articles and therefore the question of percentages does not arise. What I want to know is whether he has read that particular article on account of which the warning was issued ?

Premier : If I had not read it, the action would not have been taken.

Pandit Shri Ram Sharma : May I refer the Honourable Premier to part (b) of my question and enquire which specific sentence of that article offended against the law ?

Premier : Perhaps my honourable friend has not understood me. It is not a question of any particular sentence. The whole trend of the article was objectionable and actionable.

Diwan Chaman Lall : May I ask the Honourable Premier whether he has added to the already existing list of crimes to enable him to take action on the basis that an article is exaggerated and misleading ? If that is so, it will then apply to every statement issued by the Unionist Party.

Premier : That article must have been otherwise actionable.

Lala Bhim Sen Sachar : Will the Honourable Premier find it convenient to refer to the words in the article which according to him constituted exaggeration or attempt at misleading?

Premier : I have already said that it was not one word or sentence but the whole article which was considered exaggerated and misleading.

Lala Bhim Sen Sachar : Will the Honourable Premier please lay that article on the table of the House?

Premier : The honourable member who sent notice of the question will be able to supply the article.

Lala Bhim Sen Sachar : I am dealing with the Government and not with the honourable member behind me. I want to know which part of the article is considered exaggerated and misleading by the Government.

Premier : My honourable friend may remember my answers to previous questions with regard to similar matter. I do not want to make objectionable material public. If the honourable member is keen to see that article he can have it from his friend sitting behind him.

Diwan Chaman Lall : Is it going to be the policy of Government to take action in respect of articles which are exaggerated and misleading?

Premier : Yes, if they are otherwise actionable.

Diwan Chaman Lall : But in reply to part (b) of the question, the Parliamentary Secretary only said that the article was exaggerated and misleading. He did not say that it was otherwise actionable.

Premier : My honourable friend is assuming something which the question or its answer does not allow one to assume. The question asked for—

“the most objectionable feature of the article and the specific sentence to which the Government took exception.”

The answer was that the whole article was exaggerated and misleading.

Diwan Chaman Lall : That is all that I am asking my honourable friend. All that I say is this. The criterion is that the article should be exaggerated and misleading and not any further criterion.

Premier : Not only that. This is only one feature of the article.

Diwan Chaman Lall : May I draw my honourable friend's attention to the fact that if action is taken against a particular newspaper for a particular article, then the action taken is because of its objectionable nature? The objectionable nature in this case as admitted by my honourable friend behind him is that it was exaggerated and misleading. That is all. Is that the criterion?

Premier : It may be very misleading and lead to a great deal of mischief.

Diwan Chaman Lall : All that I want to know is whether that is the criterion that the Government adopts in taking action against newspapers, that in their opinion the particular article is exaggerated and misleading. That is all that I want to know.

Premier : That is not the question at all.

Diwan Chaman Lall : That was the reply: My honourable friend's reply was that.

Premier : If my honourable friend had asked why action was taken, we would have given a full reply to it.

Pandit Shri Ram Sharma : What was the specific passage which was taken objection to? He says that the whole article was exaggerated and misleading. Is it an answer?

Premier : You are welcome to draw any meaning you like from what has been said.

Pandit Shri Ram Sharma : What specific passage was objectionable?

Premier : My answer is plain. You are welcome to draw any meaning which suits you.

Pandit Shri Ram Sharma : What reply was received from the Editor, *Haryana Tilak*?

Parliamentary Secretary : The reply to this question has already been given, that a representation was received.

Lala Deshbandhu Gupta : Was the Government satisfied and had nothing to say in the matter?

Parliamentary Secretary : The Government decided that in this case the appropriate action was to file it.

Pandit Shri Ram Sharma : What did the Editor write?

Premier : I do not quite remember but presumably he must have written something to the effect that he might be forgiven or something like that.

Mr. Deputy Speaker : The next question.

Lala Duni Chand : On a point of order. The practice of this House and the practice of the Honourable Speaker has been that whenever an important question comes up full latitude is granted in regard to supplementary questions.

Mr. Deputy Speaker : The subject has already been exhausted.

OPENING OF GOVERNMENT GIRLS' HIGH SCHOOL AT BHIWANI.

***3437. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether he is aware of the fact that the citizens of Bhiwani which is the biggest town in the Ambala division and is most backward in female education have been persistently approaching the district authorities for a Government Girls' High School at Bhiwani; and if so, whether and when it is intended to open such a school at Bhiwani?

The Honourable Mian Abdul Haye : Yes. The matter is under consideration.

PROCESSES ISSUED AGAINST AGRICULTURISTS OF AMRITSAR NORTH CONSTITUENCY.

***3605. Sardar Schan Singh Josh :** Will the Honourable Minister for Revenue be pleased to state the number of processes issued against the agriculturists of Amritsar North Constituency for (i) not paying land revenue, (ii) not paying *malba* in time in the months of July, August and September, 1988?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Number of processes issued for—

| | | | <i>Non-payment of land revenue.</i> | <i>Non-payment of malba.</i> |
|-----------|----|----|---|----------------------------------|
| July | .. | .. | 86 | |
| August | .. | .. | 86 | |
| September | .. | .. | 71 | <i>Nil.</i> |
| Total | .. | .. | 143 | |

Sardar Sohan Singh Josh : Is it a fact that Sardar Hazara Singh was arrested for non-payment of *malba* ?

Parliamentary Secretary : Not for non-payment of *malba*.

Dr. Gopi Chand Bhargava : Is it a fact that the amount paid by the zamindars is counted towards *malba* although they pay it towards land revenue and then their arrests are ordered for non-payment of land revenue ?

Parliamentary Secretary : No action is taken against those people who pay land revenue.

Sardar Partap Singh : How many processes were issued for non-payment of land revenue and how many for non-payment of *malba* ?

Parliamentary Secretary : I cannot give figures separately from memory.

Lala Deshbandhu Gupta : Are there any cases in which revenue has been paid and not the *malba* ?

Parliamentary Secretary : There is no such case.

Sardar Partap Singh : Has the Government issued instructions that no processes be issued for non-payment of *malba* ?

Parliamentary Secretary : Instructions have been issued that processes be issued for non-payment of land revenue.

Sardar Partap Singh : Is the amount relating to *malba* being included at the time of issuing processes for non-payment of land revenue ?

Parliamentary Secretary : Only those people will be proceeded against who do not pay land revenue.

Lala Bhim Sen Sachar : Is the Parliamentary Secretary in a position to state definitely that the amounts in respect of which these processes have been issued do not include any amount with respect to *malba* ?

Parliamentary Secretary : I am afraid I cannot tell him definitely whether these amounts included *malba* or not. But what I may tell him and what is a proper answer to the question is that no process has been issued against any person for non-payment of *malba*.

Lala Bhim Sen Sachar : If the Parliamentary Secretary will be good enough to refer to the question, he will see that the question says whether a process has been issued with respect to revenue and *malba* and my question is whether on the basis of the reply he has given, based on information got from officers below, my honourable friend is in a position to state definitely that no amount in respect of *malba* has been included in the amount which has been sought to be realised by means of these processes.

Parliamentary Secretary : No process can be issued against any person for non-payment of *malba* ; it is only for non-payment of revenue that a process can be issued .

Sardar Partap Singh : What action Government proposes to take if process has been issued for non-payment of *malba* ?

Parliamentary Secretary : There is no such case.

Sardar Sohan Singh Josh : Is it true that zaildars treat non-payment of *malba* as non-payment of land revenue in issuing processes ?

Parliamentary Secretary : No.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary please state whether Government considers non-payment of *malba* an offence or not ?

Mr. Deputy Speaker : It does not arise out of this question.

REPORT REGARDING LATHI CHARGE AT AMRITSAR.

*3606. **Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to lay on the table a copy of the report submitted by Mir Maqbool Mahmood and Sardar Bahadur Sardar Ujjal Singh in regard to the lathi charge made by the police on the peasants of the Amritsar district on 20th July, 1938, for defying section 144, I. P. C.?

Parliamentary Secretary (Mir Maqbool Mahmood) : The report was meant for information of Government and it is not proposed to publish it.

Sardar Sohan Singh Josh : Is the Honourable Minister aware that it was said by the Honourable Minister that the report will be placed before the people ?

Parliamentary Secretary : The Government is not aware of any such undertaking having been given or authorized.

Sardar Sohan Singh Josh : Did the honourable member answering the question promise that it will be placed before the people and will be allowed to be discussed ?

Parliamentary Secretary : No, Sir.

Sardar Sohan Singh Josh : Is it a fact that the reason for not publishing the report is that it will show the atrocities committed by the Government ? Or is there anything very damaging in the report, damaging to the Government and is that the reason why they are not publishing it ?

Parliamentary Secretary : I have nothing to add to my reply.

Diwan Chaman Lal : May I ask the Honourable Premier in view of the reply given, whether he will not take this House into confidence in regard to a matter of very serious import, not only to this House but to this Province ? After an enquiry has been instituted by the Government—two responsible members of the Government, what is there to prevent my honourable friend from publishing this report or laying it on the table of this House ?

Premier : I think I can satisfy my honourable friend if he really wants to be satisfied with regard to that particular aspect of this question. As a matter of fact the report contains several things which may be unpalatable to some of our colleagues in this House and its publication might also have further exacerbated the feelings outside and the Government did not want to create any such controversy particularly after that movement and agitation had been stopped and I had definitely given an undertaking that Government will withdraw all restrictions. I, therefore, do not think it would have served any useful purpose to publish the report which might have further exacerbated the feelings of the people.

Diwan Chaman Lall : I do not deny that I take my honourable friend's statement at its face value that there are certain colleagues of his who might have been involved if the report had been published, but may I ask my honourable friend whether there can be now at this stage any reason for suppressing that report? May I ask him to remember that since it has been prepared by responsible members of this House and Government officials and now that the matter has been practically forgotten, is there any reason why it should not be published and responsibility duly laid on those people who are really responsible?

Premier : My honourable friend must have misunderstood me. When I said our colleagues, I only meant members of this Assembly and I did not mean my colleagues on the Government benches. My honourable friend is perfectly aware that I had a friendly talk with those colleagues and other representatives of those who were leading the movement and as a result of the frank discussion between ourselves, the movement was stopped and I gave an undertaking that we would remove those restrictions and now that that object has been gained, where is the use of publishing the report which might revive the controversy again?

Diwan Chaman Lall : May I ask my honourable friend to remember that the object of publishing the report will be that if any irresponsible action was taken against any innocent person, such action will be stopped. Apart from fixing responsibility on those who were really responsible, may I ask my honourable friend to reconsider this matter and place the report on the table of this House?

Premier : I have already told my honourable friend that after the discussion with the leaders of the movement I gave an undertaking that the Government was not going to take any action and I do not want to take any action. Why does my honourable friend force me to take any further action? I have already given an undertaking and the whole thing has stopped.

Diwan Chaman Lall : May I ask my honourable friend with reference to his reply two simple questions? Is it or is it not a fact that there are certain number of men connected with this incident who are still in jail? If so, is it a fact that the matter is not forgotten and finished? Secondly, may I ask him whether it is or it is not a fact that the Honourable Premier himself gave his word to these people that he would see that they would get a copy of this report?

Premier : To the latter part of the question my answer is 'no'. I never said anything of the sort and with regard to the first portion, I may say that it does not arise, because it does not in any way relate to those

[Premier.]

people who are imprisoned. This report is with regard to the lathi charge on the 1st of May, and in the course of the lathi charge there were certain things which were precedent to the lathi charge which were mentioned and these things were amicably settled and I said that we would not further churn the matter in any way, because it would merely create a certain amount of unnecessary excitement. The report contains certain matters which I cannot usefully divulge in the House and I want to assure my honourable friend that these are the reasons why I do not want to publish the report.

Sardar Sohan Singh Josh : Can I know what was the opinion of the people who reported about the lathi charge ?

Premier : You are now asking about the very things which I did not wish to say. You remember a piece of lathi was brought in the House. I understand that the piece brought here had been broken by placing it in railings and if it had been broken on the head of a man, the man would have certainly died.

Diwan Chaman Lall : Does the Honourable Premier realise that that very fact makes it necessary that this House should be in full possession of the facts relating to which there was a great deal of agitation on the floor of this House. If, however, my Honourable friend does not desire that this report should be published, may I ask him whether he is prepared that the Leader of the Opposition should be shown a copy of it ?

Premier : I have told my honourable friend that the whole episode is finished and I do not see any reason why we should re-open the question.

Diwan Chaman Lall : May I ask my honourable friend to give me a reply regarding the request that I have made in regard to this matter ? Surely there can be no objection. My honourable friend is sitting in that chair to-day but to-morrow he may be here—he will very soon be here—but may I ask what objection he can have to showing a copy to my honourable friend on my right ?

Premier : I have already told my honourable friend that there is no use whatever and I do not consider it in public interest to re-open this question and I do not see any advantage in showing this report to anybody.

(Lala Deshbandhu Gupta rose to ask a question.)

Mr. Deputy Speaker : The whole subject has been exhausted. The next question.

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STAFF FOR ADMINISTRATION OF INDIAN FACTORIES
ACT.

*3607. **Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state whether he intends to employ more staff for the administration of the Indian Factories Act, Payment of Wages Act and Workmen's Compensation Act with a view to coping with the increased amount of work connected with the administration of these Acts?

The Honourable Chaudhri Sir Chhotu Ram : The Director of Public Health and Assistant Director of Public Health have recently been appointed additional factories inspectors. This does not involve any new expenditure. A proposal for increasing the ministerial staff in the office of the Chief Inspector of Factories is under consideration.

Diwan Chaman Lall : Is my honourable friend aware of the fact that a very large number of factories to-day in the Punjab do not get proper inspection during the course of the year ; that only a small number of factories are examined by the staff and that a large number of them remain unexamined by the inspecting staff ? Is he aware of it ?

Minister : I am aware of the fact that the necessary amount of inspection cannot be done with the existing staff.

Diwan Chaman Lall : Is the honourable member aware of the fact that the Director of Public Health and the Assistant Director of Public Health, who have other functions to perform and who have whole time work to indulge in, cannot possibly be expected to go on inspecting factories and, therefore, the power given to them is useless as far as the inspection of factories is concerned ?

Minister : I cannot agree with the views of my honourable friend in this respect.

Diwan Chaman Lall : Does he then hold that the Director of Public Health has got the time or opportunity to go on inspecting factories in the Punjab ?

Minister : Yes.

Diwan Chaman Lall : Apart from the other duties he has to perform ?

Minister : Yes.

Diwan Chaman Lall : Do I take it that the Director of Public Health has not got sufficient work on hand to employ him whole time in the office ?

Minister : In the course of the discharge of their ordinary functions they can also pay visits to these factories.

Diwan Chaman Lall : Is the honourable member aware of the fact that nearly three hundred factories were not properly inspected during the course of the last year ?

Minister : I do not know the exact number of factories which remained un-inspected but the number is substantial.

Diwan Chaman Lall : Is he aware also that a large number of complaints have been filed with regard to the overworking, i.e., a breach of the rules regarding hours of work as laid down in the Indian Factories Act as far as the working of factories in the Punjab is concerned ?

Minister : I am not aware of it.

Diwan Chaman Lall : Has the honourable member received complaints from the Amritsar Labour Federation ?

Minister : Yes.

Diwan Chaman Lall : How does he say that he is not aware of this fact ?

Minister : I am not aware that a large number of—

Diwan Chaman Lall : Is my honourable friend aware of the recent report of the Director of Industries in reference to this matter where he speaks of the large number of prosecutions for employment of children without the proper certificate and running factories beyond the limit of hours allowed under the Indian Factories Act ?

Minister : My attention has not been drawn to that particular aspect of the question but I have already conceded that there is room for improvement in the present arrangement for inspection.

Diwan Chaman Lall : May I take it, therefore, that the Honourable Minister who is in charge of this department does not even read the literature published under his own authority by this department ?

Minister : Not the whole of it.

Diwan Chaman Lall : Then how does he say that his attention is not drawn to this fact ?

Minister : I have not read the whole of the report.

Diwan Chaman Lall : Does my honourable friend realise that the report consists of less than forty pages ?

Dr. Shaikh Muhammad Alam : Does he remember the pages that he read at all ? (*Laughter*).

APPLICATIONS REGARDING SALE OF AGRICULTURAL LAND FOR INDUSTRIAL PURPOSES TO NON-AGRICULTURISTS.

***3658. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of applications made to the Deputy Commissioners of various districts in the Punjab for allowing the members of agricultural tribes to sell their land to non-agriculturists for industrial purposes, during the first nine months of this year ;
- (b) separately the number of those among them which were granted or rejected ;
- (c) the number of applications still pending and the action the Government intends to take in their early disposal ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 89.

(b) Number of applications sanctioned 52

Number of applications rejected 33

(c) The remaining four cases are being expedited.

Lala Duni Chand : May I know if the policy of the Government is that members of agricultural tribes should be freely allowed to sell their lands for industrial purposes to the non-agriculturists ?

Parliamentary Secretary : I cannot discuss the policy of the Government in answer to a supplementary question.

Lala Duni Chand : May I know if the applications rejected were not *bona fide* applications for purchase of land for industrial purposes ?

Parliamentary Secretary : There were different reasons for different applications being rejected. For instance, some applications were rejected on account of default ; some applications were rejected on sanitary grounds and some on merits. None of the applications was unnecessarily rejected.

Lala Duni Chand : Does the question of sanitation in the case of lease of land by members of non-agricultural tribes arise ?

Parliamentary Secretary : When a person has to get land for factories then the question of sanitation does arise.

RECRUITMENT OF POLICE CONSTABLES.

*3659. **Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether in the matter of recruitment of police constables in the Punjab there exist any rules or practice as to their recruitment from among particular classes or castes ;

(b) if so, what classes or castes are excluded from recruitment ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) The recruitment of constables is governed by rules 12·12, 12·14, and 12·15 of the Punjab Police Rules, a copy of which will be found in the Library.

(b) Gurkhas of Nepalese nationality may not be recruited (Rule 12·14 (2)). With this exception recruitment is open to all classes and castes.

Lala Duni Chand : I wanted the information whether the recruitment from scheduled castes is prohibited in the matter of filling vacancies of police constables. I wanted that information and the Parliamentary Secretary has not given any information on that point.

Parliamentary Secretary : There is no other exception than the one stated in my reply. I said—

With this exception recruitment is open to all classes and castes.

Lala Duni Chand : Is it not true that members of certain castes are steadily being excluded from being recruited as constables ?

Parliamentary Secretary : It is not true.

Lala Deshbandhu Gupta : Is it not a fact that members of the scheduled castes are not enrolled as constables ?

Premier : No, Sir, it is not a fact.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state as to how many members of the scheduled castes have been enrolled during the last two years as constables ?

Premier : At least thirty members of scheduled castes were recruited since this Government came into power.

Lala Deshbandhu Gupta : What was the total number of constables enrolled ?

Premier : I cannot vouch for accuracy altogether because I have not the figures here, but the recruitment of scheduled castes was in excess of their proportion as compared with the total recruitment.

Lala Bhim Sen Sachar : What was the total number recruited ?

Premier : I have not the figures here but their recruitment was in excess of their proportion according to the population as compared with the total recruitment.

Lala Deshbandhu Gupta : Is the Honourable Premier aware that, if at all, there are very few police constables belonging to the scheduled classes ? If so, did not the Government think it proper to recruit a larger number of recruits from the scheduled castes ?

Premier : My honourable friend is perhaps aware that before this Government came into office, there were practically no members of scheduled castes in the police, and I have said that we have issued instructions to provide for special recruitment of suitable scheduled caste candidates and during the last two years at least thirty members of the scheduled castes have been recruited.

Lala Deshbandhu Gupta : Out of several hundreds.

Lala Duni Chand : What was the proportion of members of scheduled castes recruited to their numerical strength ?

Premier : That is what I have been trying to explain that their recruitment, so far as this particular period is concerned, was probably in excess of their population and was greater during this short period than any period prior to our taking office.

Lala Duni Chand : Is the Honourable Premier aware of the fact that the members of the scheduled castes constitute a very important community in this province and their population is very substantial ? (*Hear, hear*).

Premier : I entirely agree with my honourable friend and I hope that he would work with me hand in hand to remove those disabilities which make it impossible for them to stay in police lines, *i.e.*, *chhut chhat*.

Lala Deshbandhu Gupta : Will the Honourable Premier lay a statement on the table of the House giving therein the names of the persons recruited ?

Premier : I want notice.

PREVENTIVE ACTION TO STOP RECURRENCE OF COMMUNAL FRENZY
AT HISSAR.

*3660. **Lala Duni Chand :** Will the Honourable Premier be pleased to state whether in view of the fact that all the accused charged of murder in connexion with the outburst of the recent communal frenzy at Hissar have been acquitted, the Government is contemplating any preventive action in order to stop the recurrence of such happenings there ; if so ; what ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Questions of this sort are not likely to contribute to the improvement of inter-communal feeling which is the first requisite if communal clashes are to be avoided. I can only say that Government is doing its best to improve this feeling and that it is hoped that outstanding causes of friction may be settled by arbitration.

Lala Duni Chand : May I understand that the Government has not taken or does not intend to take tangible steps to prevent repetition of such incidents ?

Premier : Government has taken steps and it will continue to take steps if my honourable friend would also help the Government in creating an atmosphere which would make it possible to take those steps.

Lala Duni Chand : May I know if, in view of the fact that certain highly respectable and innocent citizens were murdered in broad daylight, the Government feel sorrowful over the results of the case in which all the accused have been acquitted ?

Premier : Is my honourable friend insinuating against the law courts ?

Lala Deshbandhu Gupta : No, not against courts but against the prosecuting agency.

Lala Duni Chand : I want to know whether the policy that has been pursued by the Government has been responsible for all these communal outbursts ?

Lala Deshbandhu Gupta : Will the Premier be pleased to state whether Government is satisfied as to the competency of the prosecuting agency which undertook these prosecutions which have failed cent. per cent ?

Mr. Deputy Speaker : I do not allow this question.

LOSS SUFFERED BY INHABITANTS OF VEHOA ON ACCOUNT OF A RAID.

*3691. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) if the loss suffered by the inhabitants of Vehoa, district Dera Ghazi Khan, by a raid made on 27th September, 1938, at Vehoa has been estimated by the authorities ;
- (b) if so, what is the amount of the estimated loss ;
- (c) does the Government intend to recoup the loss in any way ; if so, how ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) Rs. 21,928.

(c) The question whether the tribesmen concerned should be required to pay compensation is being examined.

Munshi Hari Lal : May I know how this loss of Rs. 21,000 was estimated ?

Parliamentary Secretary : By the local authorities.

Munshi Hari Lal : By which local authority ? By the Police, or the Revenue Department ? By which department ? Was any representation made by the sufferers that the loss has been under-estimated ?

Parliamentary Secretary : The information was obtained through the Deputy Commissioner and he must have got the estimate made by a competent authority.

Munshi Hari Lal : May I know who are the tribesmen who are concerned ?

Parliamentary Secretary : The honourable member should wait for his next question ; probably he has forgotten that.

RAID ON VEHOA.

*3692. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) if it is a fact that a raid was actually made on Vehoa in the Dera Ghazi Khan district on 27th September, 1938 ;
- (b) if so, who were the raiders and what was their number ;
- (c) whether any houses were looted ; if so, their number and the community to which they belong ;
- (d) whether any houses were set on fire ; if so, to whom did the houses belong ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Yes.

- (b) Waziris and Mahsuds ; about ninety.
- (c) Forty-six houses were looted. They belonged to Hindus.
- (d) Two houses belonging to Lala Piara Ram and Lala Daulat Ram were partly set on fire.

Munshi Hari Lal : May I know at what hour the raid was made ?

Parliamentary Secretary : I am sorry I have no information on that point ; the honourable member did not ask for that information.

Munshi Hari Lal : My question is whether it is a fact that the raid was made on Vehoa, in the Dera Ghazi Khan district, on the 27th September, 1938. I want to know at what hour on the 27th September the raid was made ?

Parliamentary Secretary : Sir, If the honourable member would give a fresh notice enquiring about the time when the raid was made I will certainly supply the information. With regard to the date I have already stated that it was on the 27th September.

Munshi Hari Lal : For how many hours did the raid last ?

Parliamentary Secretary : The honourable member did not ask for that information either.

Munshi Hari Lal : Mr. Deputy Speaker, is it not a supplementary question ? I want to know for how many hours the raid lasted and they say that they require a notice. Are they in order ? I am raising a point of order.

Mr. Deputy Speaker : There is no question of a point of order arising out of this.

Parliamentary Secretary : What part of the question is the honourable member referring to ?

Munshi Hari Lal : I am referring to part (a) which is so comprehensive.

Parliamentary Secretary : Part (a) is, 'if it is a fact that a raid was actually made on Vehoa in the Dera Ghazi Khan district on 27th September, 1938'. The answer is 'Yes.'

Munshi Hari Lal : Is it a fact that on the 25th September, 1938, a telephonic message was received from the Chodwan police station by the Vehoa police station that a raid by the Waziris and Mahsuds was intended on Vehoa ?

Premier : My honourable friend should have put that in his question if he wanted the information. All we know is that the raid was made and a very gallant police officer was seriously wounded in dispelling that raid.

Lala Duni Chand : May I know whether the raid was made at a time when all the persons in the police station who could prevent the raid were fast asleep without any possibility of their being roused from their sleep ?

Premier : When you are asleep, other people are also asleep
(laughter.)

STRICTURES PASSED BY SESSIONS JUDGE, LYALLPUR, AGAINST TAHSILDAR, JHANG.

*3693. **Munshi Hari Lal :** Will the Honourable Minister for Revenue be pleased to state, with reference to question (short notice) on page 1392 of Volume V, No. 19, dated 18th July, 1938.

(a) if any inquiry has been instituted with regard to the strictures passed by the Sessions Judge at Lyallpur against Syed Shabbir Husain, Tahsildar, Jhang, in the case against Sawan Singh and his wife Ramditti ;

(b) if so, what is the result of the inquiry and the action, if any, taken against the said Tahsildar ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) His name has been removed from the approved list of candidates for tahsildarship.

MARRIAGE REFORM BILL OF THE CENTRAL ASSEMBLY.

*3698. **Mrs. Duni Chand :** Will the Honourable Finance Minister be pleased to state whether the Punjab Government has been requested to give its opinion in regard to the Marriage Reform Bill introduced in the Central Legislative Assembly ; if so, the opinion it has given about it ?

The Honourable Mr. Manohar Lal : The honourable member probably has in mind either the Hindu Polygamous Marriage Restraint Bill brought forward by the Honourable Mr. G. S. Motilal or Mr. Sushil Kumar Roy Chowdhury's Polygamous Marriage Regulating Bill. Both these Bills were introduced in the Council of State (not the Legislative Assembly) in the last September session and circulated for opinion. The Punjab Government have not yet replied to the reference made to them : they have, as usual, called for the views of selected officials and non-official organisations and are awaiting these, before framing their answer.

[Minister for Finance.]

I may mention that in accordance with the usual procedure copies of the bills have been placed in the library of the House, with an invitation to members to send their opinions to Government if they wish to do so.

Lala Duni Chand : May I know if the Punjab Government wants to make any reforms in regard to the marriage law as it exists now?

Minister : I have said that the opinion of the Punjab Government will be duly communicated to the Government of India and it will be published in due course. The question of the Punjab Government making any reform does not arise. Secondly, the honourable member wishes to canvass by means of a supplementary question a big matter like the policy of the Punjab Government.

Diwan Chaman Lall : May I ask my honourable friend if he has already replied to the Government of India in regard to this matter. Surely he must have exercised his judgment in detailing the policy of the Punjab Government?

Minister : I trust so.

Diwan Chaman Lall : Will my honourable friend lay a copy of the proposal on the table?

Minister : There is no request made to lay it on the table. The Punjab Government's communication will be available in due course, but if the honourable member desires that immediately and forthwith a copy should be laid on the table I shall have to consider the rules; it has never been done in the past.

Lala Deshbandhu Gupta : What objection has Government to laying it on the table of the House?

Minister : It will be published in due course, and the Government of India may wish till such publication that the document should remain confidential.

LOSS SUFFERED BY ZAMINDARS OF LUDHIANA DISTRICT ON ACCOUNT
OF HAILSTORM.

*3714. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of loss suffered by the zamindars of each village in each tahsil of the Ludhiana district on account of hailstorms in the month of July, August and September, 1938;
- (b) the total area of land in bighas which remained unsown on account of scarcity of rains during *kharij* season of 1938;
- (c) the total estimated yield of the *kharij* harvest as compared with the yield of *kharij* harvest of the last year;
- (d) whether the revenue officers of the Ludhiana district have prepared any estimate of the loss suffered by the zamindars, tahsil-wise, in consequence of scarcity of rains during this period; if so, whether Government is prepared to lay it on the table of the House?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The labour involved in the collection of the information will not be commensurate with the advantages to be gained by it.

UNSTARRED QUESTIONS AND ANSWERS.

EXACTING OF FORCED LABOUR FROM CHAMARS OF VILLAGE SHAHZADPUR (SONEPAT).

594. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether the Deputy Inspector-General, Eastern Range, received a complaint through me against the Rohtak district police authorities in the 3rd week of November, 1938, with regard to the exacting of forced labour from the Chamars of village Shahzadpur (Sonepat), district Rohtak; if so, whether the complaint was inquired into and, if so, who made the enquiry and what was the result of the inquiry?

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

596—600.—*Cancelled.*

REPRESENTATION FROM CERTAIN VILLAGES IN ZIRA AND MOGA TAHSILS REGARDING APPOINTMENT OF CHAUKIDARS.

605. Sardar Rur Singh : Will the Honourable Premier be pleased to state—

- (a) whether he received any representations against the appointment of chaukidars from several villages in Zira and Moga tahsils of the Ferozepore district;
- (b) the names of the villages which made those representations and their nature;
- (c) whether Government intend to take any action, if not, why not?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) At the end of July last a petition was received from certain persons in village Takhtupura in the Moga tahsil praying that the three posts of chaukidar in that village be brought under reduction. This is the only representation of the kind which appears to have been made.

(c) Under rules 3/42 of the Chaukidara Rules the number of watchmen to be appointed in each village is a matter for decision by the Deputy Commissioner, subject to the revisional control of the Commissioner. The re does not appear to be any reason for Government to intervene in this case.

SUB-ASSISTANT SURGEON, RAJA SANSI.

606. Maulvi Mazhar Ali Azhar : Will the Honourable Minister of Education be pleased to state since when the present Sub-Assistant Surgeon is posted as incharge of the Civil dispensary at Raja Sansi in the Amritsar district; if he is there for more than five years, the reasons for his retention and the action that Government propose to take to transfer him from that place?

The Honourable Mian Abdul Haye : The dispensary at Raja Sansi is maintained by the Amritsar district board from its own funds, no grant being given by Government. The medical officer in charge is a board employee, and Government can take no action in the matter of his transfer.

CLERKS AND SUBORDINATE STAFF WORKING IN THE OFFICE OF
SPECIAL OFFICIAL RECEIVER.

607. Dr. Gopi Chand Bhargava : Will the Honourable Premier be pleased to lay on the table of the House a list of the clerks and other subordinate staff in the office of the Special Official Receiver giving therein their names, qualifications (academic and others), their monthly pay, their relation, if any, with the Special Official Receiver, and the duties assigned to each one of them ?

The Honourable Major Sir Sikander Hyat-Khan : The clerical and other subordinate staff in the office of the Special Official Receiver is appointed by him on his own responsibility and is under his sole control. This staff is not paid from provincial revenues, and I regret that I cannot undertake to furnish particulars.

PIECE-WORKERS, GOVERNMENT PRINTING PRESS, LAHORE.

608. Maulvi Mazhar Ali Azhar : Will the Honourable Minister of Development kindly refer to starred question No. 5877 (d) (e)¹ of the 11th March, 1936, put by Mr. M. A. Ghani, M.L.C. ;

- (a) how many permanent vacancies of piece-hand Compositors were caused from March, 1936 to October, 1938, in the Punjab Government Press, Lahore ;
- (b) how many temporary piece-hand Compositors were transferred to the permanent establishment ;
- (c) the length of service of each of them.

The Honourable Chaudhri Sir Chhotu Ram : (a) 11.

(b) 6.

(c) A statement is laid on the table.

Statement.

- (1) 10 years and four months.
- (2) 9 years and eleven months promoted March, 1936.
- (3) 11 years and eleven months.
- (4) 10 years and one month.
- (5) 14 years and ten months.
- (6) 13 years and nine months.

PIECE-HAND COMPOSITORS OF GOVERNMENT PRINTING, LAHORE.

609. Maulvi Mazhar Ali Azhar : Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that the Punjab Government had laid down any such rule by exercise of which only those temporary piece-hand Compositors could be promoted to the permanent posts who had at their backs ten or over ten years' continuous service ;
- (b) whether among those who have been so promoted there are any who do not possess the aforesaid qualification ; if so, their names ;

(c) whether there are any among those who have not been so promoted, who possess the qualification mentioned in (a), if so, their names ;

(d) reasons for (b) and (c) ?

The Honourable Chaudhri Sir Chhotu Ram : (a) No such rule has been framed ; but in practice when making transfers from the temporary to the permanent establishment at least ten years' minimum service is regarded as one necessary qualification.

(b) No employee with less than ten years service has been transferred to the permanent establishment.

(c) and (d) Do not arise.

COMPOSITORS, GOVERNMENT PRINTING PUNJAB, LAHORE.

610. Maulvi Mazhar Ali Azhar : Will the Honourable Minister of Development be pleased to state whether it is a fact that Superintendent, Government Printing, Punjab, has provided one Harkishan Lal, a juniormost temporary piece-hand Compositor with less than 10 years' service in a permanent vacancy ; if so, the number and names of those who were senior to him and over whose heads he was given promotion ; also the reasons for doing so ?

The Honourable Chaudhri Sir Chhotu Ram : There were four vacancies on the permanent establishment. Three were given to Muslims and the fourth should have been given to a Hindu, Lala Daulat Ram, on the strength of seniority. Lala Daulat Ram, however, declined to accept the permanent post possibly owing to his advanced age, 51 years. After Lala Daulat Ram the seniority list was as follows :—

Muhammad Jafar ;

Karamat Beg ;

Ghulam Hussain ;

Muhammad Sharif ;

Siraj Din ; and

Harkishan Lal.

Harkishan Lal was transferred to the permanent establishment as it was desirable to give a share of the permanent posts to minority communities. At the time of his transfer he had ten years and one month's service to his credit.

AGREEMENT SIGNED BY PIECE-HAND COMPOSITORS OF GOVERNMENT
PRINTING, PUNJAB.

611. Maulvi Mazhar Ali Azhar : Will the Honourable Minister of Development be pleased to state whether it is a fact that the Superintendent, Government Printing, Punjab, has very recently made some temporary piece-hand Compositors to sign an agreement by virtue of which they will be bound not to make any claim in respect of their temporary service when transferred to permanent establishment ; if so, the authority under which this agreement was got signed ?

The Honourable Chaudhri Sir Chhotu Ram : The Superintendent, Government Press, has taken an undertaking in the attached form from certain compositors on the temporary establishment on their appointment to the permanent establishment. The undertaking has not been taken under any orders of Government. It is of no value as it merely binds the men concerned not to ask for special treatment in the matter of counting non-pensionable temporary service towards pension. They are not entitled to special treatment in any case.

Form.

I, _____, Compositor on the temporary establishment, aged about _____ years, agree to be brought on the permanent establishment on my own request after thorough consideration of the financial aspects involved and declare that I will be entitled to pension or gratuity only under the Rules admissible at the time of my retirement and I will not claim the benefit of my temporary service as a special case if it will not qualify for pension.

CANAL WATER FOR GARDENS.

619. Mian Abdul Aziz : Will the Honourable Minister of Revenue be pleased to state—

- (a) canal-wise the area of every garden which is receiving water from the various Government Canals in the province with the names of the owners of such gardens ;
- (b) community-wise the volume of water which the owners of such gardens are getting from the various Government Canals in the Punjab ?

The Honourable Dr. Sir Sundar Singh Majithia : The required information has not been collected as the labour involved is not commensurate with the object of the enquiry.

CLOSURE OF DABRA MINOR IN HISSAR DISTRICT.

620. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that the Dabra minor, district Hissar, was kept closed for eleven days at the last harvest time, when the canal water was most needed ;
- (b) whether this action on the part of the Executive Engineer, Rohtak division, did a great harm to the cultivators ;
- (c) whether the Government is prepared to consider the matter with a view to compensate the aggrieved zamindars and take action against those responsible for it ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes, it was closed for 11 days for silt clearance.

(b) No. Silt clearance was essential in order to enable the cultivators to obtain full supplies.

(c) The action was taken with a view that full supply should reach the cultivators. Remission on failed crops is being given under the rules.

RELIEF FOR FAMINE-STRIKEN PEOPLE IN HISSAR AND ROHTAK DISTRICTS.

621. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the portions of the districts of Rohtak and Hissar hit hardest by the failure of rains during the last *kharif* ;
- (b) whether it is a fact that a number of zamindars have temporarily deserted their homes for other places and sold or sent away their cattle for want of food and fodder ;
- (c) what help the Government has rendered to the affected area and particularly tahsil Jhajjar in the Rohtak district ?

The Honourable Dr. Sir Sundar Singh Majithia : I regret that the answer to this question is not yet ready.

DISCHARGE OF WATER FROM MOGA NO. 6400 ON THE KATESRA MINOR.

622. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state whether the zamindars of Kalanour, district Rohtak, have repeatedly represented to the Canal authorities of Rohtak division to the effect that Moga No. 6400 on the Katesra minor is discharging only one-fourth of the permissible quantity of water ; if so, what action the Government proposes to take to meet their legitimate demand ?

The Honourable Dr. Sir Sundar Singh Majithia : No. Only one representation has been received. The outlet is drawing its authorized discharge.

REPRESENTATION OF SCHEDULED CASTES AMONG THE PROCESS-SERVERS ATTACHED TO VARIOUS COURTS IN THE SIALKOT DISTRICT.

623. **Bhagat Hans Raj** : Will the Honourable Premier be pleased to state—

- (a) the number of process-servers attached to the various courts in the Sialkot district ;
- (b) the number of process-servers belonging to scheduled castes among them ;
- (c) whether it is a fact that the representation of the scheduled castes among those process-servers is not adequate ; if so, the action intended to be taken to secure a proportionate representation of the scheduled castes among those process-servers ?

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

COMPLAINTS BY RAM SARUP AND RAM PARSHAD, ORDERLIES, AGAINST
SAYED LATIF SHAH, JUNIOR SUB-JUDGE.

624. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether in the last week of May and 1st week of June last, orderlies Ram Sarup and Ram Parshad complained in writing to the Senior Sub-Judge, Rohtak, against the maltreatment and objectionable action of Sayed Latif Shah, Junior Sub-Judge, and, if so, the result of the inquiry, if any, made on that complaint?

The Honourable Major Sir Sikander Hyat-Khan : I have not seen a full report, but I understand that certain complaints were made by the two orderlies against the subordinate judge, who had been dissatisfied with their conduct. At the instance of the senior subordinate judge, to whom the complaints came, an apology was made by one of the orderlies. In the case of the other no further action was considered necessary as he had in the meantime been transferred to the neighbouring district of Karnal. The whole affair appears to have been of a trivial character.

RETURN OF BRIBE TO SOBHA SINGH.

625. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether it is a fact that on 24th June, 1938, in the court of Sayad Latif Shah, Junior Sub-Judge, Rohtak, the bribe of Rs. 2 was returned to one Sobha Singh, Jat, under the orders of the court, if so, who was responsible for taking this bribe and what action has been taken against him beyond asking him to return the bribe money?

The Honourable Major Sir Sikander Hyat-Khan : I understand that the facts are as follows. A complaint was made to the subordinate judge that the Ahlmad of the court had accepted a bribe of two rupees. The judge arranged for the Ahlmad's person and room to be searched for the coins, which were said to have been marked in advance. They were not discovered and no evidence whatever was forthcoming to prove that a bribe had been given. In such circumstances there could be no question of criminal or departmental proceedings against the Ahlmad, but on the complainant's taking an oath as to the truth of his story the subordinate judge directed the Ahlmad to compensate him.

REPRESENTATION BY THE SHAREHOLDERS OF THE CO-OPERATIVE
SOCIETY BANK, GHARONDA, AGAINST MOHD. AKRAM KHAN,
SUB-INSPECTOR.

626. Pandit Shri Ram Sharma : Will the Honourable Minister of Development be pleased to state—

- (a) whether the shareholders of the Co-operative Society Bank, Gharonda, district Karnal, have been making representations to the authorities concerned since the 9th May, 1938, against Mohd. Akram Khan, Sub-Inspector, Bank Gharonda;
- (b) the allegations and the action taken on the representations?

The Honourable Chaudhri Sir Chhotu Ram : (a) The sub-inspector in question is in the employment of the Punjab Co-operative Union. The Ministry, therefore, is not concerned.

- (b) Does not arise.

COMPLAINT AGAINST THE PATWARI OF VILLAGE KASNI.

627. Pandit Shri Ram Sharma : With reference to the answer to my starred question No. 2857¹, will the Honourable Minister of Revenue be pleased to state—

- (a) whether there is any fixed and proper procedure for submitting an application for departmental inquiry against a subordinate ;
- (b) whether it is essential for the applicant to be present in person ;
- (c) whether it is also essential to stamp such application ;
- (d) whether, if such an application is sent to the authorities with a separate forwarding letter, is it considered interference with the administration ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The attention of the honourable member is drawn to Rule 9-A of Punjab Government Consolidated Circular No. 6.

(b) The matter rests in the discretion of the officer to whom an application is submitted.

(c) The honourable member is referred to the reply given to Assembly question No. 2895².

(d) Complaints cannot normally be entertained through a third party, but must be made direct either orally or in writing by the aggrieved person.

MOB VIOLENCE AT ROHTAK ON THE VISIT OF MINISTERS.

628. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that on 7th October, 1988, the day when a procession was taken out in honour of the visit of the Ministers to Rohtak a serious mob violence was committed ; if so, the length to which the mob went in committing this violence ;
- (b) whether it is a fact that one Sharoba, shopkeeper, on the railway road reported to the police that his cash box was taken away by some of the processionists ; if so, whether any investigation was made into the complaint and if so, with what result ?

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

(b) No. But one Sarda, shopkeeper, reported to the police on the 9th October, 1988, that his cash box, containing Rs. 45 was removed from his shop on the 7th October. The facts as stated by the complainant are that when the procession was over he left his shop for a short while, when somebody entered his shop quietly and removed his cash chest. Nothing else was touched. As the alleged culprit was not seen by anybody, no clue has so far been found.

¹ Volume V, page 335.

² Volume IV, page 376.

COMPLAINT AGAINST TAHSILDAR AT HISSAR.

629. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the district authorities have recently received a complaint against the tahsildar of Hissar as regards his selection of villages for famine relief through spinning and also for distribution of taceavi ;
- (b) whether there was any allegation of communal bias in the relief work ;
- (c) if so, the action taken on the complaint ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes.

(b) Yes.

(c) The complaint was investigated by a senior officer and found to be absolutely baseless.

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DACOITIES COMMITTED IN ROHTAK AND HISSAR DISTRICTS AND THE
ABSCONDERS STILL AT LARGE.

630. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state—

- (a) the number of dacoities committed during the last two years in the districts of Hissar and Rohtak separately ;
- (b) in how many of the cases the looted property was recovered by the police and the accused on being challaned were convicted ;
- (c) the number of absconders still at large ?

The Honourable Major Sir Sikander Hyat-Khan : A statement containing the required information is laid on the table.

Dacoities in the Rohtak and Hissar districts during 1937 and 1938.

| District. | NUMBER OF DACOITIES COMMITTED. | | NUMBER OF CASES IN WHICH LOOTED PROPERTY WAS RECOVERED. | | NUMBER OF CASES SENT FOR TRIAL. | | NUMBER OF CASES IN WHICH THE ACCUSED WERE CONVICTED. | | NUMBER OF ABSCONDERS. | |
|-----------|--------------------------------|-------|---|-------|---------------------------------|-------|--|-------|-----------------------|-------|
| | 1937. | 1938. | 1937. | 1938. | 1937. | 1938. | 1937. | 1938. | 1937. | 1938. |
| | | | | | | | | | | |
| Hissar | 8 | 16 | 3 | 7 | 5 | 6 | 3 | 2 | | 2 |
| Rohtak | 1 | 5 | No property was lost. | 2 | 1 | 1 | 1 | 1 | | 6 |

NOTE.—Three of the Rohtak cases for 1938 are still under investigation, and several of those in Hissar. (A considerable proportion of the Hissar cases occurred in the last few weeks of 1938.)

GRANT OF ARMS LICENCES IN ROHTAK AND HISSAR DISTRICTS.

631. Pandit Shri Ram Shama : Will the Honourable Premier be pleased to state the number of fire-arms licences granted on the applications received only for safety purposes during the last two years from the residents of the Hissar and Rohtak districts ?

The Honourable Major Sir Sikander Hyat Khan :

| | |
|--------|----|
| Hissar | 85 |
| Rohtak | 24 |

REPRESENTATION BY THE ZAMINDARS OF VILLAGE MOKHRA TO THE SUPERINTENDING ENGINEER, JUMNA CANAL *RE* THE INSUFFICIENCY OF WATER ON THE TAIL.

632. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

- whether it is a fact that the zamindars of village Mokhra (Rohtak) represented their grievances with regard to insufficiency and failure of water on the tail, to the Superintending Engineer, Western Jumna Canal, in the first week of October, 1938, and to what result ;
- the number of breaches reported in the Bhiwani and Kenhour branches in the last three months ;
- the quantity of water supplied by the Mokhra minor in the month of October, 1938, out of the permissible quantity of water ;
- whether it is a fact that owing to the insufficiency of water, the zamindars have not been able to sow their lands to a large extent for the *kharif* crop this year ;
- whether Government intends to compensate the zamindars for the loss sustained by them for this reason ; if so how, if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. They represented their grievances on 15th October, but shortage was due to cuts made by zamindars and action had already been taken to stop them.

(b) No breaches occurred, but 21 cuts were made by zamindars.

(c) On account of low river supply the share for the month of October was 10 days' full supply but the minor was run for only 8 days with half supply ; the reason being that cuts by zamindars in the Distributaries did not permit running these channels with the full share of river supplies available.

(d) No. The *kharif* area irrigated was 156 per cent of the permissible.

(e) Does not arise.

CHAKBANDI AREA ON BAHALBA MINOR.

633. Pandit Shri Ram Sharma : With reference to the answer to part (d) of my starred question No. 2463,¹ part (d), asked on 4th April, 1938, will the Honourable Minister of Revenue be pleased to state the result of the investigation referred to in the answer ?

The Honourable Dr. Sir Sundar Singh Majithia : The investigation is not yet complete as it is dependent on general revision of chakbandi of the Branch of the Canal which requires a good deal of time.

REMODELLING OF THE BAHALBA MINOR, ROHTAK DIVISION.

634. Pandit Shri Ram Sharma : With reference to the answer to part (e) of my starred question No. 2464¹ asked on 4th April, 1938, will the Honourable Minister of Revenue be pleased to state—

- (a) whether the defect has been removed by remodelling the distributary as promised ;
- (b) whether it is a fact that in 1926 the supply of water from the Bahalba minor decreased ; if so, to what extent ;
- (c) the area of land irrigated by the said minor in 1923, 1926 and then in 1937, separately ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. The remodelling was done in October, 1938.

(b) No.

(c) The area irrigated was—

898 acres in 1923-24.

793 acres in 1926-27.

821 acres in 1937-38.

CANDIDATES ON APPROVED LIST IN THE OFFICE OF DEPUTY COMMISSIONER, HISSAR.

635. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state the reasons for giving the post of a clerk in the office of the Deputy Commissioner, Hissar, in October last to a candidate not on the list of approved candidates prepared by Sardar Nawab Singh, Deputy Commissioner, Hissar, in April last, thereby ignoring the right of the candidates on the approved list ?

The Honourable Dr. Sir Sundar Singh Majithia : The post in question had to be filled by a clerk with a knowledge of shorthand and typewriting. None of the persons on the waiting list possessed these qualifications and an outsider had in consequence to be appointed.

CONDITION OF COMMUNAL TENSION AT SOHNA TOWN.

636. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state the condition at present of the communal tension prevalent at the small town of Sohna in the Gurgaon district ?

The Honourable Major Sir Sikandar Hyat-Khan : There has been no material change in the situation at Sohna in the Gurgaon district. Efforts on the part of leading members of both the communities to bring about a compromise have borne no fruit. Every effort is being made to guard against any untoward occurrence.

OUTLETS NO. 900 LEFT AND NO. 7000 RIGHT, RAJBAB PETWAR,
HANSI SUB-DIVISION.

637. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that two outlets No. 900 left and No. 7000 right Rajbah Petwar, Hansi sub-division in minor Rajthal, district Hissar, were closed altogether at the time of last remodelling without any notice to the zamindars concerned ;
- (b) whether the area irrigated by the outlet No. 900 left was included in outlet No. 5700 left and the area irrigated by outlet No. 7000 right was included in outlet No. 1410 right ;
- (c) whether the whole area formerly irrigated by the above-said outlets remained uncultivated throughout, after the remodelling ;
- (d) whether the zamindars were thus put to a great pecuniary loss ;
- (e) whether it is a fact that an outlet with a discharge of .5 was denied to the said zamindars, while such outlets are provided to the citizens of Hansi and Hissar ; if so, the reasons for the same ;
- (f) whether Government is prepared to take any action in the matter ; if so, what ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) These outlets had very small discharges and were amalgamated with the adjoining ones after the scheme was approved by the Canal Advisory Committee ;

(b) Yes ;

(c) No. Irrigation done after remodelling has been consistently more than permissible.

(d) No.

(e) An outlet with too small a discharge does less irrigation per cusec than if the discharge is higher than 1 cusec, and is, therefore, not in the interest of cultivators. Wherever possible outlets with discharges less than 1 cusec were amalgamated with the adjoining ones except where the physical features of the area did not permit it and thus some small outlets still exist.

(f) Does not arise.

REPRESENTATION AGAINST REVENUE PATWARI OF VILLAGE
BAMLA, DISTRICT HISSAR.

638. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state whether any inquiry has been made on a representation made to the Deputy Commissioner, Hissar, by the zamindars of village Bamla, district Hissar, on 9th October, 1938, against the revenue patwari of the said village and, if so, the result of the inquiry and the action taken as a result of that inquiry ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes, but as the allegations were found to be entirely baseless, no action was taken.

REPORT BY DEPUTY COMMISSIONER, HISSAR, *RE* A COMPLAINT OF
CORRUPTION AGAINST A FIRST CLASS
MAGISTRATE.

639. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether the Deputy Commissioner, Hissar, reported against a first class magistrate regarding a complaint of corruption during the last few months; if so, with what result?

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

PRESIDENT OF CITY CONGRESS COMMITTEE, ROHTAK, AND
LOCAL POLICE.

640. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether in the third week of October, 1938, the President of the City Congress Committee, Rohtak, wrote to the local police that provocative and inflammatory speeches were being made against Congressmen by their political opponents in public meetings held at Rohtak which might result in a breach of the peace and that some men actually attempted to disturb Congress meetings and give sufficient provocation for the breach of peace; if so, the action taken by the police on the complaint?

The Honourable Major Sir Sikander Hyat-Khan : Yes. Investigation failed to substantiate the allegations and no further action was considered necessary.

REPRESENTATION BY THE ZAMINDARS OF VILLAGE NIDANA, DISTRICT
ROHTAK, *RE* CANAL WATER ON THE TAIL OF BAINSI MINOR.

641. Pandit Shri Ram Sharma : Will the Honourable Minister of Revenue be pleased to state—

(a) whether the zamindars of village Nidana, district Rohtak, represented their grievances on 28th September, 1938, to the Executive Engineer, Rohtak Division, regarding the canal water scheduled on the tail of Bainsi minor and the extent to which they actually get it;

(b) if so, the action the Government intends to take in the matter?

The Honourable Dr. Sir Sunda r Singh Majithia : (a) Yes.

(b) Silt clearance has been done to improve supply at the Tail and remodelling of outlets will be done in April, 1939, to give the Tail its authorised discharge.

REMOVAL OF LALA HARDEO SAHAI'S NAME FROM THE LIST OF
DISTRICT BOARD VOTERS.

642. Pandit Shri Ram Sharma : Will the Honourable Minister of Public Works be pleased to state whether the name of Lala Hardeo Sahai was removed from the District Board voters' list of village Satrod Khurd, in Hissar district, after the date fixed for filing claims and objections had expired, if so, under what rules it was so done?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The objection as to the exclusion of the name of Lala Hardeo Sahai from the voters' list was presented before the Revising Authority at 3-45 p. m. on the 22nd August, 1938—the date fixed for the receipt of claims and objections. The objection was, therefore, presented in time, 4 p. m. being the closing hour, and was disposed of according to the procedure laid down in the District Board Election Rules.

COMPLAINT OF CORRUPTION AGAINST THE SUB-INSPECTOR OF POLICE AT SAMBHALKA.

643. Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether the Superintendent of Police, Karnal, has made an inquiry into the complaint of corruption against the Sub-Inspector of Police at Sambhalka recently made to him by me in writing with two letters attached therewith ; if so, the result of his inquiries into that complaint ?

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

REPRESENTATION MADE TO COMMISSIONER, AMBALA DIVISION, BY THE VILLAGES OF KAHNI AND RITHAL.

644. Pandit Shri Ram Sharma : Will the Honourable Minister of Public Works be pleased to state whether the Commissioner, Ambala Division, recently received a representation from the residents of villages of Kahni and Rithal protesting against the exclusion of village Kahni from the zail in which the village was included previously and against its inclusion in another zail named Ahnlana in the proposed electoral circles of the District Board, Rohtak ; and if so, the action taken thereon ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : I regret the reply to this question is not yet ready.

IMPOSITION OF CERTAIN RESTRICTIONS ON THE ACCEPTANCE OF TAHSILDARS AS EXTRA ASSISTANT COMMISSIONERS.

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

- (a) whether the Government has recently fixed any age-limit for tahsildars in the matter of their acceptance as extra assistant commissioners ;
- (b) whether any other conditions have also been imposed in regard to their promotion as extra assistant commissioners, if so, what and why ;
- (c) whether any exceptions have been made to the rules of imposing the restrictions on their promotion as extra assistant commissioners, if so, why ;
- (d) whether Government has tried to ascertain the number of tahsildars in the Punjab who may have been placed under a handicap by the imposition of these new conditions and also may have just grievances of their careers having been ruined ; if so, whether and what steps does Government propose to take to remove their grievance ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Under rule 7 (1) of the Punjab Civil Service (Executive Branch) Rules, 1930, a copy of which is laid on the table, the age limit for promotion of tahsildars and naib-tahsildars to the Punjab Civil Service is 35 years, but Government have the power to relax this rule. On the recommendation of the Punjab and North-West Frontier Province Joint Public Service Commission Government have decided that the age limit be raised to 40 years and effect will be given to this decision in the selections to be made this year ;

(b) No.

(c) As the number of tahsildars, who fulfilled the conditions laid down in clauses (a) and (c) of sub-rule (1) of rule 7 of the Punjab Civil Service (Executive Branch) Rules, 1930, was insufficient Government issued orders in October, 1936, that for recruitment to be made in 1936-37, 1937-38 and 1938-39 five years' paid service, which need not be continuous, should be regarded as the service qualification.

(d) No.

Copy of rule 7 of the Punjab Civil Service (Executive Branch) Rules, 1930.

7. (1) The Financial Commissioners shall maintain a list of Tahsildars and Naib-Tahsildars whom they consider fit for acceptance as candidates for the Service, and shall each year not later than the first day of December and at such other times as the Governor in Council may require submit for the consideration of the Governor in Council the nomination rolls in Form I of so many persons borne on such list as the Governor in Council may prescribe ; provided that, unless the Governor in Council otherwise directs, the roll of no person shall be submitted who—

- (a) has not completed five years' continuous Government service ; and
- (b) has attained the age of thirty-five years on or before the first day of November immediately preceding the date of submission of names ; and
- (c) is not a graduate of a recognized university.

(2) The Governor in Council may select from the persons whose nomination rolls are submitted by the Financial Commissioners under the provisions of sub-rule (1) such persons as he may deem suitable for the Service and the names of the persons so selected shall, subject to the provisions of rule 16, be entered in Register A-I.

REPRESENTATION OF SCHEDULED CASTES IN THE CLERKS WORKING IN THE COURT OF DEPUTY COMMISSIONER, SIALKOT.

646. Bhagat Hans Raj : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of clerks working in the court of the Deputy Commissioner, Sialkot district, with the number of clerks belonging to scheduled castes among them ;
- (b) whether it is a fact that the representation of the scheduled caste among those clerks is nil ; if so, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 108.

(b) Yes, because none of the scheduled castes came forward in the past for any appointment in the district establishment. One candidate has recently been taken on the waiting list and he will be considered for an appointment in due course.

REPRESENTATION OF SCHEDULED CASTES AMONG THE PATWARIS
IN SIALKOT DISTRICT.

647. Bhagat Hans Raj : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of patwaris community-wise in the district of Sialkot and the number of patwaris belonging to the scheduled castes among them ;
- (b) whether it is a fact that the representation of the scheduled castes among those patwaris in the Sialkot district is meagre ; if so, the steps that the Government intend to take to make up this deficiency according to the proportion of their population in the district ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) the total number of patwaris in the Sialkot district is 355, as detailed below :—

| <i>Muslim.</i> | <i>Hindu.</i> | <i>Sikh.</i> | <i>Scheduled castes.</i> |
|----------------|---------------|--------------|------------------------------|
| 231 | 98 | 26 | .. |

(b) No applicant belonging to the scheduled caste ever applied in the past for employment as a patwar candidate. Some applications have now been received and will receive due consideration.

LATHI CHARGE AT AMRITSAR.

Mr. Deputy Speaker : The Honourable Sardar Partab Singh wants to raise a debate under Rule 12 (b) on the answer given by the Honourable Premier to question No.

3 P.M.

*3606. Has the honourable member the leave of the House.

The leave was refused.

PANEL OF CHAIRMEN.

Mr. Deputy Speaker : I have to announce that under rule 10 (1) of the Punjab Legislative Assembly Rules of Procedure I have nominated the following four honourable members as members of the panel of chairmen :—

Malik Barkat Ali ;

Lala Duni Chand ;

Khan Bahadur Maulvi Ghulam Moby-ud-Din ;

Sardar Sahib Sardar Gurbachan Singh.

ABSENCE WITHOUT LEAVE OF SAYAD MOHY-UD-
DIN LAL BADSHAH, M. L. A.

Mr. Deputy Speaker : Under Rule 34 (1) of the Punjab Legislative Assembly Rules of Procedure, I have to bring to the notice of the Assembly the fact that Sayed Mohy-ud-Din Lal Badshah, a member of this House, has been absent without permission from all sittings of the Assembly for a period of sixty consecutive days computed in the manner provided in subsection (4) of section 63 of the Government of India Act.

ADJOURNMENT MOTIONS.

UTILIZING THURSDAYS FOR GOVERNMENT BUSINESS INSTEAD
OF FOR NON-OFFICIAL BUSINESS.

Lala Duni Chand : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the recent attempts of the Government to deprive the Opposition of the right of utilizing Thursdays while the Assembly may be in session for non-official business, to which the Opposition is entitled under the rules.

Mr. Deputy Speaker : As a full dress debate is to take place to-day on the motion of the Honourable Premier, therefore, I rule this motion out of order.

Premier : Moreover, it is an affront to the House if the Rules framed by this Assembly are criticised by an adjournment motion.

Diwan Chaman Lall : On a point of order, Sir, may I ask you whether there is any rule or any regulation of this Assembly or any section of the Government of India Act, which talks about the affront to the Rules of this Assembly? I have not heard of any such objection raised as an affront to the Rules of the Assembly. Presumably what the Honourable Premier means is that it is undesirable that this motion should be moved because there is another motion.

Premier : My point is that the adjournment motion, apart from other considerations, tries to criticise the rules framed by this House and therefore it is an affront to the House itself.

Diwan Chaman Lall : May I take it that if my honourable friend systematically robs this House of the right of utilizing Thursday, that also can be considered as an affront to the House.

Lala Duni Chand : I rise on a point of order. I want your ruling with regard to my adjournment motion. My point of order is that if my motion is in order, as apparently it is, does the fact that the Honourable Premier is going to raise a similar debate, prevent this motion from being taken up?

Mr. Deputy Speaker : There is no point of order involved. I can disallow an adjournment motion without assigning any reasons.

Diwan Chaman Lall : Since this particular motion is already tabled by my honourable friend over there, it would be superfluous to have a debate now. I am in entire agreement with you. But where I am not in agreement with you is that you cannot give reasons for the refusal of an adjournment motion. I hope you would not lay it down as a rule. After all, this House is entitled, not as a matter of courtesy, but certainly as a matter of procedure, to the statement of the Speaker or the Deputy Speaker, as the case may be, regarding the admissibility or non-admissibility of adjournment motions. I do hope you are not going to give that ruling for all time.

Mr. Deputy Speaker : Here the reason is obvious.

Diwan Chaman Lall : Yes. Quite so.

OFFICIAL PRESSURE IN THE ELECTIONS TO THE EASTERN PUNJAB
LANDHOLDERS CONSTITUENCY.

Lala Duni Chand : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the official pressure brought to bear upon a large number of voters of the Eastern Punjab Landholders' Constituency in the recent by-election with the object of influencing the course and result of the election.

Mr. Deputy Speaker : This motion is not in order because it is too vague and indefinite. There is no definite matter of urgent public importance involved. Therefore, I rule this out of order.

Lala Duni Chand : Kindly allow me to ask you whether the fact of the official pressure is not a definite matter and whether it is a vague and indefinite matter as you have been pleased to remark.

Mr. Deputy Speaker : Does it require any ruling that the words 'official pressure' are very vague?

Lala Duni Chand : I am going to show how it is definite. The course of action taken by certain officers is enough to show how it is definite. I ask you to give due consideration to this question. Is not official pressure a definite matter? In what other way can I describe it?

Mr. Deputy Speaker : The fullest consideration has been given to it and I rule it out of order.

HUMILIATING TREATMENT BY THE POLICE OF CERTAIN CITIZENS
OF JULLUNDUR.

Lala Duni Chand (Ambala and Simla, General, Rural) : 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 humiliating and inhuman treatment meted out by the police officials concerned of Jullundur to three highly respectable citizens of Jullundur, Messrs. B. R. Sondhi, B.A., LL.B. (Chief Engineer), Ram Kishan and Mohan Lal Bhandari while they were in police custody.

No objection being taken, Mr. Deputy Speaker fixed 6-30 P.M., to-day for its discussion.

MOTION UNDER RULE 13.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, the honourable members are aware that this session has been specially convened in order to transact business which was not finished in the last session, that is to say, mainly to finish the consideration, and then to go on with the third reading of the Punjab Agricultural Produce Markets Bill. The printed list of notices of amendments is already in the hands of the honourable members. From a glance of the list it will be evident that it will take a fairly long time to dispose of that list and if, as is likely, more notices of amendments are received, the session may have to be prolonged a good deal. Government consider, however, that the session should not, considering the

[Premier.]

volume of work, last for more than two weeks. According to our rules this would mean three working days each week, not taking into account Thursdays which are under the rules normally reserved for non-official business. But having regard to our experience during the last session, it is possible that six working days may not be sufficient to dispose of the remaining clauses of the Bill, and it is therefore necessary that we should again crave the indulgence of the House and utilize Thursdays for transacting official business in order to expedite the business of this important Bill. On the last occasion you are aware that objection was taken to our utilizing Thursdays for Government business or public business, on the ground that we were taking away the day which was specifically meant for private business and therefore depriving the honourable members of this House from their inherent right to utilize that day for non-official business. I sympathise with that point of view and normally it would not be necessary for Government to utilize that day, and as I said in the course of my speech on the last occasion, I repeat again that Government does not do so with any pleasure and Government does not want to deprive the honourable members of that right. As a matter of fact non-official business is also welcome from the Government point of view, because it gives us an opportunity of hearing private members' views with regard to important matters which are brought forward either in the shape of legislative measures or in the shape of resolutions. It is therefore obvious that Government would as a last resort only move such a motion as I am now going to put before the House. I may for the benefit of my honourable friend the Leader of the Opposition say that if we all put our heads together and if we all co-operate in trying to expedite this business, then it is possible that we may not require all the working days during the two weeks and if we make rapid progress it is possible that we may come to the conclusion after three or four days that we will be able to finish our business so far as this Bill is concerned before, say, Thursday the 19th. In that case I can assure the honourable members that I will be too glad to give the House an opportunity to discuss private members' business on Thursday the 19th. Therefore the motion which I am moving, although it includes Thursday the 12th and Thursday the 19th, can later on be modified, and I give an undertaking to the House that if we find that the progress of business is such as to enable us to give that day back for private business, I shall not only have no hesitation, but I shall have great pleasure in doing so. There may be some technical objection on the ground that it may not be possible to ballot the resolutions, since there may not be ample notice. To deal with that difficulty there is another way. If my honourable friend the Leader of Opposition will accept my proposal, I want to suggest that he and I can sit together and select some formal motions or resolutions for discussion on the 19th if that can be made available for discussion. With these remarks I move my motion :—

That rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 12th of January and Thursday, the 19th of January, 1939.

I may also add that as you must have noticed the motion does not refer to the off-days. Wednesdays and Saturdays are off-days, and at present I consider that it will not be necessary to avail of those off-days for Government business. But if after a few days we come to the conclusion that it

will not be possible to finish our business within the time which I have roughly specified, then it may be necessary for Government to take these off-days also and request the Assembly to sit on Wednesdays and Saturdays so as to complete our business before the end of the second week. I hope the honourable members will support me and will appreciate the reasons underlying the motion.

Mr. Deputy Speaker : Motion moved—

That rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 12th of January and Thursday, the 19th of January, 1939.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, I have listened with rapt attention to all what the Honourable Premier has said in support of his motion which he has just now made in the House. I knew it beforehand that such a motion was going to be made in the beginning of the present session. In fact its notice reached me along with the notice of the date of this session. I have, therefore, been thinking over this matter for so many days as to whether I should oppose it or support it in the House. I have made up my mind now to oppose it because I think I would be failing in my duty if I do not do so. I would consequently draw the attention of the House to the debate which took place about Rule No. 13 before it was finally adopted by this House. To begin with I would like to quote here the text of the rule 13 which runs as follows :—

On Thursdays business other than Government business shall have precedence. On all other days no business other than Government business shall be transacted except with the consent of the Leader of the House.....

During the course of the discussion of this rule on the 10th of January 1939, my honourable friend Sardar Hari Singh moved the following amendment :—

Provided further that no less than twenty-five sittings shall be devoted to business of private members.

and in reply to the debate that took place about this amendment, the Honourable Minister of Revenue who happened to be the Leader of the House as the Honourable Premier was absent on account of illness, made the following observation :—

Sir, the proposition of my honourable friend means that a share of 25 per cent for private business must be fixed once for all, and that it should not be trenched upon by anybody in the House. The rule hitherto has been that Government business must have precedence over private business, and if the Government of the country is to be carried on, that rule should not be allowed to be abrogated in any way. Government has hitherto tried to meet our friends on the Opposition benches by giving them every facility that is possible at least to provide them with one-fourth of the time of the House. We have done that and it has been the practice in the past, it should be the practice in future, and if I may be permitted to say so, even in the House of Commons the practice is the same that Government business takes precedence over private business. But possibility may arise when Government business may be very urgent and the work of the administration will come to a stand still if we stick rigidly to the proposition of my honourable friend. This House should not permit that sort of thing. I would, therefore, very strongly urge that the proposition of my friend should not be accepted by the House.

Now, it is clear from the speech of the learned Dr. Sir Sundar Singh Majithia that if an emergency arises which is so important that if it is not attended to, the whole administration would come to a standstill, then, and then alone, can the Government step in and claim Thursday for Government business. If this is not the case, business other than Government shall have

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precedence over the Government business. I would, therefore, ask the Honourable Premier what emergency has arisen which prompts him to make this motion? Will he kindly define the nature of that emergency? In this connection I may invite the attention of the House to the proceedings of the last session of the Assembly. As the Government had a convenient majority at their back, they robbed the Opposition of one Thursday and went even so far as not to allow any ballot to take place in respect to that day. The 2nd Thursday was also utilized for Government business. The third Thursday happened to be a holiday. Thus only one Thursday was given for non-official business and even on that day the Government felt very restive and wanted to devote it to the consideration of the Markets Bill. But may I respectfully ask the Honourable Premier that if the Bill was really so important as he wishes us to believe why did he make a motion to have the House adjourned *sine die* in the last session? How did the emergency evaporate all at once? If he was really anxious to have this Bill passed as early as possible, he should have allowed the session to continue. In fact he only wanted to rob the Opposition of another day which they might have got for non-official business had the session continued.

Mir Maqbool Mahmood : I am very reluctant to interrupt the honourable Leader of the Opposition. But is he not reflecting on the decision of the Assembly with whose order alone the House adjourned? It was with the leave of the House that the Assembly adjourned. The honourable member is now casting reflection on the decision of the House.

Diwan Chaman Lall : The Honourable Leader of the Opposition is criticising the action taken by the Government in moving for the adjournment of the House and not the decision of the House.

Dr. Gopi Chand Bhargava : All I want to ask is as to why the Honourable Premier sacrificed the emergency of this Bill at that time. Further, if it was not emergent at that time, how has it become so emergent now? The fact of the matter seems to be that Government does not want to give sufficient time for the consideration of this measure and wants to rush through it. The Honourable Premier has stated that there are too many amendments to be disposed of. But I may hasten to inform him that it is due to the numerous defects left in the drafting of this Bill, that so many amendments had necessarily to be given notice of. Again, it is not only the Opposition that has given notice of amendments to this Bill, but Treasury benches also have tabled a number of amendments. All this goes to show that the Bill abounds in defects and mistakes that have got to be rectified and removed before it is finally adopted by the House.

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

Dr. Gopi Chand Bhargava : I was submitting that it was contended by Government that it would take much time to consider over this Bill for there was a very large number of amendments to be dealt with. If that is so, it is no fault of ours. It may be that of the framers of the Bill. As a matter of fact it has got so many defects that even the Government party has deemed it advisable to move amendments with regard to various sections of it. In

this respect we are not in the least to blame. When you say that the present Bill is of vital importance, I cannot understand why you are in so much hurry in pushing through it. And if you are so anxious to ride rough shod over this matter why not enact it by means of an ordinance? Just go to the Governor and ask him to pass an ordinance to this effect. What appears to us most objectionable is that the present Government in order to serve their own ends never hesitate to do things which cut at the very root of our constitutional rights and privileges. When the Honourable Minister in charge of the Bill has said not once but many times that it should be passed into law immediately, I am at a loss to understand why the last session of the Assembly was adjourned *sine die*. To me it appears that the Government party wanted time for tours and to exercise their official pressure over the persons concerned in the bye-election for Landholders' seat. There was also an adjournment motion for which leave was granted and time was fixed. There was also a non-official resolution pending consideration. Perhaps the Government wanted to avoid discussion over them. But they have not realised that in doing this they have wasted a large amount of money. These rules are in force since 1st October 1938, and on that very day the Honourable Premier assured the House that these rules shall not be allowed to be violated or suspended except in cases of extreme urgency. But I am sorry to remark that since that very day our rights are being trampled under foot. According to the rule under consideration there are four working days in a week and the remaining two are left out for preparation. In this connection I would, Mr. Deputy Speaker, invite your attention to your own speech in which you were also pleased to stress this very point. We do not object to things being done expeditiously. But we certainly object to unfair and unjustified expense of public revenues. Wednesdays and Saturdays are very precious days for us in order to come prepared for business to be taken up on the following days in a week. You want to deprive us of these two days. Besides that you are now attempting to take away two Thursdays as well. Is this fair? Is it not an abuse of majority? Of course it has been said that if work is finished earlier, Thursday the 19th would be given for non-official business. Is this the way in which you are abiding by the rules which you have yourself framed? There is still another motion that is going to be put before the House and that is that sitting of the Assembly should commence at 12-30 P. M. every day and that there should be prepared sets of amendments each to be taken up each day. If the work is not finished on any day the guillotine would be applied to the remaining amendments. When you assert that it is a very important Bill, why don't you allow the Opposition to have their say? The whole Bill is so defective that it requires complete overhauling. Give us a fair chance to criticise it. If you permit us to do so, I am sure you would not stand to lose in any way. During the discussion on a particular amendment if you find the House is taking unduly long on it you can move that 'the question be now put.' If you so please you can finish the whole Bill within three days. When you are anxious to finish it immediately, why have you allotted eight days for this purpose? Is it to show to the outside world that the Opposition in the Punjab are playing the part of obstructionists? Let me assure the honourable members over there that we are not for obstruction. Do give us a fair chance of criticising the Bill and if at any stage you deem the discussion on a particular amendment taking unnecessarily long, you can move

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a closure motion. With these words I would close my remarks by saying that the business should be conducted normally and no undue advantage should be taken by Government party because of their majority.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) (*Punjabi*): Sir, at first I had no intention of speaking on this motion, but some of the remarks which have been made by my immediate predecessor have prompted me to say a few words. The honourable members who adorn the present ministry have been known to me for so many years. They are not strangers to me at all. I have been taking them for wise and sensible persons all along. But I fail to understand as to what has happened to them during these 18 or 20 months. It seems as if all their wisdom, prudence and sense of proportion have completely deserted them. (*Interruptions*).

Sir, the submission which I would like to make is that on the 2nd December 1938, it was proposed by the Honourable Premier that the House should sit up till 12 in the night and on Saturday the 3rd, it should sit at 11 A.M. and remain sitting until the business of the House was finished. Strictly speaking the honourable mover of the motion expected us to remain sitting for all the night through and then for all the day long on Sunday and still for the next night and so on and so forth. I am not aware as to whether the Honourable Premier was condescending to allow any time to the honourable members of the House for taking their meals or breakfast during those tedious hours of work. My information is that a great hue and cry was raised by members over this coercive measure when proposed by the Premier. The Opposition contended that the Premier was not within his rights to make such a motion. The matter was thoroughly thrashed out and legal opinion was sought in the matter. Eventually Mr. Speaker gave his ruling to the effect that the Assembly could not sit on days other than those provided in the rules. It is alleged that this ruling so awfully perturbed the Premier that either through anger or on some other considerations, he suddenly moved the motion for the adjournment of the House *sine die*. Consequently the Assembly was adjourned for an indefinite period under the impression that it was not difficult to summon it at any such time as the Leader of the House thought fit. Unfortunately I was not present in the Chamber on that day and so I did not see the development of events with my own eyes. But I am sure that the information imparted to me about that incident is perfectly correct. Only a couple of days before it the Honourable Minister for Development was pleased to remark that the Bill then before the House was of vital importance, and its speedy enactment was extremely necessary in view of the fact that exploitation worth hundreds and thousands of rupees was being effected by the much maligned *mandiwalas*. The Honourable Premier himself placed his colleague in an awkward position by moving the motion for the adjournment of the House *sine die*. On the one hand it was held that the poor landlords, nawabs and knights were being looted in the mandis and so it was imperative on the Government to offer protection to these so-called victims of the *arhtis* by means of this Bill, and on the other hand the Assembly was adjourned indefinitely and thereby an impression was given to the general public that the Bill was not so important as was outwardly expressed by the Government benches. Far be it from me

to lay any charge against any particular person, but what I want to say is that if the Government actually and sincerely intended to stop the exploitation of the poor zamindars it would not have deferred the passage of this Bill into law indefinitely. By postponing the enactment of the Bill the Government has wasted more than 5 weeks and it is quite obvious that according to the Premier during this very long period the *mandivalas* must have looted a lot of poor zamindars. My honourable friend Dr. Gopi Chand Bhargava has remarked that the reason why the Assembly was adjourned *sine die* on the 2nd December was not far to seek. They moved this motion because they had to carry on propaganda work in favour of a certain candidate during the recent bye-election, and also perhaps they did not like to see a certain adjournment motion being discussed on the floor of the House.

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

Dr. Sir Gokul Chand Narang : Sir, I always speak to the motion and you can never find me irrelevant. What I was submitting is that this Bill is not so very important and necessary as it is said to be by my honourable friends on the opposite benches. Had it been really important the Premier would have rushed it through the House. But what did we see here on that day ? The Opposition which is always accused of obstructing the business of the House demanded the speedy enactment of the Bill, whereas the Government by its action afforded a proof to the effect that the Bill is not an important one and so they suspended its consideration for such a long time.

The Honourable Premier had remarked in the course of his speech that under normal conditions the day meant for the private business would not be made use of by the Government. But I ask him what abnormal circumstances have now supervened to have necessitated the usurpation of Thursday. I do not find any decency in it. There is no sense whatever to be found in the argument advanced by the Premier. The Government is unnecessarily trampling over the rights of private members. It is rank injustice to snatch away the day which the Opposition has got under the rules. I have been a member of this august House for the last 15 years or so, but I have never seen such an injustice done to private members. We were under the impression that we had got provincial autonomy now. But what do we find here? We are being deprived of the rights which were given to us under the rules. I submit in all seriousness that to-day those who are at the helm of affairs have no regard for the sentiments of the public at large. They have been taking undue advantage of their overwhelming majority. They are setting a bad example. The Honourable Premier has remarked that since innumerable amendments to the Bill have been tabled by the Opposition, it was therefore necessary to make use of the non-official days for coping with them. But in this respect my humble submission is that he need not worry about them. The movers of these amendments, if they are frivolous, would soon get tired and would give up this enterprise. And if their speeches were irrelevant the Speaker or yourself would come to the rescue of the Government by refusing to allow them making any irrelevant remarks.

[Dr. Sir Gokul Chand Narang.]

In the end I would say, Sir, that if this is the sort of Swaraj, democracy or liberty that we have got to-day, I would say in all sincerity that the rule of white bureaucracy was far better in this respect than our present provincial autonomy. The Englishmen never prevented anybody from making expression of his opinion. They never tried to gag us like our new masters. (*Interruption*). They had great regard for law and procedure. But the present Government does not care for any rule, law or convention. It has got no regard for the Opposition. It does everything according to its sweet will. I do not propose to take further time of the House. But I would only say that the Premier should even now withdraw this motion.

(*Voices* : Question be now put).

Diwan Chaman Lall : When a closure is moved, even under the rules it is for the Speaker to protect the rights of the minority. (*Interruption*). I was submitting that the speeches will not affect the situation.

Mr. Deputy Speaker : I am going to allow only one more speech.

Dr. Sir Gokul Chand Narang : Why ?

Mr. Deputy Speaker : Because all that can reasonably be said has been said. (*Hear, hear*).

Dr. Shaikh Muhammad Alam : Will you allow that one speech into two parts ?

Mr. Deputy Speaker : Order, order please. I have called upon Diwan Chaman Lall to speak.

Diwan Chaman Lall : I yield to Dr. Shaikh Muhammad Alam.

Dr. Shaikh Muhammad Alam (Rawalpindi Division Towns, Muhammadan, Urban) (*Urdu*) : Sir, after hearing the speech of the last speaker I was going to remark that this is perhaps the best speech he has ever made. I have heard a good many speeches of his, and most of them were made when he was adorning one of the Treasury benches, but I have never seen him make such a sensible speech. (*Laughter*). He has remarked that somehow or other the Government has gone stark mad. I submit, Sir, that he is now making such sensible remarks because he has come out of the dangerous atmosphere.

Mr. Deputy Speaker : The honourable member is requested to speak to the motion.

Dr. Shaikh Muhammad Alam : Anyway, Sir, I wanted to tell my honourable friend that so far as atrocities are concerned quite a large number of them were committed when he was a member of Government, but I admit that now they are on the increase. So far as the day reserved for non-official business is concerned we have a right to utilize that day for our Bills and resolutions. The Honourable Premier should not snatch away that day like a despot. He should come forward and make a request that the Opposition has a right to utilize this day for transacting non-official business, but the Government wants more time and, therefore, this day may be granted to the Government as a gift. But I should also like to say that the exchange of such gifts should be reciprocal. If the Government wants the Opposition to accede to its requests it should also cultivate this habit itself.

So far our experience in this respect has not been very encouraging. The Government has never shown the decency and magnanimity to accept even the most reasonable requests of the Opposition.

We know, Sir, that the Honourable Premier can get any motion passed by the House with the help of the majority at his disposal, but let me warn him that any victory attained by him in this way will be a moral defeat. He should remember that too many of such victories will bring his downfall. I do not think he will heed my warning. My honourable friend Dr. Sir Gokul Chand Narang also used to ignore such warnings, but now he has come to his senses. The same is going to be the case with the Honourable Premier. He is making encroachments on the rights of the Opposition without any reason or rhyme. He has been pleased to warn us, to frighten us and then to offer us a bribe. He has told us that if we behave like good boys and bow to all his wishes he will be pleased to grant us a Thursday for private business. I beg to submit, Sir, that it is not in his power to offer us that bribe because it is our right to utilize Thursdays for non-official business. Then he tried to frighten us by saying that if the work is not allowed to be finished according to his wishes he will punish us by moving that the House should sit on off-days also. I submit, Sir, that it does not behove the Premier of a province to employ such tactics. Nobody has been able to stand in your way in the past when you wanted to hold a meeting of the Assembly even on off-days, and you may rest assured that nobody will be able to do so even

4 P.M.
now. As you are aware, on the last occasion when the Speaker gave his ruling, fickle-mindedly you rose to move that the House should adjourn *sine die*. At that time many people were of the opinion that you have been rather too hasty. Just as my honourable friend, Dr. Gopi Chand said—

Mr. Deputy Speaker : You are repeating what has been said already.

Dr. Shaikh Muhammad Alam : I have only repeated the name of Dr. Gopi Chand, Sir. (*Laughter*). Just as my honourable friend, Dr. Gopi Chand pointed out, you may carry this motion through the House with the help of the majority at your back, but let me tell you that you will not be able to impress the intelligentsia outside this House with such a sense of reasonableness. I should say, the official intimidation and temptation which you have exhibited in moving this motion does not speak well of you and is the last thing which should be expected of you. I should be excused for saying that you have not given a good proof of your far-sightedness by moving such a motion. We know very well of the fate of our opposition to this motion that you will certainly be able to pass it with the help of your majority. But you should bear in mind the fact that it is just possible that a person sitting on these benches may put forward a reasonable proposition. All that is said on this side of the House is not without reason. I hope you will come to know, just as the learned Doctor here has come to know, the criticism offered on your actions from this side of the House is not altogether devoid of sense. You have not been able to establish that there is any emergency justifying your encroachment on the right of the Opposition. I think if you decide not to encroach upon the right of Opposition to transact non-official business to-day, it will be a great moral victory for you. If you bow to the wish of the Opposition which is in minority it will be really a

[Dr. Shaikh Muhammad Alam.]

victory for you. But by trampling upon the right of the minority and the Opposition you will be suffering a moral defeat although it will be a victory in numbers.

(Voices : Question be now put).

Mr. Deputy Speaker : The question is—

That the question be now put.

Pandit Muni Lal Kalia : On a point of order. The motion as it is worded is not a motion for suspending business other than Government business on one Thursday. It amounts to an amendment of Rule 13. You will see that Rule 13 is worded as follows :—

On Thursdays business other than Government business shall have precedence. On all other days no business other than Government business shall be transacted except with the consent of the Leader of the House ;

Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Assembly may transact Government business on a Thursday.

You will see that the word ' Thursday ' has been twice used in this Rule. In the beginning it is ' Thursdays ' and at the end of this Rule it is ' on a Thursday,' so that a motion can be brought forward for suspending of the rule with regard to only one Thursday. The motion relates to Thursdays and I cannot say how many Thursdays will fall in this special session. That means that during the whole session on none of these Thursdays business other than Government business should be transacted. My submission is that the motion as it is worded amounts to an amendment of the Rule. Suspension means rendering a certain thing or a person temporarily inoperative. But so far as this is concerned it is an amendment of the rule for the whole of the session and therefore my submission is that the motion as it is worded is out of order ; and that any other motion which may be properly worded should be put before the House and that the question on the motion as it is worded should not be put.

Mr. Deputy Speaker : I am sorry to say that this rule is not open to the interpretation which my honourable friend Pandit Muni Lal Kalia is placing on it. There is no point of order involved.

Diwan Chaman Lall : May I raise another point of order? It is a very important point of order. There are two issues involved in this point of order. Before you give your ruling as to whether you admit the motion made by the Premier, I want you to devote your attention to the point which I am raising before you. The point is a very important one and it is this. First of all the agenda before the House does not stipulate, nor any arrangement was made, in order to place the non-official business on the agenda for being transacted. There is no proper agenda before you according to the rules. There is a statutory obligation that the agenda must include both official and non-official business and that necessary arrangements should be made for the purpose of transacting non-official business. My honourable friends who are in charge of this department cannot, until this House decided that non-official business shall not be transacted, take it upon themselves to exclude from the agenda non-official business. Therefore it was necessary before this Assembly met to-day, that due regard should

have been paid for the opportunities that would have arisen. If the agenda had been properly drawn up, a date should have been fixed for ballot of non-official business and that Thursdays should have been fixed for the purpose of transacting non-official business for which a proper ballot should have been held before this session. No such procedure has been adopted and the rule specified that non-official business shall be transacted on all Thursdays. Therefore there was an obligation on the office to place on the agenda non-official business. It is only after the motion is held by you, Mr. Deputy Speaker, to be in order and passed by this House that that particular right of the non-official members to have non-official business placed on the agenda can be done away with, otherwise it cannot be done away with. There is a statutory obligation on this office to place non-official business on the agenda.

The second point to which I have to draw your attention is this that my honourable friend who moved this motion has to convince you apart from convincing this House that he has moved this motion in view of such an emergency as to make it utterly impossible for my honourable friend to proceed with this measure unless we grant him what he is asking. It must be a matter of grave emergency. I must draw your attention to what the Government members stated when this particular rule was being discussed. The honourable member who was in charge of this measure was Mir Maqbool Mahmood. I draw your attention, Mr. Deputy Speaker, to it. After all it is only an interpretation of the rule that you have to give and I draw your attention to what he stated authoritatively as the spokesman of Government in reference to this particular proviso. (*Interruption*). The question you have to decide is whether the emergency which was the basis of the rule, has arisen or not. That is for you to decide.

Mr. Deputy Speaker : May I ask the honourable member the rule or practice against which this motion militates ?

Diwan Chaman Lall : That is exactly the point to which I am drawing your attention.

Mr. Deputy Speaker : I would request the honourable member to make it clear as to whether any rule of procedure or any practice of the House is violated by this motion.

Diwan Chaman Lall : That is exactly the point. I am glad that you have seen the point. That is the main point at issue. The particular rule of procedure violated by this motion is that this motion is out of order because the emergency which should have given rise to this particular proviso has not arisen. I draw your pointed attention to the interpretation given by my honourable friends themselves with regard to the arising of this emergency.

Mr. Deputy Speaker : I would request the honourable member to refer to any rule.

Diwan Chaman Lall : I am doing that. After all, the interpretation of the rule is to be sought. On what? On what it is based. Take Rule 13, which is based, according to my honourable friend, upon the procedure in the House of Commons.

Mr. Deputy Speaker : Please read the Rule itself. So far as a point of order is concerned, no discussion is permissible unless the honourable member who moves it, makes it clear that some rule of procedure is violated or some practice of this House is violated.

Diwan Chaman Lall : That is my whole point and that is why I said that what I am suggesting is this that rule 13 is being violated. Let me tell you how it is being violated. If you look at the interpretation given to Rule 13 by my honourable friends on the floor of this House, you will find that it is being violated. They said :—

As in the case of the last War when immediate Government measures had to be considered, a proviso was made use of; otherwise it would have been impossible even under those emergent conditions to give immediate consideration to important Government measures.

If honourable members would refer to the proceedings of the House of Commons, they would find that it was done only in the case of an emergency.

It is for such situations, that with the permission of the House the right is reserved for the Government to move important Government matters even on a Thursday. It is with that intention that this proviso was added. I can assure the honourable members opposite that we on this side are as keen as they are that legitimate opportunities for non-official business should be provided. They may be sure that if there is a necessity for us to ask for any official business to be taken up for the greater portion of a Thursday—

Not the whole of Thursday—

greater portion of a Thursday, we will be as keen as they are to solicit the indulgence of the Leader of the House to give us better opportunities to discuss non-official business which may thereby be allowed. The House will remember the Honourable Premier speaking in Simla when he made it clear that he is prepared to establish a convention that if the Leader of the Opposition wishes to have an opportunity of discussing an important matter of policy he will try to accommodate him even out of the time reserved for Government business.

The basis of this rule is emergency and before you allow my honourable friend to put this motion to this House, through you, you have to be convinced that this is not the basis of the rule and you have to be convinced that an emergency has arisen. I want you to ask the Honourable Premier to point out to you what that particular emergency is.

Mr. Deputy Speaker : So far as this point is concerned the honourable member has said all that he could have said.

Diwan Chaman Lall : Surely, in explaining to you the various aspects of my point of order, I have every right in doing so. What I am suggesting is a parallel case of an adjournment motion. If it is not of a recent, urgent and important nature, although it is moved from the Treasury Benches, you have to be within the authority to judge and decide whether that motion is acceptable or not. The Rule speaks what? It speaks of an adjournment motion which can be accepted provided it is recent, urgent and of public importance. But merely because an honourable member from the Treasury Benches gets up and moves an adjournment motion, it does not mean that it is acceptable or it is covering the Rule relating to an adjournment motion. You have to decide whether that motion should or should not be accepted. In the same and similar manner you have to decide whether the motion moved by my honourable friend is within the four corners of Rule 13 of the Rules of Procedure of this House. If that rule is based upon an emergent

procedure and convinces you that such an emergency has arisen as to prevent the Opposition from utilising Thursday for non-official business, then I submit you are perfectly well within your right in giving your consent to the mover of this motion. But if you are not convinced of an emergency, then it is an abuse of the Rule to permit this motion to be moved on the floor of the House.

Mr. Deputy Speaker : This motion does not violate any rule of procedure or any practice of this House. It is perfectly in order. The question is—

That the question be now put.

Sardar Sampuran Singh : On a point of order, Sir. We want your ruling whether really an emergent case for such a motion has been made out or not. This is the point which has been put to you. Before you put the question before the House, we want your ruling on that point.

Mr. Deputy Speaker : I have given my ruling.

Sardar Sampuran Singh : You have not.

Mr. Deputy Speaker : I have already given my ruling that this motion does not violate any rule of procedure or any practice of this House. No question of emergency arises here.

Diwan Chaman Lall : On a point of order Sir. (Voices : The question has been put). My honourable friends ought to know the Rule. (Voices : What is the Rule?) The rule is that I can rise on a point of order. My second point of order is this. I want you to read Rule 18 carefully.

Mr. Deputy Speaker : So far as that rule is concerned it is finally decided that the motion does not go against it.

Diwan Chaman Lall : I am not concerned with that ruling. There is a second point of order and it is this. Read the rule carefully. It says :—

On Thursdays business other than Government business shall have precedence. On all other days no business other than Government business shall be transacted except with the consent of the Leader of the House :

Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Assembly may transact Government business on a Thursday.

There are two portions of this rule. Remember, there is a fullstop after the word 'precedence.' Remember on Thursdays business other than Government business shall have precedence. That is one part.

Mr. Deputy Speaker : What is the point of order?

Diwan Chaman Lall : If Mr. Deputy Speaker is unable to understand me, I have to make myself clear. The proviso refers to all the words that come after the word 'precedence.' It does not refer to the first part of the rule where Thursdays must be utilised for non-official business. It is only in reference to the second part of the rule. It does not change or alter the first one and a half lines of rule 18 which says—

On Thursdays business other than Government business shall have precedence.

Then it goes on to say—

On all other days no business other than Government business shall be transacted.

And there is a 'proviso' to this. Remember that there is a semicolon after the word 'House.' But there is no semicolon after the word 'precedence.' It

[Diwan Chaman Lall.]

distinguishes the two portions. Therefore, my point of order is this that only a portion of Thursday can be utilised by honourable members for transacting the Government business and not the whole of Thursday, and further, on that day non-official business shall have precedence.

The other point that I am also raising is that in view of the fact that this motion has been moved by the Government spokesman, it is only a portion of Thursday which can be utilised, if this rule is violated by moving his motion. Therefore, I submit that first of all, my honourable friend cannot move this motion for the simple reason that he ought to have non-official business on the agenda and that non-official business must give way to something else. Precedence must be given to something else. I cannot give precedence to my honourable friend if he is not standing in front of me. I can give him precedence if he is here. So, the rule is being violated in this particular manner. I refer you again to the statement made in reference to this point of order, where the Government stated this on page 79 of the Debates of the 10th of January, where they said that this rule is not intended to take away the whole of the non-official day for Government business. It is only an enabling clause to meet a special case and not the whole of it. I submit that this is the correct reading. The Government may try to incorrectly read the rule to-day, but Mir Maqbool Mahmood on behalf of the Government stated the correct rule when he referred to this particular matter. The rule is definitely this that there must be non-official business; non-official business must be transacted and this provision, I submit, makes it perfectly clear that the first portion is cut off by the full stop and the proviso refers only to the second portion which is not ended with a full stop but it is ended with a semicolon.

Mr. Deputy Speaker : The rule is absolutely clear and the proviso refers to the whole of the rule. The question is—

That the question be now put.

The Assembly divided: Ayes 82, Noes 44.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon)
Afzalali Hasni, 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.
Balwant Singh, Sardar.
Barkat Ali, Malik.
Chhotu Ram, The Honourable Chaudhri Sir.

Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Khan, Khan Sahib Raja.
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.
 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.
 Jalal-ud-Din Amber, Chaudhri.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishen Das, Seth.
 Manchar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Nawaz Khan, Major
 Sardar.
 Muhammad Nurullah, Mian.
 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 Yasin Khan, Chaudhri.

Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qazilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 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.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Barkat Ali, Malik.
 Bhagat Ram Choda, Lala.
 Bhim Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Chaman Lal, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.

Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Dass, Lala.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Alam, Dr. Shaikh.

Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 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 Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, the honourable Leader of the Opposition who is not in his seat at present, has only repeated what he had said in the last session when a similar motion was moved. I cannot usurp any day for Government business. I can only make a request to the House and that is why I used the words "I crave the indulgence of the House." It is for the House to decide whether that day is to be granted for transacting Government business. I am surprised at the fact that the honourable Leader of the Opposition has, perhaps in order to add a tone to his speech, referred to the *sine die* adjournment of the House in December last. He was pleased to remark, if the Bill was so urgent why did the Government move adjournment of the House instead of getting the measure passed in the last session? I need not make a reply to this remark because all of us know under what circumstances the House had to be adjourned *sine die*.

Then he suggested that if more time was required for the transaction of Government business or the Government was in a hurry to get this Bill passed, the House could sit on Wednesdays and Saturdays. You will remember, Sir, that when in the last session a motion to this effect was moved, my honourable friend Diwan Chaman Lall strongly objected to it saying that under the rules the House could not sit on these days. The objection looked very strange and the arguments adduced in its support seemed to us to be absolutely frivolous, but the Honourable Speaker was pleased to rule that the objection was valid and the House could not sit on the off-days. Although even my honourable friend Diwan Chaman Lall admitted outside the House that his objection was only an attempt at leg-pulling yet when the Chair had given a certain ruling we had to submit to it.

Now, Sir, when that ruling was given there were only two or three hours at our disposal and as no headway could be made with the Bill in so short a time it was thought better to move for the adjournment of the House *sine die*. That is also the reason why this session became necessary. Let the Leader of the Opposition search his heart and say whether he can make such remarks with a clear conscience. He says that he and his party have never obstructed the business of the House. I do not want to contradict him, but if he were to refer to the Debates of the House he would find that even on minor amendments on which there was only one speech of three or four minutes from this side the members of his party were making four or five speeches per amendment lasting for two or three hours. Still he has the audacity to say that the Opposition has never resorted to obstructive and dilatory tactics.

Again, he was pleased to remark that the Bill is so defective that even the Government has felt it necessary to table amendments. I wonder whether he seriously meant what he said. I think he ought to have appreciated the desire on the part of the Government wherever possible to meet the Opposition half way. We are trying to make this measure as perfect as it is humanly possible to make it. Hence these amendments. My honourable friend ought to have realized that some of the amendments tabled by this side are such as to remove a good many objections of the Opposition and more particularly of the Congress party to this measure. Is it not queer that instead of appreciating our efforts to help him he is twitting the Government? But let me make one thing clear. If the Leader of the Opposition does not want the Government to move any amendments let him say so and I am sure that my honourable colleague who is in charge of the Bill will be only too glad to oblige him.

Then he made a very amazing, if not ludicrous, suggestion. It was that if the Bill was so urgent the Government could get an ordinance promulgated by the Governor. I wish he had remembered that he belongs to an organisation which is never tired of referring to the civil liberties of the people and, therefore, he should be the last person to make such a suggestion. (*Sardar Soham Singh Josh*: This is distorting his argument). He should not forget what my honourable friend Diwan Chand Chaman Lall has said so often on the floor of the House. He is in the habit of reminding us that those who are sitting on the Treasury benches to-day may have to move to the Opposition benches to-morrow. I say, quite true and therefore it is imperative that the Opposition is as responsible as the Government. It is just possible that my honourable friend may have to shoulder the responsibility of the Government of the province although at present their only ambition and fruitless effort is to find out some one from this side to form the Government and they offer to go to the back benches themselves. (*Inter-ruption*). Anyway he should not have indulged in such irresponsible talk. Such remarks would have been bad even from a back bencher although in that case one could be inclined to over-look them. But the Leader of the Opposition is expected to be much more scrupulous.

Then my honourable friend Dr. Sir Gokul Chand Narang was pleased to remark that after the experience of eighteen months he had come to the conclusion that the Government of the British bureaucracy was much better than this Swaraj.

Dr. Sir Gokul Chand Narang: Because atrocities are being committed.

Premier: I submit, Sir, that there may be many others not only in this province but in other provinces also who share his views but he should remember the well-known adage that "Good government is no substitute for self-government." He should also bear in mind that what he thinks to be atrocities to-day may prove blessings to-morrow. I am not bringing forward any measure with intention to harm his interests or those of his class. (*Dr. Shaikh Muhammad Alam*: Why?) Because I am in duty bound to protect the interests of the minorities also. (*Hear, hear*).

Lala Deshbandhu Gupta: But you are always raising the bogey of socialism.

Premier : No. If my honourable friend were to judge carefully he would find more socialists sitting on these benches than on the other side.

Diwan Chaman Lall : Is this relevant? May I ask you, Mr. Deputy Speaker? Why do you not refer the Honourable Premier to rules of relevancy when you refer us to them so often? Surely you ought to know that this is not relevant.

Premier : I have only given a reply to a remark made by an honourable member. If I had not made any reply my honourable friend Diwan Chaman Lall would have rushed to the press with another statement.

Diwan Chaman Lall : Who raised the socialist bogey in connection with this motion?

Premier : Sir, I have only requested that Thursday may be granted for transacting Government business. I also wish that we may sit longer so that the business may be expedited and we may be able to devote the next Thursday, i.e., the 19th January to business other than Government business. I am, therefore, going to propose that we may commence the sittings at 12-30 P.M. instead of 2 P.M.

Dr. Shaikh Muhammad Alam : Is the question of hours covered by this motion?

Premier : No. I only wanted to inform you.

Dr. Shaikh Muhammad Alam : So that we may be prepared?
(*Laughter*).

Premier : Not that. My submission is that I shall try my best to leave Thursday the 19th January for non-official business even if we have to sit on Wednesdays and Saturdays. I think the House will be interested to know of a similar instance from another province in this connection. It has been said by more than one gentleman that I am encroaching upon the right of the Opposition, that my Government is adopting repressive policy, that more speeches should be heard on this subject and so on and so forth. I am going to acquaint the House with what happened in the Madras Council which is a Congress body in the real sense of the term.

Sardar Sampuran Singh : We are not bound by their precedent.

Premier : Who said that Congress principles were binding on you? You believe in the good old maxim : Heads we win and tails you lose. I shall, however, draw the attention of this House to what happened in the Madras Council on the 2nd of March last. A Minister moved that a day reserved for non-official business be taken up for official business. And then, I would draw your attention to this fact that no speech was made on this motion. The motion was simply put and carried.

Chaudhri Kartar Singh : The reason why the motion was not opposed was no other than this that the Premier of the province is an honest gentleman.

Premier : I have never claimed to be as honest as my honourable friend over there, nor have I ever aspired to emulate his sense of honesty. The fact remains that the Opposition in Madras did not wish to make any speeches on this motion of a Minister simply to avoid waste of time.

Chaudhri Kartar Singh : The Premier in Madras must have taken the Opposition into his confidence.

Premier : You do not know that I had had a talk with your Leader as also with your Deputy Leader.

Diwan Chaman Lall : The only talk that I had with my honourable friend the Premier was when he called me into his office to discuss whether we would be prepared to give him a scheme for election of the marketing committees. I do not want my honourable friend to make that statement. This is the only talk that I ever had with my honourable friend the Premier.

Premier : My honourable friend does not seem to remember. I had a talk with him in the lobbies.

Diwan Chaman Lall : I do not want my honourable friend to mislead the House in any way, not that he is deliberately wanting to mislead. There might be some misconception with regard to this. I had no private talks or consultation with my honourable friend except merely when he called me into his office with regard to this particular matter in the presence of the Honourable Minister for Development and Sardar Hari Singh who was already present in the office. When I was called in, I looked at my watch and said 'My dear Premier, there are ten minutes left for the House to meet and how can I give you a scheme for the election of marketing committees in ten minutes?'

Dr. Sir Gokul Chand Narang : Your predecessor has several times ruled that no reference should be made to any private talk that one honourable member may have had with another.

Premier : Then, it has been suggested that such motions can only be made at the time of some emergency. But who is to decide that an emergency exists? I shall only refer to the emergency which prompted the Madras Government to ask for a day meant for non-official business to be utilized for transacting official business. It was the Madras Traffic Control Bill which was sought to be discussed on a non-official day.

I am sorry that I have to ask this House that a day which is meant for the transaction of business other than Government business be utilized for Government business. But the responsibility for this is not ours. You have been noticing Sir, that during all the time this Bill has been on the anvil of this House lengthy discussions have been sought to be made on each and every amendment and at every stage. No reasonable co-operation has been offered by the other side in expediting this measure.

Lala Deshbandhu Gupta : He has quoted instances from Madras Assembly, but he is unaware of the fact that even in Madras and particularly in the United Provinces in the case of Tenancy Bill the Government is giving the Opposition so many opportunities to come to an understanding and that they have postponed the thing not once but twice or three times. But what has he done? He is trying to rush through this Bill.

Premier : One clause takes one week and still my honourable friend says that we are rushing through this Bill.

Diwan Chaman Lall : Is the honourable Premier aware that in the United Provinces they have taken a year and a half on a Bill and still they have not gone very far with that measure?

Premier : My honourable friend wants me to follow the example of the United Provinces. I most respectfully want to impress upon him that I do not propose to follow the United Provinces, because there the reasons were quite different and they wanted to negotiate with the capitalists but I do not want to negotiate with the capitalists (*hear, hear*).

Diwan Chamap Lall : Is my honourable friend aware that it is his own party, the Muslim League, which wanted to negotiate in the United Provinces?

Premier : No, it is the taluqdars' party. (*Interruption*). Will you please let me go on or will you go on interrupting? Sir, I was saying when I was interrupted that when I propose to take up some non-official days for transacting official business, I do it most reluctantly. With these words I hope and expect that my honourable friends sitting on those benches will not mind co-operating with me in expediting the business of the House so that time may be found for non-official business.

Mr. Deputy Speaker : The question is—

That rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 12th of January and 5 P. M. Thursday, the 19th of January, 1939.

The Assembly divided : Ayes 74 ; Noes, 40.

AYES.

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| Abdul Haye, The Honourable Mian. | Ghulam Samad, Khawaja. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Gopal Singh (American), Sardar. |
| Afzalali Hasnie, Sayed. | Halbat Khan Daba, Khan. |
| Ahmad Yar Khan, Chaudhri. | Hans Raj, Bhagat. |
| Akbar Ali, Pir. | Hari Chand, Rai Sahib Rai. |
| Allah Bakhsh Khan, Khan Bahadur Nawab Malik. | Harnam Singh, Captain Sodhi. |
| Amjad Ali Shah, Sayed. | Het Ram, Rai Sahib Chaudhri. |
| Anant Ram, Chaudhri. | Indar Singh, Sardar. |
| Ashiq Hussain, Captain. | Jagjit Singh, Man, Sardar. |
| Badar Mohy-ud-Din Qadri, Mian. | Jogindar Singh Man, Sardar. |
| Balwant Singh, Sardar. | Karamt Ali, Shaikh. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Khizar Hayat Khan, Tiwana, The Honourable Nawabzada Major. |
| Faiz Muhammad, Shaikh. | Kishan Das, Seth. |
| Faqir Hussain Khan, Chaudhri. | Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir. |
| Fateh Khan, Khan Sahib Raja. | Mubarak Ali Shah, Sayed. |
| Fateh Sher Khan, Malik. | Muhammad Ashraf, Chaudhri. |
| Fazi Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Azam Khan, Sardar. |
| Fazal Karim Bakhsh, Mian. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Ghazanfar Ali Khan, Raja. | Muhammad Hayat Khan, Noon, Nawab Malik Sir. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Muhammad Hussain, Chaudhri. |
| Ghulam Qadir Khan, Khan Bahadur. | Muhammad Nawaz Khan, Major Sardar. |
| | Muhammad Nurullah, Mian. |
| | Muhammad Qasim, Chaudhri. |

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| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Pritam Singh Siddhu, Sardar. |
| Muhammad Sarfraz Khan, Chaudhri. | Ranpat Singh, Chaudhri. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Riasat Ali, Khan Bahadur Chaudhri. |
| Muhammad Yusuf Khan, Khan. | Ripudaman Singh, Thakur. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sahib Dad Khan, Khan Sahib Chaudhri. |
| Muzaffar Ali Khan, Qizilbash, Sardar. | Shahadat Khan, Khan Sahib Rai. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Shah Nawaz, Mrs. J. A. |
| Muzaffar Khan, Khan Bahadur Nawab. | Shah Nawaz Khan, Nawab Sir. |
| Nauniha Singh, Mann, Lieutenant Sardar. | Sham Lal, Rai Bahadur Chaudhri. |
| Nur Ahmad Khan, Khan Sahib Mian. | Sikander Hyat Khan, The Honourable Major Sir. |
| Pir Muhammad, Khan Sahib Chaudhri. | Singha, Diwan Bahadur S. P. |
| Pohop Singh, Rao. | Sultan Mahmood Hotiana, Mian. |
| | Sumer Singh, Chaudhri. |
| | Suraj Mal, Chaudhri. |
| | Tara Singh, Sardar. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES.

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| Abdul Aziz, Mian. | Krishna Gopal Dutt, Chaudhri. |
| Balbir Singh, Rao Bahadur Captain Rao. | 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 Alam, Dr. Shaikh. |
| Chaman Lal, Diwan. | Muhammad Hassan, Chaudhri. |
| Chanan Singh, Sardar. | Mukand Lal Puri, Rai Bahadur Mr. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalia, Pandit. |
| Dev Raj Sethi, Mr. | Partab Singh, Sardar. |
| Duni Chand, Mrs. | Prem Singh, Mahant. |
| Girdhari Das, Mahant. | Raghubir Kaur, Shrimati. |
| Gopal Das, Rai Bahadur Lala. | Rur Singh, Sardar. |
| Hari Lal, Munshi. | Sahib Ram, Chaudhri. |
| Hari Singh, Sardar. | Sampuran Singh, Sardar. |
| Harjab Singh, Sardar. | Santokh Singh, Sardar Sahib Sardar. |
| Harnam Das, Lala. | Sant Ram Seth, Dr. |
| Kabul Singh, Master. | Satya Pal, Dr. |
| Kapoor Singh, Sardar. | Sita Ram, Lala. |
| Kartar Singh, Chaudhri. | Sohan Singh Josh, Sardar. |
| Kartar Singh, Sardar. | Sudarshan, Seth. |

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 6.

Mr. Deputy Speaker: Now the House will resume discussion of The Punjab Agricultural Produce Markets Bill. Clause 6, sub-clause (2)

[Mr. Deputy Speaker].

is under consideration. The motion moved by Chaudhri Tikka Ram which is under consideration is—

That in sub-clause (2), line 1, between the words "Government" and "may" the words "or an officer not below the rank of a gazetted officer specially empowered in this behalf" be inserted.

Diwan Chaman Lall was speaking on the motion, so I call upon him to resume his speech.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Mr. Deputy Speaker, I think it will be necessary for me to read out the sub-clauses as honourable members may not be quite aware as to what exactly it was that we were discussing on the last occasion when this Assembly adjourned *sine die*. It is as follows:—

6. (1) Any person may apply to the authority specified for a license which shall be granted for such period, in such form, on such conditions and on payment of such fees as may be prescribed.

Sub-clause (2) says—

The Government may on being satisfied that there has been a breach of any of the conditions specified in a license by an order in writing, cancel or suspend such license and may also direct that such license shall not be renewed for such period not exceeding one year as may be specified in that order provided that no such order shall be passed without giving the licensee an opportunity to show cause why such an order should not be passed.

In regard to this matter the Honourable Chaudhri Tikka Ram moved an amendment—

That in sub-clause (2), line 1, between the words "Government" and "may" the words "or an officer not below the rank of a gazetted officer especially empowered in this behalf" be inserted.

Now, Mr. Deputy Speaker, the point is a simple one. The point is that according to the original clause as it stands, the power is given to the Government to punish any person who infringes this particular rule. My honourable friend according to his amendment, desires that instead of the power being left in the hands of the Government it may be left in the hands of an officer not below the rank of a gazetted officer who may be specially empowered in this behalf. To do what? I submit to do this that by an order in writing cancel or suspend a licence and direct further that it may not be renewed for a period not exceeding one year as may be specified in that order without giving the licensee an opportunity to show cause why such an order should not be passed. What happens? What happens is this that the authority is going to be vested in one individual to suspend a licence which is a very important matter, and the only opportunity given is for the man whose licence is going to be suspended, to be allowed to come forward before this particular officer not below the rank of a gazetted officer to plead what he wishes to plead. No procedure is laid down. No method is laid down whereby the evidence to be collected by this gazetted officer is to be properly adjudged by him. No regular procedure has been laid down by my honourable friend. All he has done is that he wishes to substitute for the Government, which is the nominating body, one particular officer who should be of a particular rank and his judgment, Mr. Deputy Speaker, is going to be final in this matter. His judgment is going to be the judgment which is the judgment of an individual. He is not bound to call for evidence judicially. He is not bound to call upon people to come forward and state facts as they know the facts to be. All that he can do

as a privilege given to the man who is going to be punished, is to send for the gentleman and give him an opportunity, the opportunity may be when the gentleman comes before the gazetted officer, to be asked, 'what have you got to say about this?' He may put in a written application, may plead before the gazetted officer, that he is innocent, but there is no provision that this gazetted officer is going to take down in writing any point or evidence to base his judgment on or create any sort of record, when he suspends the licence. To-day in Germany the word of one man Herr Hitler is valid throughout Germany: there is no appeal against his judgment or his decision. In any case that comes before him if he decides that the head of such and such man be cut off, his head is cut off. If my honourable friend Chaudhri Tikka Ram decides that a particular gazetted officer should destroy the business of a man in a mandi merely by his own personal verdict, my honourable friend is quite right. Is there any justification for such a provision in this measure? What right has my honourable friend to rob a man of his business? And remember the serious consequences which may accrue to a well established business if the licence to transact business is taken away from the organisation. A man may have invested lakhs of rupees in a business or may have built up business with the sweat of his brow and many years' exertion and yet one gazetted officer, one officer not below the rank of a gazetted officer shall have the right, without being bound by any rule, without exercising his judicial judgment, to say that his licence is confiscated. We were charged, Mr. Deputy Speaker, by my honourable friend the Premier, with not wanting to push this measure through quickly. I submit, how is it possible, when provisions of this nature are to be found in this measure, to rush through a measure of this nature without giving due regard, thought and consideration to it? If my honourable friends think that they are the embodiment of wisdom and whatever they say is right and correct and we on this side of the House have no right to challenge their wisdom, they are perfectly correct in the attitude which they adopt. But the system of democracy, democracy as is known even in the Punjab, is still a remnant of the democratic life and the proceedings which we hold in the Chamber. We intend to examine every measure that is presented by honourable members opposite, and intend to examine it thoroughly and to go into it deeply in order that all these what I may describe, without meaning any disrespect to my honourable friend opposite, stupid provisions of this measure should be destroyed and should not be given effect to and only those which are really going to benefit the people should be given effect to. What other suggestion can be made if we do not agree that a particular officer with his own fiat could be given these vast powers? What is it that we desire? We suggest that this particular power should be left to these market committees, popularly elected, which alone should have this power since they alone would know the local conditions, would have the power to take action against those people who hold the licence. Is there anything strange in that? Why is it that my honourable friend opposite is not prepared to accept the verdict of these committees? Why is it that my honourable friend opposite is not prepared to provide regular judicial procedure when an attempt is being made to cancel a particular licence? The reason is very simple and that is that the basis of this measure is that the executive Government as it is constituted to-day desires to control all these particular merchants in these mandis who hold licences. The only manner in which

[D. Chaman Lall.]

it can control them is to leave them to the tender mercy of a particular officer designated by it. Supposing the executive Government were to appoint a particular officer from outside, let us say, a particular tahsil, or a particular district and empower that particular officer with this authority to cancel licences, what would happen? He is not aware of the local circumstances: he does not know the facts and yet he is going to be given this terrible power to ruin the business of any particular man against whom a complaint is made. The man may be innocent. The particular officer has a definite duty to discharge: he will say 'here is a complaint and there is an opportunity being given to you to say yes or no.' No judicial procedure is laid down. I submit that this terrible power is being given to a particular individual with a particular object and that object is to control those particular merchants in the mandis who may not be amenable to the Unionist rule. I beg your pardon, Mr. Deputy Speaker, I made a mistake. Now the Muslim League and not the Unionist. My honourable friend over there is a very worthy and strong follower of the Muslim League at the present moment. (A voice: Who is he?) The Honourable Chaudhri Sir Chhotu Ram. He is a member of this Government which is a Muslim League Government. I do not know whether he would consider to be right and just if such a provision had been inserted by the Congress Government? Suppose the Congress Government were in power in this province and that Congress Government had brought in a legislation of this nature giving authority to its own officers to control my honourable friend's activities or the activities of those friends of his who are doing this particular kind of business, would my honourable friend have accepted it without any opposition? Never. He would have laid a charge against the Congress, and quite rightly too, that the Congress was attempting by that method to control the electorates in favour of that particular form of Government. I do submit that my honourable friends should reconsider this matter and they should come to the conclusion, as I hope they will, in the interest of those people whose business is going to be affected and very seriously affected by the passing of this measure. They should reconsider it, not from the point of view of any tenderness that they might show to the people doing this business, but from the point of view of ordinary common decency and justice, that is to say, no man to-day in a democratic age is allowed to hand over the life, liberty or business of any individual and businessman into the hands of an executive officer to do what he likes. I give an example. Suppose my honourable friend Chaudhri Tikka Ram is one of those *arhtis* who is doing this business and a complaint is lodged against him. If that complaint is laid against him what happens? He has merely the right, according to this section, of being given an opportunity to show cause why such an order should not be passed against him. That is all. Has he any other right? My honourable friend agrees with me that he has no other right barring this. Suppose a wrong order is passed against him confiscating his licence. What happens? The business that my honourable friend is conducting would be ruined. He may have invested lakhs of rupees in that business. A word of that tin-pot Hitler—who is going to be in charge of this business by the Muslim League Government in the Punjab—a word of that particular man will be the final word in this matter and the business of hundreds and thousands of businessmen in this province, who would be called

upon to take out licences, would be affected by this measure and they will be left to the tender mercy of the executive officers, who are not, by this measure, empowered to take judicial action on any complaint made before them. I do not know—but if my honourable friends opposite know they will enlighten me—of any measure up-to-date in which such vast powers, without a controlling clause, namely, taking judicial action, have been handed over to any particular executive officer. Even to-day, when such powers are given to officers, whether they are executive or judicial, there is always a controlling clause. If it is a civil matter it is governed by the Civil Procedure Code and if it is a criminal matter it is governed by the Criminal Procedure Code, that is to say, judicial action is always taken. What right has my honourable friend to suggest a procedure where a judicial action is not taken and where judicial methods are not adopted for the purpose of punishing a man? Surely my honourable friend will agree with me that a man may be innocent, but you find him to be guilty. Have you provided that a record shall be kept of the evidence taken when the complaint is made? Have you got that? Have you provided that due consideration will be given to the evidence according to certain particular procedure laid down with which we are already familiar in law courts and that that procedure will be adopted when it is before an executive officer. All that you have done in your zeal is that you have decided that it is necessary that the majority party, which governs the Punjab to-day, should appoint certain executive officers and empower them with those authorities which are in my opinion of such an extravagant nature that any responsible man would immediately realize that it is not right in 1939 to go about the Punjab creating tin-pot Hitlers and Mussolinis and other little dictators all over the province. This method is a method that we object to. When we object to it, my honourable friends over there complain and talk about obstruction and it is said that we are obstructionists. It is a deliberate untruth and lie. Nobody is obstructing on the floor of this House. We have a right to give our opinion to the majority party in this Chamber and they have a right to disregard our opinion. But, Mr. Deputy Speaker, we all in this legislature have equal rights to express our opinions and to try to convert my honourable friends opposite to a proper and just appreciation of the needs of the people and proper, just and honourable treatment to those who are likely to suffer as a result of this measure. We have a right to point out in detail, so that it may not be said later on that we were amiss in pointing these matters out to my honourable friends opposite. But when we do so it is asserted that we have been obstructing. My honourable friend ought to know that in the United Provinces Legislature a measure, which has been before that Legislature for one and a half years, is not gone through. That measure is not yet on the Statute Book. And who are the people who are discussing it for one and a half years? Which is the Opposition? It is not the Congress. The opposition is the party to which my honourable friend, the Minister in charge of this measure, belongs, namely, the Muslim League Party.

Minister of Development: These remarks are irrelevant and absolutely unfounded.

Diwan Chaman Lall: I am glad that my honourable friend denies that he is a Muslim League member. (*Interruption*). I am giving you an example as to what is happening there.

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

Diwan Chaman Lall: There they have allowed them full latitude to express their opinion, but here dictatorial methods are going to be adopted.

Mr. Deputy Speaker: This is not the motion before the House.

Diwan Chaman Lall: This is the motion before the House. If that is not, I do not know what else is before the House? My honourable friend opposite is sitting as a little dictator and he wants to create little dictators all over the province. This House has every right to deny him the satisfaction of creating little dictators all over the province. This is a crucial test of his desires. Is he prepared to withdraw this measure? Is he prepared to withdraw this particular clause of this measure?

Minister of Development: No.

Diwan Chaman Lall: My honourable friend says 'No'. He need not have exercised his hurried refusal on the floor of the House and denied his desire to alter this scheme. We know perfectly well the reason why he denies us the benefit of altering it. The reason is simple. As I have said, he is out by this legislation to control the electorates which may not favour him at the polls next time. The whole object is this. If, Mr. Deputy Speaker, you do not vote for me, then I shall see to it that your licence is cancelled. And who is to cancel it? My executive officer will cancel that licence. My honourable friends may say that this is not what is in their minds, but this is the fear in the minds of every man who is dealing with this matter and the very reason for that fear is to be found in my honourable friend's denial. When I ask him whether he is prepared to alter this provision and bring in judicial procedure, he shook his head. He said, no he is not prepared to do so. Let the Punjab know through that denial of my honourable friend the real reason why he does not desire that judicial procedure should be adopted in cancelling the licences that are to be granted to the *arkhis*. My honourable friends must realise that this is the reason for our objection. I object to this particular clause on the ground that grave injustice is going to be done to a class which if it is going to be punished should be punished according to the judicial method. If licences are going to be confiscated, they should be confiscated according to judicial procedure to be adopted and according to law and not according to the whim of an individual appointed by the executive Government.

Khan Bahadur Chaudhri Riasat Ali [Hafizabad (Muhammadan) Rural]: I am very much surprised to find that my honourable friend over there has exhausted all the weapons in the armoury of Opposition, if I can use that expression, while discussing this simple amendment. He has been discussing the question of dictatorship *versus* monarchy. I do not know how that is relevant one way or the other to our voting in favour or against this particular amendment.

Mr. Deputy Speaker: I would like to bring it to the notice of the honourable members that amendments 2 and 3 also are being discussed.

Mian Abdul Aziz: It was not stated in the beginning. Amendments Nos. 2 and 3 are not similar. They are entirely different.

Mr. Deputy Speaker: All the three amendments were discussed during the last session and I am bound by that procedure.

Rai Bahadur Mr. Mukand Lal Puri : May I make my submission ? Even if your predecessor has ruled that amendments 1, 2 and 3 should be discussed together, a bare perusal of these amendments will show you that they have absolutely no connection with one another, and therefore unless you want to discuss two absolutely independent and dissimilar matters in the course of one debate, I think you will be well advised in the interests of a proper debate and for the sake of understanding the real point at issue, to have them dealt with separately.

Mian Abdul Aziz : When you were pleased to start the discussion, you remarked that amendment No. 1 on the printed list, standing in the name of Chaudhri Tikka Ram, to clause 6, sub-clause (2), line 1, may be taken into consideration. We were up to this time under the impression that we were only discussing that amendment. We did not know what was in your mind. We bow to your ruling, but the members who have spoken did not speak on amendments 2 and 3.

Mr. Deputy Speaker : No member other than Diwan Chaman Lall suffers thereby, because he has not spoken on amendments Nos. 2 and 3. I might give him opportunity of speaking on these amendments if he so desires.

Dr. Sir Gokul Chand Narang : Other members also who have amendments in their names will lose the right of reply.

Mr. Deputy Speaker : The mover has already discussed them.

Khan Bahadur Chaudhri Riasat Ali : The point is very simple. The opening words of the sub-clause are that " Government may on being satisfied " do this and that. Do my honourable friends expect that Government in the ordinary sense should mean the Punjab Government or the Cabinet as a whole for a matter of making a decision whether a person's licence should be suspended or cancelled ? Should it be considered that the whole of the Government should sit on judgment on such a simple matter ? I think they should rather thank the honourable member who has moved this amendment because by his amendment the whole position has been clarified and the language has been improved. In all matters it is always the executive authority which carries out the orders or instructions contained in a particular Act or legislation. Is it expected that a man whose licence is to be suspended or who has been given an opportunity to show cause why this licence should not be suspended, should appear before this Honourable House ? Is it expected that he should stand here and the whole of the Punjab Legislative Assembly should decide this particular matter ? Is it expected that the whole Marketing Committee, or for the matter of that, in other matters, a municipal committee or a district board should as a whole sit on judgment ? It is absolutely impossible and there is nothing objectionable so far as this amendment is concerned.

There is the question of suspension or cancellation of a licence for an arm, a gun or a revolver. Then there is the question of suspension or cancellation of a licence of a petition-writer or even of a lawyer or of a motor driver who are carrying on a particular trade or profession in order to earn their livelihood. Are these things always discussed in the presence of a democratic party ? It is always a single officer, whether a magistrate or a judge or any person who is specially authorised on this behalf, who deals with this simple question of cancellation or suspension of a particular

[K. B. Ch. Bhasat Ali.] We have already passed the Moneylenders' Act and in that and in other similar legislation we have also ruled that it is the collector who has to deal with the question of suspension or removal of a licence. My honourable friend says that no rules are prescribed and no judicial procedure is laid down for the purpose. He is a very eminent lawyer. He should remember that even in cases under section 198 when a court issues a notice under section 476 of the Criminal Procedure Code to a person the only thing considered sufficient is that he should come forward and say that he should not be prosecuted for giving false evidence or for forging a document. The man comes over there, he submits a statement in writing to the judge or the person presiding over that particular court. The judge goes into his statement, asks him to produce any evidence which he is prepared to adduce in support of his version, and then he gives his verdict or finding that there is a *prima facie* case and then further legal action is taken against him. We have given similar powers in so many pieces of legislation which we have recently passed and there is nothing special to debar your simplifying the procedure by authorising a single individual to act on behalf of the whole Government. Then the words are "on being satisfied". Does the honourable member ignore these words? How is he to be satisfied until and unless he considers the statement which he receives in response to the notice he issues to the man who is bound to submit his licence and unless he hears the evidence adduced by that particular man? My submission is that this is an improvement on the old clause and there is nothing wrong with the intention of the Government in bringing forward this amendment.

Another point is that the intentions of the Government have been attacked. I do not propose to enter into a discussion on that point because it would lead the House to further controversy. With these words I support the amendment.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): I am surprised at the levity with which the Government and its supporters are treating this fundamental clause in the Marketing Bill. You will find that this clause provides punishment for any person who may infringe any of the rules framed by the marketing committee or imposed by the order of Government or the orders of the marketing officers. You will also notice that the punishment provided is not the punishment to which a person under the ordinary criminal law is made to suffer by the law of the land. My honourable friend opposite, who I believe is the Parliamentary Secretary, pointed out that if a person is found misusing a pistol, revolver or a gun for which he has obtained a licence, his licence is cancelled. Again, if a motor driver commits an offence against traffic rules, his licence is cancelled. I think that is not a correct statement of the law on the subject. The licence is only cancelled in extreme cases of infringement of motor rules and laws. I do hope that an offence under this Bill is not so dangerous as the possession of illicit arms. Further even offences under these special Acts so far as minor delinquencies are concerned, are in the first instance punished with a small fine. It is only when the offence is of a very grave character or is repeated that the person is punished with the cancellation of the licence which in the case of a taxi-driver may mean deprivation of his

profession. But, what do we find here? There is absolutely no provision in the Bill as to any other punishment which the *arhti* could be given for non-compliance with the rules which may be framed. There will be all kinds of rules, some merely technical or minor, the breach of which would perhaps only require a mere warning or, taking the ordinary standard of dealing with such offences, might be sufficiently punished by a fine of Rs. 5 or Rs. 10. What is, however, proposed to be provided is that both the maximum and the minimum punishment for an *arhti* is the same. Thus supposing an *arhti* who has been following his profession for several years has had his licence cancelled, an *arhti* for example who has been earning Rs. 500 a month. There are several *arhtis* who are earning more and there are others who earn less. Suppose his licence is cancelled, he cannot follow his profession, nor has he been trained to follow any other profession, and thus he is deprived of his means of livelihood for the rest of his life. If his licence is cancelled even for one year, it means a great hardship to him. Because you entirely destroy the good-will of his business which he may have built up perhaps after twenty years, or in most cases after several generations' good work as a trader. His entire business connections which he has developed in the course of generations—because he might have inherited this profession from his ancestors—would be lost beyond redemption. Anybody who deals with economic matters knows what a valuable asset good-will is to business men. Thus you will realise what the punishment is for a person for non-compliance with the rules. He not only loses his means of livelihood for a short period, but he also loses the good-will which is his entire asset. Again, if the licence of a person is cancelled, it will not be possible for him to get back his business when the licence is restored to him later. The Deputy Leader of the Opposition was justified in asking this House that before a person is condemned to that kind of punishment he should be given an opportunity of judicial determination of his guilt. Do we not know that in this country there are feuds and factions and that innocent persons are subjected to vindictive complaints and preventions? Still you want this power to be vested in the hands of a mere gazetted officer who is not bound by any rules, who is not to follow any rules of procedure, in fact who is not bound by anything except to feel satisfied that non-compliance of rules has been committed. How is he to be satisfied—satisfied by evidence, or satisfied by statements made behind his back by persons who have not the courage to make the statements in the presence of the delinquent? No. He can be satisfied with tales carried to him by his own followers, or by the enemies of the licensee who might not have helped them in elections. There are rivalries between traders. A trader who is jealous of another trader's business would not be slow to make a false complaint against his rival. That is the point which the Opposition has placed before the Honourable Minister for Development for consideration. They ask, 'Is it correct that a power like that should be vested in a gazetted officer?' Imagine the position of a gazetted officer who may perhaps be designated 'marketing officer.' It is open to him on being satisfied, to cancel the licence of a person even for the first offence. I put it to you, as persons who are conversant with the conditions of life in this province, whether any of you would be prepared to place his liberty or property—and here a considerable amount of property is involved—in the absolute discretion of a gazetted officer. Most of us are surrounded more by enemies than by friends

[R. B. Mr. Mukand Lal Puri.]

Therefore, that is the question which the Honourable Minister should answer. If this extreme power is to be taken under the law, then you must have a report of the marketing committee, I say even unanimous report of the committee, because the committee is composed of two-thirds who do not belong to the class which has to take out the licence and it is only one-third that belongs to this class and it is, therefore, only reasonable that the offender should be judged by his own fellows. Therefore, there is nothing inherently wrong in the amendment which has been moved. There are other amendments which have been tabled by the Opposition, notably the amendment of Lala Duni Chand, which will equally serve the purpose in view and perhaps obviate the difficulties which will be created by this hasty legislation. I put it to the Honourable Minister for Development who objected to being called Muslim Leaguer, who, as the Honourable Deputy Leader of the Opposition pointed out, objected to the dictatorial methods of the Congress in other provinces, whether in adopting this provision he is leaving any safeguard for any honest man to carry on the profession of marketing agricultural produce.

Sir, I was surprised to hear the speech of my honourable friend from Gujranwala who is a lawyer himself. He said, look here, in criminal cases we sometimes get notice to show cause why we should not be prosecuted for such and such an offence. In those cases, he said, some evidence is recorded and an order passed. Kindly see the solicitude shown by our legal system for persons to defend their property and liberty. Even in cases when such an order is proposed to be passed by a magistrate—it is not a conviction but an order whether a prosecution should be launched or not—even in such cases an opportunity is given to show cause and the man is entitled to lead evidence. Sir, I was astonished to hear a lawyer saying, do you expect these executive officers to be framing issues and then to be adjudicating on these issues? If a man is to be deprived of the entire good-will which he has inherited from his parents, if he is to be deprived of his means of his livelihood, if he is to be fined 5 or 6 thousand rupees, and cancellation of a licence of an *arhti* even for a short time at least means that, is it not up to us, is it not our concern to see that the citizens of this province are at least ensured that before a man is mulcted of such an amount there is a fair and proper judicial trial? After all, this is not a matter which can be laughed out as was done by the last speaker. I, therefore, put it to the House and I make a respectful submission to the Honourable Minister for Development that in these matters he should attempt to have a fair and sensible legislation. It is no use relying merely on the power of vote which may prove illusory if things are done in such a high-handed fashion. He should try to think out the matter, discuss it with members of the Opposition and decide how non-compliance with the rules should be punished, how the first delinquency is to be punished, how a distinction should be made between the various kinds of delinquents and so on. Even if a man is deprived of his business for 5 months, once you throw him out even for a short period, you will be throwing him out for all time to come. You are ruining the entire business he has built up. So before such a punishment is given there should be some guarantee that the man is really guilty and is not the victim of the intrigue of his enemies. That is my submission with regard to amendments numbers two and three. Again look at the idea of leaving the decision

of such an important matter to the executive officer who is a nominee of the Government. Who is the person who in this case is going to be the complainant? He would very likely be the same marketing officer who detects the delinquent. In this 20th century the prosecutor and the judge under this legislation are going to be one and the same man! Is that what the present Government contemplates? Is that the condition of things under which they want us to live in this province? I most respectfully ask the Honourable Minister for Development to consider all these points and try if he can, if he likes or if he has the least inclination, to be fair to the classes who are opposed to him and whom, he makes no secret of it, he hates.

Now with regard to amendment No. 1, as I pointed out, the Parliamentary Secretary has tried to improve upon the original draft of the Government as well as upon the draft which has emerged out of the select committee. The draft of the select committee of sub-clause (2) of clause 6 says, "The Government may on being satisfied that there has been a breach of any of the conditions specified in a licence by an order in writing, cancel or suspend such licence." The Honourable Parliamentary Secretary wants to insert the words "or an officer not below the rank of a gazetted officer specially empowered in this behalf." Just as certain powers are conferred on magistrates, these powers here are to be conferred on certain executive officers. Government might issue a notification that the powers under the Marketing Bill are conferred upon such and such an officer and he would be invested with all these powers. Now you will notice that one of the safeguards against hasty action designed by expert legislators is that the initiation or conduct of certain enquiries is entrusted to a superior agency like the Government. You know very well that for initiation of prosecution under section 158-A or 124-A and certain other matters, where it is necessary that only considered action should be taken, it is the policy of good legislators to vest that power in the highest authority i.e., the Government. That prevents the small fry, the local factions, to take advantage of the situation and that seems to be the reason why in this matter Government originally wanted to keep this power to themselves so that it would be exercised by the highest functionaries or it might be that there was no such intention and in doing so they merely copied the legislation from other provinces where such considerations are given due weight and where they thought proper to reserve such powers in the hands of Government so that it would be a safeguard against hasty action. No doubt Government do act on the reports of the subordinate officers, but when those reports are received there is nothing to prevent the Government to satisfy itself or taking legal or expert advice, so that the matter may be investigated further. But once you give these wide powers by creating, as was pointed out, petty Hitlers all over the province, not only at the headquarters of the district but almost in every market town, you will be creating a situation which it will be very difficult to tolerate. Therefore, this amendment which has been moved by the Honourable Parliamentary Secretary is no improvement upon the original provision in the Bill but is definitely a retrograde step and therefore I oppose it with as equal a force as I support the others.

Dr. Sir Gokul Chand Narang (West, Lahore Division, General, Rural): Sir, my honourable friend on my left and I have once more gone through this Bill to remove our doubts whether there was any provision with respect to any appeal from:

[Dr. Sir Gokul Chand Naray.]

any order that may be passed by an officer who is sought to be entrusted with powers of cancellation of licences in the amendment moved by the Parliamentary Secretary. But so far as we have been able to see there appears to be no provision for an appeal. If there is any, my honourable friend and I would feel very grateful to the mover of the amendment if he points out the provision concerned, but so far as we have been able to see there is absolutely no provision for an appeal. We have in fact been thinking of tabling an amendment to provide for appeals in certain cases where penal orders are passed or are provided to be passed either in this case or in some other cases. The Secretary of the Assembly has been very kind to hand over to me a paper which contains the draft of an amendment notice of which seems to have been given by Mir Maqbool Mahmood to-day, and that reads like this: "That at the end of sub-clause 2 the following new sub-clause be added." This is an amendment to clause 27 where powers have been given for making rules, etc. We went through every part of clause 27 also and we did not find any provision for an appeal. The proposed amendment says—

That an appeal may be prescribed to the Government against the orders passed under clause 6 (2), by an officer specially authorized under that clause.

I do not know what the fate of this amendment would be. It may be accepted, but I may submit that we have to proceed on the draft of the Bill as it stands at present before us. I may say at once that the amendment tabled by Mir Maqbool Mahmood would not meet with the approval of many people who have any preference for judicial proceedings. The order will be passed by an officer appointed by the Government who will be empowered to suspend or cancel licences when he is satisfied that there is cause for suspension or cancellation of licence and then from his order, if this amendment is carried, there would be an appeal to the Government. This would mean that judicial proceedings do not come in at any stage at all. In the first place so far as this clause itself is concerned, I am strongly opposed to the provision of suspension or cancellation except in extreme specified cases not merely where the gazetted officer appointed by the Government may be satisfied that there has been a breach of any of the conditions specified in the licence. There may be a condition that he should keep a register of letters which he issued to his clients every day, and in case he omits to register one letter or keep a copy of any one of the hundreds of letters that an *arhti* might send to his clients, there is a breach of the conditions noted on the licence, and that, as the clause stands, would expose him to the penalty of having his licence suspended or cancelled. In the first place, therefore, I am totally against the provision as it stands. Unless certain breaches are specified and they are such serious and grave breaches as would involve moral turpitude, e.g., an attempt to deceive or cheat or take undue advantage of the ignorance or helplessness of a client, there should be no provision for cancellation of the licence. In extreme cases there should be a provision for suspension for a short period. But as the clause stands and as the amendment would have it, it would simply mean that a person who, let us take the example given by my honourable friend Mr. Puri, is an *arhti* and is making Rs. 500 a month is hauled up by an officer, a very newly appointed tahsildar or a young sapling of an Extra Assistant Commissioner. He passes an order suspending the licence of the *arhti* for a year. It means that he inflicts

upon him a fine of Rs. 6,000, the income which the *arzi* was expecting to make in one year and there is no appeal. There is no procedure with respect to evidence or framing charges or defence evidence and so on. All that this clause says is that he would be given an opportunity to show cause why such an order should not be passed. It means a notice would be sent to him saying, "I am inclined to believe, or I have received information that you have committed a breach of such and such a condition of the licence and I, therefore, call upon you to appear before me and show cause why your licence should not be suspended or cancelled." He comes and says that there was a mistake made by him or by his assistant or that he was absent and the chandhri who will be sitting there in judgment upon him, because I am sure that he would be a chandhri of some sort, will say, 'No, I am not satisfied' and his licence would be cancelled for one year or six months and he sits there without any appeal. Even if Mir Maqbool Mahmood's amendment, if it is moved, is accepted, it means that the Government may make rules to that effect. I think that is all that section 27 says. It says—

The Government may, either generally or specially for any notified market area or areas, make rules consistent with this Act for carrying out all or any of the purposes thereof.

It may be that this amendment of Mir Maqbool Mahmood is only an eye-wash, is only a camouflage, only a hope, a false hope or consolation held out to the opponents of this measure because (I do not mean to say that he has any intention of deceiving or he may not be moved by the most honest motives) it may turn out a mere mirage and there may be no substance in it at all. But even if this amendment is carried, the Government may not make any rules on that point, because it is not obligatory on the Government to make rules at all, because the word used is 'may' and not 'shall', and the Government may make this rule or that rule. Even in sub-clause 2 to clause 27 all that is said is this—

In particular and without prejudice to the generality of the foregoing power such rules may provide for.

and all that Mir Maqbool Mahmood provides in number 23 which he wants to add to the list in this sub-clause is that the Government may provide for an appeal from an order passed under sub-clause 2 to clause 6. Where is the guarantee that the Government will make such rules? So that, even if Mir Maqbool Mahmood's good intentions are carried out and the amendment is passed, it means that we are still left at the mercy of the Government and it is not compulsory for the Government to make any rules on this point. It is optional with them. They may say, "Well, we shall take good care to select a competent, honest, tactful and a sympathetic gazetted officer who will go into this question and his judgment can be relied upon to do justice and not to take hasty action. Therefore, it is not necessary to make any rule providing for an appeal." This is so far as the wording of the section and technical aspect of the whole question is concerned. Let us assume that Mir Maqbool Mahmood's amendment will be carried and that the Government may not take advantage of this option given to it and may be sufficiently good to frame a rule on that point. What is the difference? It means that an appeal will be filed before the Government. A man is carrying on business, let us say, in Gurgaon. A Tahsildar passes

[Dr. Sir Gokul Chand Narang.]

an order there and the man will file an appeal before the Government. Now, what is the procedure with respect to appeals made to the Government? In the first place so far as my knowledge goes, there is absolutely nothing judicial about it. There is no question of leading any evidence before the Government. There is no such procedure; at least there was none two years ago. There is no provision under which anyone can take the help of a counsel in any appeal filed before the Government. Even he himself has no right to appear personally and argue his case, so that an appeal before the Government simply means sending a *parcha* to the Government and saying, "I most humbly submit that such and such an officer has passed such and such an order and great injustice has been done and this and that." We know how those appeals are generally treated. They will go into the hands of some parliamentary secretary and he may dispose them of. There is nothing to prevent a Minister from entrusting such appeals to one of the parliamentary secretaries. Or, they will go for report to the superintendent or some other person in the Secretariat and he will say, "Apparently the order of this gazetted officer is correct." Then the parliamentary secretary will say, "I agree" and the Minister may simply put his dhobi mark on it and the thing may be finished. I do not mean any disrespect, but he will often put his initials and there the thing will end. That is the general rule of procedure of appeals to the Government. There is a world of difference between an appeal heard in a judicial manner and the appeal heard by the Government. In fact the Government never hears any appeal.

Mian Abdul Aziz : They believe you because you have been dealing with them. (*Laughter*).

Dr. Sir Gokul Chand Narang : If they could do like me there would be much less to fear. (*Hear, hear*). They have not got sufficient time. I am not blaming them. They have so many other things to do. They have to travel so much that they have not got so much time to devote to their proper work now and, therefore, I am afraid, they will not be able to go through those appeals with as much care as those appeals deserve. I am finding fault more with the system itself than with any particular or individual Minister. He may be hard-working and honest, he may be sacrificing his exercise and his recreation and he might be burning his mid-night electricity over the files. That may be, but my objection is mainly against the system. An appeal to the Government does not possess the good points of judicial appeal. Therefore, if there is to be an appeal, it must be to some judicial officer and in the absence of that I would submit that there should be in the first place, no provision for cancellation. We shall come to that when we discuss the clause as such and if there is to be a cancellation and suspension it had better be done either by the Marketing Committee itself or at least by the Collector as is the provision in one of the provinces. I believe it is either in the Central Provinces or in Madras. In one of the provinces it is the market committee and in the other province it is the Collector himself because he is after all a higher officer. But I would not entrust this power even to a Collector and for very good reasons if you will bear with me for a little while. In Madras and Central Provinces, when these Acts were passed, there was no bitterness in those provinces. There were no well-defined political parties in those provinces and there was, therefore, no

rivalry between any two or more parties in those provinces and, therefore, there was no ground for apprehending a lack of confidence in the Ministry or in the Collector or in the marketing committee which was partly to be elected and partly to be nominated by the Government. The case of this province is really different. Look at the Punjab of to-day. It has never been so bad, so unfortunate as it is to-day. Party feeling is at its highest—at its worst in these days in this province. No one trusts a member of the other party. A member of one party has no faith in a member of the other party. The Government has, as I have more than once said on the floor of this House, forfeited the confidence of the very class against whom this measure is being enacted. Therefore, even if they act honestly, they cannot inspire confidence and when this provision is enacted, it will simply mean that the agent of one party is made to sit in judgment over the members of the other party which is already suspicious, which has absolutely no faith in the Government or its agents as they are constituted to-day. You remember, Sir, the well-known saying that it is not only necessary to do justice but it is necessary to demonstrate, to make the person concerned feel that justice is being done to him. Can you make those people feel that you are going to do them justice when you are putting a minion of yours or someone whom you want to patronise or to use as your tool to decide the cases in which an *arhtis* whose income may extend over four or five figures is concerned? You will be perpetrating an act of the grossest injustice if you entrust the fates of these *arhtis*—some of whom are very big—in the hands of some gazetted officer without any provision for an appeal or for a proper judicial appeal. I would, therefore, ask the honourable mover of the Bill to reject this amendment although it has been moved by his own party man. He should realise the dangers, the apprehensions which this amendment, if carried, would produce in the minds of people who are concerned and whose interests would be so much at stake if their fates are entrusted to an ordinary gazetted officer without adequate provision for a proper appeal.

HOURS OF SITTING.

Premier : Sir, in accordance with the promise which I gave to the House with regard to the alteration of time of sitting, I beg to move the following motion:—

That on and from Tuesday, the 10th January, 1939, on the days of meeting, except on Fridays, the Assembly shall meet at 12-30 P.M. : and that on Fridays the hour of interruption be 8 P.M.

This motion, as I submitted an hour and a half ago, is with a view to afford facilities to the House to get through the business quickly so that we may be able to finish the work on the agenda and also if possible to give time for discussion of private business on Thursday, the 19th. This means that an hour would be allowed for questions every day and since there are several adjournment motions—they will also take some time—this will give us clear four and a half hours to discuss the clauses of the Bill and would give my honourable friends opposite longer opportunity and greater latitude to dilate on the various aspects of the amendments before the House. I hope that the House will accept my motion.

Diwan Chaman Lall : On a point of order. Has this motion been circulated or has any notice been given of this motion ?

Mr. Deputy Speaker : The motion has been circulated.

Diwan Chaman Lall : But how can a motion like this intervene in the progress of the debate which has already taken place ? I submit that this procedure is very irregular. Even if a notice has been given—I do not know when the notice was given—but even if a notice has been given, I submit that the procedure is most irregular. The House is in possession of a particular amendment and no business of the House can be interrupted while that amendment is being discussed. It is most extraordinary that my honourable friend should have moved his motion in the middle of the discussion of a measure denying the ordinary courtesy to the House of completing its business.

Premier : If my honourable friend will allow me to say just one or two words I think I will make it clear that it is not extraordinary. As a matter of fact it is the ordinary course. According to the procedure of Parliament such a motion can be made before the House actually interrupts business. We are to interrupt business at 6-30 and I have made the motion at 20 minutes past six, to give my honourable friend an opportunity, if he wants, to say a few words before we actually divide.

Diwan Chaman Lall : It is most extraordinary. I fully realise the difficulty that he has to make the motion before the Assembly finishes its business ; but under what rule can my honourable friend make the motion when already a motion is being discussed? (*Interruptions.*) How can the business of the House be interrupted ?

Premier : If my honourable friend will read Rule 12 he will find that the procedure is laid down there.

Diwan Chaman Lall : Rule 12, on which we had a long discussion only the other day, runs as follows:—

Unless the Assembly otherwise directs—

- (1) The Assembly shall meet while in session on Mondays, Tuesdays, Thursdays and Fridays, provided that if any of these days happens to be a holiday under the Negotiable Instruments Act, there shall be no meeting on that day.
- (2) The Assembly shall meet at 2 P.M. except on Fridays when it shall meet at 2-30 P.M.
- (3) If the business set down in the list of business for the day is completed earlier, or at half-past six on Mondays, Tuesdays and Thursdays and at seven of the clock on Fridays, the Speaker shall adjourn the Assembly.

So on and so forth.

There is no such rule whereby you can interrupt the business which is already being conducted by means of a motion of this nature. There is no such rule here. We should be very strict in giving the proper and correct interpretation to the rules that we are governed by ; otherwise it will every day create such difficulties for my honourable friend and for the Opposition and I doubt very much if any legitimate business would ever be conducted. These are the Rules we are in possession of. I submit that the debate must continue on the amendment and not be superimposed by the motion moved by my honourable friend. My honourable friend directed my attention to Rule 12 and I direct your attention to the fact that there is nothing in

Rule 12 which enables my honourable friend to interrupt the course of business of this House when the House was discussing a particular amendment on a particular Bill. That amendment has got to be completed. If thereafter the rules allow my honourable friend, when that business is completed, to move his motion, he will be within his right to move his motion.

Premier : Does my honourable friend want that I should move my motion after 6-30 P.M?

Diwan Chaman Lall : No. When my honourable friend moved the original motion regarding Thursdays and he got a division he should have moved his motion then. He would have been within his rights. In fact we pointed it out to him and he rose on the interruption and said, "yes," or words to that effect making the suggestion that he was going to move for the alteration of the hours of business. I do submit that it is highly irregular and that the rules of procedure should not be ridden roughshod in the manner in which it is being done. The House is in possession of an amendment which is being discussed. Perhaps my honourable friend was thinking of December 2 when he took a similar step, and wrongly took that step. Not only that but I submit if that matter had been raised in the Federal Court my honourable friend would have found that his motion was absolutely out of order. There could not be any question of *sine die*. If on that occasion a wrong thing was done, namely when we were discussing a particular motion and in the midst another motion, was superimposed, there may have been a slight justification for that and the second motion may have been considered in the shape of an amendment; but how can this particular motion be considered as an amendment to the amendment which we are discussing on the Marketing Bill? I do submit that it is stretching the language of the statute too far thereby making the rules, by means of which we are governed, ineffective. You should be very strict, Mr. Deputy Speaker, in the interpretation of these rules and should not allow a motion to be moved in the midst of the debate which is taking place on an amendment of the Marketing Bill.

Mr. Deputy Speaker : May I request the honourable member to state which Rule is being violated?

Diwan Chaman Lall : You want to know the rule which is being violated. The rule that is being violated is this; (i) when the House is in possession of an amendment on a Bill that business cannot be interrupted by the superimposition of another motion. Has my honourable friend ever heard of a motion being discussed on the floor of the House and another motion, which has nothing to do with that motion, being superimposed? The only method by which my honourable friend can move a motion like that is by moving an amendment to the amendment which is being discussed and that with your permission but not the amendment he has moved which is irrelevant because it is a new substantive motion and cannot be considered to be an amendment. We are now seized of an amendment which we are discussing on a motion. How can my honourable friend so suddenly get up *suo motu* because he happens to be the Premier and say, "Please stop all this discussion on this amendment. I have got something very much more important to place before you. Therefore you take your

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orders from me. You should stop this discussion and discuss only my motion?" Surely it is derogatory to the dignity of the Chamber that such an attitude should be adopted.....

Mr. Deputy Speaker : The position is simple enough. The motion is under Rule 12....

Diwan Chaman Lall : Which part of the Rule?

Dr. Sir Gokul Chand Narang : On a point of order, Sir. It has been ruled by the Honourable Speaker of this House several times and he has declared it on the floor of the House that there cannot be two motions before the House at one time. If you want these rulings, the Secretary may be requested to bring to you the proceedings of this House in which this declaration must be found a dozen times.

Mr. Deputy Speaker : The honourable member did not listen to me.

Sardar Partab Singh : On a point of order, Sir. It is 6-30 P. M. now and you have fixed 6-30 for the adjournment motion.

(At this stage Mr. Deputy Speaker rose in his Chair to say something.)

Diwan Chaman Lall : A point of order has been raised that it is past 6-30 and according to your own ruling no other business can be transacted except the adjournment motion.

Mr. Deputy Speaker : The position is simple enough....

Dr. Sir Gokul Chand Narang : Which position?

Diwan Chaman Lall : We must stick to the rules of this House. There can be no violation of the rules.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. You had ordered Lala Duni Chand to move his motion at 6-30 P. M. Are you withdrawing that order? It is past 6-30 now. Have you any right to stop him now? You should help the House and not be a party to the breach of the rules of this House. *(Loud voices : Order, order.)*

Mr. Deputy Speaker : Order, order.

Lala Duni Chand : On a point of order. My point of order is this that it is as clear as anything that nothing except the adjournment motion can be discussed after 6-30 P. M. I have a right to move my adjournment motion and nothing else can be said in this House except moving my motion, which I am prepared to move.

Diwan Chaman Lall : May I draw your attention to Rule 45. It says :—

If leave is granted, the motion shall be taken up on the same day. If it is a Friday it shall be taken up at 7 P.M. and if it is any other day, at 6-30 P.M.

So, after 6-30 nothing else can be taken up but the adjournment motion.

(A voice : Rules must be obeyed.)

Lala Duni Chand : I beg to move—

That the Assembly do now adjourn.

Mr. Deputy Speaker : Order, order. The position is simple enough..

Dr. Sir Gokul Chand Narang : Which position? No other position, whether simple or complicated can be taken up except the adjournment motion.

Diwan Chaman Lall : We must follow the rules of this House. It is perfectly true that it is the Honourable Premier who has moved that motion. We admit that. But rules are rules and they have got to be complied with. I draw your attention to Rule 45 which stipulates that if an adjournment motion is accepted, then at 6-30 p. m. no other business can be conducted on the floor of the House except the adjournment motion. How can anybody violate this rule?

Premier : You are violating it yourself.

Diwan Chaman Lall : A point of order relating to an adjournment motion can be raised at any time during its discussion. You should not allow any other motion except the adjournment motion. We must proceed with it. This matter can be taken up to-morrow.

(At this stage Premier rose in his seat and the Secretary made certain remarks to Mr. Deputy Speaker.)

Diwan Chaman Lall : On a point of order, Mr. Deputy Speaker— I draw your attention to the remarks made by the Secretary. He instructed you to call the Premier. What right has he to instruct you to call the Premier? I submit that he has no such right. But this is going on on the floor of the House and we object to it. The Secretary is a paid officer of this House and he has no right to instruct the Deputy Speaker to call the Premier when the other honourable member is already on his feet. Why does he not say 'call Lala Duni Chand'? Why Premier?

Premier : I was going to make an appeal to my honourable friends opposite that they should not obstruct. I moved this motion at 6-30 and it could have been discussed and disposed of before 6-30. But my honourable friend carried it on to 6-35 and now he asks why I did not move it earlier than 6-30. Is that the way to expedite the business of the House? I request my honourable friends opposite to allow the Chair to proceed and give a ruling. We can take this matter afterwards.

Diwan Chaman Lall : We want to discuss the adjournment motion and nothing more.

Mr. Deputy Speaker : Order, order.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. After you have ordered that the adjournment motion shall be taken up at 6-30, is it necessary then for you to call upon the mover of the motion or is it permissible for him (the mover) to get up as soon as it is past 6-30 and move his motion? He has already moved it. Now, is it within your power to interrupt him after 6-40? Ten minutes of his time have already been wasted. Why should he not be allowed to proceed with his motion?

Mr. Deputy Speaker : So far as the motion of the Honourable Premier is concerned, the rule is simple enough.....

Dr. Sir Gokul Chand Narang : Which rule is simple enough? The point of order must be disposed of first. The rule is mandatory. You probably have not read it just now. Will you kindly look at it? It says that if leave is granted, the motion shall be taken up on the same day. If

[Dr. Sir Gokul Chand Narang:] It is a Friday, it shall be taken up at 7 P. M., and if it is any other day, at 6-30 P. M. There is no alternative. There is no discretion left in the Chair or anybody else. The motion must proceed at 6-30 P. M.

Diwan Chaman Lall: When you put it to the Premier, he will agree that the rules of the House must be strictly construed and since he agrees that the rules should be strictly construed, you will also agree with me that the adjournment motion must now be taken up. If my honourable friend the Premier wishes to make his motion, he can make it to-morrow.

Dr. Sir Gokul Chand Narang: I would request you to give a ruling whether any gentleman has any right to speak on any motion except the adjournment motion.

Premier: He wanted to give a ruling but you would not let him.

Dr. Sir Gokul Chand Narang: We want a ruling on the point of order.

Premier: There are three or four points of order on which he has to give rulings.

Lala Duni Chand: If the Deputy Speaker experiences any difficulty in giving a ruling, I submit that the Honourable Premier should give a ruling and I shall accept it.

Diwan Chaman Lall: I want you to realise this. There is a deliberate attempt being made not to construe properly the rules of this House, and I appeal to you, if the business of the House is to be conducted impartially, to construe the rules of the House strictly. If once there is a breach in the strict construction of these rules, the responsibility for anything that might happen on the floor of this House will not be ours. I do appeal to the Premier to be very careful not to disregard the mandatory rule which governs us. The only rule is rule 45 which says that the adjournment motion shall be taken up at 6-30 P. M. Nothing more can be discussed. I appeal to you, Mr. Deputy Speaker, once again to call upon Lala Duni Chand to move his motion.

Rai Bahadur Mr. Mukand Lal Puri: The rules must be obeyed.

Premier: You, Sir, were interrupted by members on the other side otherwise you could have given us your ruling before 6-30 P. M. It was physically impossible for you to do so when they started raising points of order. It is for you to decide on which point of order you should give your ruling.

Dr. Sir Gokul Chand Narang: Why should Lala Duni Chand be not allowed to proceed with his motion? Ten minutes have already been wasted by interruptions. The rule is mandatory, the motion must proceed at 6-30 P. M.

Diwan Chaman Lall: I say with full responsibility that if my honourable friend the Premier is coercing you, Mr. Deputy Speaker, into making a breach in the rules, the responsibility will be his and yours. I warn you and I warn him as to what might happen if there is going to be a deliberate breach of the rules.

Munshi Hari Lal : My friend has quoted rule 45. It is more restrictive. It says that if the work is finished earlier, the adjournment motion can be taken up earlier, but it does not say that if the work is not finished by 6-30 it will continue. Here the words are :

If leave is granted, the motion shall be taken up on the same day. If it is a Friday, it shall be taken up at 7 P.M., and if it is any other day, at 6-30 P.M. Provided that if the business on the list for the day is concluded earlier, the motion shall be taken up at the conclusion of such business.

It does not say that if the business is not finished, the business will continue after 6-30 P. M. The business shall not continue after 6-30 P. M. There is restriction placed in the proviso. The proviso postulates that the rule has to be interpreted very strictly, and scrupulous regard should be paid to rule 45. Respect the rules and do not break them. That is my appeal.

Diwan Chaman Lal : You cannot give a ruling in any case. I have not had a say in the matter. Other members have not had a say in the matter. They have a right to have a say in the matter.

Lala Duni Chand : I have got the absolute right to move the adjournment motion. It is necessary for me to read out the adjournment motion again. (*Uproar.*) The motion runs thus :

Mr. Deputy Speaker : Order, order.

Diwan Chaman Lal : I do request you not to commit any mistake. The matter is so very clear. Why are you taking the trouble upon yourself ?

Deputy Speaker : Order, order. The honourable member may go on with his motion.

Diwan Chaman Lal : Is that the dignity of the House that when you are to give effect to a particular rule, you do not give any ruling unless you get your instructions from the Premier through your Secretary? This is a most disgraceful state of affairs. There is no impartiality. The Deputy Speaker receives his orders for the conduct of the business of the House from the Premier. (*Uproar.*)

Mr. Deputy Speaker : Order, order.

Premier : I have issued no such instructions. The statement made by my friend Diwan Chaman Lal is incorrect and he should withdraw it. (*Cries of withdraw, withdraw.*)

Diwan Chaman Lal : I am not going to withdraw a single word. I repeat my allegation that the Premier gave his instructions to the Deputy Speaker through the Secretary who passed them on to the Deputy Speaker. The moment the Secretary whispers that the Premier is willing that the adjournment motion be taken up, the Deputy Speaker asks Lala Duni Chand to move his motion.

Premier : I rise to a point of order. The point is this. The honourable member has made an insinuation against the Chair which is most misplaced and improper.

Diwan Chaman Lal : I say I am right in what I have said. Can the Honourable Premier deny that he sent instructions to the Chair through the Secretary ?

Premier : I deny that. The honourable member should be called on to withdraw the insinuation he has made.

Diwan Chaman Lall: I am not prepared to withdraw anything that I have said. The whole House is a witness to what happened just now.

Dr. Gopi Chand Bhargava (Urdu): Sir, I feel really grieved to see that a small matter like the interpretation of a rule creates such disorderly scenes in the House that the whole business comes to a standstill. If this is permitted, I am sure, the House will have to adjourn without disposing of its business. If an ordinary member violates a rule he can be excused but if responsible members obstruct the business of the House and act in contravention of the rules they should be severely dealt with. No amount of loudness or power can gag our voice. Mr. Deputy Speaker, in such cases it is your foremost duty and right to take severely to task a member, however high he may be, if he is misbehaving or violating the rules. If you do that you will be saving the time of the House and consequently avoiding the wastage of public funds. A short while ago I went out of the Chamber and when I re-entered it, I could not understand what was going on here. This is an intolerable state of affairs. The adjournment motion fixed for to-day was to be taken up at 6-30 P. M. and if it were to be dealt with in this manner it would have been better if it had not been moved at all. (*Premier interrupting.*)

Will you please call the Honourable Premier to order? When I am in possession of the House he has no business to interrupt me. I was submitting that you should see that the business of the House is conducted smoothly. The adjournment motion now before the House is a very important one and relates to a matter which reflects upon the fair name of the Punjab. With these words I would request you to firmly carry on the business of the House in accordance with the rules and allow the member who has the right to speak, to speak.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I entirely agree with what has been said by the honourable Leader of the Opposition regarding the sanctity of rules. The honourable members over there have not been permitting the Deputy Speaker to utter a word though in vain he has been attempting to speak for the last half an hour. They have in fact insulted the Chair. The honourable member opposite should be asked to withdraw his words.

Diwan Chaman Lall: I am not at all prepared to withdraw even a single word. The House is fully aware of what has happened. When we appeal to the Chair to follow the rules, he cannot take his orders from the Honourable Premier.

Mr. Deputy Speaker: The honourable member may proceed with his adjournment motion.

MOTION FOR ADJOURNMENT.

HUMILIATING TREATMENT BY POLICE OF CERTAIN CITIZENS OF
JULLUNDUR.

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

That the Assembly do now adjourn.

At the very outset I desire to say that the motion involves the fundamental right of civil liberties and human treatment. It is therefore not in a carping or vindictive spirit or with a motive to discredit the police that I move this motion. I may assure the Honourable Premier that my object in moving this motion is to improve, if possible, the ways of the police and also to bring about a change in the attitude of the Government towards the police. You know very well that the question of civil liberty is being raised all over the country. Every man in every corner of India is for the vindication of civil rights and liberties, though I know that only two or three minutes ago the valuable right of this House was attempted to be trampled upon. You as the custodian of the rights of this House should have taken to task the Honourable Premier for violating the obvious rule of law.

Mr. Deputy Speaker : The honourable member will please speak to the motion.

Lala Duni Chand : What are the facts which have led to the moving of this motion? The subject matter of this motion has been discussed and commented upon four times in the columns of the *Tribune*. I take the facts as they are given in the *Tribune* of the 28th December, 1938. The facts are as follows :—

"It will be re-called that sometime back the premises of the local Electric Supply Company were searched at the instance of the Hydro-Electric Department. In pursuance of this case the local police arrested Mr. B. R. Sondhi, B.A., LL. B., (son of late Raizada Bhagat Ram), Manager, Mr. Ram Kishen, Chief Engineer and Mr. Mohan Lal Bhandari, Switch Board Attendant of the Company on the night of the 25th instant. Bail on behalf of them was at once offered but was refused by the police. Yesterday an application for their release on bail was made to the City Magistrate, who issued notice to the Prosecuting Inspector and fixed 2 p. m. for hearing the application. Till 3-30 p. m. none appeared on behalf of the prosecution at the City Magistrate's residence. At about 5 p. m. the learned Magistrate, after hearing the parties, bailed out all the accused.

It is alleged the accused were refused even ordinary facilities in the lock-up. They were not allowed to use their own beddings but were made to sleep on the floor on jail blankets. In the morning they could not answer the call of nature till about 9 and in spite of their repeated requests to be taken out to the latrines the police insisted that they should use their cells (exposed to the public) for this purpose. It is further alleged that the accused were made to walk a distance of about 1½ miles through the bazars to the City Magistrate's residence with handcuffs on although the relations and friends of the accused had offered to provide or pay for their conveyance. Hundreds of people followed the accused on foot and tears could be seen in many eyes. This has created a great stir in the city. An enquiry should be made into the allegations."

These are the facts or allegations that have been made in regard to the occurrence at Jullundur. The *Tribune* refers to this matter in its issue of the next day, that is the 29th December. I do not propose to read the whole of what the *Tribune* has written. I shall refer only to some of the comments made by that paper.

"Such things could not be tolerated even under a bureaucratic regime. If the allegations remain uninvestigated and the rules of civilised conduct remain unenforced, then the 'popular' Government cannot expect to be considered better than its predecessor."

I submit the *Tribune* is a paper which is regarded by all persons as the most responsible paper. This paper serves the Unionist party as well as, perhaps more than, it serves the Congress. All the same no complaint can be made with regard to the fairness of the

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Tribune towards the Unionist party Government. This is what the *Tribune* says. I would like to put this question to the Honourable Premier, whether he is governing in as bureaucratic a way as the previous Government. He is not tired of saying so many times that his is people's government, his is kisan's Government, his is labourers' government. What reply is he going to make to this comment of the *Tribune* that he is as bureaucratic as the previous Government? I go further and say that he is much more bureaucratic than the previous governments. Again in the *Tribune* of the 30th December the matter was again referred to and discussed in the *Tribune*. Lala Achhru Ram, one of the leading advocates of the High Court happened to be at Jullundur on the 25th and 26th December and he issued a statement to the press including the *Tribune* in which he has given the facts as follows :—

Lala Achhru Ram, Advocate, writes :—

With reference to the note in the *Tribune*, dated the 29th instant about the allegations against the Jullundur Police, I may state that I happened to be at Jullundur on the 25th and also on the 26th December. I personally witnessed the return of Mr. Sondhi's bedding to his house, the police authorities having refused to allow its use. I also saw with my own eyes Mr. Sondhi and the other two gentlemen being marched in handcuffs on their way from the police station to the Magistrate's residence. I am also a witness of the fact that the three gentlemen were kept standing even with handcuffs on for a period of over an hour. The cuffs were not removed till the removal became necessary for signing the bail bonds.

I can also bear witness to the resentment felt throughout the town at the treatment meted out to a son of its great benefactor whose memory is still cherished by its citizens with feelings of genuine affection and regard.

As a marked contrast to this behaviour of the police may I mention an incident noticed by me in the United Provinces during my recent visit to that province. A certain gentleman stood charged with an offence of criminal breach of trust. At the close of the investigation the officer in charge of the police station sent to him two constables with a letter (not a warrant of arrest) intimating to him that he had to be arrested in connection with the aforesaid charge and requesting him to present himself at the police station with two sureties. The gentleman went to the police station in his own carriage accompanied by the two police constables and came back in about an hour's time after giving bail. On being asked about this new method of arrest he said that it was Pant's Raj.

The Honourable Premier often refers to the work of Ministers in other provinces. Here is a contrast.

Premier : I never criticise them.

Lala Duni Chand : A man who was charged with an offence of criminal breach of trust, a cognisable and non-bailable offence, is sent a letter under Pant's Raj, stating 'will you kindly take the trouble of going over to the police station and offering yourself for arrest?' The man goes and offers bail. The point that I want to make out is, look at the difference between Pant's government and Sir Sikander's government. Here is a test which the Honourable Premier will apply to his own doings, to his conduct. Very often it is said by the Honourable Premier and other Ministers, "what proof have you got, you make bold allegations, you make irresponsible allegations but you do not come forward with any proof or with any evidence." So far as these allegations are concerned we have the proof or testimony of one of the leading members of the High Court Bar, namely, Lala Achhru Ram. Now what can he say? The only confession that the Honourable Premier should make is that everything that has been said by Lala Achhru

Ram is perfectly correct and he will take the severest action against the police officers responsible for this outrageous conduct. There is another reference in the *Tribune* to this matter. It says in its issue of the 31st December :—

NEED FOR ENQUIRY INTO CONDUCT OF POLICE.

"Lala Achhru Ram, Advocate, has issued a statement which strengthens the case for a thorough-going enquiry by an impartial agency into the conduct of the Jullundur Police. He says: "I personally witnessed the return of Mr. B. R. Sondhi's beddings to his house, the police authorities having refused to allow its use. I also saw with my own eyes Mr. Sondhi and the other two gentlemen being marched in handcuffs on their way from the police station to the magistrate's residence. I can also bear witness to the resentment felt throughout the town at the treatment meted out to a son of its great benefactor. Raizada Bhagat Ram, whose memory is still cherished by its citizens with feelings of genuine affection and regard." Lala Achhru Ram has referred to an incident which shows how different is the behaviour of the United Provinces Police from that of the Punjab Police. This is how the story recited by Lala Achhru Ram runs: "A certain gentleman stood charged with an offense of criminal breach of trust. At the close of the investigation the officer in charge of the police station sent to him two constables with a letter (not a warrant of arrest) intimating to him that he had to be arrested in connection with the aforesaid charge and requesting him to present himself at the police station with two sureties. The gentleman went to the police station in his own carriage accompanied by the two police constables and came back in about an hour's time after giving bail. On being asked about this new method of arrest he said that it was Pant's Raj." We heartily wish that Sikandar's Raj should also become a synonym for civilized Raj. That is why we have suggested an enquiry."

The meaning of this comment is that the Raj of Sir Sikander Hyat-Khan is not a civilized raj. It is an uncivilised raj under which things of this kind can take place. I shall call your raj civilized raj if you can make ample amends in regard to this outrageous conduct of the police. Respectable men of the position of the accused are made to march for a mile and a half with handcuffs on. As far back as 1929 the Jail Enquiry Committee of which I was a member unanimously recommended that even an ordinary prisoner should not be handcuffed unless there is a grave danger of violence on his part. These instructions were issued to all the police officers and to all the magistrates. Those are I understand the orders of the Punjab Government. But how do the police officers respect the orders of the Punjab Government? Sir Sikander Hyat-Khan will not deny that circular orders have been sent to all the officers in accordance with the unanimous recommendation of the Jails Enquiry Committee that the accused should not be handcuffed unless it is absolutely necessary.

Now may I ask whether the son of the late Raizada Bhagat Ram will be such a dangerous man that he should be paraded about, that he should be marched for a mile and a half exposed to the ridicule and in the presence of a large number of people and whether a thing like this could happen in a civilized country under a civilized Government? I want to tell Sir Sikander that every day, every week and every month, these things are happening in his regime that stagger humanity. In every thana, in every tahsil, in every district such things are happening but you turn a deaf ear to these things. If you want to know the real truth, the real truth is that it is the police that is ruling and not Sir Sikander that is ruling. Are you going to give a free lance to these people, as it appears you have given so far? It is in the interests of your good name and as I want to give you a good name I say this. You can have good name only if you as the head of the Punjab Government completely disregard all considerations and handle

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the matter properly. To-day you are believing that if the police will not help you and tahsildars and naib-tahsildars will not help you, your Government would be out to-morrow. Really that is your mentality and attitude. To-day you are maintaining your Government not on the support of the public but upon the support of the officials. I do request you to take this matter seriously into consideration. I do not want to make any presumption against you. If you make a declaration on the floor of this House that the matter is receiving your consideration and that you are going to punish these people who were responsible then, so far as I am concerned, I will be satisfied and after sometime I shall enquire from you, what action you have taken and if on that occasion you satisfy this House that you have taken the proper action, then we shall be satisfied. As I have submitted, it is not our object to be vindictive towards the police. I am fully conscious of the usefulness and the importance and the necessity of the services of the police. I am not behind any one but all the same I want that these people of the police should change themselves out of recognition. So long as your police is retaining the same mentality, the same attitude, it will bring your name more and more into mire. I want to save you from that mire and here is an occasion for you to take strong attitude, to take the attitude of a man, of the head of the Punjab Government, to mete out the proper punishment to these erring people. That is all what I wanted to say and I think the Honourable Premier will appreciate it in the spirit in which I have said. *(Hear, hear).*

Mr. Deputy Speaker : Motion moved is—

That the Assembly do now adjourn.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I could have probably cut short the debate earlier, but I did not wish to deprive my honourable friend opposite of the pleasure of hearing himself for thirty minutes. He has to the fullest possible extent satisfied himself after saying several things which it would have been unnecessary for him to say if he had privately exchanged views with me before tabling this motion. He has said several irrelevant things, but that is nothing unusual in this House, but amongst other things he said that he wanted the police to be changed out of recognition. I did not understand what my honourable friend means by changing them out of recognition. He has referred to the neighbouring province, but, as I have repeatedly said in this House and outside on the platform I and my colleagues have deliberately decided that we would not criticise in any way the administration of other provinces. It is merely a question of what we do not like for ourselves we do not like for others. Therefore since we do not want others to criticise our administration we do not wish to criticise other administrations, so that if I were at liberty to do so and I was not bound by that decision or convention which we have set for ourselves, I could have given him several instances from other provinces about the police. My honourable friend also appealed to me and he said after sometime he is going to ask me what action I had taken and if he is satisfied then the whole world would be satisfied and if he is not satisfied naturally this Government would stand condemned.

Lala Duni Chand : Nothing short of dismissal will satisfy me.

HUMILIATING TREATMENT BY POLICE OF CERTAIN CITIZENS
OF JULLUNDUR.



Premier : I have no such ambition as to try to satisfy my honourable friend opposite. My experience is that in spite of one's best efforts—and this is not only my experience but of others as well—he has that reputation—he is not satisfied except by himself and it is therefore outside my power to satisfy him with regard to these matters. He then went on to say that there are standing orders and instructions with regard to handcuffing of accused persons and yet these orders are alleged to have been—he used the word as a matter of fact but I use the word allegation—alleged to have been flouted or deliberately ignored. My honourable friend is aware and I think he would be able to bear me out from his personal experience, and if I may venture to say so from his personal action, that sometimes we are deliberately and sometimes inadvertently apt to ignore instructions. Now my honourable friend is perfectly aware that in certain matters only recently he himself had to write to the Congress High Command and to Mr. Patel to report what was happening here in Congress circles and ask him why he could not come and try to rectify the mistakes which the Congress Party was committing against the instructions of their High Command. My honourable friend must give the police also the same benefit of doubt which he wants for himself. On several occasions he has himself said that he wanted the benefit of doubt. My honourable friend has said that these are the facts and I have already submitted that I would at this stage call them only allegations, because facts become facts only after they have been proved. My honourable friend also will admit that the mere publication of an allegation does not constitute a fact, it is still an allegation, unless it has been sifted and proved. My honourable friend went on to say (*Interruption by Lala Duni Chand*). My honourable friend is a learned criminal lawyer of repute and he knows perfectly well that in every case the complainant comes forward and says that he saw the accused committing the offence and yet it is a mere allegation until it is proved that the accused committed that offence. Till then he is only an accused person and not a guilty person. This is a very elementary principle of Law which my honourable friend knows and should have known. But he went on to say that since these allegations have been published in the *Tribune*—which of course is a paper of repute, I do not hesitate in endorsing that view, but at the same time he went on to say that it was a paper which serves the Unionist Party more than others—therefore they must be correct. Now my honourable friend must have talked with his tongue in his cheek at the time or perhaps his sense of proportion is so perverse that he could not see that the *Tribune* is not a friend of the Unionist Party and if we have many such friends, then God help us and save us from our friends. (*Laughter.*) I submit that whether the *Tribune* is a friend of the Unionist Party or not, that is not a relevant factor in this case. I myself consider the *Tribune* to be a paper of repute. Of course it is also liable to make errors and mistakes as any human person and, as a matter of fact, I am sorry to say that it has been making several mistakes recently but that is a matter neither here nor there. The question whether this particular thing appeared in the *Tribune* is not relevant. I can assure my honourable friend that when I reached Lahore on the 2nd morning, these allegations were brought to my notice and that is why I submitted in the

[Premier.]

beginning that if my honourable friends, instead of rushing in with an adjournment motion, had come to me and asked me whether I had taken any action, it would not have been necessary for him to waste the time of the House and his energy. But I suppose, as I said, he very likely had thought that an adjournment motion might do good to him and if it is published in the press he might get a certain amount of credit for bringing it to the notice of the Government. (*A voice*: Do not impute motives.) I am not imputing any motive. My honourable friend is again wrong. What I am trying to convey to my honourable friend is that as a matter of fact my officers had already taken cognisance of those allegations and as soon as I arrived I received letters from other sources also which were awaiting my return to Lahore. I at once took action on those allegations. It is not that I took that action because of the adjournment motion or what has been published in the press but I took action on the information which I received from certain friends in Jullundur and also through official sources. I took action at once and ordered an enquiry with regard to these allegations. I can assure my honourable friend that I give place to none in seeing that the police does not deliberately do anything which it is not legally authorised to do and that is also the spirit of the officers of the Police Department. My honourable friend might have come across some black sheep. There are black sheep everywhere; but I can assure him that the tone and the standard of the police force to-day is higher than it ever had been before. I can assure him that it is not only my view but it is the independent view and also the opinion of a great critic of the police force. A very high official who is very critical of the police work, told me after a recent tour that he was agreeably surprised to find that there was a great change for the better in the police force. Now my honourable friend would say that if this were the case why has this happened in Jullundur? I have already submitted that policemen like other human beings are apt to make errors. I can assure my honourable friend that when I saw this allegation I was even more pained than he was to see that a respectable citizen in Jullundur should have been treated in the way he is alleged to have been treated. It is not because he is son of the late Raizada Bhagat Ram,—law does not respect persons—but it is because a citizen of the Punjab was so shabbily treated, and not because the son of the late Raizada Bhagat Ram, who was a great personal friend of myself and my family, was involved. If there had been any Punjabi howsoever poor who had been shabbily or unfairly treated, I would have taken necessary action. Mr. Sondhi in this case certainly appears to have been shabbily treated and I think that that should be a matter for disgrace not only to the officers concerned but a matter of disgrace to all persons responsible for it. You may rest assured that it is our desire to get at the truth and if these allegations prove to be correct, I will take necessary action against those who are responsible for it. I can assure my honourable friend that it is not because of this adjournment motion. The motion only came to-day but I ordered the enquiries the day I arrived here and I can also tell him that I have received an *interim* report already.

Diwan Chaman Lall: From whom?

Premier: From the local officers and I want further details with regard to that report. So far as that *interim* report is concerned, my own

prima facie view is that certain illegal acts were probably committed and if they are proved after the thorough enquiry that I propose to institute, I can assure my honourable friend that I will take necessary action whether departmentally or otherwise. I will take disciplinary action against those people who have committed these blunders and are responsible for bringing the whole police force into disgrace. That is the position. I am sure my honourable friends would be satisfied that Government would leave no stone unturned to get at the truth of the allegations and if the allegations are proved to be correct, Government will take such disciplinary action as may be necessary according to the facts which may be revealed as a result of that enquiry. (*Hear, hear.*)

Lala Duni Chand : I rise on a point of personal explanation. I object seriously to the Premier having distorted what I said. The point that I wanted to make out was that so far as the *Tribune* is concerned, it could not be charged for partiality. The words that I uttered were to the effect that the *Tribune* served the Unionist Party as much as if not more than it served the Congress. I want to say to the Premier that... (*Interruption*). It will lead him to many serious difficulties if he is going to do that. (*Voices : Withdraw.*)

Dr. Gopi Chand Bhargava (Lahore City, General, Urban), (*Urdu*): Mr. Deputy Speaker, the Honourable Premier has been pleased to observe in his speech that if outside this House, that is in his private room, somebody were to draw his attention to this matter, he would have made certain elucidations after hearing which nobody would have thought it worth his while to bring forward such an adjournment motion which is unfortunately under discussion in this House at the present time. If not more, I have some small experience of how things move in this House. When an adjournment motion is moved in this House, the Minister in charge rises to make a statement and if the mover is satisfied with the statement of the Honourable Minister he seeks leave of the House to withdraw his motion. But the notice of the present adjournment motion was given several days ago and the Honourable Minister in charge had sufficient opportunity to make a statement even earlier if he so desired. But he has stood up to-day and told us that he ordered immediate enquiries. He has told us further that he is in receipt of an *interim* report. His conclusions at this stage are, as he has been pleased to admit, that some irregularity must have been committed. But he has asked for more details and after the receipt of a detailed report, he promises to take action. In this connection I have to make a submission and that is this. We have never been satisfied with the results of all the departmental enquiries held so far on various occasions and at various times. He seems to entertain the notion that we are difficult to be satisfied and we need not be satisfied. But if he does not satisfy the members sitting on this side of the House, he will not be satisfying the public outside this House. And if he does not satisfy the outside public, he will not be doing his duty by them.

Coming to the facts of the case, I have been given to understand that something was reported to be amiss in the affairs of the company as long as two months ago. Then an enquiry was held and one evening two brothers were placed under arrest at 8 P.M.

Premier : May I request my honourable friend not to go into details because this case may be *sub judice*. We are talking of action of the police. I do not think we need go into details. Let us discuss the broad principles. Details at the moment are not necessary.

Dr. Gopi Chand Bhargava : I will only stress the last point, that is, the institution of an independent and impartial inquiry into this case. I demand a non-official inquiry and I do wish that the culprits be brought to book irrespective of their status or rank. All I want is that honesty, justice and impartiality be observed in conducting this inquiry and the erring officials of the police should be awarded deterrent punishment so as to make recrudescence of such ignoble incidents impossible in the future. In this connection I may be permitted to mention another allegation that has been made against the police. It is alleged that the police deliberately tried to make it impossible for the accused to be haled out.

Premier : I am sorry that my honourable friend is again referring to the details of the case which is surely coming up before some court of law. I object to the discussion of details not for the sake of the police but in the interest of the accused themselves whom my honourable friend wants to help.

Dr. Gopi Chand Bhargava : I only want to point out that the inquiry ought to be thoroughly satisfactory. We know the general character of the departmental inquiries that are conducted by the police now and then. As a matter of fact no punishment worth the name is given to the erring subordinates, and, in this connection the case of Kala Singh is still fresh in our memory and may be cited as an illustration of the ways of the police. The Police Officer is still working here as Deputy Superintendent of Police. The other example is found in the case of Amritsar where an inquiry was instituted but the report of that inquiry is being withheld from us. Incidents such as these cause suspicion in our minds about the impartiality of the Government. We have lost our confidence in the police and I request the Honourable the Premier to institute a sifting inquiry. Fortunately a very respectable person is involved in the case but I would demand that even if a very poor man is disgraced by the police in this way the Premier should at once make an inquiry and vindicate the honour of the public. The honour of all the Punjabis is alike and must be protected. But this particular case is the first of its kind and nothing short of a public inquiry and the publication of its report will satisfy us or the public at large. The publication of the results of the inquiry will serve as a warning to the future delinquents. I hope this request of mine will find favour with the Government and they will try to satisfy the public even though they may not wish to satisfy our party. With these words I close my speech.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I would not like to go into the details of the case at this stage of the discussion because the Honourable Premier has fortunately agreed to institute an enquiry and has, in fact, stated that he has already taken necessary steps in the matter. It is gratifying to note from the speech of the

Premier that he has done so not because of the fact that the son of Rai-zada was involved in the case but because he is the zealous guardian of the honour of every Punjabi irrespective of his being rich or poor. The Honourable Premier has also stated that the allegations generally made in the press are not always well based. In the present case even against the accused gentlemen these are only allegations which may be true or untrue as the police is not yet in a position even to challan the case; further even on being sent up by the police, these may be found to be entirely untrue by the Court. I say how can he brush aside the allegations made by the eye-witness (*چشم دیدہ*) who is a responsible and very respectable gentleman? I leave the whole matter to the Premier who is rich in experience. But does it stand to reason that an inquiry left in the hands of the local police officers will produce the necessary results, when we know it perfectly well that they will leave no stone unturned in saving their subordinates? We can expect little justice even at the hands of the police officers who are themselves accused to some extent. I cannot help mentioning in this connection that the irregularities committed by the Jullundur Police in this case were deliberately committed and warrant a sifting enquiry.

Premier : The honourable member may mention these things to me outside the Chamber but should not do so on the floor of the House.

Mian Abdul Aziz : As the Hon'ble the Premier does not consider it useful for me to mention them on the floor of this House, I will abstain from mentioning them. Well, Sir, was it absolutely necessary to use handcuffs in making such arrests? According to law handcuffing of an accused is not necessary; mere touching the suspect with hand by a police officer, or declaring "you are under arrest," is quite sufficient, unless the accused resists or shows violence, which was neither shown nor existed in the present instance. Was it fair that such respectable people should be taken under handcuffs on foot through the city parts? I do not want to repeat what has already been said by other honourable members. No doubt when an offence is proved you can treat the convict in any lawful manner you deem proper. But even when in cases of convictions, you have created distinctions, you place the convicted persons in classes A, B or C according to their respectability, why not make that distinction, when they are only yet suspects and not convicts? If it is necessary that we should make such distinctions in cases of convictions, surely it is more desirable that such distinction should be kept in view, and to disgrace them should be avoided.

Premier : I do not think it is necessary to do so. (*Interruptions.*)

Mian Abdul Aziz : The honourable members on that side have made some remarks which I have not been able to follow. Let me tell them that I know Criminal Law better than they know. I have been practising it for the last forty years. I would never like that even a poor person should be badly treated. I am for equal treatment to all. But I do want that the circumstances of particular cases should not be ignored. For instance a sick, highly weak, or disabled person cannot and should not be compelled to walk. In this particular case even the challan was not yet prepared. Obviously whatever was done was done with a view to putting the arrested persons to humiliation and disgrace. I hope the Honourable Premier would have realised by now that the accusation was altogether false and the treatment meted out to them when they were being taken for bail was most objectionable. I, therefore, submit that on principle and under law the

[M. Abdul Aziz.]

enquiry in this matter should not be entrusted to officers whose conduct is in question or whose subordinates have been guilty of committing high-handedness. Send any of the Parliamentary Secretaries or even any member of this House to go and make enquiries. It is not fair to appoint persons to make enquiries and report who have themselves been guilty of misdemeanour. We desire and hope that elaborate and just enquiries will be made in this case. However you should see that enquiry should be made as to whether it was absolutely necessary to take them under handcuffs. (*Laughter.*) (*A voice* : That is the only thing which is to be enquired into.) I do not know what has excited this laughter. It is not a matter to laugh at. It is a matter of principle and of serious nature. A short while ago we have had enough of disorderly scenes in the House. We should keep in view the dignity of the House. We should deal with things even if they are unpalatable to us, honestly, dispassionately and orderly. We should refrain from playing the part of the Speaker and assuming his functions by saying 'order, order' to other members particularly senior to them when they imagine things disagreeable to them, which seems to have become a fashion with them, to improperly flout one, not of their party, and to please the party in power. Anyhow my main submission is that the enquiry into this matter should not be entrusted to local officers alone but some honourable members of this House or any of the Parliamentary Secretaries should also be sent to join the enquiries. It is really most objectionable that such arrests should be made merely with a view to putting respectable persons to humiliation and disgrace. I hope and trust that you would make full enquiries and do justice in this matter.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, it has given me great pleasure to find that the Premier took immediate action in this matter. But I cannot exonerate him from the responsibility that such action should have taken place at all in a big town like Jullundur under his regime. The very fact that such things are going on in this province shows that there is something radically wrong with this Government. No doubt, the Premier has tried to move in the matter but so far he has not been able to satisfy us actually as to the results of enquiry. He has said it with great pride that the police of the Punjab is really very much different from what it was perhaps two years ago. I am very sorry to find that he should think so, because if he does so he is satisfied with the present condition and is not going to improve matters. (*Premier* : I do not think so.) I know his sources of information are official and when he was making his speech I even suggested that perhaps his informant was the Inspector-General of Police. For his information I may tell him that in the whole history of the British Government in this country they have always thought that their police were very good and honest. If he is going to depend upon this official source of information then I should tell him that he should even to-day open his eyes and see that there are other sources to find out what is going on in the province and consequently improve things.

Sir, I want to take exception to another observation which the Honourable Premier has made in his speech and that is this that it is not on account of the position or status of the people concerned that he immediately moved in this matter. For his enlightenment I may tell him that such things are

happening every day in hundreds in the province and they have been several times brought to his notice through this House, and nothing was done in those cases. He may take pride over the idea that he moved in this matter not because the accused were men of position and status though I believe, that he did so because they were highly connected people. There are hundreds and thousands of people who are being given worse treatment than that and nobody is taking notice of it, and when we tell the Premier what is going on in the province he shuts his eyes and takes no notice of those happenings.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Diwan Chaman Lall : In view of the statement made by the Honourable Premier, I hope that he will bear in mind, when he puts that statement into effect, the remarks made by the Leader of the Opposition regarding the nature of the inquiry that he wishes to institute. In view of that I do not think that it is necessary to push this motion to a division and he will agree with me that it is not necessary to do so. That is the reason why it was not considered necessary to call the closure which means calling a division. I do not think it is necessary after what has been stated on the floor of the House that a division should be called.

Lala Duni Chand : I do not wish to press for a division.

Premier : I want to say a few words with regard to the nature of the enquiry. My honourable friend Mian Abdul Aziz has also laid stress on that point. The enquiry at the present moment is confined only with regard to ascertaining whether the allegations are correct or not. If by the enquiry which we have instituted it is admitted or we come to the conclusion that the facts are correct, it will not be necessary to make any elaborate enquiry. Therefore, my honourable friends may rest assured that if any more elaborate enquiry than what has been already instituted is necessary, I will undertake that enquiry. I am, however, almost certain after seeing the *interim* report that it would probably not be necessary to undertake any prolonged or elaborate enquiry.

Then the next question is that if the allegations are correct then it will be necessary to see what action should be taken and that action will have to be taken after considering all the relevant facts. I hope that the enquiry already set afoot will be quite sufficient for the purpose of ascertaining facts.

Lala Duni Chand : I want to say a word which my leader for the time being (Diwan Chaman Lall) wants me to do. Personally I attach great importance to the assurance that the Honourable Premier has been pleased to give. I do. But there is one misapprehension in regard to a certain point which I wish to remove. The Honourable Premier is under the impression that in order to prove a case to take executive action against a police official some judicial proof is necessary. It is not necessary that there should be a judicial proof. All that is necessary is that reasonable proof which a reasonable man can expect is forthcoming. In this case a reasonable proof is forthcoming.

Premier : Before I come to the point of this misapprehension, I might draw the attention of the House to a statement made by my honourable friend the Leader of Opposition. He said, we know the results of these departmental enquiries. My honourable friend was unfair and unjust in that criticism. I might state for his information that in the Police Department during the last eighteen months departmental action has been taken against several officials and the extreme action of dismissing them has been taken. I think it my duty to correct that misapprehension of the Honourable the Leader of Opposition.

With regard to the point which my friend has just raised that it would be necessary to require judicial proof, I can assure him that I am not waiting for that. The enquiry will satisfy us whether the allegations are correct or false. The officials concerned have been given an opportunity to say anything they have to say. I have received an *interim* report and from that I am inclined to the view that no judicial proof will be required.

Mr. Deputy Speaker : Does the honourable member wish to withdraw ?

Lala Duni Chand : In the hope and in the belief that my withdrawal will strengthen my case and will induce the Honourable Premier to take effective action, I withdraw my motion.

The motion was by leave withdrawn.

Mr. Deputy Speaker : Before I adjourn the House I would like to consult the House on one point, whether the motion moved by the Honourable Premier should be taken up now. It will be better to take it up now because that way the House will gain two hours at least to-morrow.

Diwan Chaman Lall : According to our rules, ordinary business of the House has terminated. It terminated at half past six. The only business that can be conducted or transacted is the adjournment motion. That having finished there is no business before the House. The next session must meet at 2 P.M.

Mr. Deputy Speaker : The rules do not stand in the way, but all the same this motion will be taken up to-morrow after question time.

The Assembly then adjourned till 2 p.m., on Tuesday, 10th January, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 10th January, 1939.

The Assembly met at the Assembly Chamber at 2 p.m. of the clock. The Secretary informed the House of the unavoidable absence of Mr. Speaker, due to illness. Thereupon Mr. Deputy Speaker took the Chair.

STARRED QUESTIONS AND ANSWERS.

PRICE OF TOORI AND RELIEF TO PEASANTS OF HISSAR AND LUDHIANA DISTRICTS.

*3715. **Sardar Lal Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) at what price was *toori* (fodder) being sold to peasants of Hissar district during the week ending 15th October, 1938, at the district headquarters;
- (b) what was the average price of *toori* at the district headquarters in Ludhiana district in the same week;
- (c) the nature of the total relief given to peasants of Hissar and Ludhiana districts during the months of September and October, 1938, under the following heads : (i) Financial help grants; (ii) Remission of land revenue and irrigation dues; (iii) Taqavi; (iv) other forms?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) *Toori* (wheat *bhusa*) was not sold, but distributed as a taqavi advance and charged at annas twelve per maund at the district headquarters and throughout the district.

(b) Rupee one and pies nine per maund.

(c) As regards Ludhiana district the question of grant of relief to peasants is under consideration.

In regard to relief measures adopted in the Hissar district, the attention of the honourable member is drawn to the answer given to starred question No. 3615¹.

Sardar Lal Singh : Certain parts of the Ludhiana district are only ten miles distant from the town of Hissar and the conditions there are as bad as those in Hissar and yet there is this great disparity in the relief given to the two districts. May I know why?

Parliamentary Secretary : I have already stated that Government have asked for reports. The question of grant of relief will be considered as soon as the reports are received. I may assure the honourable member that Government will take a very sympathetic view of the situation.

Mian Abdul Rab : May I know how long the Government will keep this question under consideration?

Parliamentary Secretary : I may assure the honourable member that Government will expedite the matter. They will not take long over the question.

Sardar Lal Singh : When did it occur to Government that this report should be called for from the Ludhiana authorities ?

Parliamentary Secretary : As soon as the question was received Government asked for a report from the local authorities. A report was received from the Deputy Commissioner, but as some more enquiries had to be made, the Deputy Commissioner was addressed again. He has been asked to expedite his further report.

Lala Deshbandhu Gupta : Was it not the duty of the Deputy Commissioner to submit of his own accord information about the famine conditions in that area ?

Parliamentary Secretary : I have already stated that the Deputy Commissioner did submit a report. Government wanted further information and so he has been asked to supply that information. I may inform the honourable member that famine conditions have not yet been declared in that district.

Lala Deshbandhu Gupta : May I know the substance of the Deputy Commissioner's report ? Does he say that famine conditions are prevalent there or not ?

Parliamentary Secretary : Government are aware that in certain parts of the district owing to failure of rains the zamindars have suffered. As I have already said, Government are taking a very sympathetic view to provide relief to sufferers. Government have asked for certain figures which they think necessary with a view to come to a final decision in the matter.

Lala Deshbandhu Gupta : Do Government realise that the people living in these famine-stricken areas have been suffering for the last several months and Government have given no relief to them so far ?

Sardar Lal Singh : In what form does the Government propose to extend its sympathy to the people of the Ludhiana district ? Is the Government aware that the Deputy Commissioner has not visited those parts at all ?

Parliamentary Secretary : I have no information on that point.

Chaudhri Kartar Singh : Will the Parliamentary Secretary please state whether the Deputy Commissioner, Ludhiana, has not so far visited the villages of the district ?

Parliamentary Secretary : The Deputy Commissioner has studied the conditions in the district and has sent in his report, but before taking a final decision in the matter the Government have to take some other matters into consideration.

Sardar Lal Singh : Is the Parliamentary Secretary aware of the fact that hundreds of villagers are roaming about in the Ludhiana city and are clamouring for taqavi loans, but the Deputy Commissioner has not even visited those villages ?

Parliamentary Secretary : Taqavi money has been with the Deputy Commissioner and he has distributed it amongst the villagers. The Government are at present considering what further concessions can be given.

Sardar Lal Singh : Is the Parliamentary Secretary aware of the fact that Government have sanctioned Rs. 15,000 for 482 villages as taqavi relief and the average per village comes to about Rs. 30 ?

Parliamentary Secretary : Government are now considering the grant of further taqavi loans.

Chaudhri Muhammad Hassan : Is it a fact that land revenue is being realised out of the taqavi loans advanced to the villagers ?

Parliamentary Secretary : So far as my information goes, it is entirely baseless.

Mian Abdul Rab : Is the Parliamentary Secretary aware of the fact that land revenue is being realised from the people before they are granted any remission ? If so, will the Government grant them remission after realising the land revenue ?

Parliamentary Secretary : In cases where land revenue is being realised Government do not propose to grant remissions.

Mr. Deputy Speaker : Next question.

COMPLAINTS OF CORRUPTION AGAINST PATWARIS IN LUDHIANA DISTRICT.

*3716. **Sardar Lal Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total number of complaints of corruption received by the district officers from villages of Ludhiana district against the patwaris in the district from 1st April, 1937, up to date, also the number of applications asking for their transfer;
- (b) how many cases of corruption of these patwaris have been alleged during this period and how many of these have been inquired into;
- (c) in how many cases have transfers been made as punishment in the whole district in this period and how many patwaris complained against have been called upon to explain their conduct;
- (d) in how many cases has action been taken under the five-respectable-men rule, during this period;
- (e) were any petitions received by the Collector during this period praying for the transfer of patwaris at Shains and Latala; if so, how many in each case and what action was taken on them;
- (f) is it a fact that allegations of corruption have been made in a number of public meetings held during this period by villagers against these two patwaris;
- (g) if the answer to the foregoing is in the affirmative, what notice, if any, did the Collector take of such public condemnation of public servants?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 24. In each of these a request was also made for the transfer of the patwari concerned.

(b) 24. Enquiries have been made in all the cases. 23 have been found to be baseless. The remaining one is awaiting decision.

[**Raja Ghazanfar Ali Khan**]

(c) No transfer was made by way of punishment. All the 24 patwaris were called upon to explain their conduct.

(d) Does not arise.

(e) There is no village Shains in the Ludhiana district. Two petitions were received for the transfer of the patwari at village Latala but as no case had been made out these were filed.

(f) No.

(g) Does not arise.

Sardar Lal Singh : What then was the intention of Government when it declared so loudly that if five respectable persons made a complaint against an official, action would be taken? The Parliamentary Secretary says that not a single patwari has been transferred. Does it mean that all these patwaris are absolutely honest?

Parliamentary Secretary : Government never declared that if a complaint was received from five persons action would be taken against the official concerned. What the Government said was that in such a case Government would hold enquiries. In the present case Government have held enquiries and have found that the complaints were baseless.

Sardar Lal Singh : To another part of the question Government has replied that there is no village Shains in the Ludhiana district. There is a big village called Shaina paying over Rs. 10,000 revenue to Government. The letter 's' in that name is a misprint for the letter 'a'. Does this printing mistake justify a deliberate avoidance of a reply to this question?

Parliamentary Secretary : Most certainly not.

Sardar Sohan Singh Josh : Are these patwaris propagandists of Government?

Mr. Deputy Speaker : Order, please.

Mian Sultan Mahmood Hotiana : May I ask whether the enquiring officer called upon the complainants to substantiate their allegations?

Parliamentary Secretary : I cannot go into details of the enquiry but I may assure the honourable member that an enquiry was actually held in the matter.

Chaudhri Kartar Singh : Is it a fact that corruption has increased since the present Government came into power?

Parliamentary Secretary : I repudiate that insinuation.

Sardar Lal Singh : May I take it that the authorities in Ludhiana have not got intelligence to find out whether the name meant is Shaina and not Shains?

Parliamentary Secretary : Because the question related to a wrong name the authorities could not give a reply. But if my honourable friend is anxious to have the information, after further enquiries I will gladly do so.

Chaudhri Muhammad Hassan : Did not the Parliamentary Secretary ascertain whether in the original question there was Shains or Shaina?

Parliamentary Secretary : I will ascertain.

Mian Abdul Aziz : Has the Parliamentary Secretary read a lengthy article about the patwaris which appeared in the Civil and Military Gazette the other day?

Mr. Deputy Speaker : It does not arise out of this question.

ACKNOWLEDGEMENT OF LETTERS FROM M. L. AS. BY HEADS OF DEPARTMENTS.

*3717. **Sardar Lal Singh :** Will the Honourable Premier be pleased to state whether or not any orders have recently been issued by the Government to the Heads of Departments not to acknowledge any letters addressed by the honourable members of this Assembly on matters of public interest and if so, whether these orders apply to all the honourable members of the Assembly or any discrimination has been made in the application of these orders?

Parliamentary Secretary (Mir Maqbool Mahmood) : No.

Sardar Lal Singh : Does the Government think it desirable that the officers should reply to the letters of the honourable members of this House?

Parliamentary Secretary : If the honourable member asks for mere expression of opinion, that obviously is not permissible in reply to a question. But it has been said more than once by the Honourable Premier that the Government desires that there should be the fullest possible co-operation and courtesy between the members of the Assembly and the district officers in the interests of public service.

Lala Deshbandhu Gupta : Is the honourable member aware that most of the letters addressed to the different departments by honourable members belonging to the Opposition are not even acknowledged?

Parliamentary Secretary : I am not aware.

Lala Deshbandhu Gupta : Will he kindly make enquiries?

Premier : If my honourable friend will give notice and also quote specific instances, enquiries could be made.

DAMAGE TO CROPS BY HAILSTORM IN LUDHIANA DISTRICT ESPECIALLY IN VILLAGE HARVARA AND GRANT OF RELIEF.

*3785. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

(a) how many villages in each tahsil in the Ludhiana district suffered from hailstorm in the month of September last?

(b) which of the revenue officers inspected the damaged crops and after how much time of the damage?

(c) whether the Collector recommended remission of land revenue to villages where crops were damaged?

(d) will the Government please lay a detailed statement about the information sought in (c) on the table?

(e) whether the Government intends to give relief to the hailstorm stricken area in the Ludhiana district; if so, in what form and how it will be distributed; if not, reasons therefor?

[Ch. Muhammad Hassan]

(f) whether it is a fact that village Habvara is the worst sufferer in this respect in the Ludhiana district; if so, an estimate of total loss suffered by its proprietors?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 84 villages in the Ludhiana tahsil, and 28 in the Jagraon tahsil.

(b) The Deputy Commissioner, Revenue Assistant and tahsil Revenue officials inspected the damaged crops soon after the hailstorm, i.e., within a week of the damage.

(c) The matter is under consideration.

(d) Does not arise.

(e) Rupees 50,000 have been sanctioned for grant of Taqavi to the peasants of the affected area. The matter of remission of land revenue is under consideration. Concession freight rates for the import of fodder into the district by rail have been introduced with effect from the 31st December, 1938.

(f) The fact has yet to be determined. Necessary statements are under preparation.

Chandhri Muhammad Hassan : How long will it take to decide the amount to be given to each of the villagers?

Parliamentary Secretary : It should not take very long.

PATWAR SCHOOL, LUDHIANA.

*3736. **Chandhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of patwari candidates at present being trained in the patwar school recently started at Ludhiana;

(b) whether all of them were admitted at a fixed date;

(c) the names of the candidates admitted subsequently with their castes and educational qualifications in each case;

(d) the reasons for subsequent admissions in the above-mentioned school;

(e) whether the Collector and the Revenue Assistant have, since the admissions, paid surprise visits to the said school;

(f) if reply to the above be in the affirmative, the number of visits thus paid by each of them respectively, their dates and remarks, if any;

(g) whether it is a fact that candidates from other districts of the Punjab have also been admitted on the recommendations of collectors of those districts;

(h) the names, educational qualifications, castes of each of the candidates mentioned in (g) and also the name of his home district?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 147.

(b) No. 19 were admitted after the fixed date.

(c) A list is attached.

(d) These admissions were made to train candidates for the further needs of the district.

(e) The Revenue Assistant visited the school.

(f) Three. On 6th May, 1938, on 8th June, 1938, and 29th August, 1938. Remarks were recorded in the inspection book.

(g) Yes.

(h) A list is attached.

Chaudhri Muhammad Hassan : Will the Honourable Parliamentary Secretary please enquire from the Collector as to why he did not visit that school? Was it not his duty?

Parliamentary Secretary : It was not necessary for him to visit that school.

List of candidates admitted to the Patwari School, after due date.

| Serial No. | Name of candidate. | Educational qualification. | Caste. |
|------------|--------------------------|----------------------------|----------|
| 1 | 2 | 3 | 4 |
| 1 | Piyare Lal | F. A. | Bania. |
| 2 | Bhag Singh, I | Matric | Jat. |
| 3 | Bhag Singh, II | Middle | Jat. |
| 4 | Muhammed Mukhtar | F. A. | Sayyad. |
| 5 | Fasal Babi | Matric | Sheikh. |
| 6 | Sandagar Singh | Middle | Jat. |
| 7 | Vidya Parkash | Do. | Brahman. |
| 8 | Teja Singh | Do. | Jat. |
| 9 | Ghulam Haider | Do. | Gujar. |
| 10 | Karnail Singh | Do. | Jat. |
| 11 | Jagdev Sahai | Vernacular Final | Brahman. |
| 12 | Ujjagar Singh | Ditto | Jat. |
| 13 | Sadhu Singh | Matric | Jat. |
| 14 | Wali Muhammad | Do. | Dogar. |
| 15 | Said Ahmad | Do. | Arain. |
| 16 | Bashir Ahmad | F. A. | Awan. |
| 17 | Nawab Ali | Matric | Awan. |
| 18 | Ajaib Singh | Vernacular Final | Jat. |
| 19 | Gurdev Singh | Matric | Jat. |

[Raja Gazanfar Ali Khan]

List of candidates accepted in other districts admitted for training under the orders of the Director of Land Records, Punjab, Lahore, in the Patwari School, at Ludhiana.

| District. | Name of the candidate. | Other particulars. |
|-----------------------|--------------------------|--|
| 1 | 2 | 3 |
| Sheikhpura.. | Nazir Ahmad .. | Other particulars of candidates are not available. |
| | Muhammad Shafi .. | |
| | Muhammad Bashir Ahmad .. | |
| | Motlub Hussain .. | |
| | Muhammad Reehid .. | |
| | Abdur Rahman.. | |
| | Bihari Lal .. | |
| | Anwar Beg .. | |
| | Fazal Husain .. | |
| | Muhammad Ali .. | |
| | Manzur Ahmad .. | |
| | Piyara Singh .. | |
| | Ghulam Nabi .. | |
| | Chanan Singh .. | |
| | Rup Lal .. | |
| Rahmat Ali .. | | |
| Gurbachan Singh .. | | |
| Muhammad Hussain .. | | |
| Baldev Raj .. | | |
| Gurgaon district .. | Mahmud Khan .. | |
| Gurdaspur district .. | Bashir Hussain .. | |
| Hoshiarpur .. | Babu Singh .. | |
| Rohtak .. | Ghulam Hussain .. | |
| | Tufail Ahmad .. | |
| | Shamim Ahmad .. | |
| Jullundur .. | Mubarik Ali .. | |
| Lahore .. | Mulh Raj .. | |
| Simla .. | Balik Ram .. | |
| Kangra .. | Karam Chand .. | |
| Ferozapore .. | Ghaus Muhammad .. | |

| District | Name of candidate | Other particulars |
|-------------------------------------|---|--|
| 1 | 2 | 3 |
| Lahore district | Mota Singh Narain Singh Mahabbat Ali Beshambar Nath Inder Singh Nur Muhammad Santokh Singh | |
| Hoshiarpur district | Om Parkash Abdul Qadir Shiv Ram | |
| Karnal district | Muhammad Bakar Babu Ram | |
| Pakpattan tahsil Ambala district | Mansab Ali Sukh Dev | |
| Rewalpindi district | Hakim Singh Moharram Ali | Other particulars of the candidates are not available. |
| Nabha State | Muhammad Sharif | |
| Jullundur district | Dharani Pal | |
| Ferozepore district | Khushi Muhammad Saghir Akbar Zakir Hussain Tasaddiq Hussain | |
| Lyallpur district | Ghulam Nabi Muhammad Aslam Ghulam Qadir Rashid Ahmad Muhammad Anwar Shah Ghulam Rasool Abdul Majid Muhammad Din Abdul Hamid | |

[Raja Ghazanfar Ali Khan]

| District. | Name of candidate. | Other particulars. |
|----------------------|--------------------------|--|
| 1 | 2 | 3 |
| Lyallpur district | Ahmad Din | Other particulars of the candidates are not available. |
| | Jan Muhammad | |
| | Khushi Muhammad | |
| | Muhammad Reza | |
| | Jovind Singh | |
| | Chiragh-ud-Din | |
| | Muhammad Ibrahim | |
| | Hakim Ali | |
| | Wazir Muhammad | |
| | Abdul Asiz | |
| | Hashim Ali | |
| | Abdur Rahman | |
| | Abdur Rashid | |
| Rahmat Ali | | |
| Abdul Ghafur | | |

NEW ROADS BUILT IN THE PROVINCE.

*3753. **Chaudhri Kartar Singh** : Will the Honourable Minister of Public Works be pleased to state how many miles of new roads have been built in each district of the Punjab during this year ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : It is not clear as to what is meant by the term "new roads" as very few such roads have been constructed. It is presumed that the honourable member means metalling of existing unmetalled roads. If this is so, the position is as follows :—

| | |
|----------------------------------|--------------|
| Completed metalling | 51·55 miles. |
| Roads under construction | 20·5 miles. |

It may be mentioned that in addition to the above, 250 miles of district board metalled roads have been provincialised this year and are being reconditioned and it is proposed to construct road bridges at Trimmu and Sidhnai at a total cost of Rs. 6·49 lakhs in connection with the Haveli project and a road bridge over Sohan at Dhok Pathan in the Attock district which is about to be started.

The districts in which new metalling is being and has been done is set forth in the attached list. In regard to provincialization of district board roads it is Government's intention to provincialise, in the course of 3 or 4 years, all non-competitive district board metalled roads.

Chaudhri Kartar Singh : May I know if it is the policy of the Government to metal only those roads which go through the constituencies of the Honourable Ministers ?

Minister : I repudiate that insinuation. The honourable member is probably thinking about the Industries Loans Act.

List of newly metalled roads.

| | Miles. | | Miles. |
|----------------------------|--------------|---------------------------------|-------------|
| Ferozpur district | 7-00 | Arterial No. 6 | 6-44 |
| | | Malout Abohar | 0-31 |
| | | Feroz Bahadran | 0-25 |
| | | Total | 7-00 |
| Gujranwala district | 5-20 | Pindi Bhattiana District | 5-10 |
| Jhang district | 11-50 | Ditto | 11-50 |
| Lyallpur district | 18-75 | Jhang to Lyallpur Arterial | .. |
| | | No. 3 | .. |
| Amritsar district | 9-00 | Khan Duttian | .. |
| | | | |
| Total | 51-50 | | |

FEE FOR PRIMARY EDUCATION.

3754. Chaudhri Kartar Singh : Will the Honourable Minister of Education be pleased to state in which district of the Punjab—

- (a) a fee on primary education has been imposed ;
- (b) in which districts primary education is allowed free ;
- (c) whether any changes have been made in the rules regarding laying of fees in this year ?

The Honourable Mian Abdul Haye : (a) and (b) In no district of the Punjab is primary education entirely free. It is free in the following cases—

- (i) for the children of all classes of persons in the areas where compulsion is introduced under the Punjab Primary Education Act, 1919 ;
- (ii) for the children of poor agriculturists and certain special classes, including depressed classes, under article 121 of the Punjab Education Code.
- (c) No.

Lala Duni Chand : May I know whether it is the policy of the Government to make revenue out of primary education ?

Minister : I have not been able to understand this question of the honourable member.

Lala Duni Chand : May I enquire if it is the policy of the Government to make revenue out of the primary education ? Does he now understand the question ?

Minister : I know that in certain other provinces it was intended to make primary education self-supporting. I have no such intention. I spend lakhs on primary education every year.

RURAL RECONSTRUCTION.

*3755. **Chaudhri Kartar Singh** : Will the Honourable Minister of Development be pleased to state—

- (a) how much money under the Rural Reconstruction Scheme has been sanctioned for each district ;
- (b) the name of the tahsil in each district which has been selected under this scheme and also the amount set apart for it for carrying on the work of rural reconstruction in it ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) A sum of Rs. 6,00,000 has been sanctioned for Special Development Programme for the current financial year. Out of this Rs. 14,000 has been allotted at the rate of Rs. 500 for every district in the Punjab (except Simla) for cash rewards. The remaining amount of Rs. 5,86,000 has been placed at the disposal of the beneficent departments as shown in the attached statement.

(b) *First part* : A list of the tahsils selected for the current and the next financial years is laid on the table.

Second part : No specific amount (except Rs. 500 sanctioned for cash rewards for one tahsil in each district) has been set apart for any tahsil.

Mian Abdul Rab : May I know which tahsil of the Jullundur district has been selected for the rural reconstruction programme ?

Parliamentary Secretary : Jullundur, and Nakodar next.

Mian Abdul Rab : Which tahsil this year ?

Parliamentary Secretary : Jullundur.

Statement showing the details of Rs. 6,00,000 allotted to the various heads of Departments for Special Development Programme during the year 1988-89 :

| Department. | Amount allotted. |
|-------------------------|------------------|
| | Rs. |
| Revenue | 50,000 |
| Education | 50,000 |
| Medical | 10,000 |
| Public Health | 1,40,000 |
| Agriculture | 1,00,000 |
| Veterinary | 50,000 |
| Co-operative Industries | 1,00,000 |
| Reserve | *50,000 |
| Total | 6,00,000 |

*Includes Rs. 14,000 sanctioned for cash rewards at the rate of Rs. 500 per district in the Punjab (except Simla).

Statement showing the tahsils selected for intensive rural reconstruction campaign for the years 1938-39 and 1939-40.

| Serial No. | District | Tahsil selected for 1938-39 and 1939-40. | Tahsil selected for 1939-40. |
|------------|-----------------|--|------------------------------|
| 1 | 2 | 3 | 4 |
| 1 | Hissar | Hissar | Hansi. |
| 2 | Rohtak | Sonepat | Jhajjar. |
| 3 | Gurgaon | Gurgaon | Palwal. |
| 4 | Karnal | Karnal | Kaithal. |
| 5 | Ambala | Rupar | Ambala. |
| 6 | Kangra | Kangra | Hamirpur. |
| 7 | Hoshiarpur | Hoshiarpur | Una. |
| 8 | Jullundur | Jullundur | Nakodar. |
| 9 | Ludhiana | Ludhiana | Samrala. |
| 10 | Ferozapore | Moga | Fazilka. |
| 11 | Lahore | Kasur | Lahore. |
| 12 | Amritsar | Ajnala | Amritsar. |
| 13 | Gurdaspur | Gurdaspur | Shakargarh. |
| 14 | Sialkot | Daska | Sialkot. |
| 15 | Gujranwala | Wazirabad | Gujranwala. |
| 16 | Sheikhupura | Sheikhupura | Shahdara. |
| 17 | Gujrat | Gujrat | Phalia. |
| 18 | Shahpur | Shahpur | Khushab. |
| 19 | Jhelum | Chakwal | Jhelum |
| 20 | Bawalpindi | Bawalpindi | Gujar Khan. |
| 21 | Attock | Attock | Pindigheb. |
| 22 | Mianwali | Mianwali | Bhakkar. |
| 23 | Lyalpur | Lyalpur | Toba Tek Singh. |
| 24 | Jhang | Jhang | Chiniot. |
| 25 | Multan | Kabirwala | Multan. |
| 26 | Muzaffargarh | Muzaffargarh | Lahar. |
| 27 | Dera Ghazi Khan | Dera Ghazi Khan | Jampur. |

HARRAT BABA NIZAM SHAH'S SHRINE IN MAYO GARDENS, LAHORE.

***3775. Maulvi Mazhar Ali Arhar :** Will the Honourable Minister of Public Works be pleased to state whether he is aware of the fact that an iron fencing has now been installed by the North-Western Railway authorities around the shrine of Hazrat Baba Nizam Shah in the centre of Mayo Gardens, Lahore, and also around the mosque attached to the shrine without providing for any entrance to the shrine and the mosque and thereby the religious susceptibilities of the Muslims have been offended; if so, the action intended to be taken to move the Railway authorities in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : I regret the information asked for will not be available till I hear from Railway authorities who have been requested to supply it.

RECRUITMENT IN VETERINARY DEPARTMENT.

***3785. Mian Abdul Aziz :** Will the Honourable Minister of Development be pleased to lay on the table a list community-wise of clerks and officers recruited in the Veterinary Department, since April, 1937?

The Honourable Chaudhi Sir Chhotu Ram : In view of the communal implications of the question I regret that the information desired cannot be supplied.

**SALARIES AND OTHER EMOLUMENTS DRAWN BY THE GOVERNMENT
ADVOCATE AND ADVOCATE-GENERAL.**

***3794. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) the salary per month drawn by the Government Advocate, Punjab, for the five years ending the 1st April, 1937;
- (b) the total emoluments of all kinds, including fee, but not salary, drawn per month by the Government Advocate, Punjab, for the said five years;
- (c) the salary per month drawn by the Advocate-General, Punjab, since the 1st April, 1937;
- (d) the total emoluments of all kinds including fee but not salary drawn per month by the Advocate-General, Punjab, since the 1st of April, 1937?

The Honourable Major Sir Sikander Hyat-Khan : A statement is laid on the table:—

A. Salary drawn by the Government Advocate for the five years ending the 1st April, 1937.

| <i>Period.</i> | <i>Salary per men- sem. Rs.</i> |
|---|---|
| From April 1932 to 13th July 1933 | @1,500 |
| From 14th July 1933 to 1st October 1934 | @1,200 |
| From 2nd October 1934 to 12th October 1935 | @1,260 |
| From 13th October 1935 to 12th October 1936 | @1,330 |
| From 13th October 1936 to 31st March 1937 | @1,350 |

Fees and extra emoluments drawn by the Government Advocate during the same period.

| | Rs. |
|---------|--------|
| 1933-33 | 4,071 |
| 1933-34 | 4,148 |
| 1934-35 | 5,900 |
| 1935-36 | 10,125 |
| 1936-37 | 15,205 |

B. Salary and emoluments drawn by the Advocate-General from the 1st April 1937, to 31st October 1938.

| Month. | Salary. | Other emoluments. |
|-----------|---------|-------------------|
| | Rs. | Rs. |
| 1937. | | |
| April | 2,500 | .. |
| May | 2,500 | .. |
| June | 2,500 | .. |
| July | 2,500 | .. |
| August | 2,500 | .. |
| September | 2,500 | 700 |
| October | 2,500 | 2,559 |
| November | 2,500 | 273 |
| December | 2,500 | 300 |
| 1938. | | |
| January | 2,500 | 1,351 |
| February | 2,321 | .. |
| March | 2,500 | 517 |
| April | 2,500 | 1,000 |
| May | 2,500 | 2,075 |
| June | 2,500 | 182 |
| July | 2,500 | 82 |
| August | 2,500 | 1,325 |
| September | 2,500 | .. |
| October | 2,500 | 912 |

RIGHT TO CALL 'AZAN' AT RAJA JANG.

*3795. **Malik Barkat Ali:** Will the Honourable Premier be pleased to state the steps so far taken by his Government to ensure the peaceful

[Malik Barkat Ali] and unmolested right to call 'Azan' at the requisite time in the various mosques at Raja Jang ?

The Honourable Major Sir Sikander Hyat-Khan : There has been no interference in the calling of *Azan* by the Muslims of Raja Jang and the compromise reached between the Sikhs and Muslims on the 19th May, 1938, is being observed.

A few minor incidents, indicative of friction between the two communities, have lately been reported from the village and the police has had to intervene to preserve the peace. Government hope that the parties concerned will learn to live in peace, failing which Government intend to take all possible steps to maintain order in the village.

Khawaja Ghulam Samad : Has the attention of the honourable member been drawn to an article in a local newspaper that the Sikhs have applied to a judicial court for obtaining an injunction restraining Muslims to call *Azan*, which means that the Sikhs violated the terms of their promise.

Mr. Deputy Speaker : This does not arise out of the question or the answer.

RIGHT TO CALL 'AZAN' AT RAJA JANG.

***3796. Malik Barkat Ali :** Will the Honourable Premier be pleased to state whether it has come to his notice or not that the Muslim inhabitants of Raja Jang are still complaining that they are not being allowed to exercise freely their right to call 'Azan' if so, the measures adopted by his Government to prevent this state of affairs ?

The Honourable Major Sir Sikander Hyat-Khan : The attention of the honourable member is invited to the answer given to question *3795 (*ante*).

REMSSION OF TAQAVI LOANS.

***3805. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that Taqavi loan has been remitted in thirteen districts of the Province including Dera Ghazi Khan, Rohtak and Hissar ; if it is so, the action, if any, the Government proposes to take in the matter of Taqavi loans in the districts of Ludhiana and Ferozepore ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. Taqavi loans have been remitted in some districts including Rohtak and Hissar, but not Dera Ghazi Khan.

No remission of taqavi loans is proposed to be granted in the Ferozepore district as the local conditions do not call for any such remission.

Remission of taqavi loans in the Ludhiana district will be dealt with along with the proposal for remission or suspension of land revenue which under consideration.

Sardar Sahib Sardar Gurbachan Singh : What] about the Jullundur district ?

Premier : It does not arise out of this question.

Sardar Sahib Sardar Gurbachan Singh : If Ludhiana can come in this question, then why not Jullundur ?

REPRESENTATION BY PRESIDENT, MOTOR UNION, AMRITSAR, AGAINST MOTOR VEHICLES INSPECTOR.

***3868. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the President, Amritsar Motor Union (Lahore Section), has recently made a representation to the Government against the conduct of the Motor Vehicles Inspector, Amritsar ;
- (b) Will the Honourable Minister lay a copy of that representation on the table of the House ;
- (c) whether the Government has inquired into the matter; if so, with what result ?

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

(b) A copy is laid on the table.

(c) The gentleman who made this representation is known to have a personal grievance against the Amritsar inspection staff, being the owner of the vehicle referred to in question *1971¹, put by the honourable member from the Kasur (Muhammadian) Rural Constituency in the last budget session. In such circumstances Government did not think it necessary to issue any special orders on the representation, of which a copy had been sent by the author direct to the Superintendent of Police of the district.

REPRESENTATION OF THE PRESIDENT, AMRITSAR MOTOR UNION (LAHORE SECTION) A. I. G. TRAFFIC, LAHORE, DATED THE 16TH OCTOBER 1938.

With humble submission I venture to draw your kind attention to the following grave facts for your consideration and action if possible—

- (1) That the unwholesome treatment and unprivileged attitude of Mr. Rossitor, Motor Vehicle Inspector, Amritsar Centre, is progressively becoming intolerable and is increasingly causing widespread resentment and helpless indignation amongst the lorry drivers of this Centre, who feel and succumb to the halo of authority that surrounds him.

The treatment meted out to the representatives of the Union who happened to visit the place of inspection falls hardly short of grave provocation. He seems to relish and revel in the idea of going to the extent of indulging in obscene and indecent references made lavishly towards the office-bearers. This has made us feel, that we are being mal-treated and harassed for the simple fact of our being watchful members of the Union, in spite of the conciliatory spirit and salutary influence that we exert in the establishment of a healthy atmosphere.

This is obviously, I submit, an abuse of lawful authority.

[Minister for Public Works].

(2) That Mr. Rosaitor is exacting "forced labour" from the drivers by resorting to a peculiar device. His range of inspection comprises Jullundur, Amritsar, Pathankot, Hoshiarpur, etc. He and his staff have to proceed from place to place in the course of duty and draw travelling allowances from the Government coffers on that score. To save net allowances, he employs a camouflage; he would pick, choose and ask a lorry driver who presented his lorry for inspection, say, at Amritsar to visit his place on the morrow and carry him, his staff and paraphernalia, say to Jullundur where he would also examine his lorry. He is left with no sweet choice but to yield and comply with this 'old order.'

The vexatious part of the whole melo-drama is that the man is not paid a penny for this conveyance.

I dare believe there is no such provision in the statute books whereby a police-officer is empowered to exact forced, gratis labour. This is certainly an instance of unworthy dealings of an officer in 1938 and which smells of dark antiquity when knights were bold. I hope no administration could, for its fair name allow such state of things to continue to such a very long; this would, however, be your decision, Sir, not mine.

(3) That recently one Mangal Singh, driver, has fallen a victim to his usual high-handedness and rashness of mind.

In connection with his application for endorsement in his licence No. 227 of 1938 to drive public heavy motor vehicle, he presented himself before him for the requisite test. He refused on the shabby ground that his address as written on the Court-fee stamp did not exactly tally with the one described in the licence. I doubt if that was his job. Then, that was not all. He deliberately tampered with the stamps in the value of Rs. 5 and put his signature over them, in spite of timely warnings, thus invalidating them from being further put to use. And the result was the loss of five rupees net.

This incident, I assure you, Sir, is only a grain from the heap as the expression goes in Urdu.

(4) That it is prayed that some independent officer preferably of the C. I. D. may be deputed to investigate into the grave irregularities referred to above and other cases of commission and omission which we shall only be too pleased to bring to his notice.

That I have written these lines with full responsibilities that my office involves.

**RESOLUTION PASSED AGAINST MOTOR VEHICLES INSPECTOR,
AMRITSAR.**

***3961. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether a resolution was passed against the treatment accorded to the lorry owners by the Motor Vehicles Inspector, Amritsar, in a session of the All-India Motor Union Federal Congress held on 8th August, 1938;

(b) whether the attention of the Government has been drawn to the resolution referred to in part (a) above; if so, the action the Government has taken in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes, on the evening of the 7th August. The resolution referred exclusively to an alleged refusal on the part of the inspection staff to pass vehicles converted by local mechanics from 1 ton lorries into 2 ton lorries.

(b) It is clear that in adopting this resolution the meeting had in view the particular case mentioned in the reply to part (c) of the last question, and there does not appear to be any need for action by Government.

NEW PRESSES BROUGHT ON THE APPROVED LIST OF THE
HIGH COURT.

*3867. **Dr. Gopi Chand Bhargava :** Will the Honourable Finance Minister be pleased to state—

(a) whether any new press was brought on the approved list of High Court in October, 1937, when the number of the presses on its approved list was reduced owing to their being inefficient work; if so, why?

(b) whether any tenders were invited in this connexion for the rates of printing; if not, why not; if so, how many presses submitted the required tenders?

The Honourable Mr. Manohar Lal : (a) Yes. An up-to-date and well-equipped press was employed. The object was to entrust the printing work of the High Court to big and reliable concerns in order to ensure better quality, quicker outturn and greater efficiency and to facilitate the keeping of records.

(b) No. With the employment of the new press, the rates for printing First, Second and Privy Council Appeals were reduced by Rs. 0-1-0 per page as compared with the standard rates prevailing before its employment. Any further reduction in the rates would tend to impair rather than improve the quality of work turned out by the presses.

Dr. Gopi Chand Bhargava : Has there been any complaint against any press that its work was not up-to-date?

Minister : The new press employed is known to be an efficient printing house in Lahore and has actually reduced the amount charged by one anna a page.

Dr. Gopi Chand Bhargava : Can I ask if there has been any complaint against those who have worked for the last 20 years and can I ask what improvement and what reduction in the charges has resulted from the giving of the work to the new press?

Minister : It is not possible to answer the question in the way in which it is put as to what particular kind of improvement has taken place. The High Court has informed us that the new press is able to turn out the work quicker, is more reliable and cheaper. These are the three directions in which we have secured better services.

Dr. Gopi Chand Bhargava : Will the Government enquire if tenders had been invited cheaper work could have been secured from those presses?

Minister : It is possible that they may have been so, but if the honourable member would give me notice I will make enquiries.

Dr. Gopi Chand Bhargava : I asked this very thing, whether any tenders were invited and I was told by the Honourable Minister 'no'.

Minister : No tenders were invited.

Dr. Gopi Chand Bhargava : Will he enquire why tenders were not invited?

Minister : It is perfectly obvious. What the High Court has told us is this that they have secured rates one anna cheaper than the rates that prevailed hitherto.

Dr. Gopi Chand Bhargava : How can they say that they could not get cheaper rates ?

Lala Deshbandhu Gupta : Are they prepared to direct that in future tenders should be invited for all work to be done ?

Minister : The High Court make what they consider proper arrangements with regard to their printing work. If the honourable members here desire that any information may be furnished to them, I would procure that information. I think it is not possible to direct the High Court that they must follow any given particular course in securing their printing.

NUMBER OF JUDGES AND PENDING CASES IN HIGH COURT,
LAHORE.

*3872. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

(a) the number of cases pending in the High Court, Lahore, on 1st day of January of years 1905, 1910, 1915, 1920, 1925, 1930 and 1935, respectively, and on 1st November, 1938, under the following heads—(i) civil first appeals, (ii) civil second appeals, (iii) civil revision and miscellaneous, (iv) murder references, (v) criminal appeals and (vi) criminal revision and miscellaneous ;

(b) the number of Judges of the High Court on 1st day of January of years 1905, 1910, 1915, 1920, 1925, 1930 and 1935, and 1st November, 1938 ?

The Honourable Mr. Manohar Lal : A statement containing the required information is laid on the table.

Dr. Gopi Chand Bhargava : The number of Judges was 12 in 1925 when the number of cases was 2,527. In 1930 the number of cases was 3,706 and the number of Judges was 12. Probably the number of High Court Judges increased as the number of cases increased. Now, when the number of cases has been appreciably reduced, will the Government take into consideration the desirability of reducing the number of High Court Judges by not filling the places as they fall vacant ?

Premier : As a matter of fact when the present number was fixed, all these things were taken into consideration. It is not necessary that all the posts sanctioned should remain filled. It is not for the Government to dispense with the services of those Judges who have been appointed. Later on, if any posts fall vacant, and the exigencies of work and other considerations involved so require it may be possible for the Government not to fill all of them.

Statement showing the number of Judges and cases pending in the High Court of Judicature at Lahore on the first day of January of years 1908, 1910, 1915, 1920, 1925, 1930 and 1935 respectively and on 1st November, 1938.

| Description of cases. | 1906. | 1910. | 1915. | 1920. | 1925. | 1930. | 1935. | 1st Nov. ber, 1938. | Remarks. |
|-------------------------------------|-------|-------|-------|-------|-------|-------|-------|---------------------------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Civil First Appeals (Regular). | 263 | 183 | 348 | 622 | 960 | 1,532 | 936 | 182 | |
| Civil Second Appeals (Regular). | 1,424 | 901 | 1,482 | 1,554 | 1,389 | 1,417 | 716 | 600 | |
| Civil Revisions .. | 1,470 | 970 | 349 | 290 | 208 | 212 | 237 | 240 | |
| Murder References .. | 25 | 16 | 41 | 24 | 80 | 60 | 77 | 19 | |
| Criminal Appeals .. | 165 | 162 | 223 | 231 | 293 | 267 | 319 | 200 | |
| Criminal Revisions .. | 237 | 209 | 222 | 203 | 206 | 218 | 242 | 142 | |
| Total .. | 3,584 | 2,441 | 2,665 | 3,014 | 3,145 | 3,706 | 2,527 | 1,392 | |
| Number of Judges of the High Court. | 5 | 6 | 8 | 9 | 11 | 12 | 15 | 11 | |
| Miscellaneous Civil Appeals. | 390 | 244 | 359 | 167 | 296 | 226 | 278 | 194 | |
| Original Suits Miscellaneous. | 6 | 8 | 6 | 8 | 8 | 1 | 2 | 4 | |
| Total .. | 396 | 252 | 365 | 175 | 304 | 227 | 280 | 198 | |

CIRCULAR LETTER REGARDING SECURING OF RESOLUTIONS IN FAVOUR OF AGRARIAN LAWS FROM PANCHAYATS.

*3878. **Dr. Gopi Chand Bhargava** : Will the Honourable Revenue Minister be pleased to state whether it is a fact that a circular has been issued by Government to all the Deputy Commissioners of the Province to secure a resolution of support for the four agrarian laws recently passed by the Assembly, from all village panchayats in the province; if so, how many Panchayats have obeyed these orders and how many, if any, have not obeyed them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No circular of the kind has been issued by Government. The second part of the question does not arise.

Dr. Gopi Chand Bhargava : Has the Parliamentary Secretary made full enquiries?

Parliamentary Secretary : I have made the fullest enquiries and I am fully satisfied.

Dr. Gopi Chand Bhargava : Will the Parliamentary Secretary be prepared to make enquiries if I give him definite information?

Parliamentary Secretary : I have already said that I have made the fullest enquiries and I find that the answer given is perfectly correct.

DAMAGE TO KHARIF AND RABI CROPS BY CLOSURE OF LOWER JHELUM CANAL.

***3955. Chaudhri Ahmad Yar Khan :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the Lower Jhelum Canal ceased to run on 8th November, 1988, and is closed even now; if so, whether it is proposed to make inquiries into the damage done to both Kharif and Rabi crops on the said canal and call for a statement from the Irrigation Department as to exact amount of loss sustained by the zamindars concerned in order to give adequate relief to those who have suffered by the closure of the canal for so many weeks;

(b) the way in which it is proposed to grant relief to the zamindars concerned after the inquiry?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The Lower Jhelum Canal was closed on 8th November according to the annual rotational programme of canals on account of short supply in the rivers and has been getting its share from 20th November. The damage to crops is not such as to require any special action.

(b) Due *kharaba* has been given to *kharif* crops and will be given to *rabi* crops where required.

CLOSURE OF RAJBAAH MONA RESULTING IN DAMAGE TO CROPS.

***3956. Chaudhri Ahmad Yar Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that during the closure of the Lower Jhelum Canal from 8th November, 1988, to date some of the rajbahs, e.g., Rattakala and Abdal continued to run but that rajbah Mona remained closed for all these days resulting in a substantial damage to the crops on this rajbah; if so, whether or not it is intended to grant some special relief to the zamindars on the Mona rajbah?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The following were the dates of opening and closing of Mona Distributary. It was open during October and up to November 8th and re-opened on December 16th to 31st December. Rattakala was open during October and

up to November 8th and re-opened again from December 15th to 31st December. Abdal Minor was open during October and up to November 9th and re-opened again on November 28th to December 4th. It was closed from December 5th to December 10th, and re-opened again till December 31st. Mona and Rattakala Distributaries are high level channels fed from the Main Line Lower Jhelum Canal while Abdal Minor is fed from the Southern Branch and is able to run even when very low supplies are run in the Southern Branch. The working of the channels cannot, therefore, be compared. The condition of crops on all channels is reported as good and, therefore, the question of special relief does not arise.

MONA RAJBHAI ON THE LOWER JHELUM CANAL.

***3957. Chaudhri Ahmad Yar Khan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the head of the Mona rajbah on the Lower Jhelum canal is at a very high level and that for that reason it ceases to flow as soon as the water level in the said canal falls even a little, and if so, the action intended to be taken in the matter to remove this complaint of the zamindars concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, the Mona Distributary is a high level channel which flows only when the supply in the Main Line Lower Jhelum Canal is high. This supply level cannot be raised without upsetting the working of the main canal.

SCHEDULES OF MINIMUM AREAS FOR HOUSES IN THE LAHORE CIVIL STATION.

***3972. Lala Bhim Sen Sachar :** Will the Honourable Minister of Public Works be pleased to state—

(a) since when is the question of fixing schedules of minimum areas for houses in the Lahore Civil Station pending ;

(b) what has been the result of the activities of the Advisory Committee appointed by the Government some months ago to consider this question ;

(c) when is the question to be finally settled ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a), (b) and (c) An Advisory Committee was appointed in March last to consider the question of the minimum areas for bungalow sites in the Lahore Civil Station. The recommendations of the Committee are being considered by Government and a final decision may be expected shortly.

Begum Rashida Latif Baji : Does the Honourable Minister for Public Works feel that the public has been put to great inconvenience on account of this planning by the Government. Many people have been rendered workless and the Government is merely wasting so much time. Sometimes it is said that a committee is going to be appointed and sometimes it is said that the committee will be revived. Kindly arrange at once.

Mr. Deputy Speaker : It is not a supplementary question.

Lala Bhim Sen Sachar : May I know the date when the Advisory Committee submitted its report to the Government ?

Minister : I cannot give the date off hand but it was some time ago at Simla.

Lala Bhim Sen Sachar : May I know what action the Government has so far been able to take on that report ?

Minister : The report was sent to the local officers for their views.

Lala Bhim Sen Sachar : Local officers of which place, please ?

Minister : Of Lahore.

Lala Bhim Sen Sachar : Is it the Administrator or anybody else ?

Minister : The Commissioner.

Lala Bhim Sen Sachar : Have the Government issued any orders to the Administrator asking him not to sanction any applications for buildings till the recommendations of the Advisory Committee have been considered by the Government ?

Minister : So far as I am aware, no instructions have been issued but the Administrator has to act according to the rules in force on the subject.

Lala Bhim Sen Sachar : Is it within the knowledge of the Honourable Minister for Public Works that because no instructions with respect to these questions have so far been given, the Administrator is refusing to sanction building plans ?

Minister : The position is this. Certain schedules were fixed already. The Advisory Committee suggested certain alterations. The original schedules are in force and as soon as the proposed amendments are examined and sanctioned, necessary orders will be issued. As I have said, we are trying to expedite the case and we will remind the Commissioner again.

Lala Bhim Sen Sachar : Do I take it that these recommendations of the Advisory Committee are no more than mere recommendations to the Administrator ?

Minister : No. The recommendations are to the Government.

Lala Bhim Sen Sachar : What will be the effect of the orders of the Government. May I know ?

Minister : Government can either approve those recommendations or not.

Lala Bhim Sen Sachar : Then is it a fact that so far as these applications for building are concerned they are being consigned to the waste paper basket merely because Government is not moving in the matter ?

Begum Rashida Latif Baji : Does the Honourable Minister for Public Works realise how much trouble the public has experienced on account of the delay caused by the action of the Government? (*Interruption.*)

Minister : The schedules are there already.

Lala Bhim Sen Sachar : Do I take it that the Honourable Minister is perfectly sure of his statement that people in the city of Lahore are not being put to trouble for want of definite answer on this question?

Minister : There is no question of definiteness. The schedules are already there. The Committee has merely recommended certain alterations. There is no indefiniteness about it at all.

Lala Bhim Sen Sachar : May I know the probable time during which the Government expect to be in a position to pass final orders?

Minister : As early as possible.

Lala Bhim Sen Sachar : Will it be a year hence?

Minister : As early as possible. You may understand anything you like. There will not be any unnecessary delay.

Lala Duni Chand : May I know if the Government submits to the dictates of the Administrator or the Administrator submits to the orders of the Governor?

Minister : The question is totally irrelevant and the Administrator has no concern with this matter at present.

Mian Abdul Aziz : Does he know that there are plans which are two to three years old and which have not yet been sanctioned?

Minister : Building plans have got nothing to do with the schedules of minimum areas for houses.

Mian Abdul Aziz : Would the Honourable Minister let me know as to when were the schedules sanctioned? Up till now not one schedule has been prepared by the Administrator.

Minister : An Advisory Committee was appointed to consider the question of the minimum areas for bungalow sites and to suggest alterations. The recommendations of the Committee are under consideration. The old schedules are in force already.

Rai Bahadur Lala Gopal Das : Is it not a fact that the Administrator of Lahore Municipality and other officials were present at the Advisory Committee meetings and that the recommendations made were unanimous? In such a case where was the necessity of sending those recommendations again to the local officers?

Minister : I have nowhere mentioned the Administrator. I say the recommendations are with the Commissioner who is considering the matter and will submit his views to the Government.

Lala Deshbandhu Gupta : Is the Honourable Minister in a position to say that the present schedules are being observed and building plans are being sanctioned according to the present schedules by the Administrator?

Minister : I presume that, unless we alter a schedule, the one in force will be followed.

Lala Deshbandhu Gupta : The Honourable Minister is not aware of the fact that plans are not being sanctioned for the last two years and the public is put to great inconvenience and loss.

Minister : Not to my knowledge.

Lala Deshbandhu Gupta : Is it a fact that the Secretary of the Public Works Department issues orders over the head of the Minister?

Premier : What a presumptuous question!

Lala Deshbandhu Gupta : Fact, not presumption. He does not know what is happening in his Department.

Minister : I think the honourable member is misinformed.

Rai Bahadur Binda Saran : Is it not a fact that the experts of the Government such as the Town Planner, the Government Architect and the Minister in charge—all of them—were present in that committee when a unanimous decision was arrived at?

Minister : Yes. That was the recommendation of the Committee and the matter had to go to the Commissioner for his views.

Rai Bahadur Binda Saran : But the Committee got approval of the Minister in charge, the Government Architect, etc.

Minister : I think the nature of the Committee is being confused. It was an Advisory Committee and not binding on the Government. The recommendations are to be considered by the Government.

Lala Bhim Sen Sachar : Will Government take into account the feelings of the public in the matter and see that the recommendations of the Government are immediately given effect to?

Minister : I have already said that we are trying to expedite the matter. There is no question of feeling over the subject.

Rai Bahadur Binda Saran : Have those recommendations been approved by the Lahore Improvement Trust?

Minister : They will be examined by the local officers. The matter is under the consideration of the Commissioner. Whether he is consulting any other body or not I cannot say off hand. I want notice for that question.

Begum Rashida Latif Baji : Do you know how much inconvenience has been caused by the delay in action?

Minister : I am not aware of any such inconvenience.

Begum Rashida Latif Baji : Do you realise our difficulties?

Minister : Not on this account.

Begum Rashida Latif Baji : I have to hang my head in shame when I find that such replies are given by Government. (*Hear, hear.*)

ABOLITION OF THE POSTS OF COMMISSIONERS.

*3973. **Lala Bhim Sen Sachar :** Will the Honourable Premier be pleased to state—

- (a) whether the present Government has so far represented to the Secretary of State for India that the posts of Commissioners of Civil divisions be abolished;

(b) if the answer to the above be in the affirmative, the date of the representation?

Parliamentary Secretary (Mr. Maqbool Mahmood): (a) No.

(b) Does not arise.

Lala Bhim Sen Sachar: Will the Parliamentary Secretary take the House into his confidence as to the reasons why Government do not consider that the posts of Commissioners should be abolished? A representation to the Secretary of State would have been perfectly called for.

Parliamentary Secretary: The honourable member's question does not contemplate any reply as to the decision of the Government in the matter. All that he asked was whether a certain letter had been addressed and the information has been given.

Lala Bhim Sen Sachar: My question is, will Government feel it convenient to give reasons why it is not thought desirable to move in the matter?

Premier: That does not arise out of this question. Now you want to discuss the whole policy of Government by this supplementary question. I refuse to be drawn into this.

Lala Bhim Sen Sachar: That is merely a question of fact.

REPRESENTATION BY THE MUNICIPAL COMMITTEE, BHERA, AGAINST CERTAIN INSANITARY CONDITIONS.

***3974. Lala Bhim Sen Sachar:** Will the Honourable Minister of Education be pleased to state—

(a) whether the Director of Public Health received in March last a representation from some members of the Municipal Committee of Bhera complaining against the unsatisfactory and insanitary conditions, namely, the absence of proper facilities for sterilising the instruments required for vaccination by which the vaccinator was made to vaccinate about five inhabitants of Bhera Municipality;

(b) if so, the steps taken on that representation;

(c) whether the Government will be pleased to lay a copy of the said representation on the table of the House?

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

APPOINTMENT OF LALA ATAM CHAND AS REGISTRAR IN THE PUNJAB IRRIGATION SECRETARIAT.

***3976. Mian Abdul Aziz:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether, when selecting Lala Atam Chand for appointment as Registrar, Punjab Irrigation Secretariat, the relative merits and claims of his seniors in service and experience were thoroughly considered individually;

[Mian Abdul Aziz].

- (b) how long has Lala Atam Chand worked in the Irrigation Secretariat and in what capacity ;
- (c) the object in view when he was imported into the Irrigation Secretariat ;
- (d) the reasons that led to his appointment as Registrar in preference to his seniors with over 20 years' service and varied experience in the same office ;
- (e) whether the Punjab Public Service Commission was consulted in the matter of appointing Lala Atam Chand to the post of Registrar ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) Lala Atam Chand has worked in the Irrigation Secretariat as Superintendent, Budget and Accounts Sections, from 16th October, 1931, to 25th September, 1938, and as officiating Registrar from 26th September, 1938.

(c) He was taken into the Irrigation Branch Secretariat to run the Budget and Accounts Section and the work done in this respect by an Under-Secretary, Revenue. This post of Under-Secretary, Revenue, was closed down at the same time.

(d) The post is a selection post and he was considered to be more suitable for the job than others.

(e) The Punjab Public Service Commission has been consulted in the matter.

PRIZES GIVEN BY PUNJAB GOVERNMENT DURING BABY WEEKS.

***3977. Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Punjab Government spends any money on giving prizes, etc., in connexion with the observing of baby weeks in this province ;
- (b) whether the Government has considered the question of extending the benefit of the observing of baby weeks to the rural areas and if not, whether the Government intends doing so now ?

The Honourable Mian Abdul Haye : (a) No.

(b) Does not arise.

REPRESENTATION BY WOMEN FOR ELECTION TO MUNICIPAL BOARDS.

***3978. Mrs. Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that Government have received a representation made by the women of this province on the subject of their election to the municipal boards in the province ; if so, the action taken on this representaton ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No such representation has been received.

Lala Bhim Sen Sachar : May I know if there are any restrictions to ladies becoming members of municipal boards ?

Minister : No. They can be elected if a municipal board passes the necessary resolution.

Lala Bhim Sen Sachar : Have not the Government considered the desirability of passing a general order removing the disqualification in the way of ladies becoming members of municipalities when ladies can adorn the benches here ?

Minister : That does not arise out of this question. The question was whether a representation was received. I have said no such representation has been received.

(At this stage Munshi Hari Lal stood up.)

Mr. Deputy Speaker : The next question.

Sardar Lal Singh : On a point of order. I may point out to you that Munshi Hari Lal stood up to ask a supplementary question before you had announced the next question.

Mr. Deputy Speaker : The next question has been called out.

*3409. *Cancelled.*

REFUNDING OF THE PROPERTY OF SARDAR HARNAM SINGH CONFISCATED BY GOVERNMENT.

*3410. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Punjab Government wrote to the Kapurthala State after the conviction of Sardar Harnam Singh of village Kalasanghian, Kapurthala State, in the Supplementary Lahore Conspiracy case of 1915, that his property be confiscated ; if so, details of the case ;
- (b) the exact words of the communication ;
- (c) the law under which the said action was taken by the Government ;
- (d) whether the sale-proceeds of the property of Sardar Harnam Singh were received by the Punjab Government ;
- (e) whether the Punjab Government intends to consider the question of refunding of the sale-proceeds mentioned in (d) to the said Sardar Harnam Singh.

The Honourable Major Sir Sikander Hyat-Khan : (a) to (e) The matter is an old one that was settled long before the present Government came into office. It will serve no useful purpose to collect and supply the desired information.

SATTA GAMBLING AT ROHTAK.

*3433. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

(a) whether he is aware of the fact that on 8th September, 1938, I wrote to the Superintendent of Police, Rohtak, about the scandalous state of Satta gambling at Rohtak ;

(b) if so, what steps the Government propose to take to check this scandal ?

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

(b) It does not appear that the prevalence of Satta gambling in Rohtak has ever been such as to constitute a scandal but the police have been taking action against Satta long before my honourable friend sent in his letter and a number of raids have been made by the police during the last few months and several cases sent for trial.

Pandit Shri Ram Sharma : Is the Government aware of the fact that Satta gambling is still going on in Rohtak ?

Parliamentary Secretary : I have given a complete answer to my honourable friend's question that the police is taking action against Satta gambling and a number of cases have been sent for trial.

Pandit Shri Ram Sharma : I want to ask whether Satta is still going on in spite of the steps that the police might have taken to prevent it ?

Mr. Deputy Speaker : I disallow this question. The honourable member may put another question if he likes.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary kindly state what stands in the way of the police checking Satta gambling at Rohtak ?

Parliamentary Secretary : None whatsoever.

Pandit Shri Ram Sharma : Has it been enquired of the police at Rohtak what difficulties are being experienced by them in putting a stop to Satta gambling there ?

Parliamentary Secretary : I have already stated that nothing stands in the way of the police checking Satta gambling. This answer has been prepared after consultation with the local authorities. If there had been any difficulties in the way of the police these difficulties would have been reported to Government.

ADDRESS OF WELCOME BY MUNICIPAL COMMITTEE, REWARI, TO
HONOURABLE PREMIER ETC.

*3438. **Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether the Government is aware of the fact that six municipal commissioners of Rewari (Gurgaon) sent a representation to the Deputy Commissioner, Gurgaon, and the Commissioner, Ambala division, on 4th October, 1938, to the effect that the resolution of presenting an address of welcome to the Honourable Premier and the Honourable Minister of Development

was rejected by a majority of one vote on 24th September, 1938, and again on 29th September, 1938, seven members out of thirteen opposing it, but still the president recorded the resolution to have been carried ;

(b) whether any inquiry was made into this allegation and, if so, by whom and with what result ;

(c) whether the seventh nominated member, Lala Munshi Lal, was asked to state whether he voted for the resolution or against it as passed ?

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

(b) The Deputy Commissioner has enquired into the matter and reports that in his opinion the resolution in favour of an address was properly carried.

(c) There appear to have been two proposals before the committee (1) that the address prepared by a certain member be approved, and (2) that no address be presented. Lala Munshi Lal though present at the meeting is understood not to have voted on either proposal.

Pandit Shri Ram Sharma : Is Government aware of the fact that six out of the total of 13 members of the Rewari Municipal Committee submitted a representation to the Deputy Commissioner and the Commissioner to the effect that they were opposed to the passing of the resolution and that they actually voted against it ?

Minister : The reply is contained in part (a) where I have said 'Yes'. But the Premier declined to accept the address.

Pandit Shri Ram Sharma : That is quite a different matter. I want to enquire if a representation from six members of the municipality was received by the Deputy Commissioner or the Commissioner or not ?

Minister : I have said that the Deputy Commissioner has enquired into the matter and reports that in his opinion the resolution in favour of an address was properly carried ; though the Premier later declined to accept the address.

Pandit Shri Ram Sharma : May I enquire if the six members of the municipality did approach the Deputy Commissioner or the Commissioner ?

Minister : There was a representation and an enquiry was made and it was found that the resolution in favour of the address was considered to be properly carried.

Pandit Shri Ram Sharma : Is it a fact that six members submitted a representation ?

Minister : Yes, but the majority was in favour of the address.

Pandit Shri Ram Sharma : Is Government aware of the contents of that representation ?

Minister : What is the object of asking this question when I have already said that there was a representation.

Pandit Shri Ram Sharma : Is it a fact that Lala Munshi Lal, the seventh member, was asked if he was in favour of an address being presented ?

Minister : I have said that he did not vote on either proposal. He was asked to vote but he remained neutral.

Mr. Deputy Speaker : The next question.

STUDENTS IN PROCESSION OF HONOURABLE PREMIER
AND HONOURABLE MINISTER OF DEVELOPMENT AT ROHTAK.

***3458. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the students of the high schools and the College of Rohtak marched in twos in the procession of the Honourable Premier and the Honourable Minister of Development on the 7th October last ;
- (b) under whose authority and orders it was done, and whether 7th October was observed a holiday in the said schools and college ; and, if so, under whose orders ?

The Honourable Mian Abdul Haye : (a) The students of the Vaish High School, Rohtak, did not march in the procession. The students of the G. B. C. and Jat H. M. A. S. High Schools, Rohtak, marched in twos and fours respectively in the procession of the Honourable Premier and the Honourable Minister of Development. No students of the Government Intermediate College were asked to form part of the procession.

(b) The G. B. C. High School remained closed on the 7th October under the orders of the Manager of the school and its students participated in the procession with his permission while the Jat H. M. A. S. High School was not closed on that day, but the students of this school participated in the procession, of their own free will. The Government Intermediate College and the Vaish High School, Rohtak, did not close for the procession.

Pandit Shri Ram Sharma : May I enquire if a circular letter was issued to the colleges and schools at Rohtak to send their boys for forming the procession ?

Minister : No such circular letter was issued to any institution.

Pandit Shri Ram Sharma : Is it a fact that on a previous occasion the Honourable Minister stated that in future school and college students would not be given any trouble on that score ?

Mr. Deputy Speaker : This question need not be answered.

SARDAR TEJA SINGH, "SWATANTAR."

***3474. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the father of Sardar Teja Singh, Swatantar, saw him in jail on 25th June and that the Sardar was suffering from high blood pressure ; if so, whether he has made further inquiries into the matter ; and, if so, with what result ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is correct that the father of the State prisoner visited him on the 23rd June (not the 25th). Regarding the state of his blood pressure the honourable member

will doubtless remember the reply given to his question *2770¹ in the last Simla session. The latest reports show that the State prisoner's blood pressure is now within normal limits and his general health good.

APPEAL AGAINST ORDERS OF PUNISHMENT BY SUPERINTENDENT OF
JAIL.

***3609. Sardar Sohan Singh Josh :** Will the Honourable Finance Minister be pleased to state whether he is aware of the fact that there is no provision made in jail manual for preferring an appeal against the order of a Superintendent of Jail punishing a prisoner guilty of any prison offence; and, if so, whether he has ever considered the question of remedying this defect in the jail administration ?

The Honourable Mr. Manohar Lal : The number of prison offences is approximately twenty thousand a year, and there is no existing authority which could possibly dispose of the vast amount of appellate work that would be involved. Further, the punishments awarded are generally of a petty nature, and it is essential for their efficacy that they be awarded with the minimum of delay. Government do not consider that any alteration in the present system is necessary.

APPLICATION OF INDIAN FACTORIES ACT TO CERTAIN FACTORIES.

***3610. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of factories brought under the Indian Factories Act during the first 6 months of 1938 ;
- (b) the number of factories working without the said Act being applied to them in the same period ;
- (c) the reasons for not applying the Factories Act to the factories mentioned in (b) above ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 16.

(b) As far as it is known no premises, which should have been registered as a 'factory' under the definition prescribed in section 2 of the Factories Act, 1934, has escaped registration.

(c) Does not arise.

ABOLITION OF LABOUR LIKE KOHLU IN JAILS.

***3611. Sardar Sohan Singh Josh :** Will the Honourable Finance Minister be pleased to state—

- (a) the names of the jails, if any, in which prisoners are not employed on *kohlu*, *chakki* and *kharas* ?
- (b) whether the Government have considered the desirability of abolishing these labours altogether ; if so, with what result ?

The Honourable Mr. Manohar Lal : (a) and (b) Prisoners are not employed on *kohlus* and *kharases* in any Jail. The abolition of *chakkis* is not contemplated.

ADJOURNMENT MOTION.

PREFERENTIAL TREATMENT TO DAULATANA AREA BY THE IRRIGATION DEPARTMENT.

Lala Deshbandhu Gupta : 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 preferential treatment accorded to the Daulatana area by the Irrigation Branch, Punjab, in Nili Bar Circle, Montgomery.

3 P.M.

No objection being taken Mr. Deputy Speaker fixed 6-30 p. m. for its discussion.

HOURS OF SITTINGS.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, with your permission I would like to re-submit a motion which I tried to put before the House yesterday. You are aware that yesterday morning I indicated that in view of the urgency and importance of the business before us and also on account of the rather limited time available to us, it may be necessary to utilise the off-days also for the sittings of the House and also to extend the time of the sittings. I therefore beg to move that we should extend the time except on Fridays. I am aware that it might cause a certain amount of inconvenience to those of my honourable friends who have prior engagements during those hours, but I trust that my honourable friend the Leader of the Opposition and other members of the House, in view of the fact that this time is wanted for urgent and important public business, will forgive me for putting forward this motion and will support me in giving these additional two hours so as to be able to get through the business before the House in due time. I therefore beg formally to move :

That on and from Thursday, the 12th January, 1939, on the days of meeting, except on Fridays, the Assembly shall meet at 12-30 P.M.; and that on Fridays the hour of interruption be 8 P.M.

The motion was carried.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 6.

Mr. Deputy Speaker : Now the discussion on the Punjab Agricultural Produce Markets Bill shall be resumed. The amendment under discussion is—

That in sub-clause (2), line 1, between the words 'Government' and 'may' the words 'or an officer not below the rank of a Gazetted Officer specially empowered in this behalf' be inserted.

Parliamentary Secretary (Mir Maqbool Mahmood) : I am afraid in the discussion of this clause and the amendments proposed, there has been a great deal of misunderstanding and unnecessary misinterpretation of the intentions of Government. I wish to make it quite clear that in the interests of the province we stand committed and we have already declared it more than once that honest business of all classes in the Punjab must be encouraged and protected and there is nothing in this Bill or in this clause which is

intended to hit the legitimate profits or the legitimate incomes of those who are sought to be licensed under this clause. I wish to assure my friends of the Opposition that so far as we are concerned, our main criterion for this clause and the other clauses is to find that there is fair-play both for the growers and the industrialists in this province. I would appeal to all the speakers on both sides of the House that when we are discussing this matter they should apply themselves from that angle of vision.

With regard to the amendment suggested by my friend Chaudhri Tikka Ram, I wish to invite attention to the fact that that amendment seeks nothing more than this, that in delegating their powers under this section, the Government shall not delegate their powers to any person who is not a gazetted officer, and instead of being welcomed as a gesture that these powers under the clause should remain in the hands of a responsible officer, I am sorry that the clause has been misinterpreted and opposed.

I wish at this stage to invite the attention of the House to the amendment tabled by my friends Pandit Muni Lal Kalia and Sardar Kapoor Singh also under discussion. This amendment to my mind is an eye-opener to this House as also to the poorer classes outside the province as to what is the real intention of those who are always posing as the saviours of the poorer classes. I submit that this clause moved by the twin authority of Pandit Muni Lal Kalia and Sardar Kapoor Singh, two distinguished members of the Congress Party and supported by the trinity of Rai Bahadur Mukand Lal Puri is, as I have said, an index of the main object of the opposition to this Bill and I hope that in fairness both members of this House and members of the public outside will take note and the Press also will take note of the spirit in which the present Bill is being approached.

The amendment says that in taking action under this clause when there has been any breach of the rules of the licence the Government shall not take action unless the action is unanimously recommended by the marketing committee. What does it come to? What would be the advantages under the licence of which a breach is proposed to be penalised under this clause? Presumably the main advantages would be that nobody shall use wrong weights and measures and that nobody shall resort to unfair practices in exacting the hard earned income of the poor growers of this province. What is the suggestion made to-day? That you shall not take action except on the unanimous recommendation of the marketing committee which includes representatives of those very classes.

My honourable friend, Dr. Sir Gokul Chand Narang, with his usual ability and clarity suggested yesterday that since he had denied the poor Cabinet the privilege of his association, all sense and sanity had evaporated from that Cabinet. If you would permit me, I wish to invite his attention to his own remarks on a similar occasion when the question of the Municipal Executive Officers Bill was under consideration. It was suggested that some powers should be given to the committees to be exercised by themselves. I need not detail his able speech on that occasion. The main trend of argument was that in most committees unfortunately the members were swayed by the executive officer. He said :

Being more independent than the municipal commissioners themselves, so far as electors are concerned, he would be in a better position to carry out the resolutions of the municipal committee than the members themselves sometimes are.

[Mir Maqbool Mahmood]

I submit in plain language what would be the practical result of this amendment moved by the members of the Congress and supported by Rai Bahadur Mr. Mukand Lal Puri and Dr. Sahib. It comes to this that if their amendment is given effect to, not one of the evil practices shall be stopped.

Far be it from us to suggest that the liberties of honest people should be curtailed in any way. When an amendment of this nature comes from the Opposition and is supported by Pandit Muni Lal Kalia, Dr. Gopi Chand Bhargava and Mr. Mukand Lal Puri, one knows which side these saviours of the poor classes are drifting. Therefore I want that in fairness the whole province should know and this House should appreciate the spirit with which this Bill and this clause in particular is being approached by our friends opposite.

Now, it has been stated that this clause is intended to bring in executive interference, to set up dictators and to deprive the hard earnings of the traders. It has been further stated that the Bill denies the right of fair play, and even the production of ordinary evidence by people who are affected by the terms of this clause. I submit that these are very serious objections and it is our duty, apart from party tactics, to calmly and dispassionately analyse such serious objections particularly when they affect the class of traders. But I submit with all the emphasis at my command that I find all these objections are untenable. In this connection I beg to invite attention to certain clauses in the Bill itself. You will find that the clause begins by stating that Government shall act on being satisfied. Now the expression 'on being satisfied' occurs in more than one enactment. It occurs in section 145 of the Criminal Procedure Code, section 9 of the Canal and Drainage Act where power is given to certain executive officers. Technically unless the authority concerned is convinced further action shall not be taken. Therefore it may safely be assumed that Government in exercising their powers under this clause shall be governed by those laws of fair play and equity which have always characterised their public activity. Then, if we proceed further, we find that the clause specifically provides that no such orders shall be passed without giving the licensee an opportunity to show cause why such an order should not be passed. This expression 'show cause' has been interpreted both in judicial and executive orders. You will find a reference to it in the Criminal Procedure Code and in the rules framed under the Municipal Act. In all these cases people have never been denied the right to produce evidence where a question of fact is involved. Therefore it is not fair for responsible members of this House to interpret this expression in a way which both fairness and logic will not admit. (*Interruption.*) My honourable friend asks—

Mr. Deputy Speaker : I would request the honourable member not to mind the interruption. He need not answer the question put to him but may proceed with his speech.

Sardar Sampuran Singh : When a member puts a question and the honourable member opposite is prepared to answer it, is it the right procedure for you to intervene and ask the honourable member not to answer the question?

Mr. Deputy Speaker : The honourable member should read the rules. His point of order does not arise.

Sardar Sampuran Singh : My point of order is this. When a member puts a question and when the honourable member opposite is willing to answer it, would it be in accordance with the rules for you to interfere and ask him not to answer the question ?

Mr. Deputy Speaker : The honourable member should know that when a member wants to put a question he must first rise in his seat and then put the question through the chair. No question can be asked by an honourable member sitting.

Rai Bahadur Mr. Mukand Lal Puri : I will put the question standing in my seat. May I know whether this "showing cause" should be before judicial officers or before executive officers ? What is contemplated in the Bill ?

Mir Maqbool Mahmood : I may assure my honourable friend that in the course of my speech I will give him more than one answer to this question. If the honourable member will exercise a little patience, I can assure him that nothing coming from him will fail to receive the consideration that it deserves.

Coming to the various alternatives that have been suggested from time to time by the speakers on the other side, it is obvious that there should be some authority which should be given the power of cancelling the licence if the conditions of the licence are broken. Various suggestions have been made as to what that authority should be. I shall try to show that in the present circumstances of the Punjab there cannot be a better authority than that proposed in this clause. Further it has got a precedent and equity in support of it. Now with regard to the point that it should not be an executive authority which should be given this power, I invite the attention of my honourable friend, Mr. Mukand Lal Puri and others to what has been the experience on similar questions in England. This experience was cited with approval by the honourable Mr. Munshi when speaking in the Bombay Legislative Assembly. I may invite the attention of the honourable member to the debates of the Bombay Assembly of the 25th January, 1938. There Mr. Munshi speaking in connection with the Money-lenders Bill stated that originally the powers of cancelling licences were given only to courts. But it did not prove much of a success. Later experience proved that when the power was given to the executive it was found to be workable. I need not give a full quotation of that speech, because in connection with the Punjab Money-lenders Bill this very passage was cited by the Honourable Premier and it will be found in the proceedings of our Assembly. However, I shall read this sentence only—

And experience during the last nine years in England shows that that Act has been working much more successfully than the previous Act

under which the power to cancel a licence rested with judicial courts of law. Mr. Munshi proceeded to say—

As a matter of fact, this Bill follows the lines of the English Money-lenders Act of 1927, with such additions as can usefully be borrowed from the different provincial Acts in India.

Not only that. My honourable friend will find that even in some of the legislations which have recently been enacted in connection with indebtedness by various Congress Governments, they give powers to the executive

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to deal finally with some of these matters. I would particularly invite attention to the powers given to the collector who corresponds to deputy commissioner under sections 3 and 4 of the Bombay Act, VIII of 1938. Under these sections the collector is given final power and there is no appeal against his orders with regard to certain decisions, in which a person's whole life earnings are involved.

Next, I wish to invite the attention of my honourable friend opposite to the Central Provinces and Berar Indebtedness Relief Act under which, under section 17 there are certain powers given to the deputy commissioner. Section 17 definitely excludes the jurisdiction of civil courts with regard to those powers given to the deputy commissioner. Not only that but even under the Central Provinces Marketing Act which was enacted before 1935, before the Congress Government came into power which is now operating that Act, the power to declare a person a grower or not is given finally to the deputy commissioner against which there is no resort to the judicial courts.

Rai Bahadur Mr. Mukand Lal Puri : Is the power of cancelling licences also given ?

Mir Maqbool Mahmood : With regard to that in the Central Provinces that has been reserved to the Government under the rules. I have not got a copy of the rules with me just now, but it certainly rests neither with the courts nor with the committees.

Rai Bahadur Mr. Mukand Lal Puri : Is the power of punishment given to the executive officer anywhere under the Markets Acts in other provinces ?

Mir Maqbool Mahmood : When I have finished, my honourable friend may put all these questions to me. I was submitting that while under those Acts the powers given to the executive officers have been given finally and without any right of appeal, in this particular section I have suggested an amendment that where the powers are exercised by an officer of the Government there shall be an appeal to the Government. In regard to that again I said that all officers are likely to err and therefore in a matter of this nature prudence and equity suggest that there should be a right of appeal to the Government. So far as this is concerned I think my honourable friend, Dr. Sir Gokul Chand Narang, suggested that this is only an eye wash. I am grateful to him that he did not impute any motives to me and he suggested that the Government may not make any such rules. But under section 27 of this Act all these rules that will be framed will have to be placed before the Assembly and it is within the power of the Assembly to make amendments to those rules. Further I might inform my honourable friend that I moved that amendment with the permission of the Honourable Minister and I hope that with his usual fairplay and courage—I make an appeal to him—he will make a statement that in this case he will provide in the draft rules that an appeal will lie against the order of the Government officer in such cases.

Then it was suggested that these powers should be given to courts and that the power of confiscation of licence should vest in courts. I submit that in the case of money-lenders, in the case of medical practitioners, these powers do not vest in courts and no particular reason has been given

why in this case the power should be given to courts. In this connection apart from the experience of other countries I beg to invite my honourable friend's attention to another question. We are here trying to save the poorer classes from unfair exactions taken from them and if all these cases are allowed to go to courts it will lead to unnecessary delay and expense which we all wish to avoid. I pointed out in connection with another amendment on this Bill that this Bill is likely to affect about 56 lakhs of growers in the Punjab of whom 58 lakhs are peasant proprietors who cultivate with their own hands and if these poor people are going to be dragged to courts, to the first court, to the second court, to the final appeal court and so on, the purpose underlying this Bill will be defeated.

Sardar Sahib Sardar Santokh Singh : They are not required to take out licence.

Mir Maqbool Mahmood : I have great respect for my honourable friend and I hope he will bear with me when I say that I have given some thought to this aspect of the question and I will tell him how this will happen. Supposing right of appeal is given. Maqbool Mahmood is a grower. I allege that my friend has used wrong weights and measures. I allege that he charged me wrongly with certain exactions which he was not entitled to and on that basis the collector takes off his licence or whoever the officer concerned. Against that an appeal goes to a court. Is it or is it not open to that court to call me in evidence or ask me to produce further evidence in support of my contention? I appeal to him that in fairness he will have to concede that you cannot give the right of appeal to courts without giving them power to call for further evidence and there will be legal and other exactions and the classes whom we wish to save will therefore suffer. I am not one of those who would like at this stage to use the argument that there is a very strong opinion in the province and in other provinces also who hold that those who are in charge of courts have their own sympathies with certain classes. But I wish to particularly invite the attention of my honourable friends to a statement made by the High Court themselves in one of their reports in 1935. They have stated with regard to the Regulation of Accounts Act that courts have not given full scope to the powers given to them under the Act for the protection of the poorer classes and therefore I submit that in such matters we have to deal with equities and *pros* and *cons* on both sides and then decide what is fair in the interests of all concerned.

I come finally to the other suggestion made that the Government has taken over these powers and it is unprecedented that Government should interfere in business affairs and that under this particular clause the Government will be there to penalise their enemies and to set up a dictatorship in the whole of the province. Now in regard to this let me invite attention to two points. In the first place my friend, Dr. Sir Gokul Chand Narang, would forgive me if I were to invite his attention again to the Government of which he was a distinguished member when sanity and fairplay ruled and wherein at a particular stage my friend Malak Muhammad Din moved an amendment that so far as the application of the Executive Officers Act was concerned the Government should not act *suo motu* and it should

[Mir Maqbool Mahmood]

be left to the committees to suggest that the Act should apply and then it should be applied. That motion was discussed and my honourable friend Dr. Sahib suggested—

Dr. Sir Gokul Chand Narang : May I ask through you what is the relevancy of the Executive Officers Act to the motion before the House ?

Mir Maqbool Mahmood : If it were anybody else I would have replied that I was not prepared to take lessons in relevance from him but I have a respect for Dr. Sahib and so I will not use that argument. But I will certainly say this that if the argument at that time was whether such powers in the hands of the Government could be safely exercised or not, it was a perfectly relevant argument to use here.

Dr. Sir Gokul Chand Narang : Which power of the Government ?

Mir Maqbool Mahmood : This is what he said :

It is not very likely that the Municipal Commissioners themselves will be very anxious to ask the Government to apply this law to their Committee.

What was the object with which Dr. Sahib said this ?

Mian Abdul Aziz : Take it for granted that he was wrong at that time. (*Laughter*).

Mir Maqbool Mahmood : He thought that the power should remain in the hands of the Government at a time when he and others took their seats because of the fiat of the Governor and he is not prepared to give that power now, he is not prepared to place the same confidence now in the Government when it is here at the sufferance of the people. Not only that, I beg to invite the attention of my friend, Mian Abdul Aziz, for whom also I have great respect though he is likely at times to forget the statements which he and other friends make, to the fact that in modern times you cannot pass any laws in which powers of importance are not vested in the Government and in this connection I wish to invite his attention to section 3 of the Bihar Money-lenders Act passed by the Provincial Government of Bihar under the Congress, in which the right is reserved for the Government to include or exclude any classes from the definition of money-lenders and thereby an interference of business, an interference in the rights of people is reserved to the Government and I ask those who say that such powers in the hands of the executive are unheard of and unfair, where is that fair-play and equity of theirs when the same thing is being done as it should be done by all responsible governments in this country and outside ? I beg to invite the attention of this House to the wording of section 3 and I can assure my honourable friend the Doctor Sahib and others that this section is not one of those which have been challenged in the High Court. It reads—

The provincial Government may by notification, for any special reason or reasons to be stated in such notification, exempt any money-lender or class of money-lenders or any class of loans in the whole or any part of the Province of Bihar from the operation of all or any of the provisions of this Act.

I submit that in the working of all such legislation, the power is and must be reserved by the Government and in this connection an objection was raised that by giving this power to the various officers we shall be, my

honourable friend the Minister for Development will be, setting up dictators throughout the province. It is unfortunate that such an argument should come from a party and from the members of a party that had from the very day of its existence turned the whole show on the basis of fascism and dictatorship and I am sure that my honourable friend Mr. Sapru presiding at the Liberal Federation was correct in saying and no honest public man can deny that the Congress Party is nothing but fascism and dictatorship and this is the greatest enemy of democracy in this province. Therefore it is surprising that such an argument should come from that class. I am sure that the Honourable Minister for Development will be right to set up dictatorship in every village to save the poor people. I do not suggest that all the business people are of that type, far from it but I certainly suggest that there are people of that type who should be put under control to be set right. In this connection a cheap jibe was thrown at my Honourable friend the Minister for Development that here he is sitting as a pillar of Muslim League setting this strict clause of the Bill to strangle the business classes of this province. I am sure that this cheap jibe will not go down to the province. The electorate of the Punjab is up and awakened and it refuses to be duped by any one and I am sure that those who have had the privilege of working with the Honourable Minister know that for fifteen years he has sat at the head of a party and on more than one occasion to my knowledge, ministership has been offered to him, but he has not accepted it because it would not have meant the carrying out of the programme—

Mr. Deputy Speaker : Please speak to the motion.

Lala Duni Chand : On a point of order. It is no doubt eloquent but irrelevant. (*Laughter*).

Mir Maqbool Mahmood : I am sure I am referring to the particular clause and I am trying to answer the arguments which have been advanced from the other side and it has also been painful for me as a member of this House to say that a cheap jibe was thrown on this side that because the Honourable Minister for Development had amongst his friends and supporters people who had the honour of being members of the Muslim League therefore it is something of which he need be ashamed. I am sure that it is the same party which our friends of the Congress have tried to pooh pooh in Assam but which party did not agree to lend them support because there was nothing common between them. But with regard to the Honourable Minister for Development I submit that as a supporter of the poor classes of the zamindars he is not ashamed to beg for support from any class.

Sardar Sampuran Singh : On a point of order. Is the Honourable Minister for Development under discussion? He has been talking of him for the last half an hour.

Mr. Deputy Speaker : I have already asked the honourable member to speak to the motion.

Sardar Sampuran Singh : We expect at least the same treatment should be shown to the Government benches. You would not let us say a single word but he has been saying irrelevant things and has been wasting the time of the House for the last half an hour.

Mr. Deputy Speaker : He is simply replying to the arguments advanced by the other side of the House. All the same I have drawn his attention to the fact that he should speak to the motion.

Lala Duni Chand : On a point of order. Is he not a spoilt member of the House like a spoilt child?

Rai Bahadur Mr. Mukand Lal Puri : May I ask if it is not permissible for a member to reply to the speeches on the other side? The honourable member is replying to the charge which was levied yesterday by Diwan Chaman Lal that Sir Chhotu Ram is a member of the Muslim League. He is perfectly justified in refuting that allegation.

Sardar Sampuran Singh : On a point of order, again. If there has been any irrelevant talk from this side of the House, no reply can be given to it unless it happens to be relevant to the subject under discussion.

Mr. Deputy Speaker : This point of order does not arise. I have already drawn his attention to the fact that he should speak to the motion.

Sardar Sampuran Singh : I am afraid that you have not understood me. Let me explain myself to you and then you can give your ruling. If there was anything said from this side which was not relevant, on that account one cannot get up and say things in reply if they are not relevant to the subject under discussion.

Mr. Deputy Speaker : Does this point of order arise? I have already said that the honourable member's attention has been drawn to the fact that he should speak to the motion.

Lala Duni Chand : He should be pulled up and his attention should not be merely drawn.

Mir Maqbool Mahmood : I am grateful for the very flattering epithet of a spoilt child which came to me from one whom, if he had not been a senior, I would have told, it is better to be a spoilt child than to be a spoilt old man. But due to my respect for his age, it is difficult for me to say so. I was trying to answer his argument but I would not concentrate on the clause itself. I would beg to invite the attention of the House that we should in all fairness face the real issues involved in this clause. They are these that you want to penalize certain people for certain dishonest practices and you have to give the power to somebody and I submit that there are only two courses open, one is the Government which sits with all the authority behind and the other is somebody who may come up by somebody's nomination from outside. It has been suggested that if the powers were given to some courts they would be new. It is not for me to attack the merits or the motives of the courts, but I would invite the attention of the honourable members opposite to the fact that apart from the alleged charges of interfering with the business, there are provinces in India to-day where there have been interferences with judicial courts and I beg to invite the attention of the House to the fact that in spite of the so-called purity and freedom of judicial courts from executive interference even to-day in the United Provinces they have appointed a committee with a majority of Government nominees to select people who would be magistrates there.

I submit that what is good for the goose is good for the gander.

Rai Bahadur Mr. Mukand Lal Puri : May I, through you, draw the attention of the Parliamentary Secretary to the wholesome practice which the Honourable Premier enunciated only a short time ago, that is, not to criticise the administration of other provinces? Is the Parliamentary Secretary sticking to that principle?

Mir Maqbool Mahmood : I was citing as an example to be followed in all the democratic countries that when framing these things you have to trust the good sense and judgment of the people—and without imputing motives to anybody I say that the best authority to deal with these matters must be the Government that has the support of the people behind. I am sure that it places double responsibility on the Government shoulders because they have to see that the legitimate interests of the minorities are protected. They have to see that all classes get fairplay and I am sure that I would not be accused of unnecessarily speaking for the present Government when I remind my honourable friends opposite whether it is or it is not a fact that even in the last six or eight months there have been cases when members of the opposition have received patronage, support and consideration from this Government apart from any consideration that they belong to the opposite party and, therefore, while we are perfectly entitled to suggest ways and means to see that honest business people should be protected, let us not, in our excitement, try to suggest, as suggested in the amendment of the Congress—(interruption) and without the unanimous support of the community no action should be taken on such occasions. I appeal to my friends on this side, let us come to grips with these questions ignoring personalities and ignoring party politics. We have to keep the economic interests of the province in the forefront and so far as these economic interests are concerned we will collaborate as a common team. (Voices : Question be now put). (Voices from the Opposition benches : No).

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : The amendment of the Honourable Parliamentary Secretary that is being discussed now does not in any manner improve the situation but on the contrary very much worsens it. All that is provided is that an officer of the rank of a gazetted officer, on being satisfied that such and such a thing has happened, will be competent to take action and deprive a man of his licence. All of us know that the tahsildar is also considered as a gazetted officer. Tahsildar is a petty official getting Rs. 125 or Rs. 150. My honourable friend the Minister for Development is used to saying in season and out of season that he wants to protect honest people by driving away those who are dishonest. Will he be achieving this end by appointing a tahsildar and by giving him executive powers? Even if he is to be given the powers, that should be done in his judicial capacity and not in his executive capacity. In his judicial capacity he will be protecting the people while in his executive capacity he will be depriving them of their honest living and tyranny will be imposed upon the people which is already being practised by the passage of these black Bills. The position which I put to the sponsor of the Bill is this. Has he ever thought of having lighter punishment than the cancellation or suspension of these licences? Let me tell him, that he has yet to make rules and by-laws under this Bill if it is passed into law. Those rules have not yet been thought of, much less framed. In those rules he may

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very likely have to provide or the marketing committee will have to provide that the plinth of a platform, where the goods have to be unloaded as they come to the market for sale, shall be made of concrete of a certain standard. He may have to make rules that accounts will be regulated in a certain manner. I put it to him now that if a man without any motives, without any desire to break the rules, makes an innocent mistake in not keeping them as required by the rules or does not raise the plinth to a certain level or commits some sort of technical mistake, then will that be the only punishment for him that he must be deprived of his licence? Could you not think of a lesser punishment? I should think that the Government must benefit by the criticism and reduce this proposed punishment. For technical offences smaller punishments of fines here and there would, I think, do. The punishment of cancellation of a licence should be reserved for very extreme cases, cases where cheating of the zamindar is proved. I know that this Bill seeks to improve various things, e.g., weights and measures amongst others. Nobody says that it should not be done, but let them take it from me, from the practical experience of the state of affairs that I have, that whatever you might do to improve the weights and measures, the weights and scales here and there will get out of order. Even if the Government were to keep their own weights and scales everywhere, they will find that here and there they will go out of order. It is not the case that whenever the weight and scale are not in order, it is done merely to loot the zamindars. Some of my friends there who made these allegations did not understand how marketing is done. Let me tell them that when the zamindar brings his goods to the *kacha arhtia*, he puts it with him. It is not the case that the *kacha arhtia* himself buys it. He sells it for that zamindar to another man. That is to say, he works as his agent. Those of us who are in the mandis know that it is not at all a question of excess weights. In ninety cases out of hundred the man has not paid any allowance for the goods which have been weighed by the *kacha arhtia* on behalf of the zamindar. The question of all questions is whether the cancellation of the licence is the only remedy under the circumstances. When we think of such a drastic remedy, we forget that the man whom we are out to punish is carrying on this business for generations without any hindrance. Now the fact remains that all the fortune which a *kacha arhtia* has is invested with the zamindars, by way of advances or loans. It is therefore as much to the interest of the zamindar as of the *kacha arhtia* himself, that the zamindar gets the best of the deal, to enable the *arhtia* to retain his custom. This aspect of the question is often not realized and is apt to be forgotten. I do not deny that there are black sheep amongst *arhtias* as they are everywhere. Even amongst the noblest of professions of lawyers and doctors there are black sheep as indeed they are everywhere. I do not deny that, but what I do say is that for the sins of omission and commission of a few, do not, for goodness' sake, penalise the whole class of people. Do not create class legislation simply for the sins of omission and commission of a few. Whenever you enact any law you have got to punish people for its breaches, you have to provide punishment, but what I do object is that the punishment should be in keeping with the nature of the offence, and not one punishment for all offences. Then the question is, will the tahsildar be a sufficiently high authority? Will he not be too weak a person against the influence

of some big landlords who will now be controlling the mandis and who will now be controlling the market committees? Will he really be an officer of sufficient integrity as not to feel afraid of these big zamindars especially zamindars with three letters M. L. A. added after their names, those M.L.A. s who have the ears of Government and whom you are out to protect and not the poor zamindar? That is my submission. I say that the tahsildar will be too weak an officer to resist the wishes of such market committees, all of which will be monopolised by the big zamindars and big landlords. My honourable friend Mir Maqbool tried to run down the amendment of my Congress friends. He did not realise that what they wanted to say was that in order to cancel a licence you must have the unanimous report of the market committees. It is nowhere said that no punishment should be provided. When you make a law, as I said before and I repeat it again, punishment should be there but not so much as to be out of the mark or wide of the mark. When the offence is of a technical nature you should not go so far as to deprive the man of his living by ousting him from his profession, on which he depended for generations, by cancelling his licence. As was pointed out yesterday by my honourable friend Rai Bahadur Mr. Mukand Lal Puri, when you punish a man, the punishment should not be such as to deprive him of thousands of rupees which are invested by him in his business. The moment you cancel his licence you deprive him of all these recoveries. It is not like a gun licence of which an analogy was given. It is nothing of that kind, the cancellation of this licence would mean a death blow to the man the moment you do it, even if it be for a short period. My submission is that this cancellation of the licence is too radical and too hard a punishment. You ought to take a sane view of the situation and provide punishment in proportion to the offence. I would submit that the imposition of a fine should be quite enough to punish any evasion of these rules. If the offence is cheating a zamindar, this cancellation may be carried out as a last resort. It appears that this clause has been drafted in a very lighthearted manner without the implications and significance of the situation being fully understood, and the amendment moved does not meet the situation at all. If that is to be the criterion of the wisdom of the framers of the Bill then I shudder to think what the rules will be. Wanton obstacles are being placed in the way of a person who wants to carry on his work and to earn his honest livelihood, not so much for protecting poor zamindars but for reserving all powers in the hands of Government. My friend Mr. Mir Maqbool went so far as to say why a grower after having made a report against a non-agriculturist should be harassed and made to go to the courts to give evidence. He does not realise that the other class of people have also their feelings, that their word is as reliable as that of a grower, but in his solicitude for the grower, and to save him from the trouble of having to go to the law courts even to give evidence, he would have the other man dealt with by executive fiat, and shut the doors of the courts to him altogether. The poor *arkhia* will be deprived of his licence simply because he could not please one or the other member of the market committee, who will now be the controllers of the situation.

My friend over there said that the rules will be placed before the Assembly. The rules will be placed before the Assembly but only after they are passed. They will not be made by the Assembly. They will be made by

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the local government and will be placed before the Assembly after they have been acted upon. What is that consolation to us if those rules are placed before the Assembly after they have been passed and acted upon? Well, if the idea of the Government or the sponsors of the Bill is to shut the doors of the courts to the non-agriculturists and to punish people by executive action, let them bluntly say so and I will have no quarrel with them as they have members behind them. Let me, however, tell them that if they proceed with this break neck speed in the matter of such discriminatory legislation, the time may not be far distant when they will find that they were riding for a fall.

(Voices : Question be now put.)

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I will not take more than two minutes. Some of the opponents of the Bill seem to have overlooked the occurrence of the word "may" in this clause. They think that Government or the officer specially appointed by Government with the power of deciding whether a licence should or should not be cancelled must necessarily pass an order of cancellation as soon as he is satisfied that there has been a breach of a condition of the licence. It is no so. Government or the specially appointed officer may be satisfied that there has been a breach of a condition of the licence and yet they may come to the conclusion that the condition of which there has been breach is not important or of sufficient gravity to justify either a cancellation or even a suspension. Neither the Government nor the officer is bound either to cancel or suspend a licence whenever it has been proved that there has been a breach of a condition of the licence. Whatever the nature of the breach may be Government or the officer concerned may simply let off the licensee by giving him a warning. Even for a second time when there has been a breach of a condition of the licence, if the condition was not of much importance, the Government or the officer concerned may again let off the man with a severe warning. Therefore I would submit that my friends seem to have been proceeding on a wrong assumption that every time there has been a breach of a condition of the licence, suspension or cancellation of the licence will be an inevitable consequence. That is an impression of which my honourable friends should disabuse their minds.

The next point to which I may refer was raised by Dr. Gokul Chand Narang, who said that we should give these powers to the deputy commissioner instead of specially selected gazetted officer.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. I did not say that the powers should be given to the deputy commissioner. I only referred to another province where these powers have been given to the collector. I said that that was something and not that I was in favour of giving powers to the deputy commissioner.

Minister for Development : My honourable friend is of the opinion that it would be better and more acceptable to him.

Dr. Sir Gokul Chand Narang : Not at all better, but less objectionable.

Minister for Development : It would be less objectionable to my honourable friend if these powers were entrusted to the deputy commissioner. But may I remind him that on a famous occasion he said that the deputy commissioner had to look after so many things that he had absolutely no time to go into anything which did not fall within the scope of his existing duties? Now, with the passage of the Moneylenders legislation, Debtors Protection Act, Restitution of Mortgaged Lands Act, the Benami Bill, etc., there has been a huge addition to the duties which a deputy commissioner has ordinarily to discharge. Therefore, the deputy commissioner will have absolutely no time to attend to any further duties, and this is why the Government has taken the power to appoint officers who are senior enough for deciding whether there has been a breach of any of the conditions of a licence in any particular instance and how that man should be dealt with.

Another point raised was that no provision had been made for an appeal. But as Mir Maqbool Mahmood pointed out to the House, he has given notice of an amendment under which an appeal has been provided. (*A voice :* Have you accepted it?) If my honourable friend could only wait for half a second, I would tell him that. I give an assurance to the House that I am going to accept that amendment. As a matter of fact, that amendment has been tabled with my specific knowledge and permission.

Now, Sir, there is just one more point to which I wish to make a reply. It was suggested that the Government was anxious to have control over the electorates through the provisions of this particular Bill. I may assure the House that nothing was farther from my mind or from the mind of the Government or from the mind of the Party in power than the idea of controlling the electorate through the passage of this Bill. I may point out further that this Bill when passed will apply only to urban areas. In urban areas it will apply only to business places. In all urban areas where business is carried on, the whole power and influence is in the hands of commercial class Hindus. What control can we exercise over urban commercial class Hindus and what does it matter to us whether the gentlemen elected by those constituencies are Dr. Sir Gokul Chand Narang, or Rai Bahadur Lala Gopal Das or even Dr. Gopi Chand? They are all of the same mentality. Whether they come on the Congress ticket or on the Hindu Sabha ticket or on the Independent or Progressive Party ticket, they are all of one mind. They have only one mentality and that mentality is one of safeguarding the vested interests of capitalists. Therefore, my friends may rest assured that nothing has been farther from the mind of the Government than the idea of controlling the electorate through this Bill. All that was present to our mind and is still present to our mind is the effective safeguarding of the interests of poor people who are fleeced and subjected to malpractices of various kinds by capitalists whose interests have been so valiantly sponsored in this House both by the Congress and the new Independent Party. With these words I am prepared to accept the amendment moved by Chaudhri Tikka Ram and oppose all other amendments.

Pandit Muni Lal Kalia : I want to give a reply to the points raised by the honourable members opposite. There is an amendment standing in my name.

Mr. Deputy Speaker : The honourable member has no right of reply. That amendment has not been taken up and moved as yet.

Pandit Muni Lal Kalia : That amendment cannot be moved if this amendment is carried. My amendment has also been discussed and therefore, I want that a right of reply should be given to me.

Mr. Deputy Speaker : The honourable member should understand that his amendment was only discussed, but it has not been moved as yet.

Pandit Muni Lal Kalia : My submission is that my amendment has been thoroughly discussed and that I should be given an opportunity to reply to the points raised by the honourable members opposite.

Mr. Deputy Speaker : The honourable member has no right of reply.

Mr. Deputy Speaker : Question is—

That in sub-clause (2), line 1, between the words "Government" and "may" the words "or an officer not below the rank of a gazetted officer specially empowered in this behalf" be inserted.

The Assembly divided : Ayes 79, Noes 38—

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.
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.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Jang Singh, 2nd-Lieut. Bhai.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazi 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 Samad, Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
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 Man, Sardar.
Jalal-ud-Din Amber, Chaudhri.
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 Amin, Khan Sahib Shaikh.

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| Muhammad Ashraf, Chaudhri. | Nasrullah Khan, Bana. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Nannihal Singh Mann, Lieutenant Sardar. |
| Muhammad Hussain, Chaudhri. | Nawazish Ali Shah, Sayed. |
| Muhammad Hussain, Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Muhammad Nawaz Khan, Major Sardar. | Pohop Singh, Rao. |
| Muhammad Nurullah, Mian. | Pritam Singh Siddhu, Sardar. |
| Muhammad Qasim, Chaudhri. | Ram Sarup, Chaudhri. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Rashida Latif Baji, Begum. |
| Muhammad Sadiq, Shaikh. | Shahadat Khan, Khan Sahib Rai. |
| Muhammad Sarfraz Khan, Chaudhri. | Shah Nawaz, Mrs. J. A. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Yusuf Khan, Khan. | Sham Lal, Rai Bahadur Chaudhri. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Sultan Mahmud Hotiana, Mian. |
| Muzaffar Khan, Khan Bahadur Nawah. | Samer Singh, Chaudhri. |
| Nasir-ud-Din Shah, Pir. | Suraj Mal, Chaudhri. |
| Ajit Singh, Sardar. | Tara Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Tikka Ram, Chaudhri. |
| Binda Saran, Rai Bahadur. | Ujjal Singh, Sardar Bahadur, Sardar. |
| Chanan Singh, Sardar. | Krishna Gopal Dutt, Chaudhri. |
| Deshbandhu Gupta, Lala. | Lal Singh, Sardar. |
| Duni Chand, Mrs. | Muhammad Hassan, Chaudhri. |
| Faqir Chand, Chaudhri. | Muhammad Iftikhar-ud-Din, Mian. |
| Gokul Chand Narang, Dr. Sir. | Mukand Lal Puri, Rai Bahadur Mr. |
| Gopal Das, Rai Bahadur Lala. | Mula Singh, Sardar. |
| Gopi Chand Bhargava, Dr. | Muni Lal Kalia, Pandit. |
| Hari Lal, Munshi. | Partab Singh, Sardar. |
| Hari Singh, Sardar. | Prem Singh, Mahant. |
| Harnam Das, Lala. | Raghubir Kaur, Shrimati. |
| Jugal Kishore, Chaudhri. | Rur Singh, Sardar. |
| Kabul Singh, Master. | Sampuran Singh, Sardar. |
| Kapoor Singh, Sardar. | Santokh Singh, Sardar Sahib Sardar. |
| Kartar Singh, Chaudhri. | Sant Ram Seth, Dr. |
| Kartar Singh, Sardar. | Shri Ram Sharma, Pandit. |
| Kishan Singh, Sardar. | Sita Ram, Lala. |
| | Sohan Singh Josh, Sardar. |
| | Sudarshan, Seth. |
| | Uttam Singh Dugal, Sardar. |

Pandit Muni Lal Kalia : I beg to move --

That in sub-clause (2), lines 1—2, between the words 'satisfied' and 'that' the words 'on the unanimous report of the Market Committee' be inserted.

I shall say a few words in support of this amendment.

Mr. Deputy Speaker : No speech can be allowed on this amendment at this stage. Both the amendments were under discussion till now and all that the member can ask for now is to have the amendment put to vote.

Pandit Muni Lal Kalia : I may submit that the two amendments have nothing in common. The amendment which has just now been disposed of deals with empowering a gazetted officer. But my amendment says that such officer should exercise that power only on the unanimous report of the market committee. So, the two amendments are quite different and have nothing in common.

Mr. Deputy Speaker : The honourable member should have objected when both amendments were ordered to be discussed together. This was the decision come to in the last session and I am bound by it. I may also point out that the honourable member has already spoken on the amendment which he has moved now. The question is—

That in sub-clause (2), lines 1-2, between the words 'satisfied' and 'that' the words 'on the unanimous report of the Market Committee' be inserted.

The motion was lost.

Chaudhri Tikka Ram (Parliamentary Secretary) (*Urdu*): Sir, I beg to move—

That in sub-clause (2), lines 6—7, for the words "not exceeding one year" the words "not exceeding five months for a first breach and not exceeding nine months for a second breach" be substituted.

Sir, the only submission that I want to make in support of this amendment is that the term of one year is too severe a punishment for the first breach. I think that the ends of justice will be fully met if the term is reduced to five months in the first instance and if the second breach occurs, the licence may be cancelled or suspended for a term of nine months. With a view to this, I have moved this amendment so that the period of suspension of the licence be reduced from one year to nine months in the case of a second breach and five months for the first breach.

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

That in sub-clause (2), lines 6—7, for the words 'not exceeding one year' the words 'not exceeding five months for a first breach and not exceeding nine months for a second breach' be substituted.

Rai Bahadur Mr. Mukand Lal Puri : I think the language of the amendment is not clear and requires further consideration. For instance, suppose there is a first breach, a technical offence which may be condoned or which may be met with a small fine. If he commits another breach, will it be considered as a first breach and punished with suspension of licence for five months or will it be considered a second breach and so punished with suspension of the licence for nine months? The amendment therefore requires further clarification.

Minister for Development : There is no cancellation or suspension of a licence for a specifically fixed period. It is only suspension or cancellation of a licence for five months in the case of the first offence and nine months in the case of a second offence. But these are the maximum punishments provided in the clause.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General Urban) : I have got an amendment to the following effect :—

That in sub-clause (2), lines 6—7, for the words "not exceeding one year" the words "not exceeding three months for a first breach and not exceeding six months for a subsequent breach" be substituted.

I should therefore like to offer my remarks at this stage on the amendment before the House. This is an experimental measure and I therefore want that lighter punishment should be inflicted than is sought to be imposed by the Government amendment. It has also been stated by modern criminologists that the severity of the punishment defeats its very purpose. The state of my health does not permit my making any lengthy speech. I therefore move this amendment with a view to lighten the punishment.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : I am glad to find that the Government has seen the wisdom of not suspending the licence for any extended period. Whatever reasons may have impelled them to do so, one obvious reason is that a man even though he should be punished, should not be punished beyond measure and if you suspend the licence for a prolonged period, it is not only the loss which he suffers during the period of suspension of the licence that is to be taken into account but the much greater loss that he will inevitably suffer in re-establishing himself in business. If the period is very long it practically means that he is turned out of the profession. Therefore it appears to me that the Government has seen the wisdom and reduced it to 5 months in the case of first breach and a maximum of 9 months in other cases. Personally I think there is absolutely no justification for the retention of this power. In my opinion the licensing of *arhtis* or shop-keepers or merchants is absolutely outside the scope of the Act. Market committees should have been established; market committees should have framed rules for compliance with its provisions and anyone who contravened any of these rules, should have been punished with some punishment in ordinary cases or it might have been even imprisonment in serious cases just as in the case of any other breach of licence. But there is absolutely no justification, so far as the purpose of the Act is concerned, that any merchant or trader or commission agent should have been required to take out a licence in the first instance or that he should be proposed to be punished with the cancellation of the licence for any breaches. I submit that if you lay down any such provision, you practically determine as to who shall carry on a particular profession. It should not be within the power of any Government to lay down that such and such a person shall carry on such and such a profession or such and such a person shall be allowed to adopt that profession or that such and such a person having once started that profession shall be debarred from carrying on that profession. Therefore, as I submitted, so far as the object of the Bill is concerned, the object being to save persons from alleged unnecessary exactions or to secure to the grower a return, a fair return, for his produce, that object could have been effectively carried out without insisting on registration or taking out a licence or without making a provision for the cancellation of that licence. To attain that object effective penal provisions can be provided. I would not mind if for more serious breaches a punishment of imprisonment on conviction by a magis trate is even provided. Therefore if you do want

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to have in the Act a power which I am glad to learn from the Honourable Minister for Development would only be used on rare occasions, the power of suspension or cancellation of the licence, the Honourable Minister must realise that if the period of suspension is shorter, the man only suffers for that period and it will be possible for him to resume his business. After three months it will be possible for him to take up the business and re-establish himself. But if it is for more than six months I submit for the consideration of the Honourable Minister that it will not be punishing him only for the particular act or omission, but it will be tantamount to depriving him of the opportunity of carrying on the profession which he may in certain cases have inherited from his ancestors. I, therefore, support the amendment of Chaudhri Krishna Gopal Dutt that for a first breach the punishment should in no case exceed three months.

Mr. Deputy Speaker : The question is—

That the words 'not exceeding one year in lines 6—7 of sub-clause (2) stand part of the sub-clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That the words 'not exceeding five months for a first breach and not exceeding nine months for a second breach' take the place of the deleted words.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : Sir, I beg to move :—

That at the end the following new sub-clause be added :—

"(3) Any person, who feels dissatisfied with the order of the Government passed under sub-section (2), may appeal to the High Court against such order."

Mr. Deputy Speaker, the clause under discussion, in my opinion, is one of the most mischievous and dangerous clauses of the Bill. The reason why the Congress party was opposed to that clause was very cogent and very real. Now in order to minimise the mischief contained in that clause I seek to add this new sub-clause. You know that a large number of licensees are people who hold nationalist views and it is my suspicion that one of the aims and objects of the Markets Bill is to crush that surging tide of nationalism in whatever quarter it is found by the Government. Instances are not wanting when quite a number of people in this province have been victimised on political grounds. There are certain people in this province who voted for the congress candidate and later on were victimised by the authorities in one form or other, on one pretext or the other. That is the main reason why we do not want that such executive powers be vested with the local officials or even with the Government. Such powers are vested in the market committees, not only in the Bombay Act but also in the Central Provinces Act which was not quoted on the floor of the House. I have got the Central Provinces Act with me here and I was just reading in it that the power of cancellation rests with the market committee and if there is

any injustice committed by the market committee, then again there is the right of appeal. But here this power is not vested with the market committee. On the other hand there is no right of appeal against the order of the Government.

Supposing for instance there is a breach of justice, supposing there is a miscarriage of justice in a particular instance, as there is bound to be in the present circumstances with the present political complexion of the Government and with the reactionary outlook of the officials in the district as it is today, in view of the past record of the officials and in view of the vindictive attitude of the Government and the henchmen of the Government and the officials of the Government, it is imperative that there should be some machinery which should give justice to the victim. Mr. Deputy Speaker, in this amendment which I have moved just now, I want that any person who is so victimised or who thinks that he is so victimised should get justice at the hands of some authority and that authority should be the High Court. After all, this is an elementary principle of jurisprudence that if there is a miscarriage of justice, there should be somebody, some authority, some constituted power, which should try to rectify that wrong. Apart from the fact that the Government has victimised, apart from the fact that government officials have wreaked vengeance upon innocent people whose only fault was that they are nationalists and voted in favour of nationalist candidates, there is the question of difference of opinion, there is the question of human weakness. Supposing for instance, a Government official has committed a wrong, then what is the method by which that wrong can be righted? There should be some machinery, there should be some authority to which there should be some appeal against that order. Mr. Deputy Speaker, the Government cannot deny the fact that a large amount of injustice is being done every day in the administration of different departments. The administration today is not an ideal administration—it is no condemnation of the administration, I am putting it very mildly. There are numberless cases of injustice, but there should be some authority which would look into that injustice and try to remedy that. Here nobody can say and more particularly the Unionist Party cannot say that the High Court which is constituted in this province has got any political prejudice. If there is any section of opinion in this province which can accuse the High Court of having political tendencies or bias, it may be some other party but not the present party in power. So, the Government should not live under the misapprehension that the High Court would not be able to rectify the wrong. I have not got today the capacity of expatiating upon this point, but in my opinion if the Government is not out to crush nationalism in this province, if the Government is not out to abuse the Marketing Bill, if the Government is not out to take political advantage of this Bill, Government should accept this amendment. I have already stated, Mr. Deputy Speaker, although we have lost on this point, that I consider it as one of the most mischievous and dangerous clauses and if I had the power to do so, I would have cried hoarse against it, but since I cannot cry hoarse against it, I enter my emphatic protest against it. But still I would certainly appeal to the Honourable Minister for Development in the interests of justice, in the interests of fair play, at least to accept this amendment, to accept this proviso or new clause.

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or whatever you call it, so that if any injustice is done, the High Court may be able to interfere. With these words I commend my amendment to the consideration of the House.

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

At the end, the following new sub-clause be added :—

(3) Any person, who feels dissatisfied with the order of the Government passed under sub-section (2), may appeal to the High Court against such order.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : The Honourable Sir Chhotu Ram was pleased to say in his last speech that he proposed to accept the amendment which stands in the name of Mir Maqbool Mahmood which is to the following effect :

That at the end of sub-clause (2) of clause 27 the following new sub-clause be added :—

(zzii) For an appeal as may be prescribed to the Government against the orders passed under clause 6 (2) by any officer specially authorized under that clause.

He agrees therefore with the principle which underlies the present amendment and which is that a man shall not be penalized unless he has had an opportunity of having his case investigated by some agency. Now, Sir, the present amendment only lays down that that statutory agency should be a real agency but should not be a mere camouflage. My submission before the House is that if the right of appeal has to be given, it should be given to a judicial tribunal, may be the district judge or may be the High Court as is suggested in this amendment. I would of course prefer the High Court because the higher the tribunal the better opportunities you have got of obtaining justice. The principle underlying the right of appeal is not a mere reconsideration of the same material by another agency, but also that that material shall be sifted and shall be scrutinized on judicial principles, on principles which are well-known and well-understood all over the world. Sir it is a fundamental principle of jurisprudence recognized not only in courts but recognized by all governments and even by dictators, that no one shall be mulcted of his property and no one shall be penalized in any manner unless the case against him is proved and proved to the satisfaction of persons who decide that matter on set principles and not by any arbitrary method. Therefore the Government, if it really wishes to give a right of appeal to these people, should at once accept the amendment which has been moved by my honourable friend. What difference does it make to the Government if the appeal is heard by an honourable judge of the High Court, Mr. Justice Din Muhammad, or Mr. Justice Addison or by one of the financial commissioners or by the Honourable Revenue Minister, if they have really to apply their minds to the case and to do justice? All these functionaries have to give time and the time of one is certainly no less valuable than the time of the other. Therefore if you have any desire to give a right of appeal, you should give the right of appeal to a tribunal which would inspire confidence and you should give it to an agency which would act according to set and well known judicial principles and which would not be acting under individual whim or predilection.

Therefore, if the right of appeal, I again repeat, is not intended to be a mere camouflage, the Government should accept this amendment. What do we find? Is the proposal which has been so well placed before us by the Honourable Parliamentary Secretary intended to meet the point of view of the Opposition? What it lays down is that from an officer nominated by the Government you may appeal to the Government itself. The Government in this case will be the Honourable Minister for Development, *i.e.*, Chaudhri Sir Chhotu Ram. This poor *arthia*, this poor merchant against whom Sir Chhotu Ram is crying from one corner of the Punjab to the other, is given the right of appeal from that officer to this honourable gentleman. I should like to know if a merchant or a shopkeeper or a commission agent would in a matter of this type place himself at the mercy of this honourable gentleman. I know that if the honourable gentleman were himself occupying the position of a district judge and were called upon to decide this matter judicially — I know he is conscientious enough — he may possibly decide the matter on correct principles, but an appeal to him in his executive capacity, where he is to be guided by his own wishes, by no set rules of evidence, by no set principles, will be utterly useless. Therefore, I would point out to him, as was pointed out on the floor of this House several times, that it is not only necessary that justice should be done, but it is in the interest of good administration that it should be seen that justice is done. The public at large should also feel that the person to whom you are giving punishment, for whom you are providing heavy penalties, whom you are in some cases debarring from his profession, is so punished after a due trial. This provision, *i.e.*, appeal from the nominee of the minister to the minister himself certainly does not fulfil the conditions which are necessary in such cases. I, therefore, support the amendment.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, in the original clause the powers to cancel or suspend a licence for a certain period were vested in the Government. But afterwards the Government thought it fit to add a provision to the effect that these powers could be delegated to a gazetted officer. Then it struck the Government that the period for which a licence can be cancelled or suspended should be specified and that it should not exceed one year. Perhaps this was done because the Government wanted to prescribe a limit so that the magistrate to whom the powers are delegated may not award a punishment out of proportion to the seriousness of the offence. Now, Sir, if that is the consideration which actuated the Government to move for these changes in the clause, I think it is but proper that the right of appeal be conceded. Let the Government rest assured that this concession will not entail any more expenditure to the Government.

The proposal may be objected to on the ground that if this right of appeal is conceded it will result in an increase in litigation and consequently in the work of the High Court. But I assure my honourable friends opposite that even if there is an increase in the work of the High Court the Government will not be faced with any extra expenditure on that account. It is evident from the reply given to a question to-day that the number of the Honourable Judges of the High Court does not increase or decrease with the volume of work. When there were three thousand cases pending in the High Court the number of judges was eleven and when the number

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of cases was reduced to 1892 there was no corresponding decrease in the number of judges which was still eleven. Then, why not concede the right of appeal? The Government may be under the misapprehension that as the zamindars who have to go to civil courts are ruined by litigation similarly if the right of appeal is given the increased litigation may prove ruinous to these people. But I would submit that the cases of zamindars going to civil courts and those businessmen whose licences are cancelled are absolutely different. Here you deprive a man of his occupation and a person who has been deprived of the means of earning his livelihood must be allowed to try his luck in the High Court. If he feels that justice has not been done in his case the fear of increase in ruinous litigation should not stand in your way. He wants justice and his occupation, not your solicitude. If he feels aggrieved let him seek justice in the High Court.

I do not know much of law but I have heard of such provisions that if the punishment does not exceed a certain limit there is no right of appeal but if that limit is exceeded an appeal is allowed to be preferred. Let the Government adopt the same method in this case. For instance, if the licence is suspended for 3 or 6 months there may not be a right of appeal but if the suspension is for 9 months or a longer period the person concerned may be given the right of appeal. The Government should give the accused person every opportunity to seek justice. It is not an unreasonable demand. With these words I resume my seat.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : The principle of appeal having been accepted by the Government itself, I had hoped that Government would, of its own accord, come forward and provide for this appeal before the High Court as proposed by the honourable member. As has been said it is not enough that justice should be done. The man to whom justice has been done should be made to feel that justice was done. We have been told many a time that the object of this Bill is to turn out dishonest people. That object will not at all be interfered with, if an appeal to the High Court was provided for. On the contrary, it will inspire confidence in everybody and the magistrate, whose unpleasant duty it will be to cancel the licence, will not go wild but think twice before cancelling the licence once he knows that the appeal could go to the High Court. Once he knows that the appeal is to go to his own superior and in the executive capacity, he will not feel his responsibility as much as he will otherwise do. After all it is a matter of business — it is not a thing pertaining to moral turpitude. It may be that licences will be cancelled on frivolous grounds. We want protection against it. We want everybody to feel that here is a province where one is free to carry on his business according to rules and regulations and without any let or hinderance from the executive authority. I have yet to learn as to what difficulty there is in accepting such a reasonable proposition, especially when the Government has declared many times over that they do not wish to derive any political benefit out of this legislation. What would they lose if an appeal to the High Court were provided for? Their object would not be interfered with. If they have an open mind, although I do not think that they have it, they should have no difficulty in accepting this very reasonable proposal. The Honourable Minister for Development is not

unaware of the fact that the commercial classes as a whole have not the least confidence in his administration and he should therefore be the last person to be given this power of deciding these appeals. He should have been the last person to encourage such a provision in the Bill, which seeks to place in his hands the power of accepting or rejecting appeals against orders passed by his subordinates in prosecutions which he may have sometimes himself to initiate.

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Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, it would not have been very necessary for me to speak but there are certain aspects of the case which have not been made very clear, with due deference to my friends who have spoken before me. The first thing is whether there is any provision for an appeal in the Bill as it stands. I stressed this point yesterday and as I pointed out a paper was handed over to me by the Secretary of the Assembly which contained the draft of an amendment by Mir Maqbool Mahmood by which he sought to add a sub-clause to clause 27 which he numbered—if I remember correctly—(xxiii), but that simply meant that the Government might, among other things, make rules with respect to the hearing of appeals by the local Government. That does not mean that an appeal would necessarily lie. My submission is that even if the honourable mover of the Bill, as he said, accepts that amendment, a lacuna would be left in the Bill because a question might be raised whether there was any provision for the filing of an appeal at all. Rule (xxiii) which Mir Maqbool Mahmood wants to add to the rules could simply deal with the procedure as to how that appeal would be heard, whether it would be sent by post or the appellant will have to appear personally before the Honourable Minister, or what the stamp on that memorandum of appeal, if any, would be, and such things; but that does not by itself make it clear that there would be an appeal allowed to anyone aggrieved by an order passed under this Act. Therefore the reply given by the honourable mover of the Bill that he is going to accept Mir Maqbool Mahmood's amendment does not meet the requirements of the case. He is a lawyer and I expect he would see the point that I am trying to urge before him. It is absolutely necessary that there should be some sort of provision for an appeal and until we came to the amendment moved by my honourable friend from Sialkot, there was absolutely no provision for an appeal. Nor would the addition of the rule to the rule-making power of the Government make it clear that there is a provision for an appeal. This is the first thing to which I want to draw the attention of the honourable mover of this Bill. He may, if he is not prepared to accept this amendment, move some other amendment which might provide for an appeal for the hearing of which the amendment of Mir Maqbool would make provision; but that amendment by itself, as I have said, is not a substantive amendment as making provision for filing of an appeal or giving a right to the aggrieved person to file an appeal. Then, Sir, the question is, to whom an appeal should lie. That amendment even if accepted, simply indirectly hints that an appeal would lie to Government: no appeal is provided in the Bill even to the Government. It simply hints or takes it for granted that there would be an appeal to Government; and if there is an appeal to the Government then Government might frame rules for the hearing of the appeal or consideration of that appeal. There is no definite provision in the Bill as it stands; but

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let us assume for the sake of argument that in the rule that Government would make they would say, although I am very doubtful if the rule will be *intra vires*, but let us assume that Government would say, that an appeal would lie to the Government from an order passed under section 6 of the Act and under some other section where some penal actions are provided for in the Act. My submission is that that would not meet the requirements of the case. I do not want to emphasise the patent fact that an appeal to the Government would carry no conviction to the people concerned. It would be no solace to them, no consolation whatsoever to them judging from their present feelings towards the Government and particularly towards the honourable mover of the Bill. It would not be an exaggeration to say that they would not be prepared to entrust to him the liberty and life of even a chicken if that chicken happens to belong to a non-agriculturist in this province, not to speak of their business on which depends their livelihood and perhaps their life. I am not prepared to believe that the honourable Minister in charge of the Bill is not aware of this feeling in the province as he has had more than sufficient proof by this time of what people, who are likely to be effected by this measure, think of him and of his legislative efforts and of his administrative activities and his extra administrative and extra ministerial activities (*A voice*: nefarious activities) I cannot say that; they speak for themselves. He cannot be unaware what people, the non-agriculturists of the province, think of his various activities. Does he really think that by providing an appeal to himself from the order of an officer appointed by himself he would be affording any consolation to the people whose living and source of livelihood might be affected by an order passed under this section? When he was replying to the debate on the first motion which was started yesterday he said some members on this side or all members on this side seem to ignore the fact that the word used in the clause is 'may' and not 'shall'. Does it mean that the officer who passes this order cannot pass an order of forfeiture, cancellation or suspension at all? Certainly from the clause as it stands it is not clear that when he detects an irregularity or breach of the condition of the license and when he is satisfied that a breach of the condition of the license has taken place, he might ignore the breach or might pass some other order. To satisfy myself and to satisfy the House once more I should like to read the sub-clause for the benefit of my lawyer friends and I would crave their indulgence just to have a look at it. It says :

The Government may on being satisfied that there has been a breach of any of the conditions specified in a license by an order in writing cancel or suspend such license and may also direct that such licence shall not be renewed for such period not exceeding one year as may be specified in that order provided that no such order shall be passed without giving the licensee an opportunity to show cause why such an order should not be passed.

Once he is satisfied that there has been a breach of one of the conditions of the license he is sure to pass some order under this section. He is not likely to pass over that breach and overlook it. The only discretion that he has is that he may either cancel or he may suspend the licence. He may also direct that such and such licence shall not be renewed for such and such period and so on, so that it is not that a fine of Rs. 5 may be inflicted. If this was the condition here and if that discretion was given then a fine of

Rs. 20 or 50 might be inflicted. It might be said that the order to be passed under this clause may not be very severe. But when a licence is suspended for 3 months or 5 months or 6 months or for 9 months, as the case may be, the punishment is still very severe. Therefore, it is necessary that there should be an appeal. No appeal is provided under clause 6. My submission is that even if a licence is suspended for one month, that month may be in the busy part of the year. After all business does not go on for 12 months but it goes on briskly for one or two months during the season of the harvest and during these very months his licence may be suspended, so that he loses the whole year, and the income of the year may be very large, but still there is no provision for an appeal. Even in petty cases there is an appeal or a provision for revision in cases where no appeal lies. But no provision has been made for an appeal here. My submission is that under this clause, even, as I have said, if we assume that an appeal will be provided by the Government, it will not satisfy the persons concerned. The only question, therefore, is 'to whom should an appeal lie, if not to the Government?' The amendment says 'to the High Court'. I have submitted an amendment to-day that any person aggrieved by any order passed under this Act may appeal to the District and Sessions Judge. I do not quarrel with the forum of the appeal, whether it should be the High Court or the court of a District and Sessions Judge, but what I do insist upon is that there should be an appeal to a judicial tribunal and not to the Minister, who appoints officers from whose order an appeal is to be heard. The Honourable Minister, when replying to the supposed argument of mine, said that I said that the officer who should be entrusted with these powers should be the collector. I explained what I meant and he seems to have accepted my explanation. But he went on to dilate on the point that he raised, that the deputy commissioners were very busy and therefore the deputy commissioner or the collector should not be entrusted with this duty because this might prove, so to say, the last straw which might break the proverbial camel's back. Does the Honourable Minister mean to say that a Minister of the Punjab Government is less busy than a deputy commissioner? Has he more time to go into these appeals than an ordinary deputy commissioner would have? Then, Sir, has a Minister in these days, when he is surrounded by visitors from morning till evening, when he has so many party questions to discuss, when he has so many party meetings to attend, when he has so many tours to make, when he has so much propaganda of a particular kind to carry on, when he has his own administrative duties to do, and when he has his own legislative and other engagements in the Chamber, has he more time than a deputy commissioner? Then what is the justification for keeping appeals to himself? None except this that he wants to have the whole power in his own hands.

He was pleased to say that his object was not, in any way, to control the liberties of the people in *mandis*, so far as their voting was concerned. I would come to that point when I speak on the whole clause when it is put before the House. I may submit that by appointing a man to cancel or suspend a licence and then keeping the right of appeal to himself he may not have intended — I take his word for it, difficult as it may be but it is his word — I take it that he had no intention to interfere unduly with the liberty and freedom of the people. But anyone who has eyes to see and

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who is not perverted by bias will agree that the result of this provision would be that the liberty and freedom of the people in *mandis* would be restricted. He said 'What does it matter, these people are all urban, whether Gokul Chand comes in or Gopal Das comes in? But he forgot that when the voters are under his thumb it will rest with him whether Gopal Das comes in or Gokul Chand comes in and he will see that none of them comes in. He will have a man who will be cowed down by him and who will support him on the floor of the House. I am sure he is not so simple as to have ignored this. He has realised this. That is patent. If I have some power over rural areas through rural voters and if I say it does not matter whether Chaudhri Chhotu Ram comes in or Chaudhri Tikka Ram comes in, my honourable friend would laugh at me because I may not like Chaudhri Tikka Ram or Chaudhri Chhotu Ram, but I may want Chaudhri Baldev Singh to come in because I know that Chaudhri Baldev Singh will support me on the floor of the House and I cannot rely upon those two gentlemen. That itself is such a clear thing that I am really surprised that the Honourable Minister should have adduced this argument on the floor of the House. Therefore, Sir, it is necessary that an appeal should go to a disinterested person, an impartial tribunal which has no political bias and which has no party to serve and which has no policy to carry out. The judicial tribunals have no political doctrines as such and they have no policy as such. In a judgment of the High Court it has been said that the High Court has no policy. Giving a judgment on the Land Alienation Act they have said that the High Court has no policy. They have to administer the law as it is and adjudicate upon the facts as they are placed before them. The Honourable Minister will have to make a supreme effort to keep his political bias aside when deciding these cases. Why should he put himself to that trouble? This would serve no purpose. Why allow a suspicion of mistrust to remain in the minds of the persons concerned? Why should he do that? I ask him why does he fight shy of a judicial tribunal? What does it matter to him if an appeal goes to the High Court? The expenses of the appeal will have to be borne by the appellant who is an urban person and who is not certainly in the good books of the Honourable Minister and for whom he has no mercy. Let him spend the money. Let some pleader make some money. Let some orderly make some money. Why does it pain him that the appellant will have to go to the High Court or to some other judicial tribunal and will have to spend some money? The reason seems to be this. I may tell you, without meaning any disrespect to anybody, that there is a definite reason. For the last 15 years I have been seeing that there has been lurking in the mind of the Honourable Minister an unfounded suspicion of judicial tribunals.

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

Dr. Sir Gokul Chand Narang : I am speaking to the motion. That suspicion, I say, is unjustified. Therefore, he should accept this amendment. That suspicion really should not be entertained by a gentleman of his position, particularly, when he happens to be a lawyer. I was surprised really by some remarks made either by him or by Mir Maqbool.

Mahmood — I forget now by whom and they would correct me if I am wrong — that the courts have not been able to carry out either the wishes of the Government or the intention of certain Acts and therefore it was necessary that gazetted officers should be appointed. I think the honourable member from Amritsar made such a remark. I never expected that he would make such a reflection upon law courts. It was a mild one and a passing one, but it was all the same a reflection on law courts. By our training, by our conventions we must have faith in judicial courts, otherwise the whole thing comes to an end. There will be a chaos. The judicial courts are the ultimate refuge of the people who have suffered wrong and it is to those courts that they have to resort against the tyrannies and oppressions and irregularities and excesses of the executive officers appointed by the Government and if that door of justice is slammed in the face of those people, where are they to go? He wants to be himself a silent court of justice, not silent in his case but a blatant court of justice in himself, himself the judge and the jury but not himself the prisoner at the bar. Then it is not a two-penny half-penny court that has been suggested by the mover of the amendment. I did not say in my amendment the highest court, because I thought it would be a more expensive court and a middle course might be adopted, so that the appeal may come to the district and sessions judge but if this amendment is accepted, I would be quite satisfied, because people everywhere have faith and must have faith in the High Court of their province, because that is the highest tribunal to which they have an access, and therefore I am not blaming my friend for having chosen the forum of the High Court for the redress of the wrongs which might be done by the Honourable Minister's gazetted officer to whom he might entrust the duty of cancelling or suspending licence, may be for five months or for nine months. Why does he stand in the way of the court? That is a question which he has not answered. An attempt was made by Mir Maqbool Mahmood to answer this question in anticipation, and that was probably after some sort of consultation with his friends. That reply was that 58 lakhs out of 56 lakhs of these growers are poor people. That is to say, nearly 95 per cent of the zamindars are poor zamindars and they till the soil with their own hands and my honourable friend would know that their average holding is 5.6 acres of land. I believe he knows that. It is those 58 lakhs of people whose holding does not probably exceed 5.6 acres of land, he said, those poor people, who might be dragged to a court of law. Then suddenly his legal knowledge came to his help — he has been a practising lawyer — and he felt that the complainant in such cases would only be in the position of a witness; but it is not the usual thing for an appellate court to summon witnesses who have given their depositions in the original court. Not one in a thousand cases are witnesses required to present themselves again in a court of appeal. All that may happen is that under certain provisions of the Civil Procedure Code the court may remand the case or in certain special cases may even take further evidence itself. But that is extremely rare. I am not a practising lawyer now but I cannot and certainly none of my friends who are practising lawyers here would support the honourable Mir Maqbool Mahmood on this point.

But then again let us assume that the appellate courts would more frequently than has been their practice heretofore, summon these

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witnesses before them to examine or cross-examine them again. Who are these people? The honourable Mir Maqbool Mahmood having been born with a silver or rather a golden spoon in his mouth really does not know the condition of the poor people although he poses — I am not using this term in a bad sense — he claims to be the champion of the poor people. I know them better. I am a poor man or have been a poor man and have lived among them. He is not even an agriculturist in the ordinary sense of the word. If he has any real knowledge of the poor agriculturists living in the villages and if he had, again, any knowledge of the conditions of markets and of the people who bring their wares and their goods to the markets, he would have known that it is not the people whose holdings do not exceed 5·6 acres who bring their wares to the markets. It is the big people, rajas, rai bahadurs and big chaudhris and khan bahadurs holding any number of squares who bring their produce to the markets. “*Nangi nahaegi kiya aur nachoregi kiya.*” The person who has only 5·6 acres of land, what has he got to bring to the market? He can hardly produce enough for his own sustenance and for the sustenance of his wife and children, so that out of 56 lakhs for whom the honourable member from Amritsar seems to have such a tender corner in his heart, 58 lakhs are not concerned at all. They are not concerned in this Bill at all and if it is passed it will not do them the slightest good. You may pass it but it will neither do them any good nor will do them any harm. It is in the interests of people who produce more than they consume and in fact more than they can consume and cannot dispose of in their own villages that this measure is being enacted. It is they who will have to come to the market to sell their goods.

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

Dr. Sir Gokul Chand Narang : Reflect, Sir, for a moment. What more can I say? It is those big people who will come to the market and they understand what is for their good, whether they stand to lose, whether they are going to be cheated or not and they are able to look after themselves. Therefore the argument of the honourable member from Amritsar really was not to the point at all and no such fear ought therefore to stand in the way of the acceptance of the amendment moved by my friend from Sialkot. Look at it from whatever point of view you like, you cannot reasonably oppose this amendment or an amendment like this which makes a provision for an appeal to a judicial tribunal. I still hope — though it might be hoping against hope — that the Honourable Minister will see the justice and the reasonableness and the necessity and the importance of this amendment and would show his usual courage for once on the side of justice and fairplay.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): I desire to make it clear at the very outset that I do not propose to examine the amendment at any great length on merits. But there are certain questions of law brought into discussion which certainly require very careful consideration at the hands of the Honourable Minister for Development. I understand that the Opposition wants the right of appeal to be conceded under this Bill. I also understand that the Honourable Minister for Development has no objection to providing for appeal from the orders passed by the

gazetted officers to whom certain powers are given under this clause. If the Honourable Minister desires to give this right of appeal, then I should like to make it clear that it is an established proposition of law that a right of appeal is the creation of the statute and the statute alone. The right of appeal cannot be inferred merely because a clause is added to clause 27 to the effect that the Government will have a right to make rules "for an appeal, as may be prescribed to the Government against the orders passed under clause 6 (2) by any officer specially authorised under that clause." Therefore, so far as the legal aspect of the matter is concerned, I am at one with my honourable friend, Dr. Sir Gokul Chand Narang, that this right of appeal, if it is intended to be given, must be given substantively and expressly in the statute itself. It should not be left to be inferred from any other clause. (*Interruption*). I have been asked to state my opinion as to whether the right of appeal should be given at all or not. I started my discussion on the basis that the Honourable Minister for Development has no objection to the giving of this right of appeal. As a matter of fact, if I understand his argument, it is that the right of appeal is given by necessary implication, by virtue of an amendment which is going to be moved by my friend Mir Maqbool Mahmood and in regard to which the Minister for Development was pleased to make it clear that he would certainly accept it. Therefore I proceeded on that basis. So far as my personal opinion is sought to be obtained, I have not the least hesitation in saying that the right of appeal should be given.

Now, coming to the agency which should hear appeals, I must say that I do not agree with my learned friend, Dr. Narang, that the District Judge or the High Court should be the forum for appeals. After all, this is an executive measure and it is an executive machinery that is embodied in this law. To say that in every matter of executive administration an appeal should lie to the district court or the High Court does not appeal to me. My learned friend will remember that there is the Income Tax Act. Under that Act officers are appointed who are final judges on questions of fact. Only questions of law have been reserved for adjudication by the High Court on appeal. If an appeal is made to the High Court on a question of fact, that court will straightaway say that it cannot interfere on questions of fact. (*Interruption*). I am not concerned with what is going to be hereafter. I say that up till today as the law stands at present, the High Court cannot entertain appeals on questions of fact relating to income tax.

I was just examining this question on merits, namely as to whether an appeal should lie to an executive authority or whether it should lie to a judicial authority. My friends will admit that before an appeal can go to a judicial authority there must be some judicial procedure. There must be some provision for the application of the Code of Civil Procedure, some provision for recording of evidence, some provision for evidence to be recorded in the presence of both parties and some provision for cross-examination of witnesses. Unless and until there is a written record it is really impossible for any judicial authority really to sit on appeal. I therefore respectfully submit that it would be incongruous and incompatible with the scheme of this measure to ask that this House should insist on the appeal being heard either by the High Court or by the district judge. I may remind my learned friend that the question as to whether an appeal in cases

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of this sort should lie to executive authority or to judicial officers has already been considered by the highest courts of appeal. They say, "We are very thankful to our friends for the compliment they pay us and for their insistence on appeals being heard by judicial officers and so on and so forth. We are also fully conscious of the fact that there are matters of administration with which we have absolutely nothing to do. We should not therefore like to be invested with powers which we cannot exercise in the absence of any material on record." Therefore I respectfully submit that this is a novel provision. My learned friend may perhaps remember that in the English Money Lenders Act there are provisions for punishment, for suspension or cancellation of licences, and yet, is there any provision in it under which an appeal lies to judicial officers? No. Appeals lie to the executive authority, whether it be Commissioner of Inland Revenue or Excise. I submit that my learned friend had better not forget the fact that this Act is really an executive measure the object of which is to regularise and make better provision for the purchase and sale of agricultural produce. Surely no questions of legal rights of parties are going to be decided by these gazetted officers. The only question that will be considered by these officers is whether the person has committed any breach of the conditions of the licence, and if he has committed any breach, whether he should be punished by the cancellation or suspension of the licence. I do not agree with my honourable and learned friend that the penalty of cancellation or suspension will inevitably follow every breach. The Honourable Minister for Development was perfectly right when he said that if cases come before him or before a gazetted officer, he or the deciding authority can come to the conclusion that the breach is too trivial to be noticed or to be visited with any punishment. If the intention has been that this punishment must necessarily follow every breach then the language of the provision would have been 'The Government shall on being satisfied cancel or suspend such licence'. The word 'shall' has not been used. The word is 'may'. I do not wish to develop this point any further because the matter was certainly clarified beyond description by the Honourable Minister for Development. But I do want to point out that according to the clause as it stands it does not necessarily follow that the penalty of cancellation or suspension of a licence must be visited on each and every breach of the conditions.

Chaudhri Tikka Ram : I move that the question be now put.

Chaudhri Krishna Gopal Dutt : Before you put the closure motion to vote, may I point out that the other side has not spoken on the amendment? I have got a right of reply and I do not know to which speech I must reply inasmuch as the other side has not spoken.

Mr. Deputy Speaker : It is not my business to ask the other side to make speeches. The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That at the end the following new sub-clause be added :

“(3) Any person, who feels dissatisfied with the order of the Government passed under sub-section (2), may appeal to the High Court against such order.”

The Assembly divided : Ayes 32, Noes 71.

| | |
|----------------------------------|-------------------------------------|
| Bhagat Ram Choda, Lala. | Mazhar Ali Azhar, Maulvi. |
| Bhim Sen Sachar, Lala. | Muhammad Hassan, Chaudhri. |
| Chanam Singh, Sardar. | Mukand Lal Puri, Rai Bahadur Mr. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalra, Pandit. |
| Duni Chand, Lala. | Partab Singh, Sardar. |
| Duni Chand, Mrs. | Prem Singh, Mahant. |
| Gokul Chand Narang, Dr. Sir. | Raghubir Kaur, Shrimati. |
| Gopi Chand Bhargava, Dr. | Rur Singh, Sardar. |
| Hari Lal, Munshi. | Sahib Ram, Chaudhri. |
| Hari Singh, Sardar. | Sampuran Singh, Sardar. |
| Harjib Singh, Sardar. | Santokh Singh, Sardar Sahib Sardar. |
| Kabul Singh, Master. | Sant Ram Seth, Dr. |
| Kartar Singh, Chaudhri. | Shri Ram Sharma, Pandit. |
| Kartar Singh, Sardar. | Sita Ram, Lala. |
| Kishan Singh, Sardar. | Sohan Singh Josh, Sardar. |
| Krishna Gopal Dutt, Chaudhri. | Sudarshan, Seth. |
| Abdul Haye, The Honourable Mian. | Gurbachan Singh, Sardar Sahib Sar- |
| Ahmad Yar Khan Daulatana, Khan | dar. |
| Bahadur Mian. | Harnam Singh, Captain Sodhi. |
| Ahmad Yar Khan, Chaudhri. | Het Ram, Rai Sahib Chaudhri. |
| Akbar Ali, Pir. | Indar Singh, Sardar. |
| Ali Akbar, Chaudhri. | Jafar Ali Khan, M. |
| Amjad Ali Shah, Sayed. | Jagjit Singh Bedi, Tikka. |
| Balwant Singh, Sardar. | Jagjit Singh Man, Sardar. |
| Barkat Ali, Malik. | Jalal-ud-Din Amber, Chaudhri. |
| Chhotu Ram, The Honourable | Jogindar Singh Man, Sardar. |
| Chaudhri Sir. | Karamat Ali, Shaikh. |
| Faiz Muhammad, Shaikh. | Khizar Hayat Khan Tiwana, The |
| Fateh Jang Singh, 2nd-Lieutenant | Honourable Nawabzada Major. |
| Bhai. | Manohar Lal, The Honourable Mr. |
| Fateh Muhammad, Mian. | Maqbool Mahmood, Mir. |
| Fazl Ali, Khan Bahadur Nawab | Muhammad Amin, Khan Sahib |
| Chaudhri. | Shaikh. |
| Fazal Din, Khan Shaib Chaudhri. | Muhammad Ashraf, Chaudhri. |
| Fazal Karim Baksh, Mian. | Muhammad Azam Khan, Sardar. |
| Few, Mr. E. | Muhammad Faiyaz Ali Khan, Na- |
| Ghazanfar Ali Khan, Raja. | wabzada. |
| Ghulam Qadir Khan, Khan Baha- | Muhammad Hayat Khan Noon, |
| dur. | Nawab Malik Sir. |
| Ghulam Rasool, Chaudhri. | Muhammad Nawaz Khan, Major |
| Ghulam Samed, Khawaja. | Sardar. |
| Gopal Singh (American), 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.
 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.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rrpdaman Singh, Thakur.
 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.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

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

That for sub-clause (2), the following be substituted:—

“ On being satisfied that there has been a breach of any of the conditions specified in a licence the prescribed authority may institute proceedings in a criminal court against the license holder who shall thereon be liable to a fine not exceeding Rs. 100 on proof of the breach of any of the specified conditions, provided that no such proceeding shall be instituted without giving the licensee an opportunity to show cause to the contrary.”

Mr. Deputy Speaker: I would like to make it clear that this amendment and amendment 21¹ will be discussed together even though after this amendment is voted upon, amendment No. 21 shall neither be moved nor voted upon.

Lala Duni Chand: Sir, I think this amendment of mine is of very great importance so far as this clause is concerned. All the members who are desirous of improving this clause or this Bill should concentrate their attention on this amendment. There are only two considerations which necessitate the issue of licences. The first is to regulate the purchase and sale of agricultural produce and the second is to ensure that the poor zamindars are placed beyond the reach of those who deprive them of their right to the full value of their produce by fraudulent means. There is no third consideration. I assure this honourable House that if my amendment is accepted, both these conditions will be fulfilled. Then, I propose to place a weapon in the hands of Government which it can very well use against those who are guilty of fraudulent dealings against the interests of the zamindars. In this way adequate protection can be afforded to the poor zamindars whose interests are sought to be safeguarded by the enactment of this legislation. There is another fact to which I propose to invite your attention. If a licensee is guilty of fraudulent dealings, he can be hauled up under

¹That sub-clause (2) be deleted.

sections 415 and 417 of the Indian Penal Code. The law as it is has ample provisions for dealing with those people who perpetrate frauds and deceptions. But I have provided for more powers to enable the Government to deal effectively with those who violate the conditions of their licences taken out under the proposed Act. If my amendment is accepted, it will benefit both the zamindars and the licensees. The zamindars will benefit on account of an adequate provision being made to stop all violations of the conditions of licences and the licensees will benefit on account of provision being made for their defence before orders are passed against them. It will also be advantageous to the Government inasmuch as the

Market Committees will be able to utilise the opportunity thus afforded to institute cases against the erring commission-agents. In view of these hard facts I am of the opinion that this amendment is absolutely essential. If you truly visualise the consequences of this provision of cancellation of the licences, you will be convinced that they will be simply alarming. It is the duty of the legislators to prevent such dangerous results. I can give any number of instances in which this provision can cause a great hardship to the *arhtis*. Take for instance the case of one who has newly taken to the profession of '*arhat*' and who has invested a large sum of 40 or 50 thousands therein. Supposing he is charged of some breach of the Market Bill and his licence is suspended for a period of six months, the poor fellow will have to wind up his shop and lose the sum of 40 thousand or 50 thousand rupees as the case may be. Now take the case of a commission agent who has been doing *arhat* work as a hereditary profession since his forefathers who remained engaged in it for the past one hundred years or so. Under this Bill if he is punished with the suspension of his licence for six months, his ancestral profession will be ruined altogether. He will lose lakhs of rupees which he and his forefathers must have invested in that profession. I am not exaggerating the position when I say that such a commission agent will lose several lakhs of rupees because any one who has any experience of mandis will realise that some of the professional *arhtis* who have been carrying on this business for generations usually must have made an investment of lakhs of rupees. Imagine the alarming extent of the loss of such *arhtis*. But let us also keep in view the fact that these *arhtis* had been carrying on this business to the advantage of the rural population as well as the urban classes. They were no thieves or robbers. They were useful citizens till yesterday. You should not try to treat them like criminals. I say 99 per cent. of these *arhtis* were honest in the past and are so even now. Why should the Government put them into serious difficulties by this provision of suspension of the licences? Their only fault is that they have been earning a livelihood for themselves as well as their children by legitimate business. There is no reason why they should be put to so many hardships as will be caused to them by suspending or cancelling their licences for pretty breaches of the Market Bill. I can claim some knowledge and experience of the fundamental principles of jurisprudence and I cannot imagine any way of justifying so harsh a treatment of the *arhtis*. After all you must take into consideration the handicaps and the serious difficulties under which they have to carry on

[L. Duni Chand.]

this business. Just study the social environment of the commission agents. There are innumerable mutual jealousies and enmities among them. One of them would always try to entrap the other under this Bill to ruin his trade and thus utilise the market to his own interest. Every one of them is anxious to capture the market and ruin the other. This Bill will provide them with an easy handle to translate their evil wishes into practice and thus cause loss to fellow *arhtis*. I must sound a note of warning to the Government that if they would not prevent this possibility which I have pointed out to them just now, they will be making a serious mistake of their life. Surely the Government will not try to put the *arhtis* into these difficulties and I hope that better counsels will prevail with them. It is sheer injustice to put the *arhtis* under the thumb of the executive or members of the market committees. It is a matter of common knowledge that police fabricates cases against innocent villagers. Similarly these market committees will take the opportunity of harassing the *arhtis* under the pretext of administering the Market Bill. Since the committees will be mostly consisting of official members or those who will be subservient to their interests, the commission agents will be thrown to the mercy of the Government agents who will make them obey their own desires. I do not mean that all the members of these committees will be dishonest but I do mean to say that most of them will be so. Further, it is feared that the Minister concerned will be using the Bill to advance his own political policy. Every one of them will necessarily resort to it in order to strengthen his political position. There is no doubt that there will be a good number of people who under this Act and in good faith shall try—

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

Lala Duni Chand : I am perfectly speaking to the motion. (*Interruptions.*)

Mr. Deputy Speaker : The Honourable member should speak to the motion.

Lala Duni Chand : I was submitting that political considerations will come into play in the operation of this Act. Thousands of people will get licences which will be liable to forfeiture on the violation of any of the conditions. In this way the sword of Democles will ever hang over their heads.

Mr. Deputy Speaker : The honourable member is again going astray.

Lala Duni Chand : I respect the susceptibilities of the Chair. I have stated the main reasons for my amendment. I consider this amendment as the most indispensable one. Kindly do adopt it and ignore others as unnecessary. (*Laughter.*) The fundamental question which requires consideration at our hands is whether the provision regarding the forfeiture of the licence is absolutely necessary or some other provision can well serve our purpose. As I have already stated I will have no objection if instead of a fine of 100 rupees a fine of 200 or 500 rupees is proposed. I

would further submit that if the Honourable Premier, in order to make this clause more effective, considers also awarding of punishment of imprisonment advisable, he may make a provision in this Bill for the awarding of the punishment of imprisonment in some cases. I will not raise even my little finger against it. In that case thousands of persons and myself will have the satisfaction of knowing that we will have a right to go to a court. In the Bill as it stands you have given to the executive the powers of forfeiting licences. Kindly accept this amendment or otherwise these people will have no remedy. The Bill will work like other Acts which are already in force and in which you have given vast powers to the Deputy Commissioner to treat the non-agriculturists in any way he likes. Under the clause now before the House you have given similar powers to executive officers. They will take up thirty or forty cases every day and summarily decide them. These cases will be dealt with in the same manner in which the cases with regard to traffic offences are decided. You see that 50 or 100 cases against motor drivers are summarily decided every day. In one case a fine of 10 rupees is imposed, in another a fine of 20 rupees is inflicted on the offender. In this manner all cases are disposed off.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Duni Chand : I am submitting that if this Bill as it stands is passed into law and if my amendment is not accepted, it would prove very harmful. When you enforce this clause it will work horrors. After summary proceedings hundreds of persons will be punished. On very small excuses the licence will be cancelled. In most cases it will be said that because such and such a person has behaved like a badmash his licence has, therefore, been cancelled. Besides you know how tahsildars behave when they are attending *Dakhil Kharaj* work.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Duni Chand : Sir, I am taking special care not to utter a word to which you may object. I am developing my argument that if the Bill in its present form is passed into law it would land you in serious difficulties.

Premier : Sir, may I ask a question of my honourable friend over there? He has thrown a flood of light over all other matters, but I require elucidation on one point and that is, he has said that if a person under this Bill is fined Rs. 500 he would not object to it. May I enquire from him whether if the said person is convicted by a court of law in that case his licence should be cancelled or not?

Lala Duni Chand : I shall be prepared to concede that after his conviction. The Government can retain the power to cancel his licence in certain circumstances. In the first place there should be no cancellation of the licence and if he had been duly tried and convicted, after that it will be up to the Government to consider the question of the cancellation. I shall be agreeable. I submit that if a court is given this power, after convicting a person and the court recommends the temporary cancellation of his licence, I would not mind. And if the power of cancelling a licence is given to the Honourable Premier or any other Minister I would not raise any objections. But to give this power to tahsildars who pose as sarkar before the villagers, is most objectionable. The petty officials should not

[L. Duni Chand.]

be invested with this power. I would further submit that if the Honourable Premier can see his way to accept my amendment in some modified form I am prepared to do the needful.

There is still one suggestion that I want to make and that is that it is a class measure. I am afraid in practice it will work as such.

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

Lala Duni Chand : I am trying to show that this piece of legislation is a class legislation. It is a very important question whether or not in the Punjab people take it as a class measure

Mr. Deputy Speaker : The honourable member is irrelevant. I would again request the honourable member to speak to the motion.

Premier : I would request him to wind up his speech as he has exhausted all his valuable arguments.

Lala Duni Chand : I wish the Government had been so wise and prudent.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Lala Duni Chand : Let me convey the sense of what I am going to say and after I have conveyed the sense then you can call me to order.

Sir, I am submitting that the Government is not wise enough to ascertain whether this Bill will do any good to the people whom they intend to benefit by it. But on the other hand they are sure that this will harm the interests of those whom they intend to do harm. In the end I would submit that this measure has been conceived in such a manner that it can do nothing but harm to the people. So far as *artists* are concerned I am prepared to—.

Mr. Deputy Speaker : The honourable member is again irrelevant. I would request him to speak to the motion.

Lala Duni Chand : If it were in my power to challenge the decision of the Chair I would have challenged it.

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

Lala Duni Chand : I was submitting, Sir, that this Bill contains nothing but—

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Duni Chand : I want to know the exact point of the objection of the Honourable Deputy Speaker so that I may be able to reply to him.

Mr. Deputy Speaker : Order, order. The honourable member should speak to the motion. I cannot hear anything which is irrelevant.

Lala Duni Chand : May I know which part of my speech is irrelevant?

Mr. Deputy Speaker : I would request the honourable member to continue his speech. But he should be relevant while speaking.

Lala Duni Chand : I would particularly request the Premier to bear in mind that the basic principle of every enactment is that it should be beneficial to those who are going to be affected by it. The Bill under discussion—

Mr. Deputy Speaker : Order, order. It is the amendment only that is under consideration and not the whole Bill.

Lala Duni Chand : I want to say that, without my amendment this is a mischievous legislation and with my amendment it becomes a beneficial legislation.

Mr. Deputy Speaker : I would request the honourable member to speak to the motion and not to be irrelevant.

Lala Duni Chand : Is it open to me or not to show that I am relevant?

Mr. Deputy Speaker : Not at all. I would ask the honourable member to continue his speech and to be relevant while speaking on this motion. otherwise I will have to ask him to resume his seat.

Lala Duni Chand : To show respect to the Chair I shall resume my seat. But allow me to wind up my speech with a summary of my arguments.

Mr. Deputy Speaker : No repetition is allowed.

Lala Duni Chand : As I have been disappointed by you, I resume my seat.

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

That for sub-clause (2), the following be substituted :—

“ On being satisfied that there has been a breach of any of the conditions specified in a licence the prescribed authority may institute proceedings in a criminal court against the license holder who shall thereon be liable to a fine not exceeding Rs. 100 on proof of the breach of any of the specified conditions, provided that no such proceeding shall be instituted without giving the licensee an opportunity to show cause to the contrary.”

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, so far as the clause under discussion is concerned I have taken no active interest in the amendments moved and speeches made by the various honourable members. The reason for my silence was not that I am particularly enamoured of the clause or inimical to the amendments tabled, but that I am on principle strongly opposed to the clause. However, the amendment moved by my honourable friend Lala Duni Chand appears to me somewhat satisfactory.

Sir, a good many things have been said and arguments adduced against this Bill. But even if we admit for the sake of argument that it is a useful measure intended to benefit poor kisans, the clause under discussion and the punishment proposed in it are open to serious objections. We have to see whether the proposed punishment is just and adequate or excessive. All of us know that everywhere there are different punishments for different offences, but here in this clause there is the same punishment for all offences, great or small, namely, cancellation or suspension of the licence. You will admit, Sir, that there can be not only different offences but also different

[L. Sita Ram.]

degrees of seriousness of the same offence. There may be minor or mere technical offences for which a lighter punishment or a small fine will meet the ends of justice.

Mr. Deputy Speaker : It is now 6-30 P. M. The Assembly will now take up the adjournment motion.

ADJOURNMENT MOTION.

PREFERENTIAL TREATMENT OF DAULATANA AREA BY IRRIGATION DEPARTMENT.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban).
(Urdu) : I beg to move—

That the Assembly do now adjourn.

In moving this motion I want to make it clear that I am not actuated by any personal motives against the Chief Secretary of the Unionist Party. I bear no ill-will against his person. I gave notice of this motion to discharge a public duty which devolves upon me as a member of this House belonging to the Opposition. The motion which I am going to move is a very simple one and has a narrow scope ; It runs as follows :—

I beg to move that the House do now adjourn to discuss a definite matter of urgent public importance, namely, the preferential treatment accorded to the Daulatana area by the Irrigation Branch, Punjab, in Nili Bar Circle, Montgomery.

I would like the honourable members participating in the debate not to go beyond its limits. The discussion should be confined to the scope of this motion. My object in moving this adjournment motion is to enter a protest against the practice of giving preferential treatment to a certain area in Montgomery Circle by the Irrigation Department. I may point out at the very outset that my motion is based upon the unsatisfactory and vague replies given to the Short Notice Question of the honourable Sardar Sohan Singh Josh put by him on the 1st December, 1938.

(At this stage Mr. Deputy Speaker left the Chair and it was occupied by Sardar Sahib Sardar Gurbachan Singh of the Panel of Chairmen.)

Moreover, the letter sent in this respect by the Chief Engineer to the Superintending Engineer, Nili Bar Circle, is also responsible for this step. I am afraid my honourable friends might have forgotten the answers given to the original question as well as the supplementary ones. I think it desirable to read out the question and the answers given by the Government so that they may refresh their memory and not try to juggle with the real facts stated on that particular occasion. The question was—

Whether it is a fact that the Chief Engineer, Irrigation Branch, Punjab, in his letter No. 3015-West, dated 17th February 1938, to the Superintending Engineer, Nili Bar Circle, Montgomery, directed him that in the case of outlets having mixed area, i.e. Daulatana area and ordinary zamindara area the discharge is to be calculated on the basis of 6.05 cusecs per thousand for Daulatana area, and 5.5 cusecs per thousand for the remaining area, and Daulatana area will be allowed an increased *wari* in respect of the additional discharge; if so, the grounds for the above-mentioned preferential treatment in the case of Daulatana area?

But we were amazed to hear the reply given in connection with this simple and plain question. The reply given by the parliamentary secretary was

entirely different from that which was given by the Premier on that occasion. They had not the courage to openly admit or deny the allegations contained in the question which made us believe that there was something wrong in the matter.

کچھ تو مجھے جسکی پورہ داری ہے۔

My submission is that it was incumbent on the Government to give us a categorical reply. It should either dispel our doubts by repudiating the charge or give reasons for according preferential treatment to Daulatanas. Had the reply been such I would have abstained from discharging this most unpleasant duty. But it seems that the case of the Government was not strong enough and so my honourable friends over there tried to evade answering our questions. They, however, wanted to satisfy us with mere words. But the Government should bear in mind that it cannot hoodwink us by means of such evasive replies. The Honourable Premier had remarked that the answers given by him and his parliamentary secretary were quite relevant and pertinent to the question and were such as could be expected from any popular and stable Government. But my respectful submission is that those answers were absolutely irrelevant, self-contradictory and misleading and no logic whatsoever could prove their relation with the question. We wanted a simple and definite reply. But what do we find? The question was as to whether or not the Daulatanas are given additional *waris* and more cusecs of water. And the reply given to it was "In this connection Daulatanas' land was given additional supply. These orders apply to all irrigators as well, i.e. that reduction in irrigation should not be more than 20 per cent." I leave the matter now to the House to decide as to whether there is any relation between the question and its answer? It is quite obvious that the answer and its reply are poles apart. When we ask the Government whether an additional *wari* was being allowed to Daulatana area, the Government for reasons best known to itself, did not think it fit to reply to that portion of the question. Similarly when a question was put as to whether Khan Bahadur Haji Ahmad Yar Khan Khugani made a representation to the effect that preferential treatment might be accorded to him as well, my honourable friend opposite was pleased to reply with the utmost care that :—

It is usually done on principles and not on any representation.

Sir, just mark the word "usually" used by the parliamentary secretary. The word "usually" has been used probably to cover the exceptions which are made to reward the loyalty, *sarkarparasti*, friendship, etc., of the members. (*Voices from the Treasury benches*: No, no.) Then what is that principle? Is it that there should be no principle at all? I ask in all seriousness as to why the same treatment is not accorded to the lands of the neighbouring zamindars as is being accorded in case of Daulatanas' area. Is it fair to allow Daulatana area an increased *wari* and additional cusecs of water and thus add to the productivity of the lands of Daulatanas, whereas the crops of the adjoining areas of the poor zamindars are left to suffer for want of sufficient water? The question was quite plain and simple and there was no reason why the Government should beat about the bush and conceal the real facts. The Honourable Premier had remarked the other day that the canal in question belonged to the Daulatanas before it was taken over by the Government and that was the reason for giving them

[L. Deshbandhu Gupta.]

increased *wari* and more cusecs. But may I ask him as to whether there was any condition laid in the purchase agreement under which the Government was bound to accord such a preferential treatment? If that were so, the Government could very easily bring this matter to an end by saying that this is being done in accordance with the agreement or with a view to reward the remarkable political services rendered by the Daulatana family to the Government. But our honourable friends over there tried to evade the question. When a supplementary question was put by this side of the House as to—

What is the reason for this preferential treatment in the case of Daulatana area by calculating the discharge on the basis of 6·05 per thousand acres of that area and 5·5 cusecs per thousand acres in the remaining area.

the parliamentary secretary was pleased to reply that the reason was that instructions were given by the authorities to the effect that water supply should in no case be less than 20 per cent.

(At this stage Mr. Deputy Speaker resumed the Chair.)

Sir, I am sorry to say that I have not been able to understand the meaning of all this (Voices : It is really difficult to understand). I confess that I am unable to appreciate the actions of my honourable friends on that side which are actuated by a host of political expediencies. It has been clearly admitted in the letter written by the Department that preferential treatment was accorded to Daulatana lands. In order to refresh the memory of my honourable friends, I may quote from the letter written by the Chief Engineer. It runs thus :—

“ With regard to his petition, dated 14th December 1937, Khan Bahadur Haji Ahmad Yar Khan Khugani should be informed that no preferential treatment can be given to him nor to any one else on either Ghulamwah or the Hajiwah distributary. The Daulatana outlets only should be given a discharge of 6·05 cusecs per 1,000 acres and all other existing A. P. M. outlets should have a discharge of 5·5 cusecs.

Does it require any effort to understand that Daulatana areas are getting preferential treatment? Now, I would refer to another letter. Here it is stated :—

“ The supply of 6·05 cusecs per cent. acres is to be given to Daulatana's area only. In the case of outlets having mixed area, i.e. Daulatana's area and ordinary zamindari area, the discharge is to be calculated on the basis of 6·05 cusecs per 1,000 acres for Daulatana's area and 5·5 cusecs per 1,000 acres for the remaining area, and Daulatana will be allowed an *increased wari* in respect of the additional discharge.”

I think nobody can say after perusing this letter that no preferential treatment is accorded to the Daulatana area. I invite the Honourable Premier's attention to these words in the letter.

Then, Sir, there is another interesting thing which must engage the attention of the House. The Honourable Premier, when questioned as to whether any preferential treatment was accorded to the Daulatanas stated that it was done because the Government took over these canals from the Daulatanas as these canals originally belonged to them. But the learned parliamentary secretary stated in the answer which he gave that *no preferential treatment was accorded to the Daulatanas*. Further, the Honourable Premier was pleased to remark thus :—

They are not getting a preferential treatment : as a matter of fact they are getting less water than before.

Mark the fallacy of his argument. Sir, what he says means this that whereas the previous bureaucratic Government allowed Daulatanas a much bigger concession for their loyalty to the Government in preference to the ordinary zamindars, the present Government merely reduced that concession fixed by the previous Government, and allowed Daulatanas to enjoy comparatively smaller concession. Even if that is so the fact remains that preferential treatment is being shown to the Daulatanas. Even the answers of the Honourable Premier do not disprove this. Is it proper, I ask, for a Government to show any such preferential treatment to any individual? Was there any earthly reason to allow such concession to a Chief Secretary of the Unionist party? There are instances where previous Government, the previous bureaucratic Government, allowed some concessions to those who served them and their interests against the country. For instance, there is a village named "Chugal-pura" near Lyallpur the residents of which enjoyed certain privileges for proving themselves useful to the previous Government in their own way. Similar is the case of the residents of another neighbouring chak which has the unenviable reputation of being a chak of sycophants, that is, of *jhohi chuks*, as they are called in Punjabi. They also enjoy certain privileges. But the question is, how is the present Government justified in continuing to allow them concessions which were granted to them at the cost of the poor zamindars? It is the duty of the present representative Government to end all such preferential concessions given by a bureaucratic Government. But our Government is doing nothing of the sort. If any of their members are in enjoyment of any concessions of the type enumerated by me just now, they should give them up voluntarily.

What surprises me in the attitude of this Government is that on the one hand it claims to be serving the best interests of the poor zamindars and on the other hand it is countenancing the grant of concessions to big capitalist zamindars at the cost of poor zamindars. This is, I must point out, ununderstandable. Sir, if the gentlemen at the head of our Government behave like this how can they inspire officers under them with a sense of their duty? Here is the case of a parliamentary secretary enjoying for himself certain concessions at the cost of poor zamindars and then refusing to give up those concessions. Not only this. The entire Government has supported his case. In these circumstances how can such a Government exercise a healthy control over any of their officers, say the Superintending Engineer whose promotion and extension of service is in their hands? Just imagine how will the attitude of the members of our Government affect the morale of the services under them.

I should like to know, Sir, what the Government can say in its defence. But I do not think that they will be able to make out any convincing case in their favour when the allegations made by me are fully supported by the letter of a high authority of the Government. What is open for the Government is either to flatly deny the authenticity of the letter or to admit fully the allegations made on this side of the House. The various facts that I have submitted amply prove the allegation that a preferential treatment has been meted out to the Daulatana area. This is an undeniable statement and no reasonable person can feel any doubt about its correct-

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ness. Even the honourable members occupying the treasury benches must be convinced of its truth in their own hearts. I agree with them that this preferential treatment must have been given to Daulatanas on account of certain reasons. They must have some justification for that. I admit that. But let them at least openly confess that preferential treatment is given. Even if they succeed in showing that there were some cogent reasons for this, the fact will still stand that preferential treatment has been meted out in this case. But I will go one step further and say that it is not justified in any way. I ask, why did the Government rob the poor peasants of their due share of water in order to please Daulatanas? This area has been given 10 per cent more water than the humbler peasants get. I will sound a note of warning to the Premier. It is high time for him to set his house in order. I find that instead of that he and his colleagues are trying to justify an act which is essentially unjustifiable. They have spent more than one month in search of some reasons that would justify it. They have gone through the various office files to find some lame excuses for this wrong. In the end they have to uphold this on the ground of its being a part of the contract. But may I ask them whether it is a part of the contract and whether they are under any legal obligation to give them more water? Why can't they open their eyes and study what is happening in the neighbouring Governments? In Bombay, they have restored the confiscated property of those who had fought for the freedom of the country. The Congress Government of Bombay have restored these lands in spite of the so-called contracts of the previous Government to the contrary. Similarly, even if it be a part of any contract, the Punjab Government should make bold to rectify the mistakes committed by the previous Government. If there is any such contract relating to the Daulatana lands it should be thrown into the waste-paper basket because it was made by a bureaucratic and irresponsible Government and because it runs counter to the interests of the poor zamindar. One could tolerate it if according to this contract more water was to be given to the Daulatana area, not out of the share of the poor peasants but out of excessive supply of water. But it is absolutely untenable in its present form. In the first place, I do not admit that there was such a contract. Even if it was so, it must be honoured in the breach only. Let not the present Government be a party to an unjust contract. Far from arguing like a lawyer who is paid to advocate a weak cause, the Punjab Government should readily confess that a preferential treatment was meted out but now they will discontinue it. All concessions and privileges based on injustice and inequity should be withheld forthwith. The Punjab Government should not behave in the manner of one who when knighted feels that his head has been mortgaged to the crown for ever. Let them take courage in both hands and rectify the mistakes committed in the past.

In the end I would appeal to all sections of the House to support this adjournment motion without any bias or fear. They must be convinced that we have sought by this motion to remove an injustice done to the poor peasants and they must, therefore, support it.

Mr. Deputy Speaker : Motion moved is:—

That the Assembly do now adjourn.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) (Urdu): Sir, I have carefully listened to the speech of the honourable mover of this adjournment motion and noted that so long as he was confronted with facts and figures he was speaking with caution and hesitation. But as soon as he chose to throw all restraints to the winds and disregard the hard facts of the case, he became exceedingly eloquent. But let me remind him that mere oratory is no substitute for good reasoning. Facts are required to substantiate a statement.

Adverting to the subject matter of the motion, I may point out that the whole case of the Opposition hinges on a letter which is alleged to have been written by the Chief Engineer, Irrigation, to the Sub-Divisional Officer concerned. It is a mystery to me as to how they obtained a copy of this letter from the Secretariat. I may here point out in passing that this illegal and highly objectionable way of obtaining copies of Government documents does no credit to the Opposition. It is certainly no indication of their lofty character and morality. I would ask the honourable member who possesses this cent. per cent. true copy of the letter in question to come forward and state as to how he obtained it, through whom and from which office?

Munshi Hari Lal: On a point of order? Is the honourable member speaking to the motion or is he passing censure upon the Department? Leakage of the letter is not the subject of motion. It is preference to Daulatana area!

Mr. Deputy Speaker: He is perfectly in order.

Premier: May I make a personal request to my honourable friends? We have listened with perfect calm to the speech of the honourable mover and I wish that my honourable friends opposite would not lose their patience, but will hear this side also. It should do them good both spiritually and otherwise. (*Laughter.*)

Raja Ghazanfar Ali Khan: Sir, I would like to request, through you, the honourable members of the Opposition in general and the Leader of the Opposition in particular to stay away from spoiling the discipline and secrecy of the Government offices by adopting illegal ways of obtaining copies of the Government records. In the meantime Government will institute a sifting enquiry into this incident and bring the culprit to book. But let them not think that by obtaining a copy of this letter they have taken possession of the treasure houses of Korah. I am here to support every word of it. There is nothing illegal or unjust in it. As a matter of fact the gist of the whole letter is that the irrigators who were previously getting water less than their *hag* are now getting due supply of water because of this action of the Government. My honourable friends over there have stated that they could not understand the reply given by the Parliamentary Secretary to a question put on this subject on the previous occasion. It is not a surprise to me because what do those people know of *mogas* who are in the habit of enjoying musical entertainments at "Lalqilla" at Delhi. Well, Sir, the facts are as follows.

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[Raja Ghazanfar Ali Khan.]

At the time when this Rajbaha was in the possession of Daultanas the irrigators used to get as little water supply as was available for them. But since this Rajbaha has come into the possession of the Government the whole situation has changed. Let me take this opportunity to submit with all the force at my command that the Honourable Premier has never made any statement to the effect that since this Rajbaha once belonged to Daultanas they were being given more water. You cannot ignore hard facts. When the Government purchased the rights of ownership over this Rajbaha, they turned their attention this way, that is how best they could safeguard the interests of the poor zamindars. With this in view the Government introduced A. P. M. outlets in order to keep regular control over water supply. Now because of this innovation the Daultanas cannot by the exercise of their personal influence get more than the authorised water supply. No doubt Daultanas were previously getting more than their *haq*. The A. P. M. outlets are intended to stop irregular and unauthorised supply of water. Khan Bahadur Mian Ahmad Yar Khan Daulatana addressed countless letters and telegrams to Government on the subject. Thereupon the Honourable Minister for Revenue passed the following order :—

I hope that the conditions have been explained to Khan Bahadur Mian Ahmad Yar Khan Daulatana. I should like to know if he has any further complaints. It is natural that with eventual 20 per cent. reduction he would not be happy but we have to see to the claims of other irrigators on the canals (*hear, hear*). If that was taken from him, but this does not mean, that we should not safeguard the rights of other irrigators (*hear, hear*), we should, subject to being just to others, state what we justly can do for Mian Sahib. A. P. M. outlets have to be built on the canal to ensure regular flow and equitable distribution of water.

Sardar Hari Singh : What is the date of this note ?

Raja Ghazanfar Ali Khan : It was written in 1937 and not in 1938.
(A voice : What is the date ?)

Mr. Deputy Speaker : If any honourable member has to put a question to the honourable member speaking he should stand in his place.

Munshi Hari Lal : I want to ask for the date of this note.

Raja Ghazanfar Ali Khan : It was sometime before June, 1937 and I would give him the exact date if he has some patience. Am I bound to give him the exact date and time and hour straightaway ? I would request my honourable friend to have patience.

Mr. Deputy Speaker : The honourable member may or may not reply to the questions.

Raja Ghazanfar Ali Khan : Well, Sir, this was the order that was actually passed by Government. In pursuance of this order the first thing the Government did was to see that the water supply in the case of Khan Bahadur Mian Ahmad Yar Khan Daulatana was greatly curtailed. If he had moved an adjournment motion on the subject it would have been rather difficult for the Government to defend their action. It is the clear and admitted policy of Government to effect a maximum reduction of 20 per cent. in case of remodelling of outlets. On this principle full 20 per cent. reduction was made in the case of Khan Bahadur Mian Ahmad

Yar Khan Daulatana. The result of all this has been that those zamindars who were getting previously 33 per cent. are now getting 42 per cent. and Daulatanas who were getting 57 per cent. are now getting only 42 per cent. water supply. The matter is quite clear and simple. It appears that the honourable members opposite are trying to make a political capital. I assure my friends that the Government is giving its best attention to this matter. Let me assure my friends that so far as the letter in question is concerned the Chief Engineer who has been made the target of severest criticism to-day is not in the least to blame.

I was saying that it was not good logic to deduce from the mere mention of the name of Daulatana and the figures 5.5 and 6.05 that there was something black in the matter and that my honourable friends were well advised to rush up with a motion for adjournment. (*A voice*: What is your logic?) My logic is that this order has removed the troubles and grievances which the zamindars of the *ilaga* had been complaining of for the last 20 years. What the zamindars have gained by the increase in their supply from 33 to 42 per cent. has been Daulatanas' loss. Thus instead of this being a case of showing a favour to the Daulatanas the Government has benefited the poor zamindars at their expense. I may also state that the other zamindars could in no way get the extra water in the Ghulamwah distributary. They were given their full due supply and, therefore, they cannot complain that injustice has been done to them. I do not want to make any further encroachment on the time of the House but let me assure you that the policy of the Government.....

Shrimati Raghbir Kaur : What is the date of the letter ?

Raja Ghazanfar Ali Khan : I would request the honourable lady member to kindly repeat her question.

Shrimati Raghbir Kaur : On what date was the letter issued ?

Raja Ghazanfar Ali Khan : Let my honourable friends opposite exercise a little patience. I will give them the date and all the information they want. Why are they in such a hurry ? After all it is only the date on which a certain letter was written. It is not the date fixed for the hearing of a suit which may be decided *ex parte* if my friends opposite do not appear in court at the proper time. (*Laughter.*) However, let me assure you that the date is at least 1½ year prior to your moving this motion and at least 3 months after the assumption of office by the present Ministry.

In order to give us the benefit of his vast knowledge and up-to-date information my honourable friend was pleased to mention the names of two villages in the Lyallpur district which we had never heard of. My honourable friend might have visited those villages, namely, Chughalpur and Jholi Chuk Pura but I am free to admit that we on this side of the House have nothing to do with any such village. To us even their names are abhorrent.

I also wish to tell my honourable friends that it is not a political or social disqualification to become a parliamentary secretary. In spite of its volume and various intricacies it is nowhere laid down in the Government of India Act that the moment a man becomes a parliamentary secretary his lands should be confiscated, his wells should be filled with

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earth, canal water should be refused to him and even his clothes should be auctioned. (*Laughter.*) In deference to the convention set up by the Honourable Premier I do not want to say anything about the Government of any other province, but there are Governments whose Ministers have no hesitation in awarding contracts to their own brothers. I would refer my honourable friends to the Government of Bombay.

Sardar Sohan Singh Josh : Is it in justification of that ?

Premier : May I request both sides of the House to refrain from trying to cast any aspersions on ministries of other provinces. They can cast aspersions on us if they like but I deprecate the idea of anybody from that or this side of the House casting aspersions on ministries of other provinces. We are setting up a convention that we shall not criticise the administration of other provinces and I would request that nobody should do so although the incident which he has related may be true and to my knowledge it is true but still I would not like that there should be any criticism of ministers of other provinces. (*Interruption.*)

Raja Ghazanfar Ali Khan : My friend should remember that we are responsible for our actions not only to this House but also to the voters. A Government which knows that it owes its very existence to the votes of poor kisans cannot afford to give preferential treatment to the Daulatanas at the expense of a poor zamindar. Now, Sir, my honourable friends have got satisfactory replies to all their questions ; they have also had the satisfaction of what they call "exposing" the Government. They have now come to know that so far as their allegations with regard to this matter are concerned they have no legs to stand on. Let them, therefore, adopt the attitude of responsible persons and admit that they were wrong in moving this motion.

Sardar Hari Singh (Kangra and North Hoshiarpur, Sikh, Rural) : Mr. Deputy Speaker, when Lala Deshbandhu Gupta, after the question hour, rose to ask for leave for adjournment of the House, the Honourable Premier stood up and said, "I welcome this motion." An impression was created in our minds that the Government had a very strong case and that the Government could put in a very able defence and it had very good arguments in support of that case. But on hearing the speech of Raja Ghazanfar Ali Khan, the Parliamentary Secretary of the Honourable Minister for Revenue, one is left quite unconvinced and one is within his rights to conclude that the Government's case is quite indefensible and that it has got no legs to stand on and the adjournment motion which has been moved by my friend, Lala Deshbandhu Gupta, is quite an appropriate motion which deserves consideration of this House and makes out a very good case to censure the policy of the Government and to censure the administration of the Irrigation Department under Sikander Ministry. Raja Ghazanfar Ali Khan at the very start lamented over the fact that the Opposition had got a copy of a letter written by the Chief Engineer to one of his subordinates. Through the letter certain scandalous things were brought to the notice of the House. Let me remind my friends and let me tell the members of the Government benches that we are perfectly within our rights to use all our resources, to use our enterprise, to get at the dirty sores

in the Government departments. We are quite within our right to use our energy, to use our wisdom and cleverness to get at all the 'dirty sores' of the Government departments and expose them to the public view. Raja Ghazanfar Ali Khan said, "I support every word of the letter written by the Chief Engineer to his subordinate." I may tell him that we, on this side, never expected anything better from the Parliamentary Secretary of a reactionary and tottering Ministry as we have at present. (*Laughter.*) Instead of admitting and confessing the fact that the Chief Engineer had made a mistake, he had committed an error, support everything written in the letter by the Chief Engineer to his subordinates. Instead of confessing that preferential treatment was being accorded to the Daulatana area as was evidenced from this letter, the Parliamentary Secretary evaded the issue and went on to say that no preferential treatment was accorded. The letter on the subject makes it quite clear that preferential treatment is being accorded to the Daulatana area. If English words have not lost their ordinary meaning, the thing is quite clear.

Premier : My honourable friend is repeating his arguments agains and again.

Sardar Hari Singh : I want to ram it into the heads of the Ministers that they should put ordinary interpretation on ordinary English words. It is quite clear from the letter where the Chief Engineer says that Khan Bahadur Haji Ahmad Yar Khan should be informed that no preferential treatment can be given to him nor to anyone else on either Ghulamwah or the Hajiwah distributary. Further on it says: The Daulatanas outlets, only—mark the word 'only'—should be given a discharge of 6.05 (5.5 plus 10 per cent., i.e., 0.55 equal to 6.05) cusecs. It is quite clear from reading these lines that only Daulatanas' area, according to this letter, can be given preferential treatment and no other areas or persons can be given such treatment. It is quite clear, if words have not lost their meaning, that the Daulatana area has got preferential treatment. But where is the justification for that preferential treatment? The Government spokesman who preceded me said that the Daulatanas have been asked to make big sacrifices for the sake of the ordinary poor zamindars and that the supply of water allowed to them previously had been reduced. I do admit that the supply of water to the Daulatana area has been reduced. There is no doubt about that: it has been reduced by 20 per cent., but that only means that there has been a reduction in the magnitude of the preference, in the amount of weightage already being allowed to the Daulatanas. That does not mean that the preference has been done away with and that the weightage has been abolished altogether. The gravamen of our charge against the Government is that the Chief Whip of the present Ministry is getting a certain amount of weightage, a certain amount of preference over the ordinary irrigators. The Government says this canal belonged to the Daulatanas before it was bought out by the Government. There is no doubt about that. This canal belonged to the Daulatanas, the Government purchased the canal, but the conditions of the purchase do not make it obligatory on Government to give additional supply of water or increased ~~area~~ or weightage to the Daulatanas. Let Government place before the House the terms of the agreement, the conditions of the contract deed and the purchase deed and take the

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House into its confidence and convince us that according to the agreement and the contract the Daulatana area was getting additional supply or increased *wari* or weightage or preferential treatment. The fact of preferential treatment cannot be denied by the Government. Now where is the justification? There is no justification in the purchase deed and it cannot be supported on any other ground. The Government's contention that the Daulatanas have been asked to make big sacrifices in the interests of the poor zamindars is without foundation. It is baseless: it has no legs to stand upon. The Daulatana area is still getting preferential treatment. A slice has no doubt been taken away from the preferential treatment and given to the ordinary zamindars; yet the fact remains that Khan Bahadur Ahmad Yar Khan Daulatana, the Chief Whip of the Unionist Ministry, gets preferential treatment. No one can deny this fact that the Daulatanas are getting preferential treatment without justification. That is a clear case of corruption, I should say, of nepotism and favouritism. Then Raja Ghazanfar Ali Khan went on to say that the Chief Engineer was a very able officer and that the whole of the Punjab should be thankful to that officer and that the reflections implied in the speech or certain remarks by my friend, Lala Deshbandhu Gupta, regarding that officer were quite uncalled for. I have in my hands a certain communication addressed to the members of this House by *pro bono publico* in which he says—

Premier : Who is this *pro bono publico* ?

Sardar Hari Singh : In which he says :

Mr. Bedford is giving excess water to the Daulatana land as a matter of bargain. He is due to retire in February and wants an extension.

Premier : I am afraid that unless my honourable friend himself takes the responsibility for the malicious statements of *pro bono publico*, this anonymous letter should not be allowed to be read on the floor of the House. (*Interruptions.*) I think it most disgraceful and cowardly to make such allegations against an honest and capable officer. My honourable friend knows that Mr. Bedford has got a reputation which will do honour to any officer. It is a disgraceful act to try to make such charges on the basis of a letter written by *pro bono publico*. My honourable friend should not be allowed to read the letter here. If my honourable friend would be prepared to read the letter outside also then he may read this letter here.

Mr. Deputy Speaker : The honourable member cannot discuss the conduct of a Government officer: he can do so only by a substantive motion.

Sardar Hari Singh : The substantive motion is required only in the case of a Minister. Here the question of preferential treatment is being discussed.

Premier : On a point of order. May I appeal—

Sardar Hari Singh : I have not given way.

Mr. Deputy Speaker : The honourable member cannot read this letter because he is reflecting on the character of a Government servant. The character of a Government servant can be discussed only by means of a substantive motion; it cannot be attacked even.

Premier : Apart from that, may I appeal to the sense of decency of my honourable friend that he should not take advantage of stabbing somebody in the back? If he would be prepared to make that statement outside the House I would welcome it here. I would ask him to make that statement outside. He should have the decency of a gentleman and should not attack an officer whose reputation, he should know, he is a Punjabi, is above reproach (*Unionist benches : Hear, hear*).

Sardar Hari Singh : I am prepared to say every word outside.

Pandit Bhagat Ram Sharma : The honourable Premier is threatening the honourable member (*Interruptions*).

Sardar Sohan Singh Josh : It is a question of a lady protesting too much.

Premier : That shows your decency.

Sardar Hari Singh : Preferential treatment continues in the case of Daulatanas and the impression was created that the Chief Engineer was according this treatment in order to get favour from the Government by way of an extension. The Premier instead of getting hot without rhyme or reason should stand up and say that he was going to stop this preferential treatment so that the public impression might be removed that the officer was trying to get favour from the Government by according preferential treatment to the Daulatanas.

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

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I had no intention whatever to participate in this discussion to-day because I knew perfectly well that it would not be necessary for me to intervene. The case put forward by my honourable friend opposite was so devoid of facts that anybody could have met it. But I am afraid that my honourable friend, the last speaker, has most indecently brought in—

Sardar Hari Singh : I object to this expression.

Premier : If my honourable friend takes objection to this word I will not use it. I say lack of decency.

Sardar Hari Singh : This is again objectionable.

Premier : I cannot find a word which will not be objectionable after the behaviour which my honourable friend has just shown. (*Voices : This is not Parliamentary.*) Do you mean to say that he can reflect upon anybody on his back and that nobody should say a word against him? My honourable friend should have some sense of proportion.

Sardar Hari Singh : The Honourable Premier has used a certain expression which was objectionable and he still persists in using the same expression in some other form. He is playing the same game.

Premier : If this is also objectionable, I will say that it was most improper.

Sardar Hari Singh : It is most improper to use these words.

Premier : My honourable friend ought to know that this letter, on which this adjournment motion is based or on which my honourable friends opposite are relying, was issued on the 16th March, 1988, nearly 10 months

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ago, and there could have been no question of extension to Mr. Bedford a year ago. My honourable friend started his speech by saying that the Government has got no legs to stand on in their defence. Government will not require any legs to stand on because their reply was based, as pointed out by my honourable friend, the Parliamentary Secretary, on very solid foundation of concrete facts which are irrefutable by my honourable friends opposite. They would have appealed to anybody who was prepared to be honestly convinced by facts and figures. But my honourable friends obviously do not worry about facts. They only want to create some kind of impression, according to my honourable friend, perhaps to make this tottering Ministry even more insecure. I will come to that point later. But I must first of all tell my honourable friend that the enterprise for which he wanted to take credit for whomsoever who is responsible for pilfering that letter from the Government office was a mean enterprise and any gentleman should be ashamed of an enterprise to pilfer a thing and an enterprise to get by surreptitious means documents which are not public property. I think no credit or honour should be given to any such gentleman.

Sardar Hari Singh : On a point of order, Sir. The Honourable Premier has used the most objectionable and offensive expression regarding the members on this side of the House. It is said that we have pilfered that letter.

Sardar Sampuran Singh : This letter was given to us by a Government official. You should look to your own officers.

Premier : Hear, hear. My honourable friend is merely....

Sardar Hari Singh : Sir, I want your ruling.

Mr. Deputy Speaker : There is no point of order involved.

Sardar Hari Singh : There is a point of order and I want your ruling on that, whether the use of the expression 'pilfering' is Parliamentary or not?

Mr. Deputy Speaker : There is no reflection upon any member of this House.

Lala Deshbandhu Gupta : May I remind you that the Honourable Premier did use these words that the honourable member has pilfered surreptitiously this letter from the office of the Government and that one should be ashamed of it? Is that Parliamentary? Is it not a reflection upon the honourable members of this House?

Mr. Deputy Speaker : So far as I remember he did not use these words against the mover.

Premier : I shall repeat what I said. My honourable friend had taken credit or rather boasted that a friend of his, who has produced this letter, had shown a great enterprise, and I said that if such an enterprise, which involves pilfering of documents which are secret and which are not public property, has been shown by anybody, he should be ashamed of it. If he has obtained it by honourable means, I would apologise to him. If he is prepared to say that he obtained it by honourable methods I would be the first to express my regret.

Lala Dushbandhu Gupta : May I interrupt my honourable friend? What does he mean by 'honourable means'? Does he know that the letter was written to another person and he could have conveyed this information to us?

Premier : It is not honourable to get hold of the correspondence which is not meant for public. My honourable friend who interrupted me let the cat out of the bag. He said that it was handed over by an official. That merely means that the honourable gentleman, who got hold of that letter from the hands of an abettor to that offence, was an abettor himself.

Sardar Sampuran Singh : A colleague of yours gave it to us.

Premier : Now the honourable member is trying to change his ground. But I can assure him that no colleague of mine on these benches is a mean fellow who is capable of committing a heinous offence like that.

Now, I take the point with regard to the preferential treatment, which my honourable friends opposite tried to impress upon the House, to the Chief Parliamentary Secretary. What was that preferential treatment? It was that the Government in accordance with its established rules and practice reduced his outlet to the fullest maximum possible. The Government rules are that no outlet should be reduced by more than 20 per cent. and in his case it was reduced to full 20 per cent. Although in a small outlet, that 20 per cent. may not be perceptible or not very effective, in outlets which irrigate a vast area like that of my honourable friend, that 20 per cent. means 1/5th reduction of huge volume of water. It is not showing preferential treatment, but I am sure if it had been done in any other case my honourable friends would have been justified in saying that it would be more than a hard act on the part of the Government to reduce straightaway 20 per cent. of water. But we thought of doing it because we did not want to mete out any preferential treatment to members of this Government or to a parliamentary secretary, and it was for that reason that we had to reduce water by the permissible maximum of 20 per cent. although it meant a huge reduction. If it had been someone else, I can assure you, that if the case of that poor man had been referred to me, I would have been the first to point out to the Irrigation Department that that reduction of 20 per cent. straightaway should not be made, but since Mian Ahmad Yar Khan Daulatana was concerned, Government did not consider it proper, and equity and justice demanded that even if there was some hardship we wanted to keep our hands clean, unlike some other Governments. (*A voice : Physician, heal thyself.*) That is the position so far as the preferential treatment is concerned.

One word more and I will finish. My honourable friend said that the present Ministry is tottering. I believe it is the usual old "wish being father to the thought." They have hugged that wish for the last 20 or 22 months. They have been praying for it with perhaps the same 'enterprise' as they had shown in getting hold of this letter, in trying to undermine the position of Government. But I can assure you that the position of the Government at the present moment is so strong that God willing they would have, like Bani Israil (the Israelites) who have up till now not been able to get a Government anywhere for the last 5,000 years, to continue their efforts and prayers for 5,000 years more, if the present solidarity of my friends here remains, before they can ever hope to walk over to the Treasury benches.

Sardar Kartar Singh (Lyallpur East, Sikh; Bural) (*Punjabi*): Sir, it is crystal clear from the speeches of the Treasury benches that they have not been able to deny the allegation that a preferential treatment has been meted out to the Daulatana distributary. How could they deny it when it is really an undeniable fact? It is clear, therefore, that other zamindars were deprived of their due share of water supply in order to please Daulatanas. It implies a manifest injustice, and cannot be tolerated in any democratic country. Besides, this additional supply of water is shown by the papers alone. We should add to it the extra water supply which Daulatanas must be obtaining from the canal officers by unfair means. Let me make it a bit more clear. A certain share of water supply is duly sanctioned by the Irrigation Department but over and above that, influential persons in all parts of the province can obtain extra water through the local officers by unfair means. It is this extra amount of water which I want to add to the duly sanctioned share of the Daulatana distributary. This will show an enormous extra water supply enjoyed by Daulatanas. I say this on the basis of my experience in the Lyallpur colony which is irrigated by canals and where such practices are frequent. Influential men generally obtain more water is permissible.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Sardar Kartar Singh : Sir, the honourable Parliamentary Secretary of the Honourable Revenue Minister has put in a strong defence of the wrong action of the Chief Engineer, Irrigation, and has even gone so far as to deny any knowledge of the existence of a village known as Chughalpura (village of the back-biters). If he really does not know it, then I might inform him that the previous Government granted lands to its loyal supporters for their political services and the village where these loyalists settled is generally known as Chughalpura. (*Hear, hear and laughter.*) I may add that this village is situated in the Lyallpur district very near Sir Mehar Shah's village where he has been granted land recently. Sir Mehr Shah too is getting more water.

Mr. Deputy Speaker : The honourable member is again requested to speak to the motion. He may bring in another adjournment motion if he wishes to discuss other matters.

Sardar Kartar Singh : Sir, I did not know whether this could form a subject matter of an adjournment motion. I will now take note of it.

It is a thousand pities that the Government has taken the responsibility for the wrong action of the Irrigation Department instead of condemning it. What a single officer did in the past is now being justified by the whole Government. It is strange that this Government should have become so shameless (کے لئے) as to claim that the improper act of the past irresponsible Government is not based on some injustice. (*Voices: Withdraw, withdraw.*)

Mr. Deputy Speaker : The honourable member should withdraw this unparliamentary expression.

Sardar Kartar Singh : I thought this was the most appropriate word to describe the conduct of the Government.

Mr. Deputy Speaker : Please, withdraw that expression.

Sardar Kartar Singh : Sir, if you say it is unparliamentary, I withdraw it. It goes without saying that the conduct of the Government is highly objectionable. It is based on injustice and unfairness. This fact is as clear as broad day light that a preferential treatment is being meted out to the Daulatana distributary. What aggravates the whole position is the fact that our Government, instead of removing this injustice, has boldly tried to justify it. The due share of the poor peasants is being taken up to be given to the Daulatanas and at the same time it is being sought to prove that no injustice is being done to the poor people whose water-supply has thereby been cut short. If this is the attitude of the Unionist Government, then they must realise that their days are numbered and that their fate is very soon going to be sealed up. When we have exposed this injustice done by the previous and present Government and find the present Government has blindly tried to justify them and also lerd their own full approval to them, I think it is useless to argue with them any further. I, therefore, close my speech.

At this stage closure was moved, put and carried.

Lala Deshbandhu Gupta (Urdu) : Sir, it has really surprised me to see that Government to-day have in vain attempted to shut their eyes against facts. I had thought that my adjournment motion would be approached in the same spirit in which it was moved by me. But my learned friends over there while putting up their defence adopted the same tactics to which they resorted on a previous occasion. Let me tell them that mere eloquence cannot help them, for actions always talk louder than words. I am sure the Honourable Premier cannot deny this obvious fact, that is that the Chief Secretary of the Unionist Party is being given weightage and is receiving a preferential treatment. When a person is being given 10 per cent. excess supply of water, I ask how dare you conceal this fact? It is not an easy job to hoodwink others. The whole defence put up by Government is a matter of *دولت کی حاکمیت*. It has been said that water-supply has been curtailed by 20 per cent. But Government's calculation is altogether erroneous. In the case of Ahmad Yar Khan Daulatana the reduction in water supply is far less than 20 per cent. (*Voices : Question.*) Please wait. It is a question of facts and figures and not that of indulging in platitudes. The Honourable Premier who had been Deputy Governor of the Reserve Bank of India stated in reply to a supplementary question—

“If my honourable friend had carefully followed the answer he would have understood that there could not be any contradiction between that letter and the reply given, for the simple reason that Daulatanas were getting 7 cusecs before and now they are only getting 6 cusecs.”

I ask if 20 per cent. reduction in 7 cusecs supply of water means 6 cusecs water-supply. The Chief Engineer, who has been extolled to the skies as if he is their Governor, writes in his report that the Daulatanas are getting 6·05 cusecs water-supply. Any person who knows even a bit of arithmetic can very easily calculate that if 1·4 cusecs (20 per cent. of 7 cusecs) are deducted out of 7 cusecs, the remainder would be 5·6 cusecs and not 6·05 cusecs as you ask us to believe. You cannot dupe us in this manner. Daulatanas besides getting excess water-supply are also enjoying increased *wari*, which

[L. Deshbandhu Gupta.]
nobody can deny. When they are admittedly enjoying increased *wari*, do you still think that it is not preferential treatment? The House must have seen how in spite of these obvious facts the members who play a second fiddle to the Honourable Premier never get tired of making sinister attacks on others.

Mr. Deputy Speaker : Will the honourable member speak to the motion?

Lala Deshbandhu Gupta : I respectfully claim that the same latitude should be allowed to me as has been allowed to the members over there. Without casting any aspersion on you, Sir, I submit I must be allowed to answer in my speech the baseless and unfounded charges, levelled by the Parliamentary Secretary and by the Honourable Premier against the Opposition. Sir, I was submitting that the parliamentary secretaries of this Government never hesitate in making attacks in season and out of season on other Governments, but they do not care to look at things that are being done under their very nose.

Let me take this opportunity to state that the world is fully alive to your blackest deeds. The time will soon come when we will have to expose all such misdeeds before this House. To quote one such instance I say on the floor of the House that you have gone to the extent of ordering withdrawal of a case of embezzlement of public money to the tune of Rs. 15,000 that was pending against a Unionist member in a court at Gurgaon. (*Voices: Absolutely wrong.*) Well, Sir, it is not up to those who live in glass houses to pelt stones on others. Daulatana is in fact getting excess water supply. He is being given weightage perhaps as large as his own bulk. (*Loud laughter.*)

There are many other instances of favouritism to which the attention of the House can be drawn. One such instance has come to our notice from Pallopond area where higher bids were rejected by the Colonisation Officer and Government land was leased at smaller rates.

Mr. Deputy Speaker : The honourable member is requested to speak to the motion.

Lala Deshbandhu Gupta : My honourable friend still insists in remarking that my speech was devoid of facts. Let me tell him that I cannot manufacture facts to satisfy him. I am not in the habit of manufacturing facts. I have read to the House what the Government's own efficient and erudite engineers have written. It was for the Government to make a satisfactory reply and explain away the whole thing to the satisfaction of the House. Can the Honourable Premier or my honourable friend Khan Bahadur Daulatana deny that the latter is allowed an additional *wari*? Can he deny that he is getting 10 per cent. extra supply of water? If these are facts and my honourable friends are not in a position to explain them away they ought to have accepted this motion with good grace.

The Parliamentary Secretary has tried to make us believe that the Daulatanas' supply has been reduced. If that is his complaint, the remedy lies in the hands of my honourable friends. If still the supply is not sufficient let them increase it. They can do so with a stroke of the pen.

The Honourable Premier has vehemently repudiated the remarks that this is a tottering Ministry. Well, Sir, he knows better and if he is satisfied that his Ministry is absolutely stable he is welcome to have that illusion. But let me tell him that whether his Ministry is tottering or not one thing is certain, that the public has lost all confidence in it. The experience of the last eighteen months or so has completely disillusioned the public and it has now seen my honourable friends in their true colours. They cannot maintain their power indefinitely by following the policy of distribution of loaves and fishes. It is one thing to form a ministry, many factors can contribute towards that. But, as has been proved in the case of the present Government assumption of power does not always bring with it that sense of fairness and justice which is the necessary attribute of a Government. As has been said by Iqbal :

مسجد تو بنا دی شب بھر مین ایمان کی حرارت والوں نے
 من اپنا پورا ناجا ہی تھا برسوں مین نمازی بن نہ سکا

So far as the present Government is concerned there has been no change of heart during the last 18 months or so since it has been in office. Power has not brought with it wisdom and sense of justice and that is why they cannot distinguish between fair and unfair. It is evident from the replies given by the Government which have weakened its case all the more. With these words I commend my motion for the acceptance of the House.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, I have been ill with my alleged political illness and with your permission I would like to be allowed to speak while sitting.

Sir, I am not going to be misled and to say things which might excite anybody on that side of the House. That is not my habit. My duty is plain and simple, that is, I will place facts before this House and let the House decide the question on its merits as best as it thinks fit and proper. (*Hear, hear.*) I may tell my friends that the Ghulamwah distributary belonged absolutely to Daulatana family before the Government purchased it from Daulatana and his brothers. The area belonging to Daulatana on this distributary was 13,657 acres (average for five years) out of which 7,789 acres have been irrigated which is 57 per cent. Previous to putting in A. P. M. outlets, my friends know that when a new distributary is started first of all A. P. M. outlets are not put in, but only temporary outlets are given in all new distributaries and my friends know what happens when there are temporary outlets. Even on an occasion like the last one what happened at Lyallpur with Pucea outlets? People were taking extra water belonging to the people who were in the middle or in the tail reaches of the distributary. People sit in the distributary to increase their supply of water in the water outlets on the excuse of having a bath accompanied with their wives and no one is allowed to go near because ladies are having a bath. People also put in their buffaloes or spread their *chaddars* and thus head up the water in order to get an extra supply. The latest device that some of our friends have adopted is to put in empty hose pipes and use them as syphons and thus get extra supply of water in their outlets. This is what is happening. But the area irrigated by Daulatanas who were the owners of this distributary as mentioned already was 57 per cent. At that time there was

[Minister for revenue.]

nobody to ask them to take less or more water. They irrigated their lands first as they thought best and gave water to others after satisfying their own needs. Now coming to the area of other people irrigated by this Wah, it is something like 34,123 acres, similar average for five years, out of which they are irrigating 11,163 acres, that is 33 per cent. Now if my friends would work it out mathematically of which my friends are adepts they will find that the area irrigated by the Daulatana family was nearly twice as much as was irrigated by the other people. This shows that Daulatanas when they were owners of this canal by their unrestricted supply of water increased the irrigation and developed a good deal more area than the other people. Now as I have said before, the outlets were temporary outlets. What we are doing on all our canals is that where remodelling takes place temporary outlets are changed by A. P. Ms. and in each case we do not decrease more than 20 per cent. of the supply of water. That is being done not only on the Ghulamwah or any other canal in that particular part of the country but that is done everywhere where the canal system gives water for irrigation in the Punjab. Much has been said previously about the reduction of water when remodelling takes place. There has always been a howl as to why we are remodelling outlets so quickly. This is not the time to discuss that point. But the general principle which I would enunciate on the floor of this House is that the amount of decrease in the case of any outlet is never more than 20 per cent. The first act of the present Government where my honourable friend Daulatana used to get water from temporary outlets from which perhaps he was taking more than 57 per cent. was to put A. P. M. flumes which are a sort of measuring device by which he could not take more than what was allowed to him. I want to impress this point on the House that the reduction we make is 20 per cent. on each outlet. The first thing we did was to put in pucca outlets from which he could not possibly get more unless he was to adopt the methods which I have described before. I am sure nobody up to this time has suggested that my honourable friend Daulatana is using these methods to get extra supply of water by sitting in the Ghulamwah canal with his wife to head up supply in the canal. (*A voice* : He alone is sufficient.) My honourable friend here says that he alone is sufficient, but we have not yet caught him doing that and if we catch him, we will deal with him properly. Now, Sir, the most important point that I can impress on this Honourable House is that in the case of the people who were not the owners of this canal, they were getting 33 per cent. and we have increased their supply from 33 per cent. to 42.5 per cent. while in the case of Daulatana we have reduced it from 57 by 20 per cent. That was in accordance with the rules. I am very sorry my friends have used certain expressions for my Chief Engineer who has brought into play greatest industry and expedition in building the Trimmu headworks 18 months before their scheduled time. Nobody would expect that a Chief Engineer who is so conscientious and so hard-working as to build a headworks 18 months earlier and save something like 60 to 80 lakhs of rupees would be influenced by Mian Ahmad Yar Khan Daulatana or anybody else (*hear, hear*). Our friends have said that superintending engineers are allowed extensions of time, if they show favours of this kind. My friends ought to know that no Superintending Engineer is allowed to go beyond 55 years of age. That is what we are doing, and

that is what we are insisting even in the case of chief engineers. Mr. Bedford is not due to retire till about August this year. So there was no question of extension in June, 1937. I believe, Sir, an officer of that honesty, integrity and application to work would not go and curry favour with Mr. Daulatana, mind you not with us but with Mr. Daulatana. I assure you with all the authority at my command that our Chief Engineers—all of them are good officers—but in Mr. Bedford I have got a tower of strength on whom we can rely (*hear, hear*), that he would see that not a pie extra would be spent from the coffers of the Government and if it can be stated about such a man that he is currying favour with anybody it is difficult to find a man above reproach. I have shown what Mr. Bedford has done and what he is trying to do, but what are our friends doing? They are running him down. It is a pity, that he should have been treated like that. It is ungratefulness on the part of anybody to say that he is currying favour (*shame, shame*). I do not want to detain the House a minute longer than to state tersely and emphatically that where we are reducing Daulatanas' supply by 20 per cent. we are increasing the supply of other irrigators by 33 per cent. (*Hear, hear.*) If there is anybody who is hard hit by Mr. Bedford's action and hates him it is my honourable friend Daulatana. It was in reply to many telegrams, as my Parliamentary Secretary has pointed out, and receipt of letters after letters that I instructed the Chief Engineer to tell him that we cannot do injustice to those people who did not own this canal. (*A voice: Repetition.*) May be repetition.

Mr. Deputy Speaker: I would ask honourable members not to interrupt.

Minister: This is what was described as *dal men kala kala*. If what we have done to Mr. Daulatana is *dal men kala kala*, I do not know what my friends would say if any favour was shown. There is no *dal men kala kala*. Perhaps there is some *dal men kala kala* in the minds of my friend opposite. My friends have brought in the question of jagirs, but this has nothing to do with this matter, and I am not going to deal with that question at the present moment. When that question comes up I shall be ready to reply, but I am not going to discuss that here. We are not showing any favours to anybody as long as we are sitting on these benches. It is our duty to help the zamindars, to help the agriculturists, to help those who are in need of our help. (*Here, hear.*) We will not budge an inch from that whether this Ministry, as our friends think, is going to totter or fall. They are welcome to live in that dreamland. Whether we are here or not whatever happens, as long as we are on these benches, we will do our duty to our province (*hear, hear*) without any fear or favour from this side or that. They are trying to wean people from our benches. They are quite welcome to do so, but as long as we sit here, we shall be impartial to all and everybody and we will not show favour or any concession to anybody on this side or that side of the House. I do not think I need detain the House any more except stating the last point that the question of reduction of water-supply of my friend Daulatana was considered soon after we went to Simla in the first year of our office. It was considered fully and it was decided and we came to certain conclusions sometime in June or July, 1937 and these conclusions are embodied in the orders that we passed that while we are reducing Daulatanas' supply by 20 per cent., we are increasing the irrigation of other people by 33 per cent. (*Hear, hear.*)

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided ; Ayes 26, Noes 68.

AYES.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hasan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sampuran Singh, Sardar.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 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.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Jang Singh, 2nd-Lieutenant
 Bhai.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazl Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan
 Bahadur Maulvi.
 Ghulam Rasul, Chaudhri.

Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib
 Sardar.
 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.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 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 Nawaz Khan, Major
 Sardar.
 Muhammad Saadat Ali Khan,
 Khan Bahadur Khan.
 Muhammad Sarfaraz Khan, Chau-
 dhri.

Muhammad Wilayat Hussain Jee-
lani, Makhdumzada Haji Sayed.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din, Chaudhri.
Naunihal Singh Mann, Lieutenant
Sardar.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Ram Sarup, Chaudhri.
Rashida Latif Baji, Begum.

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 Honour-
able Major Sir.
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.

The Assembly then adjourned till 12-30 p.m., on Thursday, 12th January, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 12th January, 1939.

The Assembly met at the Assembly Chamber at 12-30 p. m. of the clock. The Secretary informed the House of the unavoidable absence of Mr. Speaker due to illness. Thereupon Mr. Deputy Speaker took the chair.

STARRED QUESTIONS AND ANSWERS.

NAZUL LAND NEAR THE GRAIN MARKET, AMBALA CITY.

***3656. Lala Duni Chand:** Will the Honourable Minister of Revenue be pleased to state—

- (a) if the nazul land lying near the Grain Market, Ambala city, has been encroached upon by a number of persons and has been converted into and is being used as a private property ;
- (b) whether it is a fact that, in spite of the decision of the civil court declaring the property to be nazul, the encroachment continues and the trespassers have not been ejected ;
- (c) what action, if any, the Government proposes to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes.

(b) The decree of the civil court covers only a portion of this land. Execution proceedings have not yet been taken in hand.

(c) The whole question is engaging the earnest attention of the local officers whose further report is awaited.

Lala Duni Chand: May I know whether it is a fact that the civil court passed the decree several years ago and quite a number of times when the execution of the decree was taken out each time trespassers resisted the execution of the decree ?

Parliamentary Secretary: As I have already said we have called for a report from the Deputy Commissioner. The question is engaging his earnest attention. The Deputy Commissioner reported that there was an apprehension of communal feelings being roused by handling this question in a hurry without ascertaining all the facts. Therefore he is anxious to study the question thoroughly before he comes to a decision.

Lala Duni Chand: The honourable Parliamentary Secretary has not been pleased to give the exact information that I wanted.

Mr. Deputy Speaker: The honourable member should put another question if he likes.

Lala Duni Chand : All right. May I know whether it is a fact that the site, for which a decree was passed five or six years ago, has been built up by the trespassers ?

Parliamentary Secretary : I would like to invite the attention of the honourable member to my answer to part (b) wherein I have said that the decree of the civil court covered only a portion of the land. Its execution has not yet been taken in hand.

Lala Duni Chand : I am not enquiring about that.

Mr. Deputy Speaker : The honourable member may put another supplementary question. He cannot criticise the answer already given.

Lala Duni Chand : I am not criticising. May I know whether that part of the site for which a decree by the civil court was passed, has been built upon by the trespassers, in spite of the decree, during the last several years ?

Mr. Deputy Speaker : This is no supplementary question. The next question please.

Lala Duni Chand : I want to point out that notwithstanding the decree passed by the civil court it has been flouted. Each time the trespassers met the execution of the decree with violence and resisted. I want to know if this is the rule of law or if this is the rule of brute force.

Mr. Deputy Speaker : This is no supplementary question.

Diwan Chaman Lall : The question which is being put by the honourable member is that the decree has actually been passed and that decree is being resisted and what is the action that the authorities have taken in order to see that the trespassers do not create violence ?

Parliamentary Secretary : I have already said that the Deputy Commissioner has been asked to make thorough enquiries into the question and send the report to the Government. I may inform the honourable member that a reminder has been issued to him to expedite the matter and the Government are awaiting his report.

Diwan Chaman Lall : Will the honourable member communicate a copy of the report to the honourable member who put the question ?

Parliamentary Secretary : Certainly, there will be no objection in communicating the reply.

Lala Duni Chand : May I know if the enquiry has gone on for several years ?

Parliamentary Secretary : No, Sir, this question was recently received and the Deputy Commissioner was asked only two weeks ago to make enquiries.

Lala Duni Chand : Is the Parliamentary Secretary aware of the fact that the municipality has found itself unable to do anything in the matter on the ground that the authority of the municipal committee has been resisted ?

Parliamentary Secretary : I am not aware of such a fact.

REMARKS BY THE SESSIONS JUDGE, RAWALPINDI, AGAINST POLICE OFFICERS, CHAUDHRI MUHAMMAD ZAMAN AND SARDAR AMRIK SINGH.

***3661. Lala Duni Chand :** With reference to starred question No. 2738¹ put and answered on 23rd June, 1938, will the Honourable Premier be pleased to state if any action has been taken by this time against the two police officers whose conduct was severely commented upon by Mr. Ormerod, Sessions Judge, Rawalpindi ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : An order has recently been made in the High Court expunging a number of passages in the sessions judgment. Government have still to study the case in detail, in the light of the High Court order : but *prima facie* there do not appear to be any grounds now on which to take action against the two police officers.

Lala Duni Chand : May I know whether it is a fact that the remarks against the erring officials were made several months ago and whether that time has not been sufficient to come to a decision with regard to the action to be taken against the officials who have been denounced by the Sessions Judge ?

Parliamentary Secretary : An application had been made for expunging certain passages in that order and this application has been accepted by the High Court. Government have still to study the case in detail and after studying the order Government will take the necessary action.

Lala Duni Chand : May I know if any application has been made to the High Court about expunging the remarks made by the learned Sessions Judge ?

Parliamentary Secretary : That is the reply given by me that an application was made and that orders have been passed by the High Court expunging certain passages.

Lala Duni Chand : May I know when that order was passed by the High Court ?

Parliamentary Secretary : In December last.

Lala Duni Chand : What was the order of the High Court and what have Government done after the decision of the High Court ?

Premier : If my honourable friend had paid attention to the answer, it would not have been necessary for him to put that supplementary question.

PERSONS INTERNED AND EXTERNEED IN THE PUNJAB.

***3662. Lala Duni Chand :** Will the Honourable Premier be pleased to state how many persons were interned in and externed from the Punjab for political offences during the period between 1st January 1938, and 30th September, 1938 ?

The Honourable Major Sir Sikander Hyat-Khan : None.

REMARKS BY SESSIONS JUDGE, RAWALPINDI, AGAINST POLICE OFFICERS,
CHAUDHRI MUHAMMAD ZAMAN AND SARDAR AMRIK SINGH.

***3694. Munshi Hari Lal :** Will the Honourable Premier be pleased to state, with reference to starred question No. 2738,¹ regarding the remarks by the Sessions Judge, Rawalpindi, against two police officers Chaudhri Muhammad Zaman and Sardar Amrik Singh—

- (a) if any appeal has been preferred by the Crown in the case ;
- (b) if so, whether it has been disposed of and if so, with what result ;
- (c) in case no appeal has been lodged, what action has been taken against the police officers concerned or is intended to be taken ?

The Honourable Major Sir Sikander Hyat-Khan : The Crown did not appeal against the acquittal, but applications were made on behalf of Government and the police officers concerned for the expunction of certain passages in the sessions judgment. These applications were accepted by an order passed in the High Court on the 6th December.

BEHARI LAL, STUDENT OF D. A.-V. SCHOOL, MONTGOMERY.

***3695. Munshi Hari Lal :** Will the Honourable Premier be pleased to state, with reference to starred question No. 3052,¹ regarding Behari Lal, student, D. A.-V. School, Montgomery, if any fresh clue is available as to the culprits who throttled the student to death ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I am sorry to say, no.

Chaudhri Kartar Singh : Is the honourable Parliamentary Secretary prepared to hand over the case to the Punjab Criminal Investigation Department for investigation and arrest of the persons guilty of the murder ?

Parliamentary Secretary : Every possible agency will be employed and is being employed.

CHOLERA CASES IN THE LUDHIANA DISTRICT.

***3737. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that cholera broke out in an epidemic form during the last hot weather in the Ludhiana district ;
- (b) the number of cholera cases during the months of May, June, July and August, 1938 ;
- (c) the number of cases that proved fatal ;
- (d) the causes that were responsible for the spread of cholera in an epidemic form ;

¹Volume V, page 86.

²Volume V, page 631.

- (e) the number of cases that were attended by the Medical Officer of Health, Ludhiana, and the Civil Surgeon ;
- (f) whether any of the above-mentioned cases were treated by the assistant surgeons of Ludhiana, Samrala and Jagraon, respectively, and the results thereof ;
- (g) whether any of these cases were attended by the sub-assistant surgeons of Raikot, Khanna, Malaudh, Machiwara and Sidhwan Bet ;
- (h) how many of the cases attended by the said sub-assistant surgeons were cured and how many of them proved fatal ;
- (i) whether the Medical Officer of Health and the Civil Surgeon, Ludhiana, gave anti-cholera inoculations as precautionary measures ;
- (j) the number of persons thus inoculated in each tahsil or thana ;
- (k) whether any cases of refusal to be inoculated were brought to the notice of the Deputy Commissioner ?

The Honourable Mian Abdul Haye : (a) Yes.

| | |
|-----------------|-----|
| (b) May | 272 |
| June | 91 |
| July | 85 |
| August | 7 |

(c) 241.

(d) The disease broke out in severe epidemic form at the Kumbh fair at Hardwar which was attended by thousands of pilgrims from the Ludhiana district. It was imported into Ludhiana through these pilgrims as well as from adjoining districts and States which also were infected from Hardwar.

| | |
|--|-----|
| (e) Municipal Medical Officer of Health, Ludhiana .. | 48 |
| District Medical Officer of Health, Ludhiana .. | 222 |
| Civil Surgeon, Ludhiana | Nil |

| | <i>No. of cases treated.</i> | <i>Result.</i> |
|------------------------------------|------------------------------|-------------------------|
| (f) Assistant Surgeon, Ludhiana .. | 1 | Discharged as relieved. |
| Assistant Surgeon, Samrala .. | Nil | Nil. |
| Assistant Surgeon, Jagraon .. | 4 | 2 cured, 2 died. |

[Minister for Education.]

| (g) and (h) | No. of cases attended. | Result. |
|-------------------------------------|------------------------|------------------|
| Sub-Assistant Surgeon, Raikot | 8 | 2 cured, 1 died. |
| Sub-Assistant Surgeon, Khanna | 2 | 2 died. |
| Sub-Assistant Surgeon, Malaudh | 1 | 1 died. |
| Sub-Assistant Surgeon, Machhiwara. | .. | |
| Sub-Assistant Surgeon, Sidhwan Beit | 8 | 8 cured. |

(i) Yes.

| | | |
|---------------------------|----|--------|
| (j) Ludhiana tahsil | .. | 28,780 |
| Jagraon tahsil | .. | 23,454 |
| Samrala tahsil | .. | 8,342 |

(k) No.

Chaudhri Muhammad Hassan : Is it a fact that one of the causes of spread of cholera was the carelessness of the District Medical Officer of Health to look to the sanitation of these villages ?

Minister : No, Sir. They were imported cases.

Chaudhri Muhammad Hassan : Are the district boards to supervise the work of district medical officers of health or the Government ?

Minister : Supervision rests with the Public Health Department and the district boards have got a say in the matter.

Chaudhri Muhammad Hassan : Does the Medical Officer of Health submit his travelling allowance report to the Government ?

Minister : If the honourable member puts this question on paper, I will be able to answer it.

SELECTION GRADE SUB-INSPECTORS OF POLICE.

*3738. **Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

(a) the number of selection grade sub-inspectors at present serving in the Ludhiana district ;

(b) the period of their posting to the present place ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Five.

(b) Dates of posting to their present appointments :—

25th July, 1937.

15th November, 1937.

28rd June, 1938.

30th October, 1938.

16th November, 1938.

POLICE STATIONS IN LUDHIANA DISTRICT VISITED BY THE DEPUTY
INSPECTOR-GENERAL AND HIS REMARKS ABOUT THEM.

***3739. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) the names of the police stations inspected by the Deputy Inspector-General, Eastern Range, in the month of September last in the Ludhiana district ;
- (b) the remarks of the Deputy Inspector-General about the increase in crime within the area under the jurisdiction of each of the police stations visited by him as well as about the reputation of the police officer in charge and his subordinate staff ;
- (c) the inspection remarks by the police stations above-mentioned either by the superintendent of police or by the deputy superintendent of police, Ludhiana district, relating to above-mentioned two points ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Ludhiana City and Khanna.

(b) and (c) Such inspection reports are not published documents, and I regret that I cannot undertake to disclose their contents.

Chaudhri Muhammad Hassan : I do not want you to make it public. What I want to know is whether the point, i.e., the reputation of the police officer in charge and his subordinate staff, is to be taken into consideration by the supervising officer or not ?

Parliamentary Secretary : The honourable member wanted to know the inspection remarks and I say that it is not a public document and I am not prepared to disclose it.

Chaudhri Muhammad Hassan : I also wanted to know whether or not the points mentioned in part (b) of my question are to be considered when an inspection is made ?

Parliamentary Secretary : All relevant points are considered in an inspection.

Chaudhri Muhammad Hassan : Which are the points which are more relevant ?

Mr. Deputy Speaker : This question does not arise. Next question.

CHAK BANDI AREA ON THE SIRHIND CANAL.

***3740. Sardar Lal Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total area of land on the Sirhind Canal within the chakbandi in the year 1936-37 and the area out of it to which water was to be supplied and the amount of water in cusecs designed to be supplied to it ;

(b) the total area actually irrigated by the cultivators in that year ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The total gross area on the Sirhind Canal was 4,857,915 acres—(2,403,355 British+1,954,560 States), out of which culturable commanded area equals 3,673,739 acres.

Annual proposed area for irrigation was 1,198,902 acres and designed full supply discharge was 9,040 cusecs for the *kharif* and 8,434 for the *rabi* season.

(b) The total area actually irrigated was 1,877,079 acres.

Sardar Lal Singh : Will the honourable Parliamentary Secretary be able to tell me the actual percentage which is guaranteed to be irrigated ?

Parliamentary Secretary : I am sure the honourable member can work out the percentage. I have given the full figures.

Sardar Lal Singh : The actual area is 4,857,915 acres. I want to know, according to the rules of the Irrigation Department, what percentage should be irrigated ?

Parliamentary Secretary : I have said that the annual proposed area for irrigation was 1,198,902 acres and the total area actually irrigated was 1,877,079 acres.

FUNDS FOR VILLAGE INDUSTRIES.

***3756. Chaudhri Kartar Singh :** Will the Honourable Minister of Development be pleased to state—

(a) the amount set apart for the encouragement of village industries in each district during the current financial year ;

(b) how this amount has been spent ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Funds are not generally allotted district-wise. All the activities of the department benefit rural areas in one or another form. For details of the grants, attention is invited to the Budget Estimates.

(b) A statement is laid on the table to show the budget grant and expenditure on Travelling Demonstration Parties.

Statement showing the budget grant and expenditure on Travelling Demonstration Parties.

| Serial No. | Names of Institutions. | Amount budgeted for 1938-39. | Amount spent up to 30th September, 1938. |
|------------|--|------------------------------|--|
| | | Rs. | Rs. |
| 1 | Women's Travelling Demonstration Party for training handicrafts. | 4,000 | 1,360 |
| 2 | Travelling Weaving Demonstration Party.. | 7,400 | 4,754 |
| 3 | Wool Spinning and Weaving Demonstration Party at Fazilka. | 6,900 | 4,409 |
| 4 | Temporary classes for the development of <i>Munj</i> and <i>Ban</i> industry and palm leaf mat and basket making industry and the travelling and Demonstration Weaving Party in the Muzaffargarh District. | 7,900 | 2,331 |
| 5 | Demonstration Party to introduce up-to-date reeling, twisting and winding of silk in the Punjab. | 15,100 | 2,594 |
| 6 | Travelling Dyeing Demonstration Party .. | 6,600 | 811 |
| 7 | Travelling Wool Spinning and Weaving Demonstration Party for the Kangra District. | 7,700 | 58 |
| | PARTIES UNDER THE SPECIAL DEVELOPMENT PROGRAMME. | | |
| 8 | Travelling Demonstration Silk Cocoon Reeling Factory in the Punjab. | | |
| 9 | Wool Teasing and Carding and Finishing Station at Kulu. | | |
| 10 | Travelling Demonstration Party for developing <i>ban</i> and rope making industries in rural areas. | | |
| 11 | Travelling Party to help the village blacksmiths. | | |
| 12 | Development of willow plantation in the Punjab in order to start basketing industry. | 50,000 | 3,800 |
| 13 | Travelling Demonstration Party for glue makers in the Punjab. | | |
| 14 | Travelling Demonstration Party for the betterment of vegetable and essential oil industry in the Punjab. | | |
| 15 | Travelling Demonstration Party for Women in rural areas. | | |
| 16 | Travelling Demonstration Tanning Party in the Punjab. | | |

*3757. *Cancelled.*

SUB-REGISTRAR IN TAHSIL GARHSHANKAR, DISTRICT HOSHIARPUR.

*3758. **Chaudhri Kartar Singh** : Will the Honourable Minister of Public Works be pleased to state—

- (a) the name of the person who has recently been appointed sub-registrar in tahsil Garhshankar, district Hoshiarpur ;
- (b) who were the other candidates for the post and their qualifications ;
- (c) the reasons that led to the appointment of the present incumbent?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Khan Sikander Khan, of Mehatpur.

(b) About 20 names were before Government. I do not think the public interest would be served by publishing them, and the gentlemen concerned might find that course embarrassing.

(c) Khan Sikander Khan was considered the most suitable of the candidates.

Chaudhri Kartar Singh : Is it a fact that this sub-registrar was suspended by the Deputy Commissioner ?

Minister : Not to my knowledge.

Chaudhri Kartar Singh : Is it a fact that the suspension of a sub-registrar has got to be reported to the Commissioner or to the higher authorities ?

Minister : Probably he will submit his report in due course if the honourable member is not misinformed.

REMOVAL OF NATIONAL FLAG FROM A PIPAL TREE AT TULAMBA
IN DISTRICT MULTAN.

*3848. **Munshi Hari Lal** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the National Flag was removed by the police from the ' pipal ' tree in a chauk in the town Tulamba, district Multan on the night between 6th and 7th November, 1938 ;
- (b) if so, the circumstances under which it was removed and the action that the Government propose to take in the matter ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) No.

(b) Does not arise.

Sardar Sohan Singh Josh : Is this place the property of the Government or the public ?

Munshi Hari Lal : Is it a fact that several persons were arrested in this connection ?

Premier : My honourable friend's original question is :—

Whether it is a fact that the National Flag was removed by the police from the 'pipal' tree in a chaur, in the town Tulamba, district Multan, on the night between 6th and 7th November, 1938.

and the answer is 'No.'

Diwan Chaman Lall : Yes, with reference to the removal of the flag the answer is 'no'. But is it a fact that several persons were arrested?

Premier : If my honourable friend will give me notice of it, I will give that information.

Diwan Chaman Lall : May I ask my honourable friend—

Mr. Deputy Speaker : Next question.

Diwan Chaman Lall : It is a very important question that I am putting. Here is a conflict of opinion with regard to this matter. Several persons were actually arrested.

Premier : I do not think there is any conflict of opinion at all. The question was, if I may say so, rather erratically worded. If he had asked 'whether the National Flag was removed', then in that case we would have been able to find out some other party. But he said 'Was it removed by the police?' And the answer was 'No'.

Lala Deshbandhu Gupta : Was any attempt made by the police to remove that flag?

Premier : The answer is quite clear.

Munshi Hari Lal : Was the National Flag ever removed in Tulamba in the first week of November?

Premier : If my honourable friend would put that question on paper, I will ascertain the facts and let him know.

Diwan Chaman Lall : May I ask—

Mr. Deputy Speaker : Next question.

Diwan Chaman Lall : Am I not allowed to put supplementary questions when others are being permitted?

Mr. Deputy Speaker : Next question.

MANGAL SINGH, MOTOR DRIVER'S REPRESENTATION AGAINST

MR. ROSSITOR, MOTOR VEHICLE INSPECTOR, AMRITSAR.

*3362. **Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that one Mangal Singh, motor driver, presented himself with an application and a Rs. 5 court-fee stamp for endorsement in his public licence No. 227 of 1938 enabling him to drive a heavy public motor vehicle before Mr. Rossitor, Motor Vehicle Inspector, Amritsar group, on 1st June, 1938;

(b) that the Motor Vehicle Inspector refused to endorse the licence merely on the grounds that his present address mentioned in the licence is of Hissar while his permanent home address is of Kahangarh, Amritsar district;

[Maulvi Mazhar Ali Azhar.]

- (c) that Mr. Rossitor deliberately tampered with the stamp by putting his signatures on it and thus making it useless ;
- (d) whether there is any rule under which Mr. Rossitor took the actions mentioned in (a) and (c) above ;
- (e) whether the Government received any representation on the matter ; if so, the action the Government has taken or proposes to take?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The case in question came to the notice of the Inspector-General of Police as the result of a paragraph in *The Driver* of the 8th October. The Superintendent of Police, Amritsar, has been directed to report on it and his reply is awaited. It may be mentioned that in *The Driver* of the 22nd October a report was published of a meeting held in the office of the Punjab Motor Union (Registered), Lahore, in which the president is said to have condemned the paragraph in the earlier issue as unjust and expressed regret for the language used in it.

MR. ROSSITOR, MOTOR VEHICLES INSPECTOR, AMRITSAR.

***3863. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state--

- (a) whether it is a fact that Mistri Sher Muhammad of Amritsar produced his heavy public motor vehicle No. P.-1084-C. for quarterly inspection before Mr. Rossitor, Motor Vehicles Inspector, Amritsar, on 9th September, 1938, and was ordered to fill up Form A-1 for a new permit, as he had failed to pay the registration fee in due time ;
- (b) that Mr. Rossitor changed the class and carrying capacity of the vehicle in form A-1, with his own hands ;
- (c) whether there is any provision under which Mr. Rossitor, Motor Vehicle Inspector, took the action referred to in part (b) above ;
- (d) whether the case was referred to higher authorities about Mr. Rossitor's attitude ; if so, the action the Government has taken or proposes to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes. (The date was the 1st, not the 9th September, and the form in question was BB-1 not A-1). The former licence of the vehicle had expired in October, 1937 and the application had to be treated as one for a new licence.

(b) Yes.

(c) The relevant rule is rule 117 (ii) of the Punjab Motor Vehicles Rules, 1931. The action taken appears to have been regular.

(d) At the request of the owner the Inspector reported the case to the Registering Authority, Amritsar, and the latter passed orders for the vehicle to be licensed for 32 passengers as it formerly was. The case has now been referred to Government by the Deputy Commissioner, for special permission under rule 117 (ii) and is under consideration.

MR. ASLAM, POLICE HEAD CONSTABLE.

***3864. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Motor Union, Pindi Bhattian, passed a resolution in a meeting of their Union held on 20th November, 1937, protesting against the unfair attitude of one Mr. Aslam, police head constable of Sukheke, district Gujranwala and alleging that he often detained the lorries for taking his passengers free of charge and that on their refusal to do so, the drivers were challaned ;
- (b) whether the Motor Union, Pindi Bhattian, made any representation to the Deputy Inspector-General of Police, Punjab, Lahore, if so, a copy may be laid on the table ;
- (c) if the answer to part (b) above be in the affirmative, whether the Government has instituted any inquiry in the matter ?

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

(b) Yes. A copy is laid on the table.

(c) An enquiry was made by the Superintendent of Police, Gujranwala. He found that in one case the head constable had engaged a lorry in connection with the investigation of a case and at the end of the day had paid the driver only the cost of the petrol consumed. The Superintendent of Police directed that a further Rs. 5 be paid to the driver, the sum to be recovered from the head constable's pay. Complaints were also made of the detentions of lorries by the head constable on other occasions. The latter was cautioned by the Superintendent of Police in this connection, but as no specific instances were mentioned disciplinary action could not be taken.

Copy of resolution passed in a meeting of Chenab Pindi Bhattian Motor Union held at 8 P.M., on 20th November, 1937.

The following members were present :—

- (1) Mahasha Barkat Ram.
- (2) Lala Thakur Dass.
- (3) Lala Sardari Lal.
- (4) Mistri Abdul Majid.
- (5) Lala Sundar Dass.
- (6) Sardar Sohan Singh Narang.
- (7) B. Jassa Ram, Retired Station Master.
- (8) Lala Narinder Nath Kalra.
- (9) Lala Iahar Dass Dung.

The resolution is as follows :—

A proposal moved by Lala Sundar Dass Manocha that Head Constable Mr. Aslam of Sukheke Police Station detains the lorries for taking his passengers free up to Lahore several times forcibly, and if the drivers refuse he challans them without any fault and the lorries going to Lahore are stopped in the way at Sukheke by him and then he takes them to villages without paying any fare. The attitude of Mr. Aslam is unfair and unbearable to the public and the owners of the lorries. The Union must take some measures in order to remove the difficulties and inconveniences of the passengers and the owners of lorries.

[Minister for Public Works.] •

The proposal of Lala Sundar Das Manocha was put before the meeting and was passed that lorry drivers individually made such complaints several times before, but no action was taken thinking it ordinary. As the oppressions of Mr. Aslam have been increased and have become unbearable, therefore some action should be taken. It is necessary to inform the Sub-Inspector, Police, Sukheke, and to request him that he should disallow the unjust actions of Mr. Aslam with lorry drivers in future. Even when the Sub-Inspector requires lorry, he should send message to the Motor Union, Pindi Bhattian and his order will be complied forthwith. In reality the public and the lorry owners feel much inconvenience and loss, in the stoppage of lorries going to Lahore.

A copy of the resolution may be sent to the Deputy Inspector-General, Punjab Police, and Superintendent of Police, Gujranwala and the Ilqa Magistrate and also the President, Punjab Provincial Motor Union, for taking some necessary action.

In the meantime, if the deputation of Motor Lorry Union is considered necessary to approach the said officers, then we should await the replies from the officers and then the deputation may be sent. Until the above difficulties and inconveniences are not removed, we should continue our efforts for the good result.

The meeting adjourned at 9 P. M.

The 20th November 1937.

REPRESENTATION ON BEHALF OF RESIDENTS OF BASSALI AND
24 NEIGHBOURING VILLAGES, DISTRICT RAWALPINDI.

*3879. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Public Works be pleased to state whether he received a representation on behalf of the residents of Bassali and 24 neighbouring villages (district Rawalpindi) very recently regarding monopoly of motor traffic on the road from Rewat to Bassali and if so, what action does he propose to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The honourable member is asked to refer to the answer given in the last session to unstarred question 474¹ put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency.

Diwan Chaman Lall : What is the present state of affairs regarding this contract ?

Minister : If the honourable member gives notice, I will find out.

Diwan Chaman Lall : My honourable friend should read the question first before answering.

Mr. Deputy Speaker : The honourable member should not make any remarks.

Diwan Chaman Lall : I am not making any remarks.

Mr. Deputy Speaker : The honourable member has no right to make any remarks. The honourable member should resume his seat. No honourable member has any right to criticise an answer given. He may put another supplementary question if he so likes.

Diwan Chaman Lall : If the Deputy Speaker would only have a little patience.

Mr. Deputy Speaker : Order, order. He has no right to criticise the ruling.

Diwan Chaman Lall : I am not criticising your ruling. I am criticising your sense of hearing.

Mr. Deputy Speaker : The honourable member may put a supplementary question. He has no right to make such remarks. Will he please resume his seat? (*Shouts of order, order.*)

A Voice : You are not allowing us to put supplementary questions. (*Shouts of order, order.*)

Dr. Gopi Chand Bhargava : I have to make a request and that is that the honourable member Diwan Chaman Lal was putting a supplementary question and he never intended to criticise your ruling, and if we are not permitted to put supplementary questions then we will give up that right and will not put any questions at all. Starred questions are put so that supplementary questions can be asked, otherwise unstarred questions can only be put. I beg to submit that he was putting a supplementary question. The Honourable Minister in his reply referred to the reply to such and such a question. Diwan Chaman Lal asked : "What is the present state of affairs?" And the Honourable Minister replies : "If you give notice, I shall find out." If he had referred to the question he would have found that that was the actual question which was originally put to him. It was only a supplementary question that he was putting and referring to the question, and because the Minister wanted a fresh notice Diwan Chaman Lal wanted to say that notice was already given.

Mr. Deputy Speaker : The Honourable the Leader of the Opposition must have noticed that Diwan Chaman Lal's tone was objectionable.

Diwan Chaman Lal : My tone was not objectionable.

Mr. Deputy Speaker : The honourable member said that the Honourable Minister should read the question before answering.

Diwan Chaman Lal : I say so again. He should have read it.

Dr. Gopi Chand Bhargava : We can refer to him and say, please read that question. There is nothing undignified in it. So far as the question of attitude is concerned, the attitude of the Honourable Ministers is at times so objectionable that nobody can bear it. But that is parliamentary. It is not unparliamentary, so that every member has a right to speak in that way. If there is anything unparliamentary, you can stop us.

Mr. Deputy Speaker : It is the tone at times that makes all the difference.

Dr. Gopi Chand Bhargava : What about the tone of the Ministers?

Diwan Chaman Lal : And what about the tone of the Deputy Speaker?

Minister for Public Works : May I answer that question, the one that the honourable member asked?

Diwan Chaman Lal : The Deputy Speaker has held that no question has been put. The question is : will the Honourable Minister read the question wherein a request is made to Government and Government is asked as to what action Government propose to take in the matter?

Minister : I am afraid the honourable member did not follow the reply. I had read the question and the reply was perfectly clear. I had referred him to the answer to Question No. 474 in which the reply given was that "instructions have been issued to ensure that on expiry of the

[Minister for Public Works.]

current agreement with the monopolist at the beginning of next year an element of competition shall be introduced." What the honourable member wanted to ask was as to what was the present state of affairs. I could not answer that question without fresh notice.

Diwan Chaman Lall : Is the Honourable Minister aware that this monopolist licence was cancelled by the orders of the Deputy Commissioner ?

Minister : I am not aware of it.

Diwan Chaman Lall : Is he aware that under rule 7 the Deputy Commissioner's orders are final in this matter ?

Minister : Perhaps yes.

Diwan Chaman Lall : Is the Honourable Minister aware that in spite of the Deputy Commissioner's orders being final in this matter, the Commissioner of the Rawalpindi division has restored this licence ?

Minister : I am not aware of that.

Diwan Chaman Lall : May I ask whether the Honourable Minister has read the representation ?

Minister for Public Works : I have read the representation and my reply is quite clear. It is possible that something may have happened subsequent to the framing of the reply.

Diwan Chaman Lall : Is the Honourable Minister aware that up to the period that the reply is issued all questions are relevant *qua* that reply, and is he aware that the orders passed by the Deputy Commissioner being final as regards the cancellation of the licence, they must stand ?

Minister : I have no information. When this fact is brought to the notice of Government, I will see that the rules are carried out.

Diwan Chaman Lall : May I ask the Honourable Minister if he has read the representation which details all these particular facts ?

1 P. M.

Mr. Deputy Speaker : This question has already been put. The Honourable Minister need not answer it.

Diwan Chaman Lall : The Honourable Minister says that he is not aware of these facts. Yet the representation in his file details all these facts. How then can he say that he is not aware of them ?

Minister : That representation only contains complaints of over-charging and the like.

Diwan Chaman Lall : Has the Honourable Minister read the printed representation ?

Minister : I have read only one representation which was sent to me.

Diwan Chaman Lall : Has the Honourable Minister read this representation ? (*Here a copy of the representation is passed on to the Minister.*)

Minister : Perhaps I have not got this representation. It is addressed to the Honourable Premier and it might be on its way to me.

Dr. Gopi Chand Bhargava : May I know how long it takes for a paper to pass from one Minister to another? This representation was submitted on the 17th July, 1938. I want to know whether it is still on its way to the Honourable Minister.

Minister : My information is that one representation contains allegations that I have referred to. I get representations from different quarters and I cannot say which is the representation the honourable member is referring to.

Dr. Gopi Chand Bhargava : The Honourable Minister was pleased to say that this representation was addressed to the Premier and it may be on its way to him. The representation is dated 17th July, 1938. My question is, how long it takes for a representation made in July last to reach the Honourable Minister.

Minister : What I said was that I had received one representation which contains the allegation I referred to. I could not say which representation it was that the honourable member was referring to and that if it was of recent date it must be on its way.

Dr. Gopi Chand Bhargava : The Honourable Minister said that this representation was made to the Premier and that it might be on its way. Therefore I want to know whether a representation made in July would not have reached him by now.

Lala Bhim Sen Sachar : What is the date of the representation referred to by the Honourable Minister?

Minister : I cannot give the date off hand.

Lala Bhim Sen Sachar : Cannot the Honourable Minister refer to his papers and find out the date of the representation?

Minister : I have not got that representation here with me.

Lala Duni Chand : Is the Honourable Minister aware that the continuance of the monopoly means continuance of a wrong to the public? If so, has he considered the question of setting aside the order of the Commissioner restoring the licence?

Minister : I am not aware of it.

Lala Duni Chand : What? Is the Honourable Minister not aware that continuance of the monopoly means continuance of a wrong to the public?

Minister : Not necessarily.

Lala Bhim Sen Sachar : Shall I be right in assuming that the representation which was made to the Honourable Minister may contain more allegations than he is in a position to state at present on the floor of the House?

Mr. Deputy Speaker : That question does not arise.

Minister : According to the extract of the representation before me the complaint is one of over-charging. If the honourable member wants to have a copy of the representation laid on the table, he may give notice of a question to that effect.

Lala Bhim Sen Sachar : The Honourable Minister was pleased to say that the representation was not in his possession just at present. I therefore want to know whether I shall be correct in assuming that that representation may contain more than what the Honourable Minister is able to repeat on the floor of the House ?

Mr. Deputy Speaker : That question does not arise.

Lala Deshbandha Gupta : The Honourable Minister has not got in his possession the representation which he says he has received. At the same time he says that the representation just handed over to him was not the one that has been received by him. Without seeing the representation that was received by him, how can he make a statement that the representation which he had received was not the same as the one just handed over to him ?

Mr. Deputy Speaker : Disallowed.

Diwan Chaman Lall : May I know on what ground this question is disallowed ?

Mr. Deputy Speaker : So many supplementary questions have already been put. It is not necessary for me to give reasons for my ruling.

Diwan Chaman Lall : Surely we have got a right to know your reasons for disallowing supplementary questions. First of all you say that so many questions have been put and therefore you disallow the question. Secondly, you say that you are not bound to give reasons. Are we to take the first reason or the second ?

Mr. Deputy Speaker : When I disallow a supplementary question, the honourable member has no right to criticise that ruling.

Diwan Chaman Lall : May I draw your attention to the fact that when you disallow a question, members on this side as well as on that side have a right to make a request to you to give the reasons so that they may be bound by the rules that you lay down regarding the supplementary questions. Suppose you merely disallow a supplementary question, nobody knows what reasons you have at the back of your mind for disallowing. So it is up to you, Mr. Deputy Speaker acting as Mr. Speaker, to lay down the rules under which you disallow supplementary questions. If a question is outside the range of the original question then I can understand your disallowing it. If it is disallowed for any other reason the House has a right to know what it is.

Mr. Deputy Speaker : There are ample reasons for disallowing this question. But the chair is not bound to give reasons for disallowing supplementary questions. I request the honourable member not to discuss this matter any further.

Diwan Chaman Lall : May I take it then, Mr. Deputy Speaker, that when you disallow a question and a large portion of this side of the House wants you to enlighten it as to the reasons for disallowing it, you deliberately refuse to give any reasons in order to enlighten a large portion of this House ?

Mr. Deputy Speaker : Simply because so many questions had already been put. That is why I did not think it necessary to give any further reason.

Diwan Chaman Lall : Therefore that is a reason.

ROOMS OCCUPIED BY THE DIRECTOR OF AGRICULTURE IN THE
OFFICE OF DIRECTOR OF AGRICULTURE.

*3880. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Development be pleased to state—

- (a) whether any rooms in the office of Director of Agriculture were occupied by the Director of Agriculture when he was on deputation with Government of India for his personal luggage ;
- (b) whether any rooms in the office were occupied for his luggage in the past when he was in service or on long leave ;
- (c) whether he paid any rent to Government for the private use made of the office rooms ?

The Honourable Chaudhri Sir Chhotu Ram : It has been the custom from time immemorial for Government to allow its officers to store their personal effects when proceeding on leave in office godowns, provided always this did not interfere in any way with the storage of Government property. Government see no reason to withdraw this facility to its officers, who would otherwise often find it difficult to arrange for the proper storage of their personal effects while on leave. In the circumstances it is not proposed to make any enquiry from the Director of Agriculture.

Dr. Gopi Chand Bhargava : May I know whether this rule applies to those Government servants who are not in service of the Punjab Government ?

Minister : I have no knowledge of the rules governing the conduct of officers who are not under the Punjab Government.

Dr. Gopi Chand Bhargava : My question was whether the personal luggage of the officer was kept there not only when he was on leave but when he was on deputation with the Government of India. I would like to know whether that is allowed under the rules ?

Minister : I presume it is.

Dr. Gopi Chand Bhargava : Therefore the rules mean that a Government servant who is on deputation with the Government of India or with any other Government can occupy the office rooms of the Punjab Government for storing his personal luggage and car and yet not be charged any rent for it ?

Minister : If my friend gives notice of a fresh question for more specific information I will give an answer to that fresh question.

Dr. Gopi Chand Bhargava : My question was whether any rooms in the office of the Director of Agriculture were occupied by the Director of Agriculture when he was on deputation with the Government of India for his personal luggage ?

Minister : That I have already answered.

Dr. Gopi Chand Bhargava : That is what I want to know, whether the officers who are on deputation with any other Government have got a right under the rules framed by the Punjab Government to occupy the office rooms of the Punjab Government for their personal luggage and not be charged any rent ?

Minister : Whether the officer is on leave or is on deputation it means temporary absence and in such circumstances he is allowed to store his personal luggage in office godowns, provided the storage does not interfere with the storage of Government property.

Dr. Gopi Chand Bhargava : Is it allowed free of charge ?

Minister : Of course, free.

Dr. Gopi Chand Bhargava : Is there any time limit ? A man may be on leave for one month or for one year or for two years.

Minister : I cannot give an answer to that question off-hand.

Lala Bhim Sen Sachar : What are the rules ?

Minister : I cannot quote specific rules on the floor of the House.

Lala Bhim Sen Sachar : So it may be taken that the Honourable Minister is not sure if there is a rule to that effect ?

Minister : I am quite sure that that is the practice.

ARMS USED IN COMMITTING MURDERS AND DACOITIES IN FEROZEP-
PORE DISTRICT.

*3881. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) the number of murders and dacoities committed in the Moga and Zira tahsils of Ferozepore district in 1935, 1936, 1937 and up to October, 1938 ;
- (b) whether the murderers and dacoits were found to have used arms in committing these murders and dacoities ; if so, whether the Government has been able to trace the source from which the arms were obtained ;
- (c) the number of successful inquiries and challans with the result of challans ;
- (d) the means adopted to fight the state of lawlessness in the said tahsils and the measure of success achieved ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)—

| | <i>Murders.</i> | <i>Dacoities.</i> |
|-------------------------------|-----------------|-------------------|
| 1935 | 24 | 2 |
| 1936 | 19 | 6 |
| 1937 | 29 | 5 |
| 1938 (up to the 31st October) | 30 | 6 |

(b) Fire-arms were used in 21 cases. The majority of the fire-arms used were country-made and are believed to have been imported from areas outside British India. A reference is invited in this connection to the reply given to question *1342,¹ put by the honourable member for the Ferozepore North (Sikh) Rural Constituency in the last winter session.

(c) A statement is laid on the table.

(d) The honourable member is invited to refer to paragraphs 5 and 10 of the last *Report on Police Administration in the Punjab* together with the Government reviews of the Reports for 1934 (paragraph 8), 1935 (paragraph 9) and 1936 (paragraph 1).

Lala Duni Chand : How many among the murdered were money-lenders or their relations ?

Parliamentary Secretary : The honourable member is referred to the Police Administration Report. I cannot quote the figure off-hand.

Sardar Sohan Singh Josh : May I ask the reason for the increased number of murders and dacoities ?

Parliamentary Secretary : The honourable member is referred to the Police Administration Report to find the reasons.

Pandit Muni Lal Kalia : May I know some of the important means or methods adopted to decrease the number of such murders and dacoities ?

Parliamentary Secretary : I have already stated them in answer to part (d).

Pandit Muni Lal Kalia : Was mobile force employed for this purpose ?

Parliamentary Secretary : Yes.

Statement.

I.—MURDERS.

| Year. | Cases sent for trial. | Cases in which convictions were secured. | Cases resulting in the discharge or acquittal of all the accused. |
|------------------------------|-----------------------|--|---|
| 1935 | 19 | 11 | 8 |
| 1936 | 14 | 7 | 7 |
| 1937 | 22 | 11 | 11 |
| 1938 (up to 31st October) .. | 18 | 4 | 1 |

Thirteen cases are pending trial and 9 are under investigation.

II.—DACOITIES.

| Year. | Cases sent for trial. | Cases in which convictions were secured. | Cases resulting in the discharge or acquittal of all the accused. |
|------------------------------|-----------------------|--|---|
| 1935 | 1 | 1 | .. |
| 1936 | 2 | 2 | .. |
| 1937 | 2 | 1 | 1 |
| 1938 (up to 31st October) .. | 2 | .. | .. |

Two cases are still pending trial and 2 are under investigation.

REMISSION FOR DAMAGE TO CROPS IN CHAK NO. 38 IN TAHSIL
PHALIA, DISTRICT GUJRAT.

*3958. **Chaudhri Ahmad Yar Khan** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that this year the kharif crop in Chak No. 38 in tahsil Phalia, district Gujrat, has been considerably damaged ; if so, whether it is intended to remit land revenue and abiana in the said Chak ; if so, in what proportion to the loss ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is regretted that the requisite information is not yet ready.

REPORT OF QABUL, A SERVANT OF HARPAT—A CONFECTIONER OF ROHTAK.

*3514. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that one Qabul, servant of confectioner Harpat, has reported from hospital to the Superintendent of Police, Rohtak, that on the 7th October last he was mercilessly attacked with *lathis* and the shop of his master was looted by the mob within the compound of the Zamindara Conference Pandal before the arrival of the Honourable Ministers there ;
- (b) whether the complainant has further requested the police to record his statement in the hospital where he is lying wounded ; if so, the action the police has taken or intends to take in the matter ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) No.

(b) No. On receipt of the complaint an officer was immediately deputed to make inquiries. The applicant had been discharged from hospital by that time. During the investigation Qabul stated that he did not wish to make any complaint, nor could he identify any of his assailants, but that in hospital he had been continually pestered by some Congressmen to lodge the complaint. He added that his thumb-impression had been taken on an application, the contents of which were never read out to him. Further inquiries are in progress.

Pandit Shri Ram Sharma : May I ask as to whether the Superintendent of Police deputed any person to record his statement in the hospital ?

Premier : I require notice, as it does not arise out of the original question.

Pandit Shri Ram Sharma : I have already given notice for it. If the Honourable Premier is pleased to go through the original question he is sure to find it. It is written there " if so, the action the police has taken or intends to take in the matter." And now what I want to know is whether any action was taken.

Mr. Deputy Speaker : This discussion would lead us nowhere. The Honourable Premier has already replied that notice is required. Therefore the discussion of this point is useless. The honourable member may put another supplementary question.

Diwan Chaman Lall : What my honourable friend is wanting to elucidate is this. The Honourable Premier says that notice would be required but my honourable friend, Pandit Shri Ram Sharma, says that he will show from the body of the original question that no notice is required for this purpose as the question itself contained notice.

Mr. Deputy Speaker : This discussion will be useless, because a minister may refuse to answer a question and I cannot force the ministers to give answer to all supplementary questions. Why should we, therefore, waste our time on this ?

Pandit Shri Ram Sharma : No doubt the Minister has the right to refuse to reply, but to say that another notice is necessary is not correct. Notice is already there.

Mr. Deputy Speaker : The honourable member is discussing the same matter. That will serve no useful purpose, but would only lead to waste of the time of the House.

Dr. Gopi Chand Bhargava : May I know whether the honourable Parliamentary Secretary is in possession of the detailed reply of that question and if in that question it is written that the Superintendent of Police deputed such and such person to go and make inquiries ?

Parliamentary Secretary : I have said an officer was immediately deputed to make inquiries.

Dr. Gopi Chand Bhargava : I want to know what was the rank of the officer ?

Premier : With regard to that I should like to have notice.

Diwan Chaman Lall : May I ask the Parliamentary Secretary whether he can tell us as to the nature of the statement which this wounded person is alleged to have made to this unknown and un-named officer ?

Premier : He has already replied to that part of the question.

Diwan Chaman Lall : The question is whether it was a sworn statement or taken down by the un-named officer or whether that was an affidavit or merely a statement in which serious allegations made.

Premier : If my honourable friend had listened to the answer it would not have been necessary for him to ask these supplementary questions. He is now elbowing out more important questions. It was stated that an inquiry was made and this fellow had stated certain things which are given in the answer. If my honourable friend wants any further information, he should put it down and ask later.

Dr. Gopi Chand Bhargava : You may have been pleased to hear the Honourable Premier making remarks that if the honourable member had heard the answer he would not have put the question and wasted the time of the House. Will you kindly call him to order ?

Mr. Deputy Speaker : I would request the Honourable Premier not to make such remarks.

Premier : I did not mean anything.

Lala Duni Chand : May I know when a minister is unable to answer a particular supplementary question for certain reasons, whether it is not open to a member who is putting the question to know if he is in a position to answer ?

Mr. Deputy Speaker : It is not open to the honourable member to discuss this matter.

Diwan Chaman Lall : May I ask my honourable friend if in view of the very serious allegations contained in the reply given by him in reference to this question he can enlighten the House as to the nature of that particular statement upon which he bases his reply ?

Premier : My honourable friend must take the time of the House.

Diwan Chaman Lall : You take the time of the House, it is a very serious matter.

Premier : During the investigation, Qabul stated—

Diwan Chaman Lall : What is the investigation ?

Mr. Deputy Speaker : After the answer has been read out, the honourable member may put other questions, but he must let the Honourable Premier finish.

Diwan Chaman Lall : Mr. Deputy Speaker, on a point of order. I draw your attention to the fact that I do not want the reply to be read again. My question is specific. I do not know whether you followed it or ever the Premier followed it. My question is as to the nature of the investigation on which my honourable friend makes a categorical statement that this fellow on having been influenced by Congressmen made these allegations. I want to know the nature of the investigation.

Mr. Deputy Speaker : The answer cannot be dictated by me. When the answer is over, the honourable member may put another question, but when the answer is being read the honourable member should not interrupt him.

Premier : During the investigation Qabul stated that he did not wish to make any complaint, nor could he identify any of his assailants, but that in hospital he had been continually pestered by some Congressmen to lodge the complaint. He added that his thumb-impression had been taken on an application, the contents of which were never read out to him. Further enquiries are in progress.

Diwan Chaman Lall : May I ask you, Mr. Deputy Speaker, to be kind enough to direct the attention of the honourable member to my question ? My question is not whether the honourable member would read his reply again or not, having read it once before to the House ; my question is simply, what was the nature of the investigation ?

Mr. Deputy Speaker : The answer has been heard by the House, the honourable member may take it that the Honourable Premier is unable to answer the supplementary questions. But it is not in the power of the Chair to elicit an answer or to dictate an answer.

Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state whether the man, Qabul, did name any person, or the Congressmen who compelled him by undue pressure to file the false report ?

Diwan Chaman Lall : We do not know whether the report is correct or not.

Khawaja Ghulam Samad : Was any action taken against the instigator or do the Government propose to take any action against that man ?

Premier : I should like to have notice of that question also.

Dr. Gopi Chand Bhargava : May I know whether the Honourable Premier is quite certain that this report of the investigation which has reached him was made by a police officer, because they were the people that connived at the beating of that man ?

Premier : I have no reason whatever to believe that allegation.

Dr. Gopi Chand Bhargava : Has he made any inquiry in regard to that ?

Premier : I have made enquiries and the answer is there.

Dr. Gopi Chand Bhargava : I want to know whether the Honourable Premier satisfied himself that the investigating officer did not make a wrong statement ?

Premier : No, Sir, I am not prepared to accept that insinuation either.

Dr. Gopi Chand Bhargava : May I submit that I never made any insinuation whatsoever. I only wanted to know whether it can be possible, or whether it was possible to know if he has made enquiries that the officer did not make a false report.

Premier : My honourable friend knows that several things may be possible and several impossible, but his insinuation is that this investigation was not made by a police officer. I deny it.

Dr. Gopi Chand Bhargava : May I know whether the insinuation made by the Honourable Premier in his answer to the question was made at the instance of some responsible member of the House and whether this reply is being given at his instance ? (*Hear, Hear.*)

Premier : That is a most uncharitable and uncalled for remark.

Dr. Gopi Chand Bhargava : I want to know whether it is true or not.

Premier : I have answered it.

Pandit Shri Ram Sharma : This is a very important question.

Mr. Deputy Speaker : The honourable member may put his supplementary question.

Pandit Shri Ram Sharma : May I ask if the officer's name cannot be given, is the Honourable Premier aware that the complaint was made to the Superintendent of Police through me ?

Premier : Now you have stated the truth.

Diwan Chaman Lall : Will you kindly direct your attention to the remarks of the Honourable Premier and where you are apt to call us to order, will you kindly call him to order also ? I have raised a point of order and I would like you to give me your ruling.

Mr. Deputy Speaker : I would request the Honourable Premier to give direct replies to the questions asked.

Premier : I was saying this very thing. The reply to the question is that the complaint was made by the honourable member and not by the person concerned. Your name is not mentioned, but he has stated that other persons persuaded him.

Pandit Shri Ram Sharma : Will you kindly state whether the signature or the thumb-impression of the man was there ?

Premier : He has said that his thumb-impression was taken, but the statement was not read out to him.

Pandit Shri Ram Sharma : Will you kindly state to whom he made that statement and in whose presence he made it ?

Premier : You will have to give fresh notice. He must have made it before an officer.

Pandit Shri Ram Sharma : Some police officer or any other officer ?

Premier : You were not present then.

Pandit Shri Ram Sharma : May I, with your permission, put further supplementary questions about it ? My first supplementary question is, when was this report received by the police ?

Mr. Deputy Speaker : The next question. When no answer is forthcoming, then I cannot allow another question on the same subject.

Pandit Shri Ram Sharma : If there is no answer to my first supplementary question, may I ask another supplementary question that is, what is the subject matter of the report received by the police ?

Mr. Deputy Speaker : After putting a supplementary question the honourable member should resume his seat. Then he may put another supplementary question.

Lala Deshbandhu Gupta : May I know if the Government are not in a position to reply to the questions, or that they do not wish to reply ?

Pandit Shri Ram Sharma : When Qabul was examined, did he tell the police what injuries he received and where ?

Premier : The question has no reference to these matters, but if the honourable member wants these details let him give notice.

Pandit Shri Ram Sharma : Did the police examine Qabul ? If so, when and where did he receive injuries ?

Premier : I have already asked the honourable member to give notice.

ADJOURNMENT MOTION.

POLICE REPORTER IN THE CENTRAL KISAN SCHOOL, LAHORE.

Sardar Sohan Singh Josh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the posting by the police of a reporter and some constables in the Central Kisan School organised by the Agrarian Reform Institute, Lahore, in the Ghaniya Lal Building, Multan Road, Lahore, from 21st December to 30th December, 1938.

Mr. Deputy Speaker : So far as the admissibility of this motion is concerned, there is a difficulty in my way. The action taken by the District Magistrate is under section 7 of the Criminal Law (Amendment) Act. Section 7 of the said Act reads thus :—

The District Magistrate or any Magistrate of the first class authorised by the District Magistrate in this behalf, may, by order in writing depute one or more police officers not below the rank of a head constable or other persons to attend any public meeting, for the purpose of causing a report to be taken of the proceedings, and may by such order authorise the persons so deputed to take with them an escort of police officers.

The definition of a public meeting is given in section 6 of the said Act. section 6 reads thus :—

- (1) In this chapter the expression "public meeting" means a meeting which is open to the public or to any class or portion of the public.
- (2) A meeting may be a public meeting notwithstanding that it is held in a private place, and notwithstanding that admission thereto may be restricted by ticket or otherwise.

This second sub-clause is very comprehensive but all the same I would like the honourable mover to give a few brief facts so far as the constitution of the school is concerned.

Dr. Gopi Chand Bhargava : May I give the facts ?

Mr. Deputy Speaker : I would request the Honourable Leader of the Opposition to be very brief.

Dr. Gopi Chand Bhargava : The Central Kisan School was organised by the Agrarian Reform Institute and the workers were invited to depute certain other workers to attend it. They came from different parts of the province and they were treated as residential students and the classes were held as they are held in a college or a school. It was not a public meeting. No man other than the one who was called could attend it and no application could be admitted if it were presented then and there. They had to send in their names a week before as far as my information goes and, therefore, it was not a public meeting at all. It was a regular school.

Premier : I may be allowed to ask one or two questions. Is there anything objectionable in that school or is it an ordinary class for teaching political economy and giving lectures on other economic matters ? My point is as to whether any objectionable thing is done there from the point of view of law or from my friend's point of view in that college.

Dr. Gopi Chand Bhargava : So far as I know, nothing illegal was done. It might be objectionable to the Unionist Government but nothing objectionable against the law was taught or done there.

Premier : Then my honourable friends may rest assured that if it is a genuine and *bona fide* school, then—(Voices : It is a question of civil disobedience.) They must take a lead from other provinces in that respect.

Diwan Chaman Lall : Other provinces which my honourable friend does not wish to criticise ?

Dr. Gopi Chand Bhargava : Am I to understand that on every occasion we can question what the other Governments are doing ? Will we be justified in doing that ?

Premier : I am not going to criticise them.

Mr. Deputy Speaker : I am inclined to hold that the adjournment motion is in order. (*Hear, hear.*) The honourable member asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the posting by the police of a reporter and some constables in the Central Kisan School organised by the Agrarian Reform Institute, Lahore, in the Ghaniya Lal Building, Multan Road, Lahore, from 21st December to 30th December, 1938. Is there any objection to leave being granted?

Premier : If you admit the motion, that is over. I would like to hear what my honourable friends opposite have to say.

Mr Deputy Speaker : No objection being taken the adjournment motion will be taken up at 6-30 P. M. to-day.

THE PUNJAB AGRICULTURAL PRODUCE MARKETS BILL.

Clause 6—(concl'd.).

Mr. Deputy Speaker : The Assembly will now resume discussion on the amendment of Lala Duni Chand, namely—

That for sub-clause (2), the following be substituted:—

“ On being satisfied that there has been a breach of any of the conditions specified in a licence the prescribed authority may institute proceedings in a criminal court against the licence-holder who shall thereon be liable to a fine not exceeding Rs. 100 on proof of the breach of any of the specified conditions, provided that no such proceeding shall be instituted without giving the licensee an opportunity to show cause to the contrary.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I had not finished my speech on Tuesday, the 10th of January, 1939, when the House proceeded to discuss the adjournment motion and stopped discussion of the Markets Bill. I would, therefore, like to resume my speech to-day about sub-clause (2), clause 6, which relates to the suspension of licences of the commission agents. I was submitting that I was against the very principle of suspending the licence and that is why I have not been taking part in the discussion of this Bill at all. I cannot agree to this wholly objectionable feature of the Bill. My whole being revolts against the idea that if a commission agent fails to comply with any provisions of the Bill, his licence may be suspended. This is a very important clause and must, therefore, engage the serious attention of the House. The point to decide is what punishment ought to be given to a commission agent who fails to act according to the provisions of the Markets Bill. The punishment should be such as may be absolutely necessary for carrying out the real object of this Bill. As has been explained several times before, the main object of this Bill is to put a stop to the malpractices now in vogue in *mandis*. I think a light punishment may be awarded to persons who may have violated any conditions of the licence. It would be advisable to give them some light punishment instead of cancelling their licences which would mean the shutting of the doors of the profession to them. And if the cancellation of a licence be taken in this sense it would be the most drastic and highest punishment. Perhaps the framers of this Bill have not realised the point that all those who have to work in *mandis* have to face a good many difficulties in creating confidence in the minds of their customers. It takes a good deal of time to create

such confidence. In some cases there would be persons who might have been carrying on their business for generations and if in their case the licence is cancelled their goodwill, credit and reputation all will go to dogs. The clause as it stands aims at the cancellation of a licence in case any of its conditions is violated and if once the licence is cancelled—may be for two days, four days, five months or nine months as has already been decided by this House—the licensee's reputation will be destroyed. The cancellation of the licence would reflect on his good name and it is why that I am strongly opposed to the cancellation of the licence.

There is still another point to make and that is that it has been said that the word 'may' has been used in this clause and consequently the clause is not mandatory and the officer on duty or even the Government themselves would not necessarily cancel the licence in every case. In reply to this I would submit that the word 'may' means that the officer on duty can do it while I would like that this clause should be so worded that it is impossible for him to do it. I would not raise any objection if the person who has offended against the provisions of this Bill is warned, fined or imprisoned, but I cannot see my way to agree to the cancellation of the licence in any case. It is the most salutary principle of law that only the offender should be punished and that the sins of fathers should not be allowed to visit upon sons. In times immemorial deterrent punishments were awarded to offenders, for instance, in the case of a thief his hands used to be cut off. But now the civilised world has decided against such punishments. It is not and should not be the aim of this Bill to disable a person to carry on his profession. I say that the cancellation of licence is a very drastic punishment. As my friend Lala Duni Chand observed the other day, the same punishment should not be provided for every offence. We see that in the Indian Penal Code different punishments have been provided for different offences. For instance, different punishments are specified for offences under sections 325, 302 and 498. There are various offences and for them there are various punishments. I would therefore submit that under this Bill if it is passed into law various technical offences will be committed and if the punishment of the cancellation of licence is given for each such offence, it would be highly objectionable. My honourable friends have already explained at length that in case this Bill, as it stands now, is passed into law the *arhtis* would not only suffer financial loss, but their stability and reputation would also be at stake.

Now I turn to another aspect of the question. The Government is never tired of asserting that this measure has been brought forward for the benefit of the poor classes. Well, Sir, let me draw your attention to a problem which concerns the poor classes. According to the provisions of section 9 not only the *arhtis* and well-to-do businessmen, but the labouring class is also required to obtain licences. Now who constitute this labouring class? They are weighmen, measurers and other poor workers in the markets. I have an amendment to move for saving these poor people from unnecessary hardships, but I am afraid that as usual the Government will not be amenable to reason and the amendment will be rejected.

I submit, Sir, that if the licence of a weighman is suspended even for a fortnight or a month he is likely to be deprived of the means to feed his family for the whole year. Those who know anything about markets.

[L. Sita Ram.]

must be aware of the fact that the work in markets does not go on throughout the year. There are particular seasons in which these poor labourers can earn their livelihood. Thus if you cancel or suspend the licence of a poor labourer whose earnings in three or six months have to suffice for him and his family for the whole year his lot can be better imagined than described. You know, Sir, there are no really rich classes or merchant princes in the Punjab. We have only two classes, those who have enough to feed and clothes their families and those who have very often to go without a square meal a day. I would, therefore, submit that if for any reason the Government wants to penalize the former class let it accept this amendment in respect of the poor labouring classes. You know their sad plight and still you want to deprive them of the means of earning their livelihood. You should take into consideration the conditions and hours of work as well as the wages paid to these people and then decide whether you will be justified in cancelling or suspending their licences.

Time and again it is dinned into our ears that corruption is rampant in the markets. I make bold to say, Sir, that corruption is not confined to markets only. The Government should know that no department under it is free from corruption. However, I shall take up this matter at the proper time. For the present I shall confine my remarks to the provisions of this Bill and the amendment under discussion.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Lala Sita Ram : The reason for these poor labourers being corrupt is not far to seek. No person is born corrupt. It is the environments and the conditions under which one has to work that make him honest or corrupt. If a poor weighman is corrupt to the extent of half a seer of grain it is because he is very poor and cannot make both ends meet with what he earns with the sweat of his brow. The *arthis* and other well-to-do people can find some other business if their licences are cancelled, but to the poor weighmen and other labourers it will mean starvation. I would also draw the attention of the Government to the fact that *arthis* and other influential people can use their influence to get their grievances redressed, but so far as the labouring classes are concerned even if they are given a right of appeal it will not help them. Even the peons of the Honourable Ministers would not deign to speak to them much less the Ministers themselves. It is a fact, Sir, that the brunt of every measure falls on the poor. I was a member of the Railway Advisory Committee and I know that whenever there was some scheme of retrenchment or reducing the number of free passes allowed to Railway employees, it was the smaller fry who were hit the hardest.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Lala Sita Ram : I was submitting, Sir, that it is always the poor who are adversely affected by a measure. Even when there is a scheme for retrenchment it is the peons and clerical staff that suffers. Nobody touches the higher officers. Anyway, Sir, I do not know whether my honourable friend Mir Maqbool Mahmood's amendment is permissible under the rules and, therefore, I would request the Government in the name

of justice and fair play to accept Lala Duni Chand's amendment. If they are so keen about this provision for cancellation or suspension of licences they should at least give a right of appeal to a judicial tribunal. They should not adopt such methods as would deprive poor labouring classes of the means of earning their livelihood.

Lieutenant Sardar Naunihal Singh Mann (Sheikhupura West, Sikh, Rural): Sir, I have heard very attentively the arguments advanced by my honourable and learned friend over there. The question about this amendment is very simple. If one reads sub-clause 2 of clause 6 he will find that the words are 'Government may.' It is not 'shall'. So the argument advanced that the punishment, which will be awarded in the event of a breach, shall be confiscation or suspension of the licence, would not necessarily mean that this punishment will be awarded in all cases. I

think it will be judged from the breach which has been committed, and we shall have to have some respect for the law courts. It has been argued that those who will commit the breach will attempt to approach the law courts and thus be saved from the clutches of the law. I beg to differ. After all one has to respect the courts. With these few words I would oppose this amendment.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): The subject matter of this amendment, though very important from the point of view of those who are to be effected by it, is a very simple one. What it seeks to do is to provide punishments for the sins of omission and commission which these poor people may commit either knowingly or unknowingly in the course of their business and which may amount to a breach of the rules and by-laws that may be framed under the Act. My honourable friend Lala Duni Chand is placing in the hands of Government by means of the amendment a measure which goes far enough to meet any eventuality, and if the real intention of Government is to punish only dishonest traders, I have not the least doubt that they should readily accept this proposal. After all it does not matter to the zamindar and it should not matter to him whether after a man has been found guilty of any breaches of the rules he is sentenced to fine or whether his licence is cancelled. So far as the zamindar is concerned it does not touch him at all. The only thing that he is concerned with is that when punishment is given ample punishment should be given to the man who commits any breach of these rules and by-laws, to prevent its repetition. The Government also has been repeatedly saying on the floor of this House as well as outside that what they aim at doing is to punish the dishonest traders. From the way the Honourable Premier made certain enquiries from the mover of the amendment we had hoped that Government might accept the proposal. The Honourable Premier enquired whether the honourable mover of the amendment would agree to the raising of the fines and the latter agreed. To my mind, he was not only agreeable to the raising of fines, but was also willing to accept by way of punishment the suspension or cancellation of the licence as a last resort, after a number of convictions. The mover of the amendment could not be a party to the suspension or cancellation of a man's licence to begin with and for a first offence even if it be of a technical nature. As I pointed out in one of my speeches yesterday, several rules will have to be framed under this Act when it is passed into law, :

[S. S. S. Santokh Singh.]

in many cases, of a technical nature. No other punishment is provided except that of the cancellation or suspension of the licence. With due deference to my honourable friend, Sardar Nannihal Singh, I may tell him that where no other punishment is provided by law, the magistrate will be bound to cancel or suspend a man's licence once he finds him guilty even of a technical offence. Moreover he dare not, he cannot, go against the wishes of the market committees, consisting as they will be of big and influential landlords.

Mr. Deputy Speaker : The honourable member should address the Chair.

Sardar Sahib Sardar Santokh Singh : Smaller punishments are not provided. It was said that warnings may be given, but there is absolutely no meaning in it, unless this is expressly provided in the Act.

Government keep on saying that they really do not want to make any political capital out of this enactment, that they do not desire to derive any political power by this measure. Why then this resistance to the proposal of fines? Why make the poor "tola" and "rola" suffer so much? You will have done your duty by bringing the man who has committed an offence against your by-laws to an open court of justice. Why should you want to reserve all powers in your hands? Why should you be so very keen on hearing the appeals yourself? The Honourable Premier was not at all keen on reserving to himself the power of hearing the appeals? Why should the Honourable Minister of Development insist on it? Why should not the poor people be given an opportunity to knock the doors of the courts for justice? I should go further and say that there is no love lost between the Honourable Minister for Development and the class of people who are going to be hit hard by this measure. He should be the first man to come forward and say that he does not care to reserve in his own hands the power of deciding appeals. He should feel that the moment he has traced an offender who has done anything against the by-laws and put him before the courts of justice, he has done his duty.

Mr. Deputy Speaker : I would request the honourable member to be brief. Most of these arguments have already been advanced.

Sardar Sahib Sardar Santokh Singh : I have pointed out that to the zamindar it does not at all matter whether the man who has committed an offence against the by-laws is sent up to the courts for being fined or punished, or if his licence is suspended or cancelled. Little realisation has been made of this fact that the good-will of many businesses is sold for lakhs of rupees—businesses which have been built up by our fore-fathers by sheer dint of merit. A grandson without meaning to offend against any of the rules probably makes a technical mistake. He is hauled up before a petty official, say a tahsildar, who cancels his licence, be it for nine months or three months. What is the remedy left to the poor man?—an appeal to the Honourable Minister for Development. I say if this is justice, then the word justice should be wiped out of the dictionary.

Mr. Deputy Speaker : I would request the honourable member not to repeat arguments already advanced.

Sardar Sahib Sardar Santokh Singh: I am not repeating any argument, but if the Chair thinks so—and I have been interrupted several times—I will sit down.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): It was argued by the Honourable Minister in charge of the Bill and by the honourable member for Sheikhpura that the word used in the clause was 'may', and that therefore it should not be taken for granted that the punishment of cancellation of licence will necessarily be inflicted and that it should be presumed that the gazetted officer who will deal with these cases will have sufficient good sense not to inflict any punishment in cases where the breach is a very trivial one. We are not prepared, at any rate I for one am not prepared, to accept this assurance, because the circumstances are such that they do not encourage one to entertain any such hope. The general fear is that once a case goes before this gazetted officer and once he is satisfied that there has been a breach of any of the conditions of the licence, it will be extremely rare for the offender to escape any punishment. I would therefore make the presumption that once a man is brought before a gazetted officer and a breach of any of the conditions of the licence is detected and the officer is satisfied that there has been a breach, punishment is certain. If we accept this presumption, then it means that the licence must naturally either be cancelled or suspended, because there is no other punishment provided for. If any discretion was left to that officer as regards the nature of punishment one might console oneself with the hope that the punishment would be commensurate with the nature and gravity of the offence that might be proved against the offender. But if there is only one punishment, either of cancellation or suspension of the licence, that is, one punishment which affects the licence alone, then it means that no such discretion so far as the nature of the punishment is concerned is left in the gazetted officer. The only thing he might do is that he might direct that the suspension may not last for a long time. The discretion can only be exercised in respect of the duration of the suspension and not with respect to the nature of the punishment. It might be said, "Well, what does it matter if discretion is left so far as the duration of the punishment is concerned? No serious apprehension need be entertained." That might be reasonable and might carry one some consolation with it if cancellation by itself were not a very grave punishment. My submission is that the period is of secondary importance. To go to jail once for moral turpitude is really a serious thing whether it is for one day or for one month or more, because the man loses his reputation, he loses his name, he loses his credit in the market once he has been to jail. Going to jail for moral turpitude is in itself a very serious thing. In the same way I maintain that the very fact that an *arhti's* licence has once been cancelled or suspended for a few months is sufficient to ruin him. It is not necessary to lay much emphasis on the period of suspension. As I said the other day, I object to the nature of the punishment itself. I consider it to be too grave, too serious and too severe considering the nature of the offence for which an *arhti* might be punished. Therefore, what we have to look to is whether the provision follows the well-known principle that the punishment should be commensurate with the nature and gravity of the offence. In this case the only punishment is, as I have said, cancellation or suspension. In the amendment that has been

[Dr. Sir Gokul Chand, Narang.]

moved, discretion is given. In the first place the punishment is not so severe as the punishment of cancellation or suspension. In the second place, so far as the fine is concerned, Rs. 100 is prescribed as the maximum. The actual fine may be ten rupees or five rupees or even one rupee if the breach is only nominal and technical. If the breach is a little more serious the fine may be enhanced up to Rs. 100 according to the nature of the offence. Thus the gazetted officer will have more discretion in measuring the out punishment which he may inflict.

Then there is another thing. Supposing one of the conditions of the licence is that the licensee shall not use false balance or false weights or false measures ; and it is found that he has used false balance or false weights or false measures. Certainly it would be considered a serious offence, which might call for serious punishment. If my honourable friend would refer to the Indian Penal Code he will find that in section 264 the punishment for using false instrument of weighing is one year imprisonment of either description. For using false weights or false measures again the punishment is one year imprisonment of either description. If a person is sent to jail for a year his licence stands automatically cancelled, for, so far as he is concerned he cannot both be in jail and in the market carrying on his business. Therefore from that point of view also it is not necessary to retain the punishment of cancellation or suspension of licence in this clause. I hope I have made myself clear to the Honourable Minister in charge. It is really an act of supererogation to introduce this provision of cancellation or suspension of licence in this clause, because in serious cases like the one I have cited there are sufficient provisions in the Indian Penal Code to inflict condign punishment on the offenders. In the case I have quoted the licence is automatically cancelled. In other cases it would not be necessary to cancel the licence because the punishment would be too severe. I would therefore submit that the amendment that the reverend gentleman on that side has moved is really a very necessary and proper one. Unless the Government is bent upon frightening the people or always keeping them in a state of suspense and almost nervous breakdown, they ought to accept this amendment. The Honourable Minister is a lawyer and he knows that at one time in England every little act of theft was punished by death. So, when the offenders committed theft, they naturally thought that if they were caught they would be hanged. Therefore they took great care to destroy all possibility of evidence against them. So, in addition to theft they also committed murder. Gradually the English people came to realise that the punishment really ought to be commensurate with the nature of the offence committed and so they prescribed lighter punishment for thefts. In the same way I appeal to the Honourable Minister to consider whether the cancellation or suspension of the licence is the only punishment that should be prescribed for any breach of the conditions of the licence. The only reply that he has given which I have been able to follow is that in some cases no punishment need be given and no punishment would be given. My submission is that if punishment is given then the only punishment is cancellation or suspension of the licence and that would not be justified in most cases. It would be justified if at all only in extreme cases. Therefore some latitude should be given to the gazetted officer who will be entrusted

with the duty of going into these accounts and will be empowered to pass orders of cancellation or suspension of licence and the only way or at least a very appropriate way of giving him this discretion has been suggested in the amendment of my honourable friend, Lala Duni Chand, which I strongly support.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, the amendment moved by Lala Duni Chand proposes to substitute the words which have been read out in this House so often and it is numbered as amendment No. 20 on the agenda. If that amendment is accepted it would follow that the power of cancellation or suspension of licence would disappear and would be substituted by a power in the courts to inflict fines. That is the object of his amendment. I have also given notice of another amendment which is shown as No. 21 on the agenda paper, which asks for the deletion of sub-clause (2). I wish to point out that the effect of both these amendments is exactly the same. If you delete sub-clause (2) you take away the power of cancellation or suspension of the licence. But the power to inflict fines for infringement of the rules or by-laws or conditions of the licence is already provided in the Bill and those provisions being already there in the Bill, the deletion of the clause would serve the same purpose as the substitution of the clause proposed by Lala Duni Chand. If you look at clause 6(2) you find that it is a penal clause. Now if you turn to clause 26 you will find that penalty is already provided there. It says :—

Whoever contravenes the provisions of section 4 shall on conviction be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing contravention, with a fine which in addition to such fine as aforesaid, may extend to thirty rupees for every day after the date of first conviction during which the contravention is continued.

Therefore the Bill provides a very substantial punishment already for contravening the provisions of section 4. There is again another penal provision in the Bill. Clause 27 (3) says :—

Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to five hundred rupees.

Therefore you have a definite punishment of fine provided. What else do you want ? Why do you want the sword of Democles of suspension of licence hanging over the head of people who carry on a particular profession ? Is it with the idea that if Government or any of its nominees so desires he may deprive him of the right to carry on that profession ? And these punishments provided in this Bill have been bodily taken from similar provisions in the acts of other provinces. Why are they not sufficient in this province to carry out the policy of the legislators ? Those provisions being there, what is the necessity of sub-clause (2) of clause 6 ? On the other hand the Minister may say, 'Kindly see the punishment of cancellation of licence is not in any way graver or more serious than that provided in clause 27 (3) which provides for a fine of Rs. 500 and a further fine of Rs. 30 a day for contravention of the rules.' I respectfully ask, that being so, why have you introduced, why have you enacted sub-clause (2) of clause 6 ? It certainly did not form part of the Act from which you have copied your Bill *verbatim*. Kindly turn to the Bombay Act which appears to be the basis of the present legislation. You will notice, Sir, that an Act known as the Bombay Cotton

[R. B. Mr. Mukand Lal Puri.]

Markets Act was passed in 1927 by the Bombay Legislative Council and you would observe that the penalties provided there are exactly the same as the penalties provided in the present Bill of the Punjab. The punishments provided in the Bombay Act are in section 6, sub-clause (3) where it is provided that any contravention of the rules and any of the conditions of any licence issued thereunder shall on conviction by a magistrate be punishable with a fine which may extend to Rs. 500—exactly the provision with respect to the quantum of punishment as you have provided in clause 27. Of course you have made this modification. There it is 'on conviction by a magistrate' which definitely means judicial adjudication of the guilt, whereas here for reasons best known to yourself, you have omitted that very salutary provision. Again there is a further provision in the Bombay Act which lays down that every offence relating to infringement of a by-law made by the marketing committee or a rule made under the Act or any of the provisions of the Act itself is triable only by a magistrate of the first class but following your general policy of omitting all good provisions of the Acts in other provinces you have omitted it from your Bill. But leaving aside these matters, this much is quite clear, that you have identical punishment, the quantum of the punishment which is provided in the Bombay Act. Taking the next section, section 7, it provides that the market committee may make by-laws and the by-laws made, provide that contravention thereof shall, on conviction by a magistrate, be punishable with a fine which may extend to Rs. 50 and then section 18 provides that whoever in contravention of this Act sets up any market for the purchase and sale of cotton or violates the conditions under which he has been allowed to set up such a market shall on conviction by a magistrate be punished with a fine which may extend to Rs. 500 and with a daily fine. This exactly corresponds to our provision where you provide for a daily contravention of the section. Therefore, I would submit that when you have definite specific provisions for punishment identically the same as in the Bombay Act, why do you in the Punjab take on yourselves this additional and really unnecessary power, and I submit, a power which is likely to be abused of cancelling or suspending licences of persons? Are there any conditions here which make it incumbent on the Government to take that power or to give that power to a nominee of its own?

Mr. Deputy Speaker : I would request the honourable member to be brief. Some of these arguments have already been given.

Rai Bahadur Mr. Mukand Lal Puri : Thank you. I will take note of that. What I am submitting is this. Would the Government be pleased to lay before the House and before the public as to why it is necessary for them to claim a power which is not possessed by the Bombay Government under the Bombay Act? It has been repeatedly pointed out from this side of the House that, unfortunately for this province, the feelings between the two sections of the population are running very high. No further proof is necessary, of the tension which is being created between agriculturists and trading classes, than the statements made on the floor of this House by Chaudhri Sir Chhotu Ram; you will find it in the printed report of the Punjab Legislative Assembly Debates that "he cannot bear even the sight of a non-agriculturist". There it is in black and white, in the reports of

Debates supplied recently to every member of the House. That being the state of affairs, is our apprehension unjustified ?

Mr. Deputy Speaker : This argument is hardly relevant.

Raj Bahadur Mr. Mukand Lal Puri : What I wish to ask is, is our apprehension unjustified that this power is not being taken on the merits of the Bill, but is being reserved to him by himself with a view to deal unfairly with his political opponents, "whose presence even before him, he cannot tolerate" ? If the Bombay Government or the Bombay people do not think that for the purpose of regulating the conduct of markets such a power is necessary, what sinister object lies behind the desire of the Punjab Government to provide such penal provision ? I respectfully submit that the *arhtis* feel that this legislation is being passed in such terms, so as to humiliate them and to make them dependent and subservient to Government and its henchmen. After all, the professed object is only to secure to the grower, the legitimate return for his produce. I think the people or whom these penalties are attempted to be imposed, would strain every nerve to see that this Act is not allowed to come into force. We, on this side of the House yield to no one in our desire to see that no corrupt practices in marketing, if any, are allowed to continue and justice is done to every one, but if provisions in the Bill are enacted and are attempted to be enforced by a majority not with a desire to carry out the object of the Bill, but with a view to heaping indignities and insult on those whom the Minister for Development for reasons of his own hates, I submit that this is a very serious matter.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) : Sir, at this stage I would not say whether it is considered useful or necessary by the ministerial benches to introduce this clause or not. But one thing appears to me quite illegal, as it has been told by my honourable friend Mr. Puri. It is a well known principle that even in the case of those offences, even serious offences, where the punishment goes to several years, according to section 562 of the Criminal Procedure Code, the first offender is only warned and subsequently although some of the offences under which he is to be convicted are such by which he is liable to be sent to jail, he is given an opportunity that he may be bound down to keep peace and order for six months or a year, or so. These are the clear provisions of criminal law. Here we are dealing with offences of an entirely new character under an entirely new Act which has not yet gone beyond its experimental stage. We do not know what might be the result. I would, therefore, request the Honourable Minister in charge that if the Government want to listen to the reasonable arguments of the Opposition, unless they have decided between themselves and are bent upon making this provision, I would submit that they should consider this matter calmly and soberly. My honourable friend Mr. Mukand Lal Puri has pointed out section 27, sub-clause (3) which is, as the clause stands, another mode of giving another punishment, and thus they want to make a person twice liable for the same offence. This reminds me of a very appropriate proverb. A master asked his servant '*ghori te kathi pai hai ke nahin*' and the servant replied '*ji pai hai*' but the master said '*pai hai te hor pa de*'. This is to saddle the horse which is already saddled. I really cannot understand the meaning of this. The honourable framers of this Act have not been able to see that they are providing for

[Mian Abdul Aziz.]

punishment for one and the same thing under two different clauses. As I have already submitted, this Act would be in its embryonic stage in the first instance and you should therefore make the punishment as low as possible, although I do not say that you should not punish them. I think it should be considered like the provisions which exist in the Criminal Law and according to the proverb, we should not doubly saddle the same horse. I am not going to repeat those arguments but I would only submit that it would be necessary for the ministerial benches to seriously consider this matter. They should not stick to their protest for the sake of merely sticking to their word and because they have made the protest. But they should see their way to agree to that.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : I would request the honourable member Lala Duni Chand, to be very brief in his reply.

Lala Duni Chand (Ambala and Simla, General, Rural) : I shall respect your wishes. It is a question on which many sections of the House are feeling very strongly. I would request the Honourable Minister in charge of the Bill to pay proper consideration not only to the feelings of the Congressmen but also to the feelings and views of other sections of this House. It is not in a spirit of taking time that I have moved this amendment. There are about half a dozen fundamental objections to this Bill and my amendment wants to remove one of those fundamental objections.

Mr. Deputy Speaker : The honourable member is entitled only to give a reply to the arguments advanced already.

Lala Duni Chand : Yes, that is right. It was pointed out yesterday by the Honourable Premier that he was prepared to consider the question of the acceptance of this amendment if I agreed to some of the conditions that he was inclined to lay down. I had expressed my willingness to agree to those conditions and I shall say the same thing to the Honourable Minister for Development.

Mr. Deputy Speaker : The honourable member is going to repeat the argument again.

Lala Duni Chand : No, Sir.

Diwan Chaman Lall : May I draw your attention to the fact that it makes it almost impossible for an honourable member to continue his speech with constant interruptions. You should permit a certain amount of latitude at least to the honourable member who is speaking. He may convince you that he is not repeating his arguments.

Mr. Deputy Speaker : I have a very great regard for all those honourable members who are on my left. I have amplest regard for them and I have the amplest regard for their rights. (*Voices : Thank you very much.*)

Dr. Sir Gokul Chand Narang : We have noticed a little change to-day. The interruption by Diwan Chaman Lall was not really uncalled for because I have been hearing you during the last half an hour so many times remarking "Be brief, be brief." There was hardly any speaker to whom this injunction was not addressed.

Mr. Deputy Speaker : Order please. I want to avoid repetition. I want to avoid irrelevancy.

Dr. Sir Gokul Chand Narang : I am glad you have discovered it to-day.

Mr. Deputy Speaker : I am making this request over and over again so that irrelevancy and repetition may be avoided.

Lala Duni Chand : Ordinarily I shall be averse to appealing to the Honourable Minister for Development but in this particular case, in the interest of the Punjab and in the interest of the businessmen of the Punjab, and, I should say, even in the interest of the Government, I will not mind appealing to him to consider the propriety of accepting this amendment. One of the honourable members over there pointed out that the clause as framed was perfectly innocuous because there the word is 'may' and not 'shall'. I was surprised to hear this argument. If he is a lawyer the argument of this kind will be inexcusable but even if he is a layman, the argument of this kind does not look nice even when coming from a layman. I invite his attention to the fact that in the Indian Penal Code in case of serious offences which are punishable with ten years' imprisonment or transportation for life, the word 'may' is used. Does he mean to say that because the word 'may' is there, there will be no occasion to make use of serious sections of the Indian Penal Code? I want to remove that impression if he has that wrong impression in mind. The word 'may' does not mean that the offender will not be proceeded against or will not be punished. I want to make a capital of one point. The Honourable Premier very often, and I say rightly, says that he is out to eliminate corrupt elements from among the money-lenders and the businessmen. Here is an occasion when he may give proof of his repeated anxiety that he is really out to weed out corruption or to remove malpractices. Here we are to help. Would the cancellation of a licence serve the object that the Honourable Premier and the Honourable Minister for Development have in view or would the amendment that I am proposing achieve the object? If malpractices are committed and the wrong-doers are put into criminal courts and they are punished, they will think twice before resorting to malpractices. On the other hand if the licence of one wrong-doer is taken away (*interruption*) probably at the instigation or at the instance of his enemy, another wrong-doer will take his place. The process will thus continue. You will not be able to eliminate corruption in this way. I am prescribing a very good prescription and if you use it properly you will be able to get rid of the malady of corruption. It may not be possible for you to get rid of the malady of corruption in any other way. Another point that I want to emphasise is that the Honourable Minister for Development, who appears to listen to my humble arguments, will not, I think, deny the fact that men like Sardar Sahib Sardar Santokh Singh, Lala Sita Ram and Mian Abdul Aziz are at one with us so far as this amendment is concerned. He must be knowing that there is a world of difference between our views and views of men like

[L. Duni Chand.]

Sardar Sahib Sardar Santokh Singh and Lala Sita Ram. It was only the other day that they were sitting on the treasury benches. I think there are no reasons to say that because some of them have left the Government benches and have come over to this side of the House, therefore, their views cease to be sound.

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

Lala Duni Chand : Again, the Honourable Minister for Development will be pleased to take into consideration the fact that by substituting this amendment in place of the original clause, I am giving him a source of revenue. If there are a large number of malpractices and a large number of prosecutions, in that case he will be having every day a large amount of money and, therefore, there is no reason why he should not accept that. Those people who will be committing wrongs and who will be breaking the rules of the licence, shall be made to pay money.

As I have already submitted, if the Honourable Minister for Development wants to make the clause hard, I shall be prepared to concede his wishes. My whole object is that we should have an effective remedy for the elimination of corruption. I do admit that among the *arhtis*, businessmen and other non-agriculturists there is some corruption. None is more anxious than myself to set my face against corruption and this has been the policy that I have been pursuing in my life. I offer that co-operation and that help to the Honourable Minister and I do request him to accept the amendment. You will kindly see that if this provision about cancellation is there, it will work hard for the measurers, weighmen and others who are described in the Bill. He must be knowing that there are a very large number of them who are extremely poor people barring *arhtis* though even some *arhtis* do not make more than one or two rupees a day ; but even assuming that the *arhtis* make a large amount of income he must be knowing that others hardly make any income worth the name. The position of most of these people is exactly the same as the position to-day is of an humble labourer. Poverty is not confined only to labourers or the agriculturists. Poverty is to be found among all people. This class of people are extremely poor. If you cancel their licence in the morning, in the evening he may not be able to get bread for his children and other members of his family. I know the condition of these people. Do not think that they are making themselves rich by pursuing these professions : they are extremely poor and every protection should be afforded to them. I would, therefore, ask my honourable friend not to be hard on them. My last word on the subject is whether in the name of fairness, in the name of justice a provision like this is not too drastic and is not too high-handed. The Honourable Minister for Development might be thinking that he is bringing about millennium in the Punjab : I shall be very happy if he brings about millennium ; but I want to tell him that instead of bringing about millennium he is bringing about a state of things which would be extremely hard. I shall finish my speech by reciting a couplet of Sheikh Saadi which says—

جو خواهد که دیران شود عالم
نهد ملک در پنجه عالم

The meaning of the couplet is—some of my honourable friends may not understand it—that when God wants or when divine dispensation wants a country to be ruined or devastated, that country is placed in the hands of tyrants. I do want that the Unionist Party Government may not be the subject matter of this couplet and may not be an illustration of this couplet. I hope they will not make themselves the subject of this wise couplet which was uttered 700 years ago and they will not demonstrate by their conduct that what Sheikh Saadi said 700 years ago is being done by the Unionist Party Government.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, in order to economise time I shall be very brief in my reply to the criticism offered by my opponents. Many most uncharitable charges have been made both against my party and against me personally. These charges I will simply ignore, but there are just a few points which require to be cleared up. I desire in the first instance to reply to the charge that the provision of a cancellation of licences under clause 6 will imply a second punishment for the same offence which is punishable under clause 26 also. That argument was put forward by a very learned lawyer who represents north-western portion of the Punjab. He said that under clause 26 we provided for a punishment which was to be imposed on people who offend against the provisions of clause 4. He has ignored the fact, if he has not been misled or is not anxious to mislead others, that clause 4 only relates to prohibition of the carrying on of a particular business in the absence of a licence, that is, no man without a licence will be able to carry on a certain profession. Clause 26 penalises certain professions only in the absence of a licence. On the other hand clause 6 deals with a person who has already obtained a licence and has been found guilty of a breach of any of the conditions governing a licence. Therefore no question of a dual punishment under clause 26 and clause 6 arises.

Rai Bahadur Mr. Mukand Lal Puri : What about sub-clause (3) of clause 27 ?

Minister : If the honourable member had kindly waited a second he would have found me meeting that very point. The learned gentleman suggests that in sub-clause (3) of clause 27 there is a provision for the punishment of offences which we desire to penalise under clause 6. He is wrong there also. Sub-clause (3) of clause 27 reads thus—

Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to five hundred rupees.

Now a licence, the breach of the conditions of which is sought to be penalised under sub-clause (3) of clause 27 will not be issued under any of the rules framed under clause 27. It will be issued under the substantive clause 6 itself.

Diwan Chaman Lall : What is this ? I do not want to interrupt, but will my honourable friend please give way ?

Minister : No, Sir.

Diwan Chaman Lall : My honourable friend is making a wrong statement.

Minister : I am making a perfectly correct statement: my honourable friend has not the sense to understand the distinction to which I have invited attention.

Mr. Deputy Speaker : I would request honourable members not to interrupt.

Minister : Another point to which my attention was drawn by Dr. Sir Gokul Chand Narang was that penal provisions already existed under the Penal Code to punish offences in respect of weights and measures. I believe that my honourable friend is aware by this time that as many as 41 per cent. of the weights in use were estimated to be incorrect and as many as 69 per cent. of the scales were found on being tested to be inaccurate. How many cases have gone to courts and how many people using these 69 per cent. tricky balances and 41 per cent. false weights have been punished?

3 P. M.

Mian Abdul Aziz : On a point of order, Sir. Will the Honourable Minister please say whether the two provisions are quite correct? There already exists some punishment under the Penal Code and here also.

Mr. Deputy Speaker : The Honourable Minister may go on with his speech. There is no point of order involved.

Minister for Development : I would just draw the attention of the House to the fact that in spite of the existence of a very large proportion of false weights there have been very very few cases in which the relevant section of the Indian Penal Code has been used by law courts. Therefore, I may proceed on the assumption that so far as the provisions in the Indian Penal Code are concerned, they have failed to achieve the object with which they were enacted.

Another line of criticism was that no appeal had been provided. I told the House day before yesterday that the Government did propose to provide for an appeal. However my attention was drawn to the fact that although an attempt was being made by means of an amendment to provide for an appeal, that attempt would prove infructuous inasmuch as it was being sought to give the right of appeal under rules which should really be given under a substantive clause. For the satisfaction of my opponents, I may inform them that notice of an amendment has been given under which a substantive right to appeal shall be given by a substantive clause in this Bill.

With regard to the amendment of Lala Duni Chand, I will only say that it proposes a most cumbersome procedure and that if this amendment is accepted the whole object of this Bill will be defeated. If you want to put down corruption you ought to take effective powers into your hands. I believe that all are agreed that the extent of the evil and the nature of the evil—both justified—that the evil should be put down with a stern hand and that stern hand will not be available if the amendment moved by Lala Duni Chand is accepted. Therefore, I oppose the amendment moved by Lala Duni Chand as well as the amendments of which notice has been given by Mr. Mukand Lal Puri and by Chaudhri Krishna Gopal Dutt.

Mr. Deputy Speaker : In view of the peculiar form in which the question is to be put, I would like to make it clear to the honourable members

that those who want to support this amendment should say "No," and those who want to oppose this amendment should say "Aye."

Diwan Chaman Lall : Will you be kind enough to explain the procedure to the House so that we may know exactly what is meant by this ?

Mr. Deputy Speaker : The question will be put in the form "the question is that the sub-clause as amended stand part of the clause."

Diwan Chaman Lall : You should first put the first proposition and after that is disposed of then you should put the other proposition, that is, the sub-clause stand part of the clause.

Mr. Deputy Speaker : Here the circumstances are peculiar and the question shall have to be put in this form.

Diwan Chaman Lall : May I ask you, because after all we want to seek guidance in regard to this matter, what exactly are the peculiar circumstances for altering the procedure ? The question is whether this amendment should be made or not ? This is a simple proposition. If that is accepted then you put it in another form.

Dr. Sir Gokul Chand Narang : There is another objection. The usual procedure is that amendments are taken first and then, if any amendments are accepted, the question is put to the House that such and such clause as amended stand part of the Bill and then a discussion on that clause is allowed and then the final question is put. Now, I want you to make it clear that even if you ultimately decide to put the question in the form in which you propose to put it, you will be allowing us to discuss the clause as it is, because we do want to discuss the clause itself as amended as a whole, as is the usual practice.

Mr. Deputy Speaker : If the honourable members see it carefully, they would find that this is the only way open to the Chair. There is no other way open to me, because in the case of substitution of words the only way in which the question can be put is that the original words, which are to be substituted with other words, stand part of the clause. Now here, if you were kind to look into it carefully, you would come to the conclusion that I cannot put it like this : "The question is that sub-clause (2) stand part of the clause." I shall have to put it like this. "The question is that sub-clause (2) as amended stand part of the clause." Therefore, the question has to be put in this way.

Dr. Sir Gokul Chand Narang : You have not answered my question. I was not expressly or definitely objecting to the procedure that you want to adopt in putting this question. I did not say anything about that. I want to know, if you ultimately decide to put the question in the way in which you propose to do, whether you will give us an opportunity to discuss the whole clause as amended ? If not, you will be depriving us of the right of discussing the clause as amended as a whole which is the usual practice. I personally do not mind which way you put it because after all it makes no real difference, provided that you do not take away our right of discussing the sub-clause as amended. We have discussed it piecemeal by discussing the amendment of Chaudhri Tikka Ram, the amendment of Chaudhri Krishna Gopal Dutt, the amendment of Lala Duni Chand and my own

[Dr. Sir Gokul Chand Narang.]

amendment, but we have not yet applied our mind to the sub-clause as a whole. We have every right to discuss the clause as amended before the question whether that sub-clause should form part of the clause or not can be put to the House. I want an answer to that question.

Mr. Deputy Speaker : It should have been clear to the honourable members who wanted to speak on the sub-clause. I gave every facility to the honourable members and called upon almost every member, who wanted to speak. I gave the honourable members an opportunity simply for this reason.

Dr. Sir Gokul Chand Narang : That stage has not yet arrived.

Mr. Deputy Speaker : In the circumstances, it is for me to put the question in the right way, so far as the right of speech on the sub-clause as amended is concerned, I do not think there is anything left to be said.

Dr. Sir Gokul Chand Narang : That, you should not anticipate. If you will permit me to say that for the second time, I say, you should not anticipate. I had the temerity, I was somewhat bold in saying on one occasion that you were trying to anticipate as if you were gifted with the power of prophesy or foresight and so on. You will consider another important factor so far as the debate on this clause or sub-clause is concerned. The Honourable Minister has sat there in studied silence and has not deigned to speak before the proposal for putting the question was made, so that no one on this side has had any opportunity to meet points which he has now made at the end of the whole debate or of replying to him at all, and the only opportunity that the House has to reply to the Minister, if he does not speak in the first instance, and speaks only after the question has been put is at the time of the discussion on the whole clause. Then we can meet his points. He has presented such a vulnerable position in the speech that he has made that it will be really doing injustice to the House not to give the House and to the province itself an opportunity to expose the hollowness of his point, knowing that there is no reply at this stage. If he had any reply to the arguments advanced on this side, he should have had the courage to get up earlier and before the speeches on this side had been exhausted, so that we would have had an opportunity to meet his points. He sits there, and gets up only when everybody has had his say and the motion is made that the question be put, knowing that thereafter there would be no reply to his speech and he would be quite safe.

I may make another submission. It is entirely discretionary for you in what way you put the question. There is nothing in the rules to compel you to put the question in the form that you propose, that sub-clause 2 stand part of the Bill, instead of putting the question in the form in which Lala Duni Chand has proposed it, whether the House would accept the amendment or not, and considering the circumstances, and in the absence of any definite rule to the contrary, you should apply the ordinary procedure applicable to amendments, and put Lala Duni Chand's motion. It would make no difference and it would give us an opportunity to have our way. That is the only procedure that you should follow.

Chaudhri Krishna Gopal Dutt : The Honourable the Speaker has always been putting the amendment in the way in which it reads. He has always been doing this. It is only at the end when the clause is

amended that he has been putting to the vote the clause, as amended, so that you have got the previous practice before you. Why should you make a departure from a practice that has been followed by the Speaker? He has got so much experience and so much knowledge about these things.

Diwan Chaman Lall : What is the difficulty in putting the simple proposition before the House: "Amendment moved that for sub-clause (2) the following be substituted"? After the disposal of the amendment you may put the sub-clause before the House and allow it to be discussed.

Rai Bahadur Mr. Mukand Lal Puri : May I draw your attention to rule 100 which definitely provides that the Bill shall be considered clause by clause? First of all the amendments shall be disposed of and when all the amendments have been disposed of, the Speaker shall put the question "That this clause (or as the case may be, that this clause as amended) stand part of the Bill." The rule says :

Notwithstanding anything contained in these rules, it shall be in the discretion of the Speaker, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Assembly clause by clause. When this procedure is adopted, the Speaker shall call each clause separately, and when the amendments relating to it have been dealt with shall put the question, "That this clause (or as the case may be, that this clause as amended) stand part of the Bill."

After the amendments have been disposed of, you have to put it separately as a whole. It does not follow that you will put this question along with the last amendment. It is an accident that Lala Duni Chand's amendment happens to be an amendment of substitution and happens to be the last one. If you look at the agenda paper, there is no amendment to this clause, although there is an amendment of the title. But still you have to dispose of the amendment first. You may put it after you have put to the House that the clause as amended stand part of the Bill.

Mr. Deputy Speaker : I am not at all departing from the rules of procedure of our House, nor am I departing from the practice which Mr. Speaker has been following. I am following exactly the practice which he has been following. The honourable members have not appreciated my difficulty. At the very outset I declared that after this amendment is voted upon, Rai Bahadur Mr. Mukand Lal Puri's amendment shall neither be voted upon nor shall it be moved. I said this to make it clear to the honourable members that the only way which is open to me to put the question is to put it in this form. There is no other form open to me. The Honourable Speaker never put the question in the case of substitution of words in the form which was suggested by the mover of this motion. He has always been putting the question in the form in which I propose to do

Dr. Sir Gokul Chand Narang : What is the form which you propose?

Mr. Deputy Speaker : That sub-clause (2) as amended stand part of the clause.

Diwan Chaman Lall : You cannot do that. Sub-clause (2) has not been amended. You cannot put it when it has not been amended. I do not know what procedure has been followed here. But in the Central Assembly the procedure has been: Amendment moved that for sub-clause (2)

[Diwan Chaman Lal,]

the following be substituted. The House then exercises its opinion regarding this particular amendment. When it is rejected then you move the proposition that the sub-clause as amended stand part of the clause.

Mr. Deputy Speaker : This is not the practice of this House. The honourable member may show it to me whether this is the practice followed.

Diwan Chaman Lal : It is not for me to show ; it is for you to show me that the rules are against it. According to the practice in the Central Assembly you must put : The question is that the proposed amendment be accepted or not. If it is not accepted, then you put : That the existing sub-clause stand part of the clause. Instead of that you say that the existing sub-clause stand part of the clause. By so doing you are depriving the House of the right to express its opinion on the amendment. Where the House has not divided on an amendment on which it must divide, how can you possibly say that if the House agrees to the proposition that you propose to put to the vote of the House, it will have recorded its opinion on the amendment of my honourable friend ? By the way you propose to put the proposition to the vote of the House you are denying the right to elicit the opinion of the House on the amendment of my honourable friend.

Mr. Deputy Speaker : So far as this amendment is concerned it has been already discussed ; and so far as voting is concerned, this is the only correct way in which it can be voted upon. There is no other way.

Dr. Sir Gokul Chand Narang : You have referred to the past practice of this House. I have to make one submission in regard to that. The Honourable Speaker has not been following a consistent practice so far as this matter is concerned. You may refer to the Secretary or to the debates of this House. He has been following one practice at one time and another at another time. Therefore, there is no definite rule of procedure to be derived from the past practice. Several times we have debated this matter in the House before and the Honourable Speaker has yielded to our wishes and has followed the ordinary practice of putting the amendment first to the vote of the House, whether the amendment relates to a substitution or to a modification of the clause.

Mr. Deputy Speaker : Perhaps honourable members do not realise the significance of this. I have allowed the honourable members to say all they liked to say on the amendment and the sub-clause. I am now only putting the sub-clause to the vote of the House.

Dr. Sir Gokul Chand Narang : Let us be clear on the point. You refer to past practice. I have pointed out what the practice has been, that it has never been consistent.

Mr. Deputy Speaker : So far as that aspect of the question is concerned, it is clear enough.

Diwan Chaman Lal : If you put the existing sub-clause to vote, how will you be obtaining the sense of the House on my friend's amendment ?

Mr. Deputy Speaker : This is the only way in which the vote of the House is taken on motions like this.

Diwan Chaman Lall : You are going to take the sense of the House on the question whether sub-clause (2) as amended shall stand part of the clause. That will not elicit the opinion of the House on my honourable friend's amendment. Is it or is it not the practice or rule of this House that every amendment must be put to the vote of the House? If you put the sub-clause in the way in which you propose to do, you will not be recording the views of the House as to its acceptance or rejection of the amendment. That is the reason why I suggest that the better and more proper method would be to put the amendment to vote first, that is that the following be substituted for the sub-clause (2). If it is rejected, then you may put the existing sub-clause to vote.

Mr. Deputy Speaker : I am sorry to hold that it is against the practice of the House.

Dr. Sir Gokul Chand Narang : I take it that the amendment of Lala Duni Chand is recognised as an amendment. It has been included in the list of amendments, it has been moved as an amendment and proposed from the chair as an amendment and debated upon as an amendment. Therefore under the ordinary rule it is the amendment that should be first put to the vote of the House. But you are taking your stand on some practice about which I have already pointed out that there is no fixed practice in this House. Will you be kind enough to point out to the House under which rule of our Constitutional Manual of procedure you are departing from the ordinary rule applicable to amendments? Can you refer to any rule which justifies your departure from the ordinary rule? I do not want to know the Parliamentary practice on this point. Let us be clear as to whether there is any rule in our Manual of procedure justifying the procedure you propose to adopt.

Lala Sita Ram (Urdu) : My point is that when this amendment has not been put to the House and the House has not rejected it, how can you put that sub-clause (2) as amended stand part of the clause?

Lala Duni Chand : If you propose to adopt the procedure which you have stated and put that the sub-clause as amended do stand part of the clause, then according to the English language it would amount to this that my amendment has been accepted by the House.

Mr. Deputy Speaker : I am very sorry to hold that the way in which I propose to put this amendment to the vote of the House is the correct way.

Diwan Chaman Lall : May I ask you as to what is the motion before the House at the present moment? The only motion before the House is my honourable friend's amendment. Until that motion is disposed of we cannot take up anything else. The sense of the House must be taken on the motion before the House, that is, on my honourable friend's amendment, before we can proceed to anything else.

Mr. Deputy Speaker : I am sure the honourable member knows very well that there is no other way of putting this sub-clause.

Diwan Chaman Lall : Will you kindly inform us under what rule of procedure you are adopting this procedure?

Mr. Deputy Speaker : This question can be put in no other way.

Dr. Sir Gokul Chand Narang : Under what rule ?

Mr. Deputy Speaker : Order please.

Dr. Sir Gokul Chand Narang : We are entitled to know the rule under which you act.

Mr. Deputy Speaker : Will the honourable member please let me know any rule to the contrary ?

Lala Duni Chand : I fear you are running a very serious risk in putting the sub-clause in the way you do. Suppose to-morrow I go to Federal Court and prove that the procedure adopted by you is *ultra vires*. The court may hold that the law made is on that score invalid.

Mr. Deputy Speaker : I request the honourable member to resume his seat.

Dr. Sir Gokul Chand Narang : On a point of order. You have been pleased to say that I should quote a rule to the contrary in answer to my question which I very respectfully put to you whether you can refer us to any rule under which you are putting this amendment and you are departing from the ordinary rule applicable to amendments.

Mr. Deputy Speaker : Order please. I am in absolute conformity with the rules of procedure. The question is :—

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

The Assembly divided : Ayes 77, Noes 34.

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.
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.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhamm.ad, Shaikh.
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.
Gurbachan Singh, Sardar Sahib Sardar.
Haibat Khan Daha, Khan.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr. Muhammad Amin, Khan Sahib Shaikh.
Muhamn.ad Ashraf, Chaudhri.

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| Muhammad Azam Khan, Sardar. | Muzaffar Khan, Khan Bahadur Nawab. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Nasrullah Khan, Rana. |
| Muhammad Hassan, Chaudhri. | Naunihal Singh Mann, Lieutenant Sardar. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Nawazish Ali Shah, Sayed. |
| Muhammad Hayat Khan Noon, Nawab Malik Sir. | Nur Ahmad Khan, Khan Sahib Mian. |
| Muhammad Jamal Khan Leghari, Nawab Sir. | Pohop Singh, Rao. |
| Muhammad Nawaz Khan, Major Sardar. | Prem Singh, Chaudhri. |
| Muhammad Qasim, Chaudhri. | Ripudaman Singh, Thakur. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Roberts, Sir William. |
| Muhammad Sadiq, Shaikh. | Sahib Dad Khan, Khan Sahib Chaudhri. |
| Muhammad Sarfraz Khan, Chaudhri. | Shahadat Khan, Khan Sahib Rai. |
| Muhammad Sarfraz Khan, Raja. | Shah Nawaz, Mrs. J. A. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Yasin Khan, Chaudhri. | Sham Lal, Bai Bahadur Chaudhri. |
| Muhammad Yusuf Khan, Khan. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sultan Mahmood Hotiana, Mian. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Sumer Singh, Chaudhri. |
| | Suraj Mal, Chaudhri. |
| | Tara Singh, Sardar. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES.

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| Abdul Aziz, Mian. | Kapoor Singh, Sardar. |
| Balbir Singh, Rao Bahadur Captain Rao. | Kartar Singh, Chaudhri. |
| Bhagat Ram Choda, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Lal Singh, Sardar. |
| Binda Saran, Rai Bahadur. | Muhammad Hassan, Chaudhri. |
| Chaman Lal, Diwan. | Mukand Lal Puri, Rai Bahadur Mr. |
| Dev Raj Sethi, Mr. | Muni Lal Kalia, Pandit. |
| Duni Chand, Lala. | Partab Singh, Sardar. |
| Girdhari Das, Mahant. | Prem Singh, Mahant. |
| Gokul Chand Narang, Dr. Sir. | Rur Singh, Sardar. |
| Gopal Das, Rai Bahadur Lala. | Sahib Ram, Chaudhri. |
| Gopi Chand, Bhargava, Dr. | Santokh Singh, Sardar Sahib Sardar. |
| Hari Lal, Munshi. | Shri Ram Sharma, Pandit. |
| Harjab Singh, Sardar. | Sita Ram, Lala. |
| Harnam Das, Lala. | Sohan Singh Josh, Sardar. |
| Jugal Kishore, Chaudhri. | Sudarshan, Seth. |
| Kabul Singh, Master. | Uttam Singh Dugal, Sardar. |

Mr. Deputy Speaker : Does any honourable member wish to speak on clause 6 as a whole ?

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, it was on a question of principle that I raised my protest to the procedure which I apprehended might result in shutting out a discussion of the clause as a whole. I am thankful to you.

Mr. Deputy Speaker : The honourable member need not repeat it.

Dr. Sir Gokul Chand Narang : You have been kind enough to recognize this privilege.

Mr. Deputy Speaker : It was never my intention to bar out this discussion.

Dr. Sir Gokul Chand Narang : We apprehended that you might. Our apprehension was there.

Mr. Deputy Speaker : There should have been no such apprehension.

Dr. Sir Gokul Chand Narang : As I said in my previous speeches, this clause is an extremely important one and it is a pity that proper consideration has not been given to the amendments moved by the various members on this side of the House. It was bad enough as it was when it provided that the Government may on being satisfied that there has been a breach of any of the conditions specified in a licence by an order in writing cancel or suspend such licence, but it has been made worse by the insertion of the words introduced by means of an amendment moved by one of the Private Parliamentary Secretaries to the Government. Under that amendment the power of cancelling or suspending a licence has been taken away from the Government in a way and has been placed in the hands of a gazetted officer of the Government. I would not repeat what has been said against this amendment, I would simply say that that amendment has made the clause still worse and more severe, because out of respect for its own position and in order to keep its own prestige, the Government might have been expected to act more discretely, more carefully and cautiously and more prudently than can be expected of an ordinary gazetted officer. A gazetted officer certainly cannot be a better substitute for the Government and bad as it may be, Government as a whole would certainly be preferable to a more gazetted officer who is now being given such extensive powers as to suspend or cancel a licence of an *arhti* (*hear, hear*). Then, Sir, I would submit that the amendments with respect to the time for which this gazetted officer would cancel or suspend these licences were also wrongly rejected. The amendment moved by the Private Parliamentary Secretary to the Honourable Minister with respect to the time of the suspension of the licence, that is five months, in the first instance and nine months in the second instance does not meet the case. In the first place several people asked me why this five months' period has been inserted? One may understand something about the other period, but one cannot fully understand what this period of five months can mean. We are familiar with such periods as three months, six months and so on, even in the Limitation Act we have 90 days, six months, we have a year, sixty years, but so far as my knowledge goes, there is absolutely no provision in the Limitation Act for five months. This period seems to have been selected in a most arbitrary and casual and—I do not mean any disrespect—a senseless manner. Even three months would have been a severe punishment to cancel a person's licence for an offence which may not be very serious. It is certainly too severe a punishment.

On the whole I submit that the clause provides a punishment for an offence for which a punishment has already been provided elsewhere in the Bill. The only explanation that can be given is that the cancellation of a licence or suspension of a licence is not a punishment at all. It is only disabling a man from carrying on his business. The idea of punishment that the Honourable Minister and his lieutenant seemed to have is either fine or imprisonment. To cancel or suspend a licence, it appears to their minds, is no punishment at all, otherwise they would have seen that, as was pointed out by Mr. Puri, there was a provision for the punishment of any person who is found guilty of a breach of a rule or of any of the conditions of any licence issued or renewed thereunder. The Honourable Minister, while replying to this part of Mr. Puri's argument, in a way tried to pour ridicule upon him. Mr. Mukand Lal Puri read out another section which certainly dealt with clause 4, but that did not mean that Mr. Puri was mistaken when he referred to sub-clause (3) of clause 27 of the Act. This sub-clause says—

“(3) Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued with or renewed thereunder shall be punishable with fine which may extend to five hundred rupees.”

The only reply that I can recollect having been given by the Honourable Minister is that this does not refer to clause 6 at all as in this clause he is talking of the rules and there cannot be any breach of the conditions of any licence under these rules. This is his reading but my submission is that the proper reading would be to take these two parts of this sub-clause as disjunctive, as independent of each other, and not being supplementary one to the other. What I mean is this that this sub-clause means that any rule made under this section may provide—it is the rules that have to provide these things—that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable. It means that this punishment is provided for two offences; one offence would be the contravention of any of these rules—it is not necessary that there should be any mention of the licence in these rules. The second offence for which punishment is provided is any contravention of any of the conditions of any licence. This is general and without any reservation. Therefore, it means that any contravention of the conditions of the licence will also be punishable with a fine of five hundred rupees just as the contravention of any of these rules will be punishable with a fine of five hundred rupees. If the intention of the drafters of this Bill was that a fine of five hundred rupees was to be inflicted only in the case of contravention of any of these rules, then it was not necessary to bring in the portion which follows the conjunction “or.” One provision would have covered the whole thing. If the granting of a licence is provided for in the rules, even then it would have covered the case because then it would have been a contravention of the rules if anything was done against the conditions of the licence. If there is nothing with respect to the granting of a licence in these rules, then the mention of the contravention of a condition of a licence here would be entirely out of place, but now that these words have been put there, the sub-clause is intended to cover, as I have said, two kinds of offences—one the contravention of any of the rules and secondly, the contravention of any of the conditions specified in the licence. Therefore, it is not correct to say that the only punishment prescribed for the breach of any of the conditions of the

[Dr. Sir Gokul Chand Narang.]

licence is the cancellation or suspension of the licence. It is double punishment and I think Diwan Chaman Lall was perfectly right in the note, which he has circulated to the press this morning, that one of the scandalous features of this Bill is that it provides double punishments. I would go a little further and say that it really provides treble punishment. Supposing a man has been found guilty of keeping false measures or false weights, and this offence of his is brought to the notice of the gazetted officer. It is not an offence which the gazetted officer can be expected to pass over or overlook because it is not an ordinary offence. We agree that it is a heinous offence for any shopkeeper to have false weights or false measures. If he is guilty of this, he ought to be punished and we have no mercy for him. But this does not mean that this is the only punishment. Under the Indian Penal Code, which is not being repealed, so far as sections 264 and 265 are concerned, those sections of the Indian Penal Code must have their own way and the person who has used false weights or false measures or has used a false weighing machine must be hauled up under the Indian Penal Code. That is punishment No. 2. Then, if my reading of sub-clause (3) of clause 27 is correct, this is the third punishment and not the second punishment. I, therefore, submit that the Government has not really devoted sufficient time and care to the framing of this Bill. It has introduced some provisions into it which do not exist and ought not to exist in an equitable measure which is justified on the ground of putting down corruption as the Honourable Minister was pleased to say and in which attempt he has our sympathy. There is no one on this side—whether Congressman or non-Congressman—who would in any way condone any such offence as the use of false measures or false weights or false balances but the question is whether the provision of this punishment, second punishment and a third punishment, for the same offence is justified. My submission is that this clause, as it stands, does prescribe an extremely severe punishment which becomes all the more severe in view of the fact that some of the offences, which might be taken cognizance of by the gazetted officer, are also made punishable under the Indian Penal Code and also under clause 27 (3). That is so far as this goes. Then, my submission is and again I would not repeat, that the cancellation of a licence is an extremely severe punishment. The clause should have provided lighter punishment for lighter offences. At the present stage we do not know what conditions are going to be prescribed in a licence, nor do we know how the gazetted officer would act in particular cases of breach of any particular conditions.

Chaudhri Krishna Gopal Butt : He would act disgracefully.

Dr. Sir Gokul Chand Narang : My honourable friend says that he would act disgracefully. I do not know but there is certainly an apprehension that he would not always act fairly and never sympathetically. It would be really repeating what has been repeated so often here, it must be presumed that this gazetted officer would be a zamindar, would be a statutory agriculturist and in all probability he would be a Jat and possibly a Jat from the Rohtak district. All these three are not only possibilities but probabilities. The Honourable Minister cannot be unaware of the fact that wherever he has had even a space of an inch, he has pushed in a Rohtak man. (4 voice : A Jhajjar man). He says, "A Jhajjar man."

That may be, but I do not know that the Honourable Minister's local patriotism was confined within the four corners of a tahsil. I thought his patriotism would at least extend to the four corners of a district and he cannot be unaware of the fact that the zamindars have complained and complained only recently at a public meeting that all the patronage which has been—

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

Dr. Sir Gokul Chand Narang : If you will wait you will see.

(*Interruption.*) Probably you did not hear what I said. What I said was this that this gazetted officer

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would in all probability, almost surely, I can say certainly, be an agriculturist, and the possibility is, that he will be a Jat. That is No. 2.

Mr. Deputy Speaker : Order, order, the honourable member should not repeat it. I have been hearing him very carefully. The first part was all right. I object to the second part only.

Dr. Sir Gokul Chand Narang : To the Jat? (*Laughter.*)

Mr. Deputy Speaker : Last portion.

Dr. Sir Gokul Chand Narang : All right: it is really immaterial. The material point is that this gazetted officer would be a member of a statutory agricultural tribe and he cannot therefore be expected to be extra sympathetic towards the class which is likely to be affected by this measure. Therefore it cannot be said as the Honourable Minister wanted, that by the word 'may' he has the discretion and that discretion would be used to the benefit of every non-agriculturist offender or anybody else. Therefore to place such a power in the hands of a person who *ex hypothesi* is not only unsympathetic but inimical, openly hostile to the class of people who are likely to be affected by this Bill, would be a most improper provision, an act of oppression and tyranny so far as mandi people are concerned. To give him so much power as to cancel a person's licence or suspend it for 5 months for the first and 9 months for the second offence is again an act of un wisdom and an act of unfairness. It is a great pity that the amendment of Lala Duni Chand was not accepted by the Honourable Minister.

Then, Sir, the Honourable Minister in his speech which he made in reply to the debate said that I had mentioned the Indian Penal Code and he asked me to tell him how many prosecutions for the use of false weights and measures had taken place up to this time. I really am not in a position to say how many prosecutions have actually taken place under section 264 or 265 of the Indian Penal Code, but I know that there are these sections and I also know that there are prosecutions conducted under these sections. What their number is and whether they are sufficiently numerous to satisfy my honourable friend over there I cannot say. But wherever the police do their duty and wherever the magistrates do their duty and where the members of the public do their duty there are prosecutions and there can be prosecutions. If up to this time the zamindars have been looted by these people by false weights and measures and the zamindars have known that they have been looted and still they have not taken advantage of these very severe provisions in the Indian Penal Code, whose fault is this? Have they been under the influence of the *arhtis*? Have they been under undue

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influence? Is the Honourable Minister sure that undue influence was there, have they been ignorant and is the Honourable Minister now going to enlighten them? Is he sure that these provisions would be read by all the zamindars? There is no doubt that he is taking great pains in going about the country and telling the people that they are being looted. He has been making pointed references to false weights by using the word *kani dandi* and twisting his hand when using this expression. I know that. Still, can he be sure that every one who goes to the *mandis* would know that there is now a provision of this new Market Act under which weighmen or the "*tolas*" who use this so-called *kani dandi* will be prosecuted? Well, the law was there and is still there. There have been prosecutions under the law—a very severe law. We are not discussing the agency. If the agency is to be discussed then the matter should have been left to the agency, but that agency is the market committee. There are to be 16 members of the market committee of whom not less than two-thirds would be zamindars who are well known for their 'intelligence,' who are well known for 'honesty' and who are well known for their 'business acumen.' They can surely be relied upon to take advantage of this Act and to cancel or suspend the licences of the *arhtis* and of '*tolas*' and other persons affected by this Bill. Why was this power not given to the market committees? There was a suggestion made but the Honourable Minister did not accept it. He thought that his gazetted officer would be able to do this business better than a market committee consisting of 16 people out of whom up to 2 would be government officers and not less than two-thirds would be zamindars. Supposing there are 16 members of the committee: take 2 out of them. Then out of 16 there must be two-thirds zamindars, which means 10 $\frac{2}{3}$ or 11, one cannot divide a zamindar into portions. It would be 11. So that 11 plus 2, i.e., 13 would be Minister's own men out of 16. Only 3 would be 'dishonest' banias, 'dishonest' *arhtis*, 'dishonest *tolas*' and weighmen and they will be less than one-fifth of the whole committee. Why did he not leave the cancellation and suspension of the licences in the hands of such committees? Thirteen members out of 16 would be his own men; but then, Sir, you would not mind if I say that there would not have been so much '*gunjaish*' for further patronage. The Honourable Minister is killing not one bird with one stone, not two birds but several birds with one stone. He is killing the bania, he is putting a government officer there and he will be placing 11 of his kinsmen in power over the bania and he would be in a position to patronise another officer entrusted with the power of cancellation and suspension of licences. It does a great credit to the honourable mover of the Bill (*A voice*: You suspect everything). We are great sinners but we are moved by suspicion.

Mr. Deputy Speaker: The honourable member need not mind interruptions.

Dr. Sir Gokul Chand Narang: I do not mind. It only gives me further opportunity to clarify the position. Now, Sir, can you blame us for being suspicious? If any one has eyes and ears and is not absolutely blind and deaf, he must know that there are reasons for being suspicious. I need not go into these reasons. We get these reasons every day in the columns of the Punjab press. When the Honourable Minister gets up

in the midst of his kith and kin, he continues belabouring these poor people who have small income. God has given him big lungs and he goes on for hours with his favourite subject of abusing, vilifying and condemning these people who happen to have been born in certain particular tribes. They have not the fortune of being born in tribes that have been notified as agricultural tribes under section 4 of the Land Alienation Act. This is the position. Can you blame non-agriculturists of this province, the trading classes of this province for being suspicious? Certainly not. I think it would be admitted by any one who knows anything about this province that these suspicions are well-founded. I said the other day that even a *murghi* belonging to non-agriculturists should not be entrusted into the hands of the Honourable Minister, because they would feel that nothing is safe there. Anything belonging to non-agriculturists is not safe in the hands of the Honourable Minister and his supporters. This is the truth. Therefore, it would be nothing but tyranny and oppression to invest an ordinary gazetted officer with so much power over the liberty and livelihood and the business of the people who have the misfortune of having anything to do with the *mandis*. We urge that there was no provision in the Bill for an appeal up to a certain stage until I spoke and Mr. Barkat Ali supported me. All that we had for our consolation was an amendment moved or to be moved by Mir Maqbool Mahmood, which the Honourable Minister said he would be pleased to accept. I am glad that some attention has been paid to our protestations and the Honourable Minister, in his last speech, has told us that a substantive clause would be added to the Bill in which a provision for an appeal would be made. Being a lawyer, he should have accepted from the very beginning that no appeal can be provided by mere rules and that a statutory provision has to be made in the Bill before any person can be allowed to file an appeal as a matter of right. I have not seen that amendment, so I cannot say what the nature of that amendment is. When it comes we shall see. I do not know what objection my honourable friend has to the amendment which I have already submitted and which I believe was circulated yesterday. If his amendment is an improvement upon mine I would certainly accept it; otherwise, if it is not an improvement upon that and leaves any lacuna, we shall be free to discuss it. The only pity is that, we do not know it, we are not in a position to move an amendment to that amendment. I would request you, Sir, to direct and I would ask the Secretary of the House to be pleased to circulate it without the least possible delay, so that we may be in a position to move an amendment to that amendment, if it does require, in our opinion, any amendment.

Then, Sir, there is another point to which the Honourable Minister referred. He said, 'We want to put down corruption and therefore we must deal with the position with stern hands. I know his sternness. There is no doubt about it. I would be very pleased if his sternness roots out corruption from the various departments of the Government. But in his speech, the corruption to which he was referring was not the corruption of the officers of his department. But as I understood him to mean, he referred to the corruption prevailing in the *mandis* and in the *arhtis* and *tolas* and other poor people working in the *mandis* and he wanted to put down that corruption with stern hands. He is obviously one of those

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persons who want a sledge-hammer to break a walnut and would crush a butterfly upon the wheel! I do not want to repeat what I have already said that punishment should be commensurate with the gravity of the offence. Be stern, be severe and be hard as much as you like, but do not be unjust, do not be unnecessarily severe. If your object can be achieved by more reasonable punishment, it is not necessary to be extravagant in providing this punishment, because extravagant punishment and too severe a punishment produces undesirable results. I gave an instance of thieves in this case. If a dishonest *arhti* knows that one day he is sure to be found out and that punishment would be that his licence would be taken away and that he would have to leave the market, then he would say 'All right, let me make hay while the sun shines, let me loot those people as much as I can because one day the sledge-hammer of the Honourable Sir Chhotu Ram might fall upon me and crush me.' This will be the result of a severe punishment. But if he knows that even for a mistake or mishap, the punishment with which he will be visited, will be reasonable, he will have no temptation whatsoever of being corrupt or being dishonest. This has not been considered obviously by the Honourable Minister. Let me assure him that we are with him so far as putting down of corruption is concerned. I wish the Government to do more than it is doing up to this time to put down corruption and that it would not intervene in saving corrupt people by telegrams and letters and would allow those people, who commit offences, to be tried and punished and that it would have no tender corner for any offender whether he is an officer, whether he belongs to a local body or whether he is any other private individual. Whenever a person has committed an offence, the Government should move in the matter and see that he is punished. We shall all be with you and co-operate with you, but your efforts seem to be confined to poor *mandiwalas* only and it is only there that your iron hand, your sternness has its play. We are not in favour of corrupt people. We are not in favour of dishonest people. We want to root out dishonest people, whether they are in the highest place or whether they are in the lowest place. We have no tender corner for dishonest people who take undue advantage of their position. Certainly, everyone on this side of the House would support the Government in putting down corruption. But as I have said, your efforts should not be confined to these poor *mandiwalas* only. Even there, if there are corrupt *mandiwalas*, we are with you to put them down. Let there be no dishonest *arhtis*. Let there be no dishonest *banias*. Do whatever you like, if you can, to oust dishonest people from the *mandis* and spread honesty everywhere. But what we are objecting to is this that the method that you have adopted is not a proper one. Instead of putting down corruption let me assure the Honourable Minister it will lead to corruption. Do you think these sixteen members of the committee who are going to sit there or the gazetted officers who are going to sit there will be brought there from paradise—the winged messengers of honesty? Certainly not. And we shall see when the Bill becomes law and comes into force, whether the Honourable Minister's professed object has or has not been achieved. I do not want to say anything more. I have already said more than enough.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Mr. Deputy Speaker, I rise to appeal to the House for the rejection

of the sub-clause under discussion. It is not from any motive of non-co-operation that I have got upon my legs to ask for the rejection of this sub-clause. There is a very real, very honest and very definite purpose behind it. As I said, Mr. Deputy Speaker, the other day, this is one of the most dangerous and mischievous clauses in the Bill. I oppose this clause on two grounds—on political as well as economic—because, Mr. Deputy Speaker, there are two aspects of the Marketing Bill and this clause is one of the most obnoxious features of the present Bill. The political aspect is that this Marketing Bill may be utilised for the consolidation of the Unionist Party and for giving a defeat to the party which is the nationalist party in the province, that is the Congress Party. The other ground is economic, that is to provide facilities for marketing, so that a better price may be obtained by the grower. Here also I say that if such clauses are put into operation, I think the very object will be defeated. Mr. Deputy Speaker, the difficulty which we experience to-day and which we experienced day before yesterday is that we really do not know as to what were the grounds on which the Government rejected our amendments. The Government adopted an attitude of studied reticence and the Government did not reply to the various arguments which were adduced not only by me but by others as to why these things should not be mended, as to why a machinery should not be provided which may set right any wrong which is committed by any Government officer. We have tried our level best to improve upon this sub-clause. We have moved amendments. Lala Duni Chand moved an amendment providing for the fact that the criminal court should be given the power to look into this matter, whether any breach has been committed by the licensee or not. Government turned a deaf ear to that. I moved an amendment that the matter may be referred to the High Court, but the Government sat mum, and the tragedy of the situation was that this studied reticence of the Government instead of its being attributed to incompetence, instead of its being attributed to lack of argument, the other day in the Unionist papers it was given out that there had been a change of tactics on the part of the Government. The Government had no reply to give to our arguments and it was published in the *Mall Road Oracle*, the *Civil and Military Gazette*, which is their own paper, that as the Government wants to expedite this Bill, it does not want to waste the time of the House by replying to arguments. I say it is an insult to the House to get such things published in the newspapers. We are amenable to argument, quite a large number of members are amenable to argument. We are not wasting the time of the House. We are open to conviction, so that if we are wrong we may set ourselves right, but the Government members sit absolutely quiet and mum and would not budge an inch, and some of the amendments were rejected without a word even from the Honourable Minister or from the Parliamentary Secretary in charge. This is a disgraceful attitude which no Government in any legislature has ever exhibited. In view of this very headstrong and stubborn attitude of Government we on this side do not really know as to what attitude we should adopt, but, Mr. Deputy Speaker, the main ground on which I oppose this clause, is, as I pointed out the other day, that this clause can work havoc in the hands of a wicked ministry as the present ministry is, and as has been seen in the province so many times. The Government has victimised innocent people and its political opponents on political grounds. You will be surprised to hear from me to-day that

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there is a cry abroad in the province that this Marketing Bill is going to kill the *arhtis*. I do not know whether that is going to be done or not, but what I do know is that this Bill aims at killing the entire Congress Party in the province. That seems to be the intention of the Government ; that seems to be one of the motives behind this Bill. This is the political aspect of the Bill and this clause is one of those clauses which will be relied upon to achieve this object. Therefore on that ground I oppose this sub-clause. Mr. Deputy Speaker, it is not a vague apprehension, it is not merely a suspicion. We have got ample grounds to believe it. We have the suspicion that this Bill is going to be utilised in this direction. I know that the Government has behaved most disgracefully, in many cases, as has been pointed out in this House, where the Government victimised people on political grounds. It happens every day. I believe that in this respect there is absolutely no difference whatever between the present Government and its predecessor. If there is any, that difference is this that perhaps in the preceding governments sometimes some grievances were redressed, some grievances were at least heard, but to-day the attitude of the Premier is not the attitude which he had in the beginning when he took up office and when he was a little reasonable and used to listen to some complaints. The time has now come when it can be said of him : "*Har ke dar kan-i-namak raft namak shud*". He became part of a very vicious and mischievous political machinery and he became politically mischievous himself.

Mr. Deputy Speaker : I would request the honourable member not to be personal.

Chaudhri Krishna Gopal Dutt : I am not personal. I said politically wicked. That is not being personal. Mr. Deputy Speaker, the only consolation which according to Sir Gokul Chand Narang was some consolation was that the Government should give a right of appeal from a smaller executive authority to a higher executive authority. Mr. Deputy Speaker, I beg to submit that this is merely an eye-wash. There is absolutely no spirit of justice in this amendment and it is no consolation to me that the Honourable Minister for Development has made up his mind to accept an amendment to be moved by Mir Maqbool Mahmood. I can well recite an Urdu verse which is rather homely in this province to show what would be the result if somebody who has got a grievance against a local authority has got a right of appeal to a higher authority. What is that higher authority ? I have known a large number of cases in which the higher authorities have stood by the smaller authority, because he is the immediate local officer who makes it a question of his own prestige. Moreover there is no difference between that officer and the higher officers. I say the entire administration of this province is corrupt and there is absolutely no hope of justice from any action of Government in this province. It is no exaggeration. I know what I say and I mean what I say. In my opinion, the Government is one hundred per cent. corrupt. What is the couplet that I referred to ? It is this :—

ہم نے چاہا تھا کہ حاکم سے کیلئے فریاد
وہ بھی کمبخت ترا چاہنے والا نکلا

(*Interruption*). I mean the Government. If that can be said of anybody it can be either the Commissioner or the Minister, because I am not in question at all. This is the political ground on which I oppose this clause.

The economic ground, on which I oppose this clause, is this. As I said already, the object of the Marketing Bill as professed by the sponsor is to provide facilities for marketing. More facilities for marketing are being provided in every province and also in other countries. But there are not such stringent and harsh provisions, regulations and rules as are being provided in this province. Further, it is a question of their application. Even a very innocuous measure can become very harmful in the hands of a wicked person or in the hands of a wicked Government. What would be the result if you enact such harsh measures without a right of appeal, without any safeguard or guarantee for the redress of grievances? The result would be that a large number of innocent *arhtis* will be harmed in this province. Consequently instead of providing facilities for marketing you will be creating obstacles in the way of marketing. That is a thing which has not been realised. If you are going to place stumbling blocks in the way of normal carrying on of business in this province, the result will be that you will be accentuating the depression which has already ruined the agriculturists in this province. You can take it from me that even with the best of intentions which you have given expression to now, if you are going to have such clauses and if you are going to work them very stringently as is evident from your attitude at present, the result would be that there would be a tremendous fall in the prices of agricultural produce. That is one danger which we have got to realise. It is all very well for the Government to assume the attitude that it assumes now, because in all their measures they have one aim and that is political. They want to show to the agriculturists that they are introducing all these agrarian measures for the benefit of the agriculturists. But there may be two opinions on that. The Government may be sincere or may not be sincere. But sincerity apart, what will be the actual result? You know your officials, how dishonest they are, how wicked they are, how corrupt they are and how harsh they are. You know how they will work this measure. We must remember that this is the first time that we are having a Marketing Bill. This is only by way of experiment. It is therefore essential that it should not be a harsh measure. Otherwise it will defeat the very purpose of the Bill. It is on these political and economic grounds that I appeal for the rejection of this clause.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): I have no desire to detain the House for any length of time by discussing the subject under discussion except to ask the Honourable Minister in charge of the Bill to explain as to what his punishment would be for an *arhti* or shopkeeper or any person who sells or purchases any agricultural produce in this province if he in any way contravenes any of the rules which may be prescribed in his licence for his guidance. I pointed out that under clause 27 of the Bill, Government have a right to frame rules which would provide punishment up to a maximum of Rs. 500 for any licensed *arhti* who either consciously or unconsciously contravenes any of the conditions prescribed in his licence. But the Honourable Minister in his speech pointed out, if I understood him right, that there is no such provision in clause 27.

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He meant to say that clause 27 does not provide an enabling provision authorising the Government to punish breaches of any of the numerous conditions of the licence of an *arhti*, but only breaches of those conditions which have been issued under the rules. Item (viii), sub-clause (2) of clause 27 says—

The issue by a market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which, and the conditions under which such licences shall be issued or renewed, and the fees to be charged therefor.

The contention of the Honourable Minister will only be correct on the hypothesis that the punishment which the Government can give under sub-clause (3) amounting to Rs. 500 only refers to breaches of the conditions of the licence which may be issued under these rules, that is, breaches of the conditions of licence of weighmen, measurers, warehousemen, and brokers who may be working in the markets. There is another item, item (xx) of sub-clause (2) of clause 27 which authorises the Government to frame rules for prescribing the form of licence and the conditions under which the licence shall be issued. Now this item is not confined to prescribing the conditions of licence to be issued to warehousemen, brokers, weighmen and measurers. This evidently applies to all licences which may be issued under this measure, whether they are issued to merchants or *arhtis*, sellers and purchasers, to storers of goods or whether they are issued to weighmen, measurers or brokers. Now, if the object of sub-clause (3) is that the rules can only be framed to provide punishment for breaches of conditions of licence of brokers, weighmen and measurers, then we are faced with the unpleasant position that for the *arhti*, for the merchant, for the shopkeeper, who would be licenced under the Act there is only one punishment, that is, the cancellation or suspension of the licence which means depriving him of his livelihood. It is up to the Honourable Minister or his Parliamentary Secretary to make this point clear. Is there or is there not a provision in the Act? Have the Government reserved to themselves or have they not reserved to themselves the power to frame rules to punish with a lesser penalty than suspension of licence any breach in the conditions of the licence which may be granted under the Act to a trader or an *arhti*? I understand the Honourable Minister for Development to mean that there is no such condition, that there is no duplication of punishment as was sought to be pointed out earlier, and I think he is correct. I wait for an answer and I hope the Honourable Minister for Development will take the House into confidence as to what the intentions of the legislation are. Did they contemplate a set of circumstances where a merchant who is to be given licence and who has contravened one of the 50 conditions of the licence, did they contemplate that in such a case he should be punished with a fine of Rs. 5 or 50 or did they contemplate that whatever the offence, whatever the gravity or the smallness of his offence may be, the only punishment is, his licence is suspended or he is allowed to go free? I take it—I do not know whether it has been realised by all the members of the Government—I take it that the Honourable Minister knows that he has not provided any other punishment and on a careful reading of the wording of this section I come to the same conclusion and I ask my learned friend, the Honourable Advocate-General, or any other lawyer to contradict me—that nowhere in the provisions in this Bill a lesser punishment for any breaches of the licence is provided. For instance, one of the conditions of the licence may

be that the place where the grain is sold should have a well cemented floor. Suppose the cement is not done properly in a particular place or suppose he has got 8 or 10 *kothas* cemented and he occupies one or two more *kothas* temporarily which are not cemented, because he has received more business than available accommodation then certainly one of the conditions of the licence is broken. Or suppose that rules provide that no grain shall be accepted except through a licensed broker or something like that. Suppose one of the petty conditions is not strictly adhered to. I ask the Honourable Minister for Development as a good legislator, apart from the merits of the controversy, apart from the merits of the Bill—whether he has laid down anywhere a punishment for such small breaches and whether it is or it is not proper that there should be a provision of this sort just as is provided in the Bombay and other Acts. There is no such provision here. I am here pointing out a lacuna in the Bill as it is put before the House. I am not trying to argue on the merits of the Bill, whether it is good for the zamindar and trader or whether it is bad for the grower and merchant. I say that in a legislation like this this House should not be party to say that a merchant or *arhti* when he is guilty of any offence should get one punishment only, namely, the suspension of his licence, which is the maximum and minimum punishment. That is not what you find in any legislation. I make bold to say that. That is not the kind of thing that you would find in any legislation relating to marketing in any of the provinces in India. You have after all copied provisions from the Marketing Bills in other provinces. There is the Central Provinces Marketing Act, there is the Madras Marketing Act. There is the Bombay Marketing Act. Do they or do they not provide a lesser punishment than suspension of licence? If they do, then it is a thing to which the Honourable Minister for Development might very well devote his attention and see if he cannot arm himself with this power. I am merely pointing out this omission to him. Let him, if he likes, keep to his nominated officer or to the Government the power of suspending the licence also. But let him in any case provide some punishment which will meet lesser breaches. That is provided everywhere else. After a careful consideration, I think that all the time the Honourable Minister knew about this and did not like to make it quite clear to the House beyond saying that there is no duplication, that he meant that this section 27 only provided certain conditions under which licences should be given, that this sub-clause (3) of clause 27 did not apply to the breaches of licence by *arhtis* which is provided under section 6 of the Act. Now I respectfully submit that unless the Honourable Minister for Development has adopted an attitude of adamantine obstinacy I myself do not see any sense or reason in his not adding to his powers by having lesser punishments, also provided. As a sensible man he should anticipate certain conditions where a lesser punishment will be enough. He would be reserving to himself the higher power also and in taking this power also he would be at any rate passing a sensible legislation. I think such a power will also be useful to the *arhti* or the merchant. It is only in very exceptional cases perhaps in cases coming before the Government once a year that power of suspension will be exercised. But if power of lesser punishment is not there, the normal course would be that suspension of licence would be recommended and there will be severe dislocation of business. Looking at it from the point of view of the *arhti*, if he knows that any breach howsoever small or howsoever insignificant

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would be met by the suspension of the licence, he will either become reckless or he would give up this trade. It is all very well to say for the Government that they will not do it, that ordinarily it shall not be done, but does it add very much to the self-respect of the Punjabis or the self-respect of persons who are to be the victims of this legislation that their trade and their good name should be needlessly left to be destroyed at the discretion of an individual officer? Is it not up to this House, up to any Government to let everybody know as to what the punishment would be for an offence for any act or omission of which he may be guilty or should it be allowed to hang like the sword of Damocles over the head of every merchant that the question whether he will lose his profession or not will depend upon the sweet will of the Honourable Minister? Therefore, amongst other reasons which have been given, I say that this does not fulfil the tests of a good legislation. This is not a sensible piece of legislation, and *arhtis*, if this is the minimum punishment provided for the least contravention of the conditions of a licence, would be justified in not taking out licences at all. You are practically giving a handle to these merchants to non-co-operate with this legislation. If you pass a reasonable legislation, if a man knows that he might even in some cases have ordinary punishment, I should say even three months' imprisonment, even six months' imprisonment, he will know where he stands and he will be careful. As I pointed the other day, suspension means the ruin of his entire business. Therefore, unless the object of the legislation is vindictive, I appeal to the Honourable Minister to be more reasonable.

Lala Duni Chand (Ambala and Simla, General, Rural) : I know ours is a cry in the wilderness. All the same we want to make a cry and a loud cry. I may give you the reason why we want to make the cry. We know that those unfortunate persons whom this Bill is intended to benefit will not receive any benefit. The time will come soon when the growers will be called upon to say who are their friends and who are their enemies. With regard to the Honourable Ministers who are responsible for sponsoring this piece of legislation, they will say, that they will cry and cry loudly 'save us from our friends'. I also object to this for the reason that the Honourable Ministers do not know themselves. It is necessary for them to act up to the saying 'know thyself'. In a mood of spite, in a mood of vindictiveness, you are going to pass this legislation, but you do not know the effects of this legislation on the province.

Mr. Deputy Speaker : The honourable member should confine his speech to the clause under consideration.

Lala Duni Chand : I am pointing out that it is a poison that the Government is going to administer to their people. The Government should have taken into consideration, the well established canon of business and trade, namely to what extent a legitimate trade can be regulated or controlled. I submit that the control to which the ordinary business is being subjected is not the normal control that should be exercised by any Government in the interests of any class of persons. I am aware that the Government is going to kill the hen that has been laying the golden egg.

Minister for Development : *Achha?*

Lala Duni Chand : Yes. Speaking economically, there is a close economic relation between those people who carry on trade or business and those people who produce agricultural commodities. By drawing a line of distinction between those two classes or by trying to create a cleavage between these two classes the Honourable Minister for Development will not be able to keep to that principle of economics. After all, the different classes of this province are economically connected with each other. They are acting and re-acting upon each other. If the Honourable Minister for Development is going to weaken or kill any particular class, of course he will succeed in killing that class, but he will also weaken those other classes with whom that class had economic relations.

Mr. Deputy Speaker : The honourable member is speaking on the whole Bill and not on this clause. I would request him to speak on the clause under consideration.

Lala Duni Chand : I want to submit that the retention of the clause regarding the cancellation of licence is bound to affect all classes of people adversely. It will not help anybody. In my mind it leads to disastrous consequences—the provision for cancellation of licences. It will open out avenues for a lot of corruption and for a lot of oppression. Can the Honourable Minister for Development guarantee that all the members of the market committees that he is going to set up will be ideal people, absolutely honest people, actuated by the best of motives? I grant that some of the businessmen and the *arhtis* may be dishonest, but can he say that all those people who are going to punish the *arhtis*, all those people who are going to administer the law will be all men of spotless character? I know a good many of them will make use of this inequitable piece of legislation for their own selfish purpose, in order to gratify their own enmities. I do think this clause, as it is going to be enacted, is not going to be helpful to those people. With these words, I strongly join my cry with the other cry that has been raised in this House and this is the only consolation that we have got and I hope time is not far when the verdict will be given in our favour and adversely to those people who are enacting this most monstrous law.

(Voices : Question may now be put.)

Mr. Deputy Speaker : The question is :

That the question be now put.

The motion was carried.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : All the arguments that have been advanced by various members in considering the clause as a whole are more or less the same as were used by them on previous occasions. To those arguments I have already replied. There is only one point which has been raised by Mr. Mukand Lal Puri which calls for a further reply. There were certain friends who suggested that there was provision for double punishment in this Bill on account of a provision for punishment having been made in clause 6 as well as in clause 27 (3). I stated that if we read the two clauses carefully, we were bound to come to the conclusion that there was no question of a double punishment. I am glad to find that my friend Rai Bahadur Mr. Mukand Lal Puri has seen that there was force in

[Minister for Development.]

my argument. It is clear as day light that there is only one single punishment provided under clause 6, namely, that of cancellation of a licence in the event of a breach of the conditions thereof. Sub-clause (3) of clause 27 has absolutely nothing to do with the punishment of breaches of conditions of licences which are not granted under the rules framed thereunder. So far as clause 6 is concerned, it is a substantive clause and not a rule framed under clause 27. Therefore, while it may be reasonable to suggest that there ought to have been a lighter alternative punishment also for breaches of the conditions of governing a licence, there is no force in the argument that the same offence has been punished twice over.

Another objection that was raised by Dr. Sir Gokul Chand Narang was that he did not know the exact nature of the amendment that has been suggested for the provision of an appeal and that if the amendment suggested on behalf of the Government was better than his own amendment, he would be quite willing to accept it, but that if the amendment was not good enough from his own point of view, he would oppose it. Of course I know that he and his friends, who are in the habit of supporting capitalist interests, will oppose any amendment which is proposed by the Government. But he may also clearly understand that the Government is not likely to accept any amendment which has the effect of setting at naught the principle underlying this Bill. The amendment that has been proposed on behalf of Government allows an appeal in all cases in which power under clause 6 has been exercised by a gazetted officer. But the appeal shall lie to the Government and not to the district judge.

Dr. Sir Gokul Chand Narang also suggested that when Government spoke of its resolution to stop corruption, it probably only meant corruption that existed in *mandis* and that Government would never turn its attention to suppressing corruption in other quarters. That was a very uncharitable suggestion to make. I have been listening here for the last two or three days to the volume of abusive language hurled so often and so recklessly against the Government by people who ought to know their duties better.

Diwan Chaman Lall : May I ask my honourable friend what he does when he goes about the country ?

Mr. Deputy Speaker : I would request the honourable member to resume his seat. (*Interruptions.*)

Minister : I am not going to be off the track by anything which that political windbag may have to say.

Diwan Chaman Lall : An absolutely political charlatan.

Mr. Deputy Speaker : Order please. The Honourable Minister may proceed with his argument.

Chaudhri Sir Chhotu Ram : I was speaking of the uncharitable suggestion that was made by Dr. Sir Gokul Chand Narang that Government might be anxious to put down corruption in *mandis* but that it never turned its attention to put down corruption in other quarters. Well, I may assure the honourable members and his political associates that Government is determined to put down corruption in all quarters wherever it is found to

exist. The limiting factor is the help that co-operation which the Government receives from the honourable members who occupy opposition benches. If those friends are willing to give all reasonable co-operation and help, it will be much easier for the Government to put down corruption. Government will welcome any help that is rendered either by the Opposition or by anybody else outside this House. But the determination to put down corruption should not be confined to putting down corruption only in services. If there is corruption elsewhere which is equally repugnant, which is equally wicked, and which is equally harmful to the interests of the community in general, there is no reason why it should not be put down. (*Interruption.*) So far as this Bill is concerned it is meant to put down corruption that exists in *mandis*. We are going to put it down. We are resolved to put it down in spite of all the opposition which our opponents are capable of offering. My friends, if they are sincere in their attempts to ameliorate the condition of the poor peasantry of the province, ought to be keen to help the Government in passing a measure of this type. My friends profess all the sympathy, which human nature is capable of, for the poor zamindars, for the poor peasants for the poor tenants of the province and yet they have the hardihood to put forward an amendment to the effect that the power to suspend or cancel licences should only be exercised if the market committee has made a unanimous recommendation in that behalf. My friends are quite well aware that the market committees will have an element—large or small—of the representatives of traders, brokers and other licensees also (*Interruption*). Do the members of the opposition seriously maintain that these representatives of licensees, traders, brokers, *arhtis*, weighmen, measurers, and surveyors, are going to lend their support to any proposal favouring cancellation? And yet these gentlemen have the impudence to suggest—

Chaudhri Krishna Gopal Dutt : Delete the word 'unanimous' and accept the amendment.

Mr. Deputy Speaker : I would request the honourable members not to interrupt.

Minister : These gentlemen have the impudence to suggest that they are sincere in their desire to do good to the poor peasantry of the province. (*Interruption.*)

Mr. Deputy Speaker : I would request the honourable members not to interrupt.

Rai Bahadur Mr. Mukand Lal Pari : May I, through you, put it to him as to why he does not follow the provisions of the Bombay Act?

Minister : The honourable member suggests that the Punjab Government ought to follow in the footsteps of Bombay Government. Why do we not follow the example of Bombay or other provinces? Because we believe that we are setting a good example which other provinces will probably follow. (*Interruption.*) When the Money-lenders' Registration Bill was under discussion the same tactics of interruptions were caused. But what happened? (*Interruption.*)

Mr. Deputy Speaker : I would request the honourable members not to interrupt.

Minister : Our friends opposite are absolutely wicked and disgraceful in their behaviour. They want no one else to speak. Did any one interrupt them when they were speaking ?

Dr. Gopi Chand Bhargava : I rise to a point of order.

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

Dr. Gopi Chand Bhargava : I want to raise a point of order as to whether the word 'wicked' was parliamentary.

Mr. Deputy Speaker : But the word has already been used.

Dr. Gopi Chand Bhargava : But is it parliamentary ?

Mr. Deputy Speaker : The word 'wicked' may be parliamentary or may not be parliamentary but it is offensive. The same word was used only a few minutes ago by the honourable member on that side of the House.

Dr. Gopi Chand Bhargava : Sir, if a man uses an offensive word wrongly and it was not withdrawn or objected to, does it justify the use of the word again ?

Chaudhri Krishna Gopal Dutt : I said politically wicked ministry which is an abstract thing.

Rai Bahadur Mr. Mukand Lal Puri : Is it parliamentary to call members of the Opposition wicked and disgraceful ?

Mr. Deputy Speaker : I have already asked the Honourable Minister to speak to the motion.

Rai Bahadur Mr. Mukand Lal Puri : I hope, without being called by you, the Honourable Minister will withdraw it.

Minister : I used the word because it was previously used by an honourable member of the Opposition. I was just suggesting that what the Punjab Government has done to-day may be done by any other Government as it has happened in the case of the money-lenders legislation. Let us set an example and let us hope that other provinces will follow it. With these words I conclude my speech.

Mr. Deputy Speaker : The question is—

That clause 6 as amended stand part of the Bill.

The Assembly divided : Ayes 74 ; Noes 31.

AYES

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Atzaalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Husain Khan, Chaudhri.
Fateh Muhammad, Mian.

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| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Fazal Din, Khan Sahib Chaudhri. | Muhammad Sadiq, Shaikh. |
| Fazal Karim Bakhsh, Mian. | Muhammad Sarfraz Khan, Raja. |
| Few, Mr. E. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Gauba, Mr. K. L. | Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed. |
| Ghazanfar Ali Khan, Raja. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Ghulam Qadir Khan, Khan Bahadur. | Nasir-ud-Din, Chaudhri. |
| Ghulam Rasul, Chaudhri. | Nasrullah Khan, Bana. |
| Ghulam Samad, Khawaja. | Nawazish Ah Shah, Sayed. |
| Gopal Singh (American), Sardar. | Nur Ahmad Khan, Khan Sahib Mian. |
| Habib Ullah Khan, Malik. | Pir Muhammad, Khan Sahib Chaudhri. |
| Haibat Khan Daha, Khan. | Pohop Singh, Rao. |
| Harnam Singh, Captain Sodhi. | Pritam Singh Siddhu, Sardar. |
| Indar Singh, Sardar. | Ram Sarup, Chaudhri. |
| Jalal-ud-Din Amber, Chaudhri. | Ripudaman Singh, Thakur. |
| Jogindar Singh Man, Sardar. | Roberts, Sir William. |
| Karamat Ali, Shaikh. | Shah Nawaz, Mrs. J. A. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Shah Nawaz Khan, Nawab Sir. |
| Manohar Lal, The Honourable Mr. | Sham Lal, Rai Bahadur Chaudhri. |
| Mubarik Ali Shah, Sayed. | Sikander Hyat Khan, The Honourable Major Sir. |
| Muhammad Ashraf, Chaudhri. | Singha, Diwan Bahadur S. P. |
| Muhammad Azam Khan, Sardar. | Sumer Singh, Chaudhri. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Suraj Mal, Chaudhri. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Tara Singh, Sardar. |
| Muhammad Hussain, Chaudhri. | Tikka Ram, Chaudhri. |
| Muhammad Hussain, Sardar. | Ujjal Singh, Sardar Bahadur Sardar. |
| Muhammad Jamal Khan, Leghari, Nawab Sir. | |
| Muhammad Nawaz Khan, Major Sardar. | |

NOES

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|------------------------------|----------------------------------|
| Ajit Singh, Sardar. | Kapoor Singh, Sardar. |
| Bhagat Ram Sharma, Pandit. | Kartar Singh, Chaudhri. |
| Chaman Lal, Diwan. | Kartar Singh, Sardar. |
| Duni Chand, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Duni Chand, Mrs. | Muhammad Hasan, Chaudhri. |
| Gokul Chand Narang, Dr. Sir. | Mukand Lal Puri, Rai Bahadur Mr. |
| Gopal Das, Rai Bahadur Lala, | Mula Singh, Sardar. |
| Gopi Chand Bhargava, Dr. | Muni Lal Kalia, Pandit. |
| Hari Lal, Munshi. | Partab Singh, Sardar. |
| Harjab Singh, Sardar. | Prem Singh, Mahant. |
| Harnam Das, Lala. | |

Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
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.

Clause 7.

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

That in line 3, the word "notified" be deleted.

Sir, my object in moving this amendment is that there should be a separate market committee for every market. It goes without saying that every district or any portion thereof when declared a notified market area would comprise of several markets. I need hardly say that under the provisions of the Bill a notified market area may have more than one market. It means that if this clause were accepted in the form as it stands in the Bill, it would adversely affect the interests of those zamindars whom the Government intends to benefit by means of this measure. What I want to say is that the market committee as proposed by the framers of the present Bill should be such as could easily and promptly do justice to those who have reasons to complain against the malpractices of the *arhtis* and other *mandiwalas*. If there is only one market committee for every notified market area or in other words a market committee for many markets, the result would be that the aggrieved persons would not be able to get their grievances immediately redressed. They will have to go to the headquarters of the committee in some other village or town and thus it will take time to reach the place and get the verdict of the proper authorities in the matter. An aggrieved person who cannot afford to leave the market but at the same time needs immediate justice would not be able to get it there and then. What I mean to say is that all possible facilities should be provided to the aggrieved persons. They should be in a position to make every complaint they have to the members of the market committee without any delay or difficulty. Furthermore, Sir, in the case of local market committee its members would be well acquainted with the local conditions of the market. They would be perfectly aware of the personal conduct of every *arhti* and *mandiwala*. They would know who is honest and upright in his dealings and who is not.

Again, there is another very serious apprehension in our mind which requires a very careful consideration by the House. It is very likely that the members of a market committee for a notified market area would make a capital out of their offices. It is just possible that they would be accepting illegal gratification from the poor complainants coming from some distant place or village. But there will be no such chance of receiving bribe for the members of a local market committee. This point apart, there is another consideration of vital importance which we should not lose sight of. In case there is only one committee for a big and vast notified market area its members would have to move from place to place in connection with the administration of several markets situated within that area, and like the members of the district boards who do not get any salary but supplement their income

by means of travelling allowances, the members of the market committee would have no scruples to do the same. In this way, I am sure, the item of their travelling allowances would grow out of all proportion to the quality and quantity of work done by them.

In the end, I sound a note of warning to the Government that if it likes to save the funds of these committees from this lawful scramble in the form of travelling allowances by the members, it should give a favourable and patient consideration to my amendment. With these words I commend my amendment to the acceptance of the House.

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

That in line 3, the word "notified" be deleted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, I should consider myself guilty of unpardonable waste of time if I tried to reply to what has been said by the honourable mover of this amendment.

Mr. Deputy Speaker : Question is—

That in line 3, the word "notified" stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 7 stand part of the Bill.

Premier : May I for the information of the House point out one thing? We have taken three days on clause 6 and I think that any reasonable person will agree with me that it has been unconscionably long time over this clause. If we go on at that rate, we would not be able to finish the business within the period which I have suggested, a period which was not only generous and liberal, but, I think, from the public point of view, extremely generous, because after all the burden of expenditure falls on the exchequer. My honourable friend, the Finance Minister, will be able to tell you how hard up we are at the present moment.

I make bold to suggest that I am going to propose the advisability of enforcing the guillotine system. With regard to clause 8, which is an important clause, I suggest that we should give one whole day of six hours to that clause and with regard to other clauses I suggest that we should get through four clauses a day. I am merely suggesting that this would be the only way to finish the Bill within the time allotted. With due deference I may state that yesterday at 6-20 p.m. we had practically finished clause 6, but then a gentleman from that side got up merely because he had nothing to say and he even fumbled for words which were not easily forthcoming, and when he did find words he was irrelevant. (*A voice*: But he spoke for 20 minutes to-day.) Yes, but yesterday he had nothing to say. I would request my honourable friends to help me in not forcing me to resort to that course.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General Rural): We all join in supporting the Honourable Premier in what he has said except with regard to guillotine. I may state that clause 6 was one of the most important clauses in the whole Bill. It was one of the crucial clauses.

Mr. Deputy Speaker : Would the honourable member like to speak on clause 7?

Rai Bahadur Mr. Mukand Lal Puri : I have not got up without any reason. This is not in any way an important clause and therefore you will realise that I did not nor did anybody else in this part of the House get up to support the amendments of which notice had been given. By section 7, you will notice, the Government propose that the Government shall by notification establish a market committee for every notified market area. This clause or this provision seems to have been taken from similar enactments in other provinces. But divorced from other provisions which exist in those enactments this seems to be, standing by itself, a meaningless provision. What is the idea of having a market committee? The idea is to confer a kind of self-government on a local institution. You make provision for a municipal committee or a district board to manage the local affairs of a particular town or a particular area, and similarly with a view to give representation to persons who are likely to be affected by the marketing legislation you institute a market committee. In the Bombay Act and the Madras Act you have a provision for both the growers and the *arhtis* electing their own representatives to manage their own affairs. That provision is lacking here. There is to be a nomination by the Government of persons whom it likes from amongst the growers, and from amongst the *arhtis* the Government will select from amongst a panel to be submitted. I fear that the market committee thus nominated will be merely registering the decrees and the orders passed by the local Government. You institute market committees and you will have to incur a certain amount of expenditure on them with the result that the agricultural produce will become dearer, thus defeating the professed object of this legislation. If the market committees are constituted in the manner proposed, it will do equally well to appoint an officer in a district to look after the markets. He can, after enquiry, frame rules, and the officer can also be entrusted with the duty of punishing breaches of those rules and let there be an appeal also to the Honourable Minister for Development. Therefore, I submit that the constitution of market committee in the circumstances would not be useful and is unnecessary.

Mr. Deputy Speaker : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): I beg to move—

That in sub-clause (1), line 3, for the figure " 8 " the figure " 5 " be substituted.

We have now come to the most important clause, and that is as regards the constitution of the market committees. The first item in that clause is the strength of the committee, as to how many minimum or maximum members we should take in that committee. It is suggested in the Bill as

amended by the select committee that not less than 8 and not more than 16 members will be taken in the market committees. In my opinion, Mr. Deputy Speaker, although it is not a very important matter, I would stick to the figure of 5. There is no particular sanctity or auspiciousness attached to the figure 5. But the reason why I want the figure 5 is this, that 8 in my opinion would be rather unwieldy, and figure 5 would be a very reasonable and satisfactory number. I know that in the market committees in the other provinces, the figure is higher than 8. But as far I have been able to gather the market committees from this point of view have not worked satisfactorily, because a particular kind of heterogenous element was brought into the market committee which made the successful working of the market committee rather difficult and the other reason why I want the figure 5 and not 8 is evidenced by the very amendment intended to be moved by one of the honourable members on that side who, I regret to say, is not present in the House at present. I am referring to Sardar Jagjit Singh Mann's amendment that—

In sub-clause (1), lines 2-3, for the words "not less than 8" the words "not less than 12" be substituted.

I have a suspicion lurking in my mind that some people who are always expecting some rewards from the Government or who are always hankering after some favours want the number to be increased so that their chances of getting the favour by way of nomination to these committees may be increased. I believe it is for this reason that they intend to increase the number from 8 to 12. That is one reason why I oppose such a large number. I know that if such a large number is fixed, I am sure, Government will abuse it, as the Government has abused similar powers in the past. A burnt child dreads the fire. On that basis I want that the number should be as much limited as possible. The size of the committee should not be unwieldy. It is from these points of view that I have suggested the figure 5 as a very reasonable one. So far as the maximum number is concerned, in my opinion the figure should be 10 instead of 16. I think that all the interests that should be represented in this committee can be represented within that figure 10. With these words I commend my amendment for the acceptance of the House.

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

That in sub-clause (1), line 3, for the figure "8" the figure "5" be substituted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I support this amendment which also stands in my name. In addition to the reasons which my honourable friend from Sialkot has given, I think the smaller the number the better, because then there is likely to be more agreement among the people. My friend said that he did not see any particular sanctity in the number 5. Being a Punjabi he ought to know that we say *Panjan wich Parmeshwar*. (*An honourable member* : We do not believe in Parmeshwar.) That may be. However, I believe that if five people are assembled they will show some regard for honesty, purity of thought and godliness. Anyhow that is only by the way.

I think that the bigger the number the greater will be the expense of the committees. Further, the smaller the number the less would be the

[Dr. Sir Gokul Chand Narang.]

corruption. The Honourable Minister hopes to weed out corruption. But I think he will find it impossible to weed out corruption in the manner in which he has started. The smaller the number the less will be the sum total of corruption. There would be less of friction and there will be less of toadyism. There will be less of exactions and oppression. If the number is 12 or even 8, every member will think that he is the lord and master of the *mandi* and he will go about strutting in the markets looking at this *arshi* and that and expecting salams from every one of them and also presents from them on all sorts of occasions. We should minimise all possibilities of friction as well as of corruption and I personally believe that a committee of five will work more smoothly and efficiently than a committee of 8 or 16. Our past experience shows that the larger the number, the longer the duration of deliberations. I would ask the Honourable Premier and the Minister for Development whether it is not a fact that when this Council was a smaller body the business was gone through more expeditiously. Now it consists of 175 members and certainly it requires more time, because there are more speakers, more amendments and more suggestions and so on. So, judged from that point of view, I think a smaller number should be preferred. I do not believe in quantity but in quality. If five persons of the best sort in an *ilaga* are selected, they would certainly do better than 8 or 16 men of different character, doubtful honesty and doubtful intelligence. We do not want men of the type whom Malik Barkat Ali described in one of his notes as cattle. We want more sensible people who understand business and who are not likely to take undue advantage of their position as members of the committee. You know what the late Sir Iqbal has said in one of his well-known poems—

کہ از مغز دو صد فکر انسانی نرے آید

If you have so many cattle collected they will not be able to put forth the brain of even a single intelligent man. From that point of view also I would prefer a smaller number.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is the honourable member, who has quoted one hemistich from Iqbal, against democracy?

Dr. Sir Gokul Chand Narang : There is absolutely no democracy in the proposed committees who are going to be nominated bodies.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir Iqbal's couplet reads as follows :—

حزب از طرز جمهوری غلام پختہ کارے شو
کہ از مغز دو صد فکر انسانی نرے آید

Lala Duni Chand (Ambala and Simla, General, Rural) : In my amendment I fixed the number at 3 in view of my scheme that there would be one market committee for every market. But as that scheme has been voted down, I would not like to make a speech in support of my amendment. I will only move it. As regards the number 16 I am strongly opposed to it as also to the minimum number 8. Even if the House does not accept my amendment I would suggest a *via media* and recommend a smaller number to be accepted.

Rai Bahadur Mr. Madan Lal Pari (Rawalpindi Division, General, Rural): Most of the arguments in favour of the amendment have been placed before the House and I do not want to repeat any one of them. I only wish to bring to the notice of the House and of the Honourable Minister for Development two points of view with respect to fixing the number. If the Honourable Minister will look at the amendment he will find that it says that every market committee shall consist of not less than five, so that there is nothing to prevent the Honourable Minister from fixing more than five. It only gives him discretion to fix the number at five in cases where perhaps five may be justified. In some cases there may be places where it may not be possible to get eight men; or again the places may be so small that it may not be necessary to have more than five. In such cases where the markets are very small a committee of five persons can very well look after them. If you accept this amendment you would have the opportunity of constituting a smaller committee at places where it would be so necessitated by the circumstances of the case. It would not in any way prevent you from constituting committees of eight where the circumstances of the case justify that course. Therefore, if I were in his position, I would at once accept this amendment, because it is only an enabling power which gives him the power to have a smaller committee where the circumstances local or personal justify such a course. That is my first reason for supporting the amendment inasmuch as a party from other reasons it does not even go against the provision proposed by the Government. Let them have as a general rule committees consisting of persons not less than eight in number. This amendment would not affect it. This amendment only gives additional power to Government to act in certain contingencies and circumstances in a different way, where they would like to have a lesser number than eight.

The second reason and which is a more important one is the one which has been suggested by the remarks of my friend from Muzaffargarh. He says if you reduce the number you will perhaps be working against a democratic principle. We should remember that these market committees are not to be legislative bodies like the municipal committees or legislative assemblies or the district boards. They are meant to be business committees and they according to the best democratic principles should consist of as few men as possible so that they may act with cohesion and with one mind and there should be no question of party. In certain cases if you have a market committee consisting of as many as 16 members, you are practically constituting a committee in a local area larger in number than the committee of the whole town. In most of your second class committees or notified areas the deliberative body for the management of the whole town, i.e., municipal committee or small town committee consists of less than 16 persons. How far is it desirable that the management of a portion of the town, a market area that will be in some case less than a hundredth portion of that town should be entrusted to a body larger than the town itself? It would not be a business body. At present the power is taken by the Government to nominate these men. I would urge upon the Government that if these bodies are to be useful even from the point of view of the Government, they should not be unwieldy and cumbersome. Therefore on both these grounds I commend this amendment for the acceptance of the Honourable Minister for Development.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (Urdu) : Sir, I rise to support the amendment moved by my friend, Chaudhri Krishna Gopal Dutt. When my friend, Dr. Gokul Chand Narang, was making his speech my friend, Khan Bahadur Mushtaq Ahmad, got up and asked if we were opposed to the introduction of democratic element in the market committees.

Mr. Deputy Speaker : Order, please. The honourable member has no right to speak on that interruption.

Chaudhri Kartar Singh : Very well, Sir. The honourable members on this side wanted to explain their point of view.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Chaudhri Kartar Singh : The Opposition is in favour of a smaller limit and is opposed to a larger limit. We want the limit of five instead of the limit of eight. The Government is in favour of a larger number. May I ask when the number of the members of this House is 175 why the Cabinet consists of only six Ministers who are responsible for running the administration of the whole province? When we say that representation should be given to the people of the *ilaga* the Government do not agree and say that they have given powers to deputy commissioners and not to the representatives of the people. If you will increase the number of members of the marketing committees like that of the municipal committees or the district boards the corruption will creep in just as it has crept into the provincial administration. The members of the marketing committees will begin to seek employment for their sons and will go astray and leave their original profession. If the number of the members is increased these committees will, like municipal committees, assume the form of cock-pits. In my opinion the number of members should be five. If that is agreed to, the work will be carried on efficiently. My learned friend made an appeal and my other friends consider such appeals as useless. But I feel that it is possible that my appeal which is being made by a Jat may produce some effect. I therefore appeal to the Honourable Minister for Development that he, being the well-wisher of the poor zamindars, may kindly consider this matter very favourably. If the number of members of the marketing committees is reduced, the work will go on smoothly and these committees will prove more beneficial to the zamindars of the province.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I will say just a few words by way of reply. The upper limit has been fixed at 16 and the lower limit has been fixed at 8. Between these two limits I think there is sufficient latitude to form either smaller committees or larger ones. Now take the instance of Amritsar. A committee of less than 16 for Amritsar may not be able to give adequate representation to the different interests involved. But I think greater objection has been taken to the lower limit. Why should this lower limit not be brought down to five instead of eight? The answer is obvious. Now suppose we brought it down to five. What would happen? At least one will be an official member; then we are left only with four. Out of these, two-thirds have to be representatives of growers and one-third of licensees. Will that number really give sufficient representation to licensees? In their desire to secure a reasonable representation of both interests Government

have selected 8 as the lower limit and 16 as the upper limit. These limits will allow sufficient latitude to give adequate representations to both these interests.

Mr. Deputy Speaker : The question is—

That figure "8" in line 3 of sub-clause (1) stand part of the sub-clause.

The motion was carried.

(Voices : How have you put the amendment to the vote ?)

Mr. Deputy Speaker : This is the only way in which the question can be put.

Diwan Chaman Lall : You do not intend to put any amendment to vote at all ?

Mr. Deputy Speaker : All the amendments are being put to the vote in the best possible manner. That is the only proper way in which these amendments should be put to vote.

Diwan Chaman Lall : May I request you to be a little helpful to this side of the House ? The matter is not clinched by your merely saying that it is being put in the best possible manner. It may be the best manner, but are you going to put no amendments to the vote of the House, and are you going to merely put the substantive clause as such to the House ?

Mr. Deputy Speaker : I am putting every amendment to vote.

Diwan Chaman Lall : What is it that you put to the vote just now ?

Mr. Deputy Speaker : That figure "8" stand part of the sub-clause

Diwan Chaman Lall : Therefore, you are not putting the amendments to the vote of the House ?

Mr. Deputy Speaker : I am putting the amendments to the vote.

Diwan Chaman Lall : Which amendment are you putting now ?

Mr. Deputy Speaker : Amendments Nos., 2, 3, 4 and 5.

Diwan Chaman Lall : The amendment moved is not what you have put to the House. Amendment moved is number 5. It is a very simple matter we ask you to put these amendments.

Mr. Deputy Speaker : It is even simpler than the honourable member thinks it to be. I have put it in the only possible manner. There is no other way to do it.

Diwan Chaman Lall : May I suggest another way of putting it and that is the way that we have been using here ? So far as I can remember that is this. When an amendment is moved the amendment is put to the vote of the House as such. The original clause in this case stipulates 8 members to which an amendment has been moved substituting figure 5 for figure 8. We request you to put the figure 5 to the vote of the House and take the opinion of the House on figure 5. If this amendment is rejected then you put the original clause to the vote of the House.

Mr. Deputy Speaker : There is absolutely no difference so far as taking the vote of the House is concerned. This is the only way and there is no other way.

Dr. Sir Gokul Chand Narang : That is really an important matter and you have raised it yourself and we want guidance if you will kindly listen to me. You have now adopted the method of putting the original clause to the House and of saying that the original clause as it stands stand part of the Bill and you say that if that is rejected then you would put the words or figures which are sought to be substituted by means of the amendments. Is not that the method which you have followed? But there have been several amendments by way of substitution, for instance No. 6 and No. 7 of clause 6 where you did not follow that method. You put those amendments as they have been proposed. If you had then followed the method which you are now following, you would have said the clause as it stands stand part of the Bill and if that had been rejected then you would have said that the original clause be substituted by the amended clause. I do not know why you have changed your method. The proper way was the one that you had been following earlier.

Mr. Deputy Speaker : The way I am now following is the proper way.

Dr. Sir Gokul Chand Narang : Then you followed the improper way so far as amendments Nos. 6 and 7 are concerned?

Mr. Deputy Speaker : There is not the slightest difference so far as the result is concerned.

Sardar Sahib Sardar Santokh Singh : I would refer you to rule 102 that clearly lays down the procedure. I would request you to read the last portion —

After the amendments have been disposed of, the Speaker shall put the question that the clause, or the clause as amended, as the case may be, be added to the Bill.

Mind the words "after the amendments have been disposed of." In this particular case an amendment was duly moved and properly discussed and I submit that the position would be that either the amendment is withdrawn or it should be voted upon before you proceed further and put the original clause.

Mr. Deputy Speaker : I have simply put the amendment to the vote of the House, thus that figure "8" should stand part of the sub-clause.

Voices : That is not the amendment.

Mr. Deputy Speaker : This is the amendment.

Voices : Who said that this is the amendment?

Dr. Gopi Chand Bhargava : I draw your attention to amendment No. 6 that instead of "8" there should be "3." Now when you have disposed of Nos. 2 to 5, it means you are not going to take votes on amendment No. 8. Supposing No. 6 were put that instead of "8" it should be "3," that is amendment No. 6 preceded and Nos. 2 to 5 followed. That is, if you had put that that figure stand part of the clause, then you would have excluded the amendment relating to 5. Supposing the House does not agree to three, they may agree to five, then you would not have been able to put this amendment to vote. Therefore, I submit that there are two amendments to the figure. The last figure should be put first and if it is rejected then the original figure should be put. That I think would be the quite fair way of putting these amendments to vote.

Premier : May I submit with regard to what my honourable friend has said that, as you have stated, the result would be exactly the same. The question is if the House decides to put a lower figure say 5, 3, 4 or 2, whatever it may be, it would in that case say that figure 8 be deleted and then you say that 5, 3 or 2 be substituted. If the House decides that the figure 8 should be retained it means that it is not prepared to consider any lower figure.

Diwan Chaman Lall : May I in this matter draw your attention to what the Honourable Premier has just said and also in reply to the legal position? Stated very briefly what I consider to be the position is this. The Honourable Premier says that the position would be this that if we take your statement regarding the motion which you have put before the House, the result would be that figure 8 would be deleted. Supposing the House rejects this. What will happen then? Another amendment would be proposed then. Suppose the House agrees to the deletion of figure 8, where are we then? Then the position is that somebody else has to get up and propose another motion to the effect that number 5 be substituted for the figure that has been deleted. It is a very important matter as far as we are concerned and we have had already some sort of discussion in this matter this morning. Suppose the House does not agree to the proposition of the Deputy Speaker. What happens to the proposition, when put by the Deputy Speaker, is that in sub-clause (1) the figure "8" remains and that is defeated. What figure remains then?

Premier : You have got the amendments here.

Diwan Chaman Lall : Then we have amendments. (*Interruption*). I am coming to the very relevant portion to which I have to draw your attention. Then it is stated that we will go back again to the figure that is suggested in the amendment. That is putting the cart before the horse. Instead of suggesting the amendment and putting it before the House you put not the amendment before the House, which is the right of the honourable member to have that amendment debated and voted upon by the House, but you put a substantive clause before the House. This is generally known, I take it, as the Westminster method of putting the cart before the horse. That is what in the legal or parliamentary parlance is known as the Westminster method. That is not the method that is prevalent everywhere and that is not the method that is sanctioned by our rules. The Westminster method is exactly what the Deputy Speaker is wishing this House to adopt and that is that the words proposed to be left out stand part of the clause. I mean the words proposed to be left. Here "8" is to be left out and something is to be substituted for it and it is in this manner that in the House of Commons this particular method is utilised for the purpose of putting the amendment to the vote. But that is not what is accepted in other places. There are other parliaments also which do not accept this and this House, as far as I am aware, from its inception, never accepted a procedure of this kind—a procedure which is not governed by the rules under which we act. Therefore, it is a tirade method of putting the amendment to the vote. The amendment is a motion and that motion must be put before the House. The motion that my honourable friend is moving is not that figure "8" should stand part of the Bill. The motion that he is moving is that instead of the figure "8" the figure "5" should stand part of the Bill or "3" or "2" or "1." If he were to move that it should be deleted, that would be a

[Diwan Chaman Lall.] motion before the House. Are we putting the motion that my honourable friend wishes to put before the House or the motion that the Deputy Speaker wishes to put before the House? The Deputy Speaker has no authority to override the motion already presented by an honourable member in the shape of an amendment and, if he puts in a wrong way or a bad way or rotten or good way, he has a right to have that motion debated and dealt with, provided it is within the rules. My honourable friend has moved that for the figure "8" the figure "5" should be substituted. If "5" should be substituted, that particular matter should be raised before the House in the shape of a motion and if it is taken otherwise, what would happen? For instance, the House does not accept. Then there is a vacuum created and you come again to my honourable friend's motion. I have not known this procedure either in this House or in the Central Legislature.

Premier : I beg your pardon. That procedure has been followed in certain cases.

Dr. Sir Gokul Chand Narang : Sometimes. Occasionally.

Diwan Chaman Lall : Why should we take occasions? It is not correct. We should follow the correct procedure.

Mr. Deputy Speaker : We should not waste any more time over it.

Dr. Sir Gokul Chand Narang : But what is your reason?

Mr. Deputy Speaker : This is the only interpretation.

Dr. Sir Gokul Chand Narang : Are you depending on your own *ipse dixit*? (Interruption.)

Diwan Chaman Lall : It is not the only way. Why should you say that it is the only way? It is misleading.

Mr. Deputy Speaker : It is the best way. The other way is no way. The other way is a defective way. (Interruption.)

Diwan Chaman Lall : On a point of order. I want your ruling on this matter. My point of order is this that it is illegal for the Deputy Speaker not to put the motion that my honourable friend has moved. The result is—

Mr. Deputy Speaker : Order, please.

Diwan Chaman Lall : May I raise my point of order?

Mr. Deputy Speaker : I have heard the point of order.

Diwan Chaman Lall : I must insist upon my right to raise my point of order.

Mr. Deputy Speaker : But I have heard the point of order. (Interruption.)

Diwan Chaman Lall : You have not heard it.

Mr. Deputy Speaker : It is no new point of order. (Voices : Please, state your point of order.)

Diwan Chaman Lall : I refuse to state it if the Deputy Speaker refuses to allow me and tries to tie me down like this.

Mr. Deputy Speaker : Amendments Nos. 9 and 10 will now be taken up. If Chaudhri Krishna Gopal Dutt wishes to move amendment No. 9 he may do so.

Diwan Chaman Lall : But you have not taken votes with regard to this matter. May I, on another point of order, draw your attention to the fact that we do not know what you have done in regard to the amendment we had before the House? What have you done with regard to that amendment?

Mr. Deputy Speaker : That amendment has been put to the vote of the House. (*Interruption.*)

Chaudhri Krishna Gopal Dutt : I moved amendment No. 2. What happened to that?

Mr. Deputy Speaker : Order please. The vote of the House has been recorded on that amendment.

Chaudhri Krishna Gopal Dutt : When?

Diwan Chaman Lall : This side of the House is unaware of it.

Mr. Deputy Speaker : The vote was recorded. "That '8' stand part of the clause" has been carried.

Diwan Chaman Lall : Nobody understood that you were taking a vote on this amendment.

Dr. Sir Gokul Chand Narang : That is why I asked—

Mr. Deputy Speaker : Amendment No. 9 will now be taken up.

Chaudhri Krishna Gopal Dutt : Have you taken account of the fact that if to-morrow somebody goes to the Federal Court and tries—

Mr. Deputy Speaker : Order, please. I know my job perfectly well. (*Hear, hear.*)

Chaudhri Krishna Gopal Dutt : It is not a question of your intention. (*Interruption.*) There is a superstructure of the Federal Court over your head. I did not insult your intelligence. I did not question your authority. The question is that there is a superstructure over your head and that is the Federal Court.

Mr. Deputy Speaker : Order, please. The honourable member may move amendment No. 9, if he so pleases.

Chaudhri Krishna Gopal Dutt : I move—

That in sub-clause (1), line 4, for the figure "16" the figure "10" be substituted.

Mr. Deputy Speaker : Question is—

That the figure "16" in line 4 of sub-clause (1) stand part of the sub-clause.

The Assembly divided : Ayes 60 ; Noes 33.

AYES

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| Abdul Haye, The Honourable Mian. | Ali Akbar, Chaudhri. |
| Afzaalali Hasmi, Sayed. | Amjad Ali Shah, Sayed. |
| Ahmad Yar Khan Daulatana, Khan | Anant Ram, Chaudhri. |
| Bahadar Mian. | Ashiq Hussain, Captain. |
| Akbar Ali, Pir. | Balwant Singh, Sardar. |

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| Barkat Ali, Malik. | Muhammad Nawaz Khan, Major Sardar. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Faiz Muhammad Shaikh. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Fateh Jang Singh, 2nd-Lieut. Bhai. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Fateh Muhammad, Mian. | Nasir-ud-Din, Chaudhri. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Nasrullah Khan, Rana. |
| Fazal Karim Bakhsh, Mian. | Naunihal Singh Mann, Lieutenant Sardar. |
| Few, Mr. E. | Nawazish Ali Shah, Syed. |
| Ghazanfar Ali Khan, Raja. | Pir Muhammad, Khan Sahib Chaudhri. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Pohop Singh, Rao. |
| Ghulam Qadir Khan, Khan Bahadur. | Pritam Singh Siddhu, Sardar. |
| Ghulam Rasul, Chaudhri. | Ram Sarup, Chaudhri. |
| Gopal Singh (American), Sardar. | Ranjit Singh, Chaudhri. |
| Gurbachan Singh, Sardar Sahib Sardar. | Ripudaman Singh, Thakur. |
| Hans Raj, Bhagat. | Shahadat Khan, Khan Sahib Rai. |
| Indar Singh, Sardar. | Shah Nawaz, Mrs. J. A. |
| Jalal-ud-Din Amber, Chaudhri. | Shah Nawaz Khan, Nawab Sir. |
| Jogindar Singh Man, Sardar. | Sham Lal, Rai Bahadur Chaudhri. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Manohar Lal, The Honourable Mr. | Singha, Diwan Bahadur S. P. |
| Mubarik Ali Shah, Sayed. | Sumer Singh, Chaudhri. |
| Muhammad Ashraf, Chaudhri. | Suraj Mal, Chaudhri. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Tara Singh, Sardar. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Tikka Ram, Chaudhri. |
| Muhammad Hussain, Chaudhri. | Ujjal Singh, Sardar Bahadur Sardar. |
| Muhammad Hussain, Sardar. | |

NOES

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|------------------------------|-------------------------------------|
| Ajit Singh, Sardar. | Kapoor Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Kartar Singh, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Kartar Singh, Sardar. |
| Bhim Sen Sachar, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Binda Saran, Rai Bahadur. | Lal Singh, Sardar. |
| Chaman Lall, Diwan. | Muhammad Hassan, Chaudhri. |
| Deshbandhu Gupta, Lala. | Mukand Lal Puri, Rai Bahadur Mr. |
| Dev Raj Sethi, Mr. | Muni Lal Kalia, Pandit. |
| Duni Chand, Lala. | Partab Singh, Sardar. |
| Duni Chand, Mrs. | Prem Singh, Mahant. |
| Girdhari Das, Mahant. | Ragbir Kaur, Shrinati. |
| Gokul Chand Narang, Dr. Sir. | Rur Singh, Sardar. |
| Gopi Chand Bhargava, Dr. | Sahib Ram, Chaudhri. |
| Hari Lal, Munshi. | Santokh Singh, Sardar Sahib Sardar. |
| Hari Singh, Sardar. | |

Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.

Sohan Singh Josh, Sardar.
Sudarshan, Seth.

Mr. Deputy Speaker : The question is—

That sub-clause (1) of clause 8 stand part of the clause.

The motion was carried.

BUSINESS AND HOURS OF SITTING ON 13TH JANUARY 1939.

Premier : Sir, I have already discussed with some members of the House and we have come to the conclusion, subject to your approval, that to-morrow being "Lohri" festival we should not have the question hour and finish the business by 7 o'clock.

My motion is—

That the Assembly might dispense with the question hour to-morrow and interrupt the business at 7 instead of at 8 P.M.

The motion was carried.

ADJOURNMENT MOTION.

POLICE REPORTER IN CENTRAL KISAN SCHOOL, LAHORE.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*):
I beg to move—

The Assembly do now adjourn.

Sir, I am reminded of a short story which has a strong bearing on this motion. A Jat was found sitting in a melancholy mood by the side of his field, when a friend enquired the reason of his sorrowful mood. He told him that a hare had passed that way. "That is no reason to be sorry," said the friend. The far-sighted peasant nodded his head and said, "The passing of a little animal like a hare by this way is indeed no cause of worry; what troubles me in fact is the fear lest others should follow suit and make a regular thoroughfare passing through my field." In the same way, one may not mind the presence of one or two constables in a school once in a way, but my fear is that this may become a regular feature and may lead to further curtailment of civil liberties. Here I seek the indulgence of the House to explain a little further what this school is and aims at. It was organised by the Servants of People Society through the Agrarian Reform Institute under the patronage of Professor Chhabil Das and Professor Brij Narain—the well-known economists of the Punjab. In fact they are too well-known to need any introduction by me. This school was financed by the Servants of People Society. This Society is an old one and is engaged in rendering various services to the public and I need not enumerate them here as they are too many for me to count. But I may point out that it is not a revolutionary body or a terrorist institution or in any way communalist or communist in its aims and objects. I am mentioning these facts in order to make it clear to the House that the school where the police posted a head constable and some constables was in no way an objectionable institution and did not warrant the posting of police there at all. It is run under the patronage of Professor Chhabil Das and Professor Brij Narain,

[S. Sohan Singh Josh.]

who as I have already mentioned are expert economists of this province. They are known throughout the length and breadth of the Punjab for their knowledge of Economics and especially so far as it relates to the agricultural problems of this land of the Five Rivers. The school organised by them was to last for ten days only, that is, from the 21st December to the 30th December, 1938. Eighty students from eighteen districts of the Punjab attended, including two from the Punjab States. These students were not called there through the agency of some widespread propaganda or advertisement in the Press; but were invited by private correspondence. The aim of this school was to educate the students in the agrarian economy and the various problems with which the peasantry of this province is confronted. I would like to place before this House the aims and objects of this institute that are printed in a booklet form and can be seen by every one who has any interest in the Institute. Here are the four main objects which this institute has in view—

The institute—

- (a) will maintain a library dealing with agricultural and related subjects,
- (b) assist members of the legislature and local bodies with information when such assistance is required,
- (c) assist members of the legislature and local bodies or other public bodies and public workers interesting themselves in agrarian work, with information on agrarian questions, and
- (d) educate the peasantry through the publication of tracts in the vernacular and directly by the organisation of kisan schools.

These are the methods which this institute intends to adopt for teaching rural and agricultural economy to the people of this province so that they may become aware of the true effects of our land revenue system and the way of taxation which the Government have adopted in this province. This institute is not a new one. It has already many services to its credit. Particularly I would like to mention that it organised similar schools in the Amritsar district where nothing objectionable was said or done. The worthy patrons of the school have already written several books on the agrarian problems in Urdu which are very popular among the public. One of these books is entitled "The Cancellation of Agricultural Debts". Similarly several other useful books have been written by him which deal with the peculiar problems of the various districts of the Punjab. In this connection I may mention the one relating to the Hoshiarpur district which was written on the lines of the Economic Board of Enquiry that is run under the patronage of the Government. I may point out that all the activities of this institute and their patrons are above communalism and are strictly impartial and scientific in character. They aim at familiarising the public with the general principles of the budget and the various methods of taxation employed by our Government. The advantages of such an education are obvious. The people will thereby form a reasonable opinion about the financial policy of the Government instead of guessing in the dark as they are doing at present. Ignorant persons can be duped by clever people but if they really understand the principle underlying the

land revenue system that is in vogue in our province, the risks of the public being misled by others will be greatly minimised. Unless economic theories and principles are understood how can one act upon them? With this object in view we impart necessary instruction to kisans in this institution. One should study things and ponder over them. This is why this society is attempting to organise kisan schools. This agrarian school was to open on the 21st December, 1938, and at 9 A. M. Professor Brij Narain had to deliver a lecture. He came at the fixed time and the kisan boys had also gathered there. The police reached there at 7 A. M. They were in uniforms and waiting for the professors. There were one Inspector, one Sub-Inspector and six constables in uniform and four policemen in plain clothes. The Police approached Professor Chahabil Das, the Secretary of the institution, and told him that they wanted to go inside. The Secretary inquired if they also wanted to receive instruction. He also told them that it was a private institution where kisans are given instruction on economic matters and that neither a public meeting was going to be held nor was there any danger of a conspiracy being hatched inside. But the police insisted upon going in and taking reports. On being asked if they had any authority to go in, they showed the Magistrate's order. On this the Principal vehemently protested and so did the other professors. They remarked that that was nothing short of an onslaught on the fundamental rights of man. Then Professor Brij Narain said that we should silently pocket this insult and permit the police to go in and take reports, because if we abolished the school, the money already spent on it would be wasted. I had also a talk with Professor F. Narain and he told me that we should not make any complaints against Government and refrain from giving publicity to this affair. In spite of this I have brought this adjournment motion before this House, because, I am afraid, the police in uniform might sometimes rush into our houses. It is said that the Criminal Law (Amendment) Act was intended to put a stop to the activities of the communists. Being one of them, I am afraid lest police should one day enter my private house where I might be sitting with my wife and children and accuse me of being engaged in communistic activities against Government. The Unionists came into power in 1937 and the Government of India Act came into force in 1935. We thought that with the advent of provincial autonomy no encroachments will be made on civil liberties. But to our utter surprise the Criminal Law (Amendment) Act is being most extravagantly abused. The Act was in the first instance passed in 1932 for three years. Later on in 1935 it was reinforced for another period of five years. We thought that the old repressive laws would be done away with very soon. Now we realise that the Unionist Ministry may collapse one day but this law would remain for ever. When this law was enacted it was explained by Mr. Boyd that it was intended to serve a threefold purpose. First, it was meant for coping with the civil disobedience movement which was started by the Congress in those days. Secondly, it was intended to combat with terrorism in the Punjab and thirdly, it would be used against communalism. When we ask the Government to use it against the communal leaders like Maulana Zaffar Ali Khaz or against the communal press like 'the Inqilab' which fans the fire of communalism in this province, the Government turns a deaf ear to our request. I think they

[S. Sohan Singh Josh.]

are never prepared to put this law in motion with a view to eradicating the curse of communalism from this province. I wish the Government had brought the Criminal Law (Amendment) Act into operation against bodies like the Muslim League and the Khalsa Nationalist Party who are to-day fomenting communalism in the province. But it is a matter of regret that the Government is out to penalise only those persons or institutions, by means of this obnoxious measures, who want to impart education about the agrarian problems by scientific methods. The Honourable Premier asserts that he is the only person who knows the ins and outs of the sliding scale system and there is no other person in the province who can understand its intricacies.

Premier : I never said so.

Sardar Sohan Singh Josh : He said so in my presence. The Government should know that Professor Brij Narain is also an authority on the subject. It is a pity that the Government took such a drastic action against an institute where the intricacies of the sliding scale system, the boast of our Premier, were being explained to the kisans. I may inform the House that it is just possible that the lecturers of the school in question might have sung praises of the Unionist Government on certain occasions but I can assert on the strength of my personal knowledge that they have never uttered a single word against the present Government. The broad-mindedness of the authorities of the institute is visible from the fact that they invited Khan Bahadur Maulvi Ghulam Mohy-ud-Din to enlighten them with his expression of opinion about the agrarian Bills from the point of view of the Unionist Government. The institute in question makes arrangements for raising healthy discussions on the agrarian problems of the day. But it is a fact that it has since its inception never made political propaganda against or for any party. But in spite of this the Government and its police are unnecessarily harassing and persecuting the authorities as well as the students of the institute. It is extremely regrettable on the part of the Government to depute certain policemen to watch their movements. There is a well-known adage that "Eternal vigilance is the price of liberty." And so it is the foremost duty of every lover of freedom to try his best to maintain civil liberties in the province. I request the honourable members of the Unionist Party not to treat my adjournment motion lightly and frivolously. They should refrain from committing the folly of turning down my motion simply because it has been moved from this side of the House. It is a question of civil liberties rather than of the political dominance of any particular party. Here the Government by its action has endangered the liberties of the law-abiding peaceful citizens. The Government should not set a bad example by throwing out my motion. To-day they are in power and it is just possible that to-morrow they may have to come over to this side of the House and then their repentance would do them no good. The law that was enacted to weed out communalism is being used against the votaries of nationalism. The professors of the institute have expressed their political creed in the following terms :—

The problems with which the institute will be concerned are entirely of a non-communal character. Government taxation is the same for all peasants, whether Hindu, Sikh or Muslim: the economic forces released by scientific

progress in recent years and the rise of economic nationalism in Europe affect all classes of our peasants in the same way. Differences created by religion or communalism are of little significance in the economic difficulties of peasants and giving prominence to the economic point of view in all its activities the institute may make no mean contribution to the growth of national sentiment in a province where nationalism is at a discount and where everyone is encouraged to think in terms of communities.

Our Government should specially take a note of the last sentence. It is very much interested in the terms such as "communal representation," "percentage", "proportionate share in the appointments" etc. On the one hand the Muslims are grumbling for their due share and on the other the Hindus are raising a hue and cry for their own representation; and my gallant Sikh friends assert that they cannot be satisfied with less than 33 per cent. And so these are the activities with which our present Government is occupied. But is there any person who has the courage to say that Professor Chhabil Das and Professor Brij Narain are also communalists? They have started this institute with the object of teaching the rudiments of Economics to the kisans. It was not proper on the part of the Government to bring the Criminal Law (Amendment) Act into operation against them. It was positively and definitely a misuse of the Act. This repressive policy of the Government deserves severe condemnation and deprecation at the hand of every fair-minded person. Several of our budding youths have been interned in their villages simply because they demanded civil liberties. A number of Punjabis have been turned out of the province for one year. There are several political workers and leaders of great repute who are not allowed to enter the Punjab.

Mr. Deputy Speaker : The honourable member has had 25 minutes. He will have only three minutes more.

Sardar Sohan Singh Josh : Under the provisions of this Act many of those students have been arrested who had come from Russia, America or Fiji. Several youngmen have been confined in the Lahore Fort without any rhyme or reason. I have pathetic tales to tell of the hardships they are subjected to in the Fort. But the Government still maintains that they are being served like state guests.

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

Sardar Sohap Singh Josh : What I want to drive at is that in the Punjab the Government strains every nerve to suppress our civil liberties. And still they have the cheek to accuse the Congress ministries of not doing good to the public. I do not propose to go into details, but so far as the civil liberties are concerned I would like to say that there is a world of difference between the attitude of the Punjab Government and the Congress governments. Here in the Punjab we are not allowed to start any new paper without a security being demanded. I may mention for the information of the House that Mr. Pant, while repudiating the charge levelled against him by his political opponents of not doing anything substantial in the direction of civil liberties, remarked *inter alia* that he allowed certain newspapers to be published from his province which were refused even a respectful existence in the Punjab.

Premier : I want to ask a question of the honourable member. He mentioned the name of Mr. Pant. Did he say that Mr. Pant spoke to the honourable member privately or that he uttered this publicly?

Sardar Sohan Singh Josh : He said this in a meeting of the All India Congress Committee held at Delhi.

Premier : Was it published?

Sardar Sohan Singh Josh : Yes, Sir. Here in the Punjab our Government smells conspiracy in every matter and at every movement. It apprehends conspiracy everywhere. In the name of all fairness, I ask my honourable friends opposite, whether it was just and proper to trample over the civil liberties of an institute by posting police officials to keep watch over the movements of its staff? In Europe hundreds of people have laid down their lives for the sake of protecting their civil liberties. We should not lag behind. But here I request you only to accept this simple and harmless motion. In case the House fails to vote for it I am sure the day is not far off when we would be deprived of even this little measure of independence that we enjoy to-day. It is up to the honourable members sitting on the Treasury benches to demonstrate by their action that they are as keen about the maintenance of civil liberties as any other section of this House. With these words I commend my motion for acceptance by the House.

Mr. Deputy Speaker : Motion moved is —

That the Assembly do now adjourn.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*) : Sir, before I say anything on the motion I wish to make

7 P. M.
it clear that I am not in the habit of expressing my views on each and every matter and in a frivolous manner. You know, Sir, that since this Assembly has come into existence I have not spoken on any motion for adjournment. But I consider this matter very important, so much so that I have cancelled a very urgent engagement in order to be present in the House while this motion is being discussed. Let me say at the very outset that it was very wrong on the part of the Premier to send policemen to that institute. I am connected with this institute as one of its fellows.

Premier : You are a jolly good fellow.

Chaudhri Krishna Gopal Dutt : If I were not in this House I would have sung to the Premier the song known as "You are a jolly good fellow." (*Laughter.*) Now, Sir, I am neither an extremist nor a rabid communist. The honourable members can judge what sort of institute it is by the reputation of the persons connected with it. But I am afraid such an appeal is going to prove of no avail. We have a caucus Government and every member is bound to obey the decision of the party with which he is connected. But let me tell you, Sir, that in the meetings of the Congress party free expression of views is allowed and we are never gagged as is the case with my honourable friends opposite.

I would request my friends to keep in view the object with which this institute has been brought into existence. I was present at the inaugural meeting and I can assure my friends that I heard carefully all the speeches

made in that meeting and that there was not even a mention of any political propaganda. Almost every speaker had laid stress on the point that the rural population of the province is awfully ignorant of the agrarian problems of the day and proposed that at various important places in the province schools should be started for the benefit of the kisans. A request was made to all those who are at present taking active part in practical politics to devote a portion of their precious time to the institute. It was far from the intentions of its authorities to carry on any communist propaganda. The meeting in question was a purely private meeting or a private class. There was no reason why it should be treated as a public meeting. According to the definition given in the Criminal Law Amendment Act "A public meeting is a meeting which is open to the public". Since it was not open to the public it was not a public meeting at all. It was neither given out in newspapers nor any announcement made to the effect that a certain public meeting was going to be held at a certain place and so all were cordially welcome. Even then if any person tried to seek admission into the class, take it from me, he would have been refused admission outright. We all know that in case of academic classes no outsider is allowed to enter the class room. Similarly it was a class where the subject of Economics was being taught to the kisan students. I had also the pleasure of being invited by the authorities to enlighten the students with the problems related to the Marketing Bill. When I delivered my lecture only 40 or 45 young men were present in the class room. I understand some outsiders requested admission into the room, but were flatly refused, because it was a class rather than any public meeting. I again assured the House that this institute has been started with the definite purpose of acquainting the kisans with the agrarian problems which are to-day confronting our rural population. I ask the Government in all seriousness as to whether it is a breach of law to teach Economics in a class room. If this, too, is a political offence I am afraid the very existence of local colleges such as the F. C. College or the D. A. V. College is in danger, for not only Indian Economics but also Political Science is being taught in these colleges. My submission is that if the Government is going to treat a class and a public meeting alike, the professors, such as Dr. Lucas or others, who impart education in these subjects would have to face a good many difficulties. There is, I am sure, a danger not only to their classes but also to their persons. Dr. Lucas and Professor Brij Narain do not place before their students in colleges only the theoretical side of Economics: they acquaint them with its practical side also. While teaching Indian Economics, particularly, they have to deal with all the practical aspects of the subject. This is being done in all the colleges of Lahore including the Government and Forman Christian Colleges.

Then it is necessary that certain things are placed before the public by way of adult education. The Government is not doing its duty in this respect. It has not moved so far even its little finger to promote the cause of adult education. On the other hand, it is out to put obstacles in the way of those who have taken up the cause of adult education. This is done by intimidating the men engaged in this work and throttling their activities in various ways. Why is all this being done? The Government fears that since Professor Brij Narain is not in its favour, all those who come

[Ch. Krishna Gopal Dutt.]

into contact with him will turn against it. I do not think there is any justification for the Government to entertain such fears when they have ample opportunities themselves of carrying on propaganda against others and in favour of their own party. Furthermore, as has been pointed out already, there were only forty to fifty persons attending the lectures arranged under the auspices of the Agrarian Institute. Was there any cause of alarm for the Government? In colleges there are 150 to 200 students in one class. If lessons on Economics delivered to these big classes in colleges do not make any difference why should Government feel unnecessarily perturbed over such lectures being delivered to a gathering of 40 to 50 men under the auspices of Agrarian Institute?

Then, I propose to remove some misunderstandings which may have been created by certain misinformed remarks of Sardar Sohan Singh Josh. He said that the institute had been financed by the Servants of People Society. This is not correct. This institution owes its existence to the beneficence of some public-spirited gentlemen some of whom are its life members and others are fellows. It is they who gave the requisite money. For instance the late Sardar Ahmad Bakhsh, Barrister-at-Law, gave some money to found this institute and he was a fellow of the Agrarian Institute. Another gentleman who provided money for this purpose and is a fellow of the institute is Lala Mehar Chand Mahajan who is one of the leading advocates of the Punjab. He has no connection with political work in the country. His personal political views are not even of a pronounced character. Carrying on agitation among kisans apart, he would not even participate in constitutional activities against the Government. Perhaps his profession does not leave him any hours of leisure to be utilized for other activities. The other gentleman who has given money for the establishment of this institution is Lala Jiwan Lall Kapur. Even he cannot be brought within the category of terrorists or revolutionaries by any stretch of imagination. In short, it is unthinkable why the District Magistrate, or whosoever it was who issued the order, thought it necessary to post police in the class room of the institute. I am afraid, Sir, if the Honourable Premier allows himself to make any indiscreet remarks on this motion he will be encouraging the police to commit acts of unbridled indiscretion. He has been pleased to remark on several occasions before his that he himself is a staunch supporter of civil liberties and that his ideal is the form of Government established in England. I ask him, is it possible for any English Government to pass such orders as have been passed by an officer under his Government? The meeting held under the institute could not be called a 'public meeting' by any stretch of the meaning of the words "public meeting". I request the Honourable Premier to express regret here for what was allowed to happen in the class room of the Agrarian Institute and to assure the House that such things will not be repeated again.

Sardar Kishen Singh (Amritsar Central, Sikh, Rural) (*Urdu*): Sir, the present state of affairs in the country reminds me of the Brahmin period in the Indian History. In those days if a *Sudra* happened to listen to a *Vedamantra* chanted somewhere, molten lead was cast into his ears. The Punjab Government seems to have torn a leaf out of the ancient Indian History. The Government does not wish that the people give ear to any

sound doctrine. We, on the other hand, are of the opinion that so long as people remain in the dark as to how things stand here their difficulties will not be solved. This reminds me of a story. The son of an old hag used to feed his mother on the spoils of his nocturnal enterprises. Close to their house a Pandit used to give his sermons. The mother had long instructed her child to carefully shut his ears with his fingers when he passed along where the Pandit held his sermons. Once when the youngman was passing that way a thorn stuck into his foot and he released his fingers from his ears to extract the thorn. Just then the Pandit's words reached his ears: "Thou shalt not steal." The young man at once resolved to be good and never to steal again. He had, therefore, to return home empty-handed. The mother demanded what the reason was. The boy told her that he had listened to what the Pandit preached. The mother was furious and exclaimed despairingly, "Foolish lad, if you had not allowed your fingers to slip out of your ears, you would have not returned empty-handed like this." In the same way the Unionist Government does not like that the Jat tax-payer who has been bled white, should ever come to listen to our lectures.

Professor Brij Narain went to speak at village Chatti in district Jullundur. But the police reached there. Similarly when Principal Chhakil Das went to lecture, the policemen wanted to be present at the lecture. The organisers of the lecture stopped them. At last the police were given *charpais* and they listened to the lecture seated on their *charpais*. I ask, why has the Unionist party not thought it fit to repeal the dirty enactment of 1935? Why is it making use of that dirty legislation? It was being used under the old regime and it is still being used. Then, what is the difference between the old order and the new one? The Unionist Government may take pride on making use of such laws but its constant use is blackening the name of their Government. Zamindars of this province have strong feelings on this point. Such repression was not to be seen even in those days when we started colony agitation. No doubt Ajit Singh was deported and we were sent to gaol. But we had greater freedom of speech then than we have to-day. The present Government does not permit us to utter a single word. Such state of affairs in the Punjab is really deplorable. Is a blacker list of the misdeeds of the Unionist Government even thinkable when they do not permit people to utter a single word?

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I did not wish to speak until the honourable members of the Opposition had had their say so that this side of the House might not be required after my speech to reply to the criticism that they would level against the Government. But as my honourable friends on the opposite benches do not like to deliver any more speeches at this stage, I have to put forward the case of the Government against this adjournment motion. I would, first of all, like to meet the argument of the Opposition inasmuch as they claim that the school in question did not constitute a public meeting within the meaning of section 6 of the Criminal Law (Amendment) Act. I would quote here section 6 for their benefit and for the benefit of the House as well. A sub-clause under it reads as follows:—

In this Chapter the expression "public meeting" means a meeting which is open to the public or to any class or portion of the public.

[Premier.]

The second sub-clause runs as under :—

A meeting may be public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may be restricted by ticket, or otherwise.

It is clear, therefore, that the school in question did constitute a public meeting for the purposes of this section. The honourable mover of this motion has asserted that the kisan school was not open to the public and that nobody excepting the students admitted to it could enter into it.

Chaudhri Krishna Gopal Dutt : It was not open to any class of public and excepting those students nobody could enter it. (*Interruption.*)

Premier : That is true, I admit. Even then the school came within the purview of the law of the Land. (*Interruption.*) I wish my honourable friends of the Opposition are at least half as patient during my speech as this side of the House was when they were speaking.

Sardar Partab Singh : Sir, is he relevant ?

Mr. Deputy Speaker : Order, please ! I would request the honourable members not to interrupt.

Premier : Sir, the honourable members of the Opposition are more particular about my relevancy than that of their own. Why should my statement of facts make them so restive ? I was going to submit that the aims and objects of the kisan school, as they are printed are known to us all and I have got a copy of them with me here. In fact several of my friends have contributed towards the funds of this institution, the prominent among them being the Honourable Minister of Finance and the late Sardar Ahmad Bakhsh who was a relative of mine. (*A voice from the Opposition benches :* Is your Honourable colleague, the Minister of Finance, a socialist ?) He is a great economist and his authority as such is acknowledged throughout our sub-continent and even outside it. He is an economist of the right type unlike the ones you have referred to. (*Interruption.*) Sir, my point is that we know the aims and objects of this institution too well to need any repetition from the Opposition. But coming to the actual practice of the learned patrons of the institute, I may point out, that one of them is reported to have been very much elated over the amendment moved by my honourable friend Mian, Nurullah, in the last session recommending a 25 per cent. reduction in the Abiana. His argument was—

The Unionist Government will be defeated over this issue in any case. If it is accepted by the Government, they will be faced with a heavy deficit of 1½ to 2 crores of rupees in the provincial exchequer, and consequently will hardly survive the shock. If, on the contrary, they reject it, they will incur the displeasure of the zamindars. In either case the Government is bound to crumble down.

That is, Sir, the sort of education which is given in that institution. If these professors were to acquaint the students with the correct position with regard to the possibility of reduction, I would have no objection at all. For instance, they should suggest ways and means to raise a sum of 1½ crores of rupees before demanding such a huge reduction. They should clearly tell the people that in the present circumstances this reduction is highly impracticable or they should instruct the zamindars to behave

more magnanimously towards their peasants. If they did that my various difficulties would be removed. But they teach, instead, the doctrine of communism that seeks to deprive the zamindars of the province of their ancestral lands and entrust them to the state to redistribute among the people equally. On points such as these I cannot agree with the said professors, my relations with whom are otherwise quite cordial.

Lala Deshbandhu Gupta : There is a difference of East and West.

Premier: Yes, they turn their face towards the West for inspiration, but I rely on the East which has given me birth and necessary education. They draw inspiration from the West and I from the East. That is the difference. They want to follow Russia and would have us believe that nothing harmful will be done thereby. One of the honourable members who has spoken from the other side stated that very useful things were told in that institute. Let us examine what they actually taught there. One of the socialists who gathered there or were invited and about whom an adjournment motion was moved in a previous session of the Assembly—I hope my honourable friends opposite would now recollect his name—observed that Mian Nurullah's amendment was sure to overthrow the Unionist Government. They would either lose a sum of two crores by accepting the amendment or displease their zamindar voters by rejecting it. Such were, Sir, the useful things taught in that School. These are the things which my honourable friends wanted to know. Is this the honesty of purpose with which you are striving hard to do good to the zamindars and kisans of this province?

Diwan Chaman Lall : Is all that the Honourable Premier saying relevant to the motion under discussion.

Mr Deputy Speaker : I have already held that he is not irrelevant.

Premier: I would respectfully point out to my honourable friend that he sometimes goes out of the Chamber and does not know the trend of the speeches which are going on inside the House. It has been said that all such persons who visit foreign countries are on their return interned in the Lahore fort. The honourable mover himself, Diwan Chaman Lall and Mian Muhammad Iftikhar-ud-Din have all paid visit to foreign countries, but none of them has been so interned. My friends over there should realize that there are institutions in Russia where violence is preached, where methods of making propaganda in favour of violence are taught and where ways of bringing the whole world to grief and ruin are explained. There are similar institutions in other countries as well, for instance in Argentine and Canada, where people learn how bomb shells are prepared. When a person comes back from such countries is it not our duty to know what he has learnt there? It is our duty, not ours alone but of all the peace-loving countries and governments, to keep an eye over such enemies of humanity. (*A voice: May I know to which institution you belonged?*) In those days there was no Soviet Republic in existence.

Then the honourable mover went on to say that such schools were also established in various districts of this province. One of these schools was opened in the Ludhiana District, which worked for a few days and then the villagers on being convinced of the falsity of their creed turned out its

[Premier.]

organisers bag and baggage. If these schools are intended to do any real good to the kisans and tenants of this province, no one would be more pleased than myself. But what I have learnt from the reports I have received is as follows :

These schools indicated that the object of the organisers was to mislead the agricultural masses by expounding perverted economic theories supported by garbled statistics by disseminating propaganda of a communistic complexion.

(*Interruptions.*). My friends would greatly appreciate it. This is not being tolerated in other provinces as well. The Communist body of India is declared as an unlawful body all over India. (*Loud Interruptions.*) Sir, my friends' excitement is meaningless. It is possible that my information may be wrong. I have said that this is the information I have received. I cannot vouchsafe its accuracy. I ask if it was or was not necessary to ascertain as to whether the information received by me was accurate or otherwise. Do you like that I should have taken that information as the Gospel Truth and condemned the institution by one stroke of pen? My friends should remember that such reports were received by Government. If these institutions are intended to do any substantial good to the zamindars and kisans, why is the instruction being given behind closed doors? In villages instruction was used to be given in open under banyan trees or in the village *chaupal*. If you want to make the kisans familiar with things that will prove really beneficial to them, why do you refuse admission in these institutions to all and sundry? I have said that we received such reports and it was our duty to ascertain their accuracy. But how could it be done? There was only one way and that was to send some responsible persons to do the needful. It has been said that a *posse* of police force rushed in. That is wrong. Only one Inspector and one Sub-Inspector were sent there in accordance with the rules which required that an officer not below the rank of a Sub-Inspector of police should be despatched for such purposes. Both these officers were in their uniforms in order to avoid any possible suspicion of their having gone there as Government spies. My honourable friend has to-day disclosed the names of the organisers of this institution. None of them is a Jat or a kisan in the exact sense of the word. At least some of these people should have been kisans. But none of the gentlemen mentioned by my friend belongs to that class. Then how can they inspire confidence among the zamindars? How can the zamindars believe that what these gentlemen say is true and that these people are taking all this trouble for the benefit of poor and ignorant kisans? But in spite of all that if what my honourable friends have said proves to be correct, I shall be prepared to say to the zamindars that what these gentlemen are saying is sure to prove useful to the poor kisans and their intentions are laudable. I shall then be able to advise those poor and ignorant people as well as their representatives to go and listen to what these well-wishers of the zamindars have to say.

My honourable friend has remarked that he was under the impression that the conditions in this province had changed with the advent of a popular Government in the year 1937. I wish to assure him, Sir, that the

conditions have really changed but he should use the proper glasses if he wants to see the change. Let my honourable friends reflect on their own activities since the assumption of office by the popular Government and say whether they could have indulged in those activities with impunity under any previous regime. Let me tell them that if the province were under some previous Government most of them would not have been here in this House to-day.

Now as regards this particular law it is in existence in other provinces too, and in Madras they have admitted in so many words that even though it may be used as a last resort still such a law is sometimes indispensable. My friends must have heard the Punjabi saying :—

خدا نیز کہ کہیں

Then my honourable friend was pleased to remark that Professor Brij Narain is an authority on agrarian questions. In this I have no quarrel with my friend. I am free to admit that the learned professor is an authority on many questions. But I must say that when political considerations cease to weigh with him, he will become an authority on many more questions. I have no desire to indulge in self praise ; but I must be allowed to state in all humility that at present Professor Brij Narain is an authority only on the theoretical aspect of these questions but I have had practical experience too. As I have said when the atmosphere becomes clearer and Professor Brij Narain and I have a chance to join hands, I am sure that we will be able to evolve a scheme which will be acceptable to both sides.

As regards communalism I am quite at one with my honourable friends opposite. If it is hateful to them, it is all the more so to me. I may draw their attention to the fact that the very creed of my Government militates against communalism. We do not believe in confusing religion with politics and my Government is a living example of a scrupulously non-communal party.

So far as imparting education in Economics and allied subjects is concerned, I am reminded of the education which my honourable friend opposite tried to impart to the students of the Government College, Ludhiana. There he taxed his lungs to their utmost capacity to malign the Unionist party. Well, Sir, I do not grudge him that satisfaction, but then he went on to advise the students to have nothing to do with religion. I may be wrong and my sentiments about religion may be stale and out of date, but let me tell my honourable friend that there are still hundreds of thousands of old fashioned and ignorant people who share my opinion that the moment we say good-bye to religion we shall be nowhere. I do not believe that our political or social or even economic salvation lies in severing all connection with religion. On the contrary, I am of the opinion that we will attain our goal only when we follow our respective religions truly and sincerely ; when every Hindu is a true Hindu, every Muslim a true Muslim and every Sikh a true Sikh of the Guras. (*Cheers.*)

So far as sending the police officers to the institute is concerned, I would submit that if everything connected with the activities of the promoters of this institute is above board, my honourable friends should have no objection to two responsible police officers attending their lectures. If

[Premier.]

all the activities of my friends are directed towards the welfare of the ignorant rural classes, they ought to have allowed these police officers to attend these classes or lectures. But as they were not allowed there was naturally a suspicion that—

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and consequently the relevant section of the Act had to be brought into operation. Thus an Inspector and a Sub-Inspector of police were deputed to attend the lectures and make a report so that if I found from their report that everything was above board, the matter may be allowed to rest as not requiring any particular action or attention.

Now, Sir, so far as notoriety and publicity are concerned, the honourable mover of this motion has achieved his object to some extent and if the newspapers deal by me squarely and honestly, I will have my share too. But so far as this motion for adjournment is concerned I must say that it was nothing more than a storm in a tea cup.

(Voice : Question may now be put.)

Diwan Chaman Lall : On a point of order, Sir. I think you are quite well aware of the Rule regarding an adjournment motion. When the closure is moved it is generally moved by those who move the adjournment motions. (Premier No.) This is a regular practice and it is a privilege of the Opposition. If my honourable friend says 'no', he should look up the procedure in every legislature regarding this matter. It is a privilege of the Opposition and I submit, not only is it a privilege, but according to our own Rules, the closure should not be moved when it is going to be a breach of the rights of the minority. It cannot be said that we have spoken. No member on the front benches of the Opposition has spoken yet—

Mr. Deputy Speaker : The honourable member is making a speech. He is not raising a point of order.

Diwan Chaman Lall : I am raising a point of order and it is this that, firstly, I do not consider that it is proper for any honourable member on the opposite benches, according to our own practice regarding adjournment motions, that he should get up and move a closure at this stage. Secondly, it is up to you to uphold the Rule regarding closure which says that if it is an attack on the rights of the minority, then you should not admit that closure. I submit that it is the right of the minority to have this matter thrashed out completely up to the time allowed under this particular rule relating to adjournment motions and since this is so, I submit that you should permit a full discussion and permit statements from the front benchers here regarding what has happened in this matter.

Mr. Deputy Speaker : The honourable member is again making a speech.

Diwan Chaman all : I am afraid I am not in a position to tell you exactly what my point of order is without making a speech. (Voices : Order, order.)

Dr. Sir Gokul Chand Narang : Are you really going to put the question?

Mr. Deputy Speaker : Yes.

Diwan Chaman Lall : I submit that you should not put the question.

Dr. Sir Gokul Chand Narang : I may respectfully tell you that you would be really doing something wrong. (*Loud cries of order, order.*)

Premier : I submit that you should put the question.

Dr. Sir Gokul Chand Narang : Let me respectfully tell you that you would be really doing something wrong. (*Shouts of order, order from the Ministerial benches.*) I have every right to tell him so.

Diwan Chaman Lall : You may do what you like, but you can take it from me that you cannot cow us down by shouting 'order, order'.

Dr. Sir Gokul Chand Narang : As you have noticed, I am not interested one way or the other but want to see justice done to both sides and to get at the truth. You have noticed that there have been two or three speeches on this side and a speech has been made by the Premier and as soon as he took his seat, if I mistake not, he made a sign to some of his colleagues to move that the question be put. I ask you, is it fair that you should not allow any one on this side to have his say? Do you consider it fair? It is most unfair.

Premier : My honourable friend has stated that I wanted to take an unfair advantage.

Diwan Chaman Lall : Yes, you do.

Premier : Will you let me go on? I shall be grateful if the House will allow me to have my say. My honourable friend, Dr. Narang, was here throughout, but my friend, the front bencher on the Congress side, was not present here during the earlier part of the debate. He came later, and he knows that I waited so that if anybody else wanted to speak he could speak. Three members spoke from that side. When I got up, Chaudhri Kartar Singh also got up from that side. I asked him if he had anything new to say or whether he was only going to repeat what others had said. If he was only going to repeat what others had said, I asked him to allow me to give my reply. Chaudhri Kartar Singh then sat down and I made my speech. I repudiate the charge that I made a sign to a member to move the closure motion.

Diwan Chaman Lall : I draw your attention to rule 62 (1) which runs as follows :—

At any time after a question has been proposed a member rising in his place may claim to move "That the question be now put," and unless it shall appear to the Chair that such motion is an abuse of the rules or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith.....

I say that this is an abuse of the rights of the minority.

Mr. Deputy Speaker : I have given sufficient time to the Opposition. (*Shouts of order, order.*) There have been three speeches on the side of the Opposition. (*A voice: But no reply.*) (*Shouts of order, order.*) I have to give time to the mover for a reply. There is no infringement of the rights of the minority. I therefore hold the closure motion to be in order.

Diwan Chaman Lall : I submit, Mr. Deputy Speaker—(*Shouts of order, order.*) You will be taking away the rights of the minority in this matter. You are merely taking your instructions from Government benches. You are partial and bought up.

Premier : What did the honourable member say ?

Diwan Chaman Lall : I repeat what I have said. I said that the Deputy Speaker is partial and bought up.

Premier : I draw your attention, Sir, to the expression used by the honourable member and would request him to withdraw it.

Diwan Chaman Lall : I repeat what I have said. He is partial and bought up.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Diwan Chaman Lall : I protest against your ruling and the attitude of Government and, therefore, I suggest that we should walk out of this House.

(The Opposition members then walked out amidst cries of shame, shame from all sides.)

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I rise to a point of order. Diwan Chaman Lall used a most objectionable expression when he said that "you are partial and bought up." It is a most serious thing and I request you to take action and ask him to withdraw it unconditionally, because it is a question of the dignity of the House and the prestige of the Chair. I request you most earnestly and emphatically that you should take serious notice of his remarks. The moment he returns to the House to-morrow he should be asked to explain his conduct in making such serious and objectionable remarks and to withdraw that expression, and should be asked to apologise.

Mr. Deputy Speaker : For the present I do not want to express my opinion on this matter.

The question is—

That the Assembly do now adjourn.

The motion was lost.

The Assembly then adjourned till 2-30 p. m. on Friday, 13th January 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 13th January, 1939.

The Assembly met at the Assembly Chamber at 2-30 P. M. of the clock. The Secretary announced the unavoidable absence of Mr. Speaker owing to illness. Thereupon Mr. Deputy Speaker took the chair.

WITHDRAWAL OF OBJECTIONABLE EXPRESSION.

Diwan Chaman Lall : I think I have your permission to make a statement, though a very brief one, in regard to the incident that happened yesterday. It is true that the expression that has been reported in the press was used by me in reference to your conduct. I believe that an expression like that should not have been employed in reference to the occupant of the chair, no matter whatever may be the provocation and in this case provocation was there. My correct procedure was to have taken steps to move a no-confidence motion against the occupant of the chair. That was the constitutional procedure and not the employment of that expression which I used. I shall therefore withdraw that expression. (*Hear, hear.*) I shall take necessary steps in due course to use the constitutional procedure available. (*Hear, hear.*)

Mr. Deputy Speaker : I have been performing my duty with the utmost impartiality and I am very glad to hear that the honourable member has withdrawn the objectionable expression that he used. I never entertained in my mind any feelings against him so far as my person is concerned. But surely it is my bounden duty to maintain the dignity of the chair. I am very glad that the honourable member by withdrawing the expression has maintained the dignity of the chair.

Those who know me are well aware of the fact that I am not here for the sake of any sordid gain. Financially I am a loser by accepting this office. However, I may assure the honourable members of the Opposition that I never had the slightest idea of favouring the other side. So far as it lies in my power I will discharge the duties of my office with the utmost integrity and impartiality. (*Hear, hear.*)

ADJOURNMENT MOTIONS.

Dr. Gopi Chand Bhargava : In view of the fact that we have to interrupt the business of the House to-day at 7 P. M. I would request you not to take up the adjournment motions. Because to-day is *Lohri* therefore we gave up the question hour. For the same reason let us give up the adjournment motions also to-day.

Premier : I have no objection to the request of my honourable friend, the Leader of the Opposition.

Mr. Deputy Speaker : I shall raise no objection on the score of urgency in the case of notices of adjournment motions which are pending.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 8.

Premier : A suggestion has been made that further consideration of clause 8 may be postponed as there is a possibility of some agreed amendment with regard to the method of election to the market committees. If the Honourable Leader of the Opposition accepts the suggestion, we can leave out that clause for the present and proceed to clause 9.

(The Leader of the Opposition and the House agreed to the postponement of the consideration of the clause.)

Clause 9.

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

That in sub-clause (1), line 4, the word ' notified ' be deleted.

I have already made my point of view clear on this question and it is therefore not necessary for me to make another speech to commend this amendment to the House.

Mr. Deputy Speaker : The question is—

That the word ' notified ' in sub-clause (1), line 4, stand part of the sub-clause.

The motion was carried.

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

That in sub-clause (1), lines 4—10, for the words " area direct," the following be substituted :—

"The Deputy Commissioner of the District when so required by the Government shall establish a market in any particular part of the District providing such facilities for persons visiting it in connection with the purchase and sale of agricultural produce concerned as the Government may from time to time direct."

The clause as proposed by me gives power to the Government to require the deputy commissioner to establish a new market. My reasons for this suggestion very briefly are that in the first place the deputy commissioner of a district will be in a position to know the conditions better with his local knowledge. He will be the best person to suggest whether to have any new market or not. He will also be aided by those people who will be in a position to offer suggestions to him in regard to the establishment of a market. I have got strong views and feelings in regard to this question and I want to place those views and feelings before the House. I am afraid this Act is being legislated with certain ulterior motives, with certain political motives. I do not want to give Government power to have this authority as a political body. If the Act has been brought in with the sole object of doing good to the people I would have been prepared to give the maximum power to the Government. I understand the motives of the Government are not really to help or benefit the people. Government wants to further entrench its position as a ruling power in this province and therefore it is taking every step that will conduce to the further consolidation.

and establishment of that position. I know that so far as the political motives are concerned, the deputy commissioner will be free from any such motives. Most of the deputy commissioners will not be even under the influence of the Government and therefore they will act in a proper spirit. They will consider the merits of the question, namely, whether the establishment of a market is necessary or not. I am sorry that the Punjab Government has given that impression to the Opposition and to the public. The Opposition is not to blame, the public is not to blame. From every act of the ministers and the propaganda that they are indulging in, it is quite apparent that the only motive of the Government is to establish its position and to consolidate its position in as many ways as it can. Government wants to make use of this legislation for that purpose. I therefore say plainly and frankly that so far as the motives underlying this legislation are concerned, they are purely political. I do not believe in the *bona fides* of the Government with regard to this legislation. With these words I move the amendment which I have already read out.

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

That in sub-clause (1), lines 4—10, for the words "area.....direct," the following be substituted :—

"The Deputy Commissioner of the District when so required by the Government shall establish a market in any particular part of the district providing such facilities for persons visiting it in connection with the purchase and sale of agricultural produce concerned as the Government may from time to time direct."

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I oppose this amendment and in opposing it I may be allowed to say just one word. I fail to understand the mentality of the mover of this amendment. Sometimes he prefers the market committee to the Government ; at other times he prefers the deputy commissioner to the market committee. I am sure that he can very easily understand that before Government makes up its mind to order or direct the market committee to establish a market in any particular area, it will certainly consult local officers and local leaders. Therefore the purpose which he says he has in view will be fully served by the clause as it stands.

Mr. Deputy Speaker : The question is—

That the words in sub-clause (1), lines 4—10, from "area" to "direct" stand part of the sub-clause.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I move :

That in sub-clause (1), line 8, for the words "purchase and sale," the words "purchase, sale, storage, weighment, pressing and processing" be substituted.

I need not make any speech on this amendment as it is quite evident that it is essential so far as the question of buying and selling is concerned. Purchase, sale, storage, weighment, pressing and processing are the features of a market.

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

That in sub-clause (1), line 3, for the words "purchase and sale," the words "purchase, sale, storage, weighment, pressing and processing" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I am prepared to accept this amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), line 3 the words "purchase and sale" stand part of the sub-clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That in the place of the words deleted the following words be inserted "purchase, sale, storage, weighment, pressing and processing."

The motion was carried.

Mr. Deputy Speaker : The question is—

That sub-clause (1) of clause 9 as amended stand part of the clause.

The motion was carried.

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

That in sub-clause (2), lines 3—7, for the words "issue licences," the following be substituted :—

"Supervise the conduct of brokers, weighmen, measurers, surveyors and warehousemen in regard to the carrying on of their occupation. The committee shall be authorised to report their conduct to the district magistrate or any such magistrate subordinate to him as may be appointed by him for the purpose and such magistrate shall have the power to impose fines not exceeding Rs. 25 after issuing notice to him to show cause and recording such evidence as he may think proper."

My object in moving this amendment is to give only such power to the market committees as is absolutely necessary. I would not give the market committees those powers which they can use to injure the various classes of persons mentioned in my amendment. Certainly it would be necessary to give them powers to discharge their duties under this Act, but it will not be at all necessary that they should be given powers by the exercise of which they can do a lot of harm to the people. My object, therefore, is that in regard to certain matters when they are inclined to take action, they should report the matter to the district magistrate or to any subordinate magistrate that might be appointed by the district magistrate. Then the judicial machinery will come into play and go into the complaints that might be made from time to time by the market committees and in that way those people who would be affected by these complaints would be better protected. With these words I move my amendment.

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

That in sub-clause (2), lines 3—7, for the words "issue licences," the following be substituted :—

"Supervise the conduct of brokers, weighmen, measurers, surveyors and warehousemen in regard to the carrying on of their occupation. The committee shall be authorised to report their conduct to the district magistrate or any such magistrate subordinate to him as may be appointed

by him for the purpose and such magistrate shall have the power to impose fine not exceeding Rs. 25 after issuing notice to him to show cause and recording such evidence as he may think proper."

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I support this amendment. It is not necessary to make a long speech. My reasons for supporting this amendment are the same as have been given against the constitution of the market committees. It is therefore not necessary to say anything more.

Mr. Deputy Speaker: Question is—

That in sub-clause (2), lines 3—7, the words 'issue.....licences' stand part of the sub-clause.

The motion was carried.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Urdu*): Sir, I beg to move—

That in sub-clause (2), lines 4-5 between the words 'licensed' and 'to' the words "without payment of any fees" be inserted.

The object of my amendment is to show that the labourers working in *mandis* and others should not be subjected to the hardship of paying fees. What we seem to intend is that the practices in *mandis* are controlled. We should not try to create fresh difficulties. If these people are called upon to pay licence fees, their business will become difficult for them. I submit that if fees must need be fixed, at least no fees should be fixed for the labourers. This is the object of my amendment.

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

That in sub-clause (2), lines 4-5, between the words 'licensed' and 'to' the words "without payment of any fees" be inserted.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Sir, I rise to support the amendment moved by my friend, Sardar Kartar Singh. In fact I have got a similar amendment in my name—amendment No. 13 although it is to sub-clause (3) and not to sub-clause (2)—because I thought it would be more appropriate to get this provision inserted in sub-clause (3) rather than in sub-clause (2). If any fee is to be charged by the Government that fee is ultimately to fall on the shoulders of the agriculturists whose financial condition is at the lowest ebb now a days and therefore I do not want that these agriculturists should be burdened any more. It is from this point of view that I support this amendment and I hope the Government will accept it.

Chaudhri Tikka Ram (Parliamentary Secretary): Perhaps it would be helpful to the honourable member to know that I have already given notice of an amendment to be moved to sub-clause (*viii*) of clause 27 where-in the issue of licences to brokers, etc., and the form in which and the conditions under which such licences are to be issued or are to be renewed has been prescribed. The amendment I have given notice of is like this—

"That in sub-clause (2) (*viii*), line 7, between the words 'fees' and 'to' the words 'if any' be inserted."

It will read, 'fee, if any, to be charged therefor.' If this thing is left to the rule making power of the Government I think it would be quite sufficient. I would therefore request the honourable mover not to press his amendment.

Sardar Kartar Singh (Urdu): Sir, if the Government gives this assurance that no fees will be charged, I shall ask for leave to withdraw my amendment, otherwise I must press it.

Chaudhri Tikka Ram: I am sorry no assurance can be given.

Chaudhri Krishna Gopal Dutt: Then what should we understand by the words 'if any'?

Chaudhri Tikka Ram: It means that the question will be considered by the Government at the time of making rules.

Chaudhri Krishna Gopal Dutt: Will you charge some fees in some markets and not in others?

Chaudhri Tikka Ram: It may be that certain persons may be exempted from paying fees. It is in order to satisfy this that I have given notice of my amendment.

Chaudhri Krishna Gopal Dutt: Are you prepared to give an assurance that in case of weighmen and surveyors no fee will be charged?

Chaudhri Tikka Ram: No, I am not in a position to give any assurance.

Mr. Deputy Speaker: The question is—

3 P.M.

That in sub-clause (2), lines 4-5, between the words 'licensed' and 'to' the words "without payment of any fees" be inserted.

The Assembly divided: Ayes 39; Noes 57.

AYES.

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| Ajit Singh, Sardar. | Kishan Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Muhammad Iftikhar-ud-Din, Mian. |
| Binda Saran, Rai Bahadur. | Mukand Lal Puri, Rai Bahadur Mr |
| Chaman Lall, Diwan. | Mula Singh, Sardar. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalia, Pandit. |
| Dev Raj Sethi, Mr. | Partab Singh, Sardar. |
| Duni Chand, Lala. | Prem Singh, Chaudhri. |
| Duni Chand, Mrs. | Prem Singh, Mahant. |
| Faqir Chand, Chaudhri. | 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. | Satya Pal, Dr. |
| Hari Singh, Sardar. | Shri Ram Sharma, Pandit. |
| Harjab Singh, Sardar. | Sita Ram, Lala. |
| Jugal Kishore, Chaudhri. | Sohan Singh Josh, Sardar. |
| Kapoor Singh, Sardar. | Sudarshan, Seth. |
| Kartar Singh, Chaudhri. | Uttam Singh Dugal, Sardar. |
| Kartar Singh, Sardar. | |

NOES.

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| Abdul Hamid Khan, Sufi. | Afzaalali Hasnie, Sayed. |
| Abdul Haye, The Honourable Mian. | Ahmad Yar Khan Daulatana, Khan |
| Abdul Rahim, Chaudhri (Gurgaon). | Bahadur Mian. |

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| Anmad Yar Khan, Chaudhri. | Muhammad Amin, Khan Sahib Shaikh. |
| Akbar Ali, Pir. | Muhammad Ashraf, Chaudhri. |
| Allah Bakhsh Khan, Khan Bahadur Nawab Malik. | Muhammad Faiyaz Ali Khan. Nawabzada. |
| Amjad Ali Shah, Sayed. | Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. |
| Anant Ram, Chaudhri. | Muhammad Husain, Chaudhri. |
| Badar Mohy-ud-Din Qadri, Mian. | Muhammad Husain, Sardar. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Nawaz Khan, Major Sardar. |
| Faiz Muhammad, Shaikh. | Muhammad Nurullah, Mian. |
| Fateh Jang Singh, 2nd-Lieutenant Bhai. | Muhammad Yasin Khan, Chaudhri. |
| Faten Muhammad, Mian. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Nasir-ud-Din, Chaudhri. |
| Few, Mr. E. | Naunihal Singh Mann, Lieutenant Sardar. |
| Gauba, Mr. K. L. | Nawazish Ali Shah, Sayed. |
| Ghazantar Ali Khan, Raja. | Pohop Singh, Rao. |
| Ghulam Qadir Khan, Khan Bahadur. | Ram Sarup, Chaudhri. |
| Ghulam Samad, Khawaja. | Riasat Ali, Khan Bahadur Chaudhri. |
| Gopal Singh (American), Sardar. | Ripudaman Singh, Thakur. |
| Gurbachan Singh, Sardar Sahib Sardar. | Roberts, Sir William. |
| Hans Raj, Bhagat. | Shah Nawaz, Mrs. J. A. |
| Hari Chand, Rai Sahib Rai. | Sheh Nawaz Khan, Nawab Sir. |
| Jafar Ali Khan, M. | Sham Lal, Rai Bahadur Chaudhri. |
| Jalal-ud-Din Amber, Chaudhri. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Sultan Mahmood Hotiana, Mian. |
| Kishan Das, Seth. | Sumer Singh, Chaudhri. |
| Manohar Lal, The Honourable Mr. | Tikka Ram, Chaudhri. |
| Maqbool Mahmood, Mir. | |
| Muharik Ali Shah, Sayed. | |

Chaudhri Tikka Ram : I beg to move—

That in sub-clause (2), line 6, between the words 'area' and 'and' the words "in respect of agricultural produce as defined in this Act" be inserted.

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

That in sub-clause (2), line 6, between the words "area" and "and" the words "in respect of agricultural produce as defined in this Act" be inserted.

Diwan Chaman Lall : May I ask my honourable friend to let us know as to why he is moving this particular amendment? If it is already within the purview of the Act and the Act relates to agricultural produce, there can be no difficulty in connection with the provisions of this Act. The Act already speaks of agricultural produce as the one matter which is to be regulated in these market areas. Is there any other reason that my honourable friend has excepting this one?

Chaudhri Tikka Ram : No other reason except this that it makes the position quite clear.

Mr. Deputy Speaker : The question is—

That in sub-clause (2), line 6, between the words 'area' and 'and' the words "in respect of agricultural produce as defined in this Act" be inserted.

The motion was carried.

Mr. Deputy Speaker : Does any honourable member wish to speak on sub-clause (2) ?

Chaudhri Krishna Gopal Dutt : Sir, I rise to oppose the entire sub-clause. I had no intention to oppose this clause because I expected that so far as these poor men were concerned, weighmen, measurers, etc., they would be exempted from the charge, but since Government has not accepted this we have decided to oppose the entire sub-clause. It is a pity that Government in season and out of season cries hoarse over the poverty of the masses in this province, but when it is given an opportunity to do something for the alleviation of their distress, it is found wanting. I do not want to make any sentimental speech on this. With these few words I oppose the entire sub-clause.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, the amendment which stood in my name was that sub-clause (2) be deleted, but I was not present when it was called. My amendment was merely negative of the clause as it stands. Therefore the proper procedure is to oppose the clause. There has been a great opposition from these benches in respect of the provision relating to the suspension of licences. In fact one of the worst and in our opinion absolutely unnecessary provisions is the provision relating to the suspension of licences. Now whatever view, or whatever motive or political expediency or party advantage there might be in insisting upon the licences for *arhtis* and shopkeepers and whatever pleasure some members of the Government might derive from the prospect of hanging the sword of Democles over the head of the unfortunate opponents of theirs, I wish to submit that there is absolutely no justification for insisting upon licences from weighmen, measurers, warehousemen, etc. In every *mandi* one usually observes people hanging about the *mandi* waiting for doing some labour for wages and want to earn daily living by doing some work. Is it the object of this Act that only those people should be allowed to work as labourers in the *mandis* who have previously provided themselves with licences ? I oppose this clause because it introduces an unnecessary hardship. Not only the dealers in agricultural produce, not only the sellers or the purchasers of the agricultural produce will be required to obtain a licence, but also those persons who wish to work there as labourers. This provision is uncalled for and needlessly oppressive on poor people. Imagine the lot of a person who wishes to find a job and goes to the *mandi* and finds there plenty of work for which he is fit and that his assistance would be useful to the employers and when he wishes to offer himself for daily wages he is told that he could not do it unless he obtained a licence. Very likely he may have to put in an application to obtain a licence. He will have to go through a certain form of procedure, and he will have to pay some fee which he may not possess at all. I submit there is a limit to the powers which ever this Government wishes to assume under the garb of assuring the agriculturist a fair return for his agricultural produce. This can certainly be done without imposing

unnecessary restrictions on the citizens of the province, and it is with that object that I enter a most emphatic protest against the inclusion of this sub-clause in the Bill.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Sir, I rise to oppose the clause now under consideration. I wanted to say what my learned friend, Rai Bahadur Mukand Lal Puri, has said just now. I would not, however, repeat it now. But I may submit that I stressed this point yesterday also that the labouring classes should be granted certain exemptions. They are very poor. You know their daily earnings. You should not compel them to take licences. But if you cannot do that, their licences should not be made liable to cancellation. With these words I strongly oppose the sub-clause now before the House.

Mr. Deputy Speaker : Question is—

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

The Assembly divided : Ayes 61 ; Noes 34.

AYES.

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| Abdul Hamid Khan, Sufi. | Het Ram, Rai Sahib Chaudhri. |
| Abdul Haye, The Honourable Mian. | Jafar Ali Khan, M. |
| Abdul Rahim, Chaudhri (Gurgaon). | Jalal-ud-Din Amber, Chaudhri. |
| Afzaalali Hasnie, Sayed. | Khizar Hayat Khan Tiwana, The |
| Ahmad Yar Khan Daulatana, Khan | Honourable Nawabzada Major. |
| Bahadur Mian. | Kishan Das, Seth. |
| Ahmad Yar Khan, Chaudhri. | Manohar Lal, The Honourable Mr. |
| Akbar Ali, Pir. | Maqbool Mahmood, Mir. |
| Allah Bakhsh Khan, Khan Bahadur | Mubarik Ali Shah, Sayed. |
| Nawab Malik. | Muhammad Amin, Khan Sahib- |
| Amjad Ali Shah, Sayed. | Shaikh. |
| Anant Ram, Chaudhri. | Muhammad Ashraf, Chaudhri. |
| Asbiq Hussain, Captain. | Muhammad Azam Khan, Sardar. |
| Badar Mohy-ud-Din Qadri, Mian. | Muhammad Faiyaz Ali Khan, |
| Barkat Ali, Malik. | Nawabzada. |
| Bhagwant Singh, Rai. | Muhammad Hassan Khan Gurchani, |
| Chhotu Ram, The Honourable Chau- | Khan Bahadur Sardar. |
| dhri Sir. | Muhammad Husain, Sardar. |
| Faiz Muhammad, Shaikh. | Muhammad Nawaz Khan, Major |
| Fateh Jang Singh, 2nd-Lieutenant | Sardar. |
| Bhai. | Muhammad Yasin Khan, Chaudhri. |
| Fateh Muhammad, Mian. | Mushtaq Ahmad Gurmiani, Khan |
| Fazl Ali, Khan Bahadur Nawab | Bahadur Mian. |
| Chaudhri. | Nasir-ud-Din, Chaudhri. |
| Ghazanfar Ali Khan, Raja. | Naunihal Singh Mann, Lieutenant- |
| Ghulam Qadir Khan, Khan Bahadur. | Sardar. |
| Gopal Singh (American), Sardar. | Nawazish Ali Shah, Sayed. |
| Gurbachan Singh Sardar Sahib | Pir Muhammad, Khan Sahib Chau- |
| Sardar. | dhri. |
| Haibat Khan Daha, Khan. | Pohop Singh, Rao. |
| Hans Raj, Bhagat. | Ram Sarup, Chaudhri. |
| Hari Chand, Rai Sahib Rai. | Rashida Latif Baji, Begum. |

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| Niasat Ali, Khan Bahadur Chaudhri. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Ripudaman Singh, Thakur. | Sultan Mahmood Hotiana, Mian. |
| Shahadat Khan, Khan Sahib Rai. | Sumer Singh, Chaudhri. |
| Shah Nawaz, Mrs. J. A. | Suraj Mal, Chaudhri. |
| Shah Nawaz Khan, Nawab Sir. | Tikka Ram, Chaudhri. |
| Sham Lal, Rai Bahadur Chaudhri. | |

NOES.

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| Ajit Singh, Sardar. | Kishan Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Muhammad Iftikher-ud-Din, Mian. |
| Binda Saran, Rai Bahadur. | Mukand Lal Puri, Rai Bahadur Mr. |
| Chaman Lall, Diwan. | Mula Singh, Sardar. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalia, Pandit. |
| Dev Raj Sethi, Mr. | Partab Singh, Sardar. |
| Duni Chand, Lala. | Prem Singh, Mahant. |
| Duni Chand, Mrs. | Rur Singh, Sardar. |
| Faqir Chand, Chaudhri. | Sahib Ram, Chaudhri. |
| Gokul Chand Narang, Dr. Sir. | Sampuran Singh, Sardar. |
| Gopal Das, Rai Bahadur Lala. | Santokh Singh, Sardar Sahib Sardar. |
| Gopi Chand Bhargava, Dr. | Sant Ram Seth, Dr. |
| Hari Lal, Munshi. | Shri Ram Sharma, Pandit. |
| Hari Singh, Sardar. | Sita Ram, Lala. |
| Jugal Kishore, Chaudhri. | Sudarshan, Seth. |
| Kartar Singh, Sardar. | Uttam Singh Dugal, Sardar. |

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Sir I beg to move—

That in sub-clause (3), lines 1-2, the words "weighman, measurer, surveyor or warehouseman" be deleted.

Mr. Deputy Speaker, I am trying to avail of every opportunity and occasion to impress upon the Government the absurdity of including weighmen, measurers, surveyors and warehousemen in the category of those persons who have to take licences or who have to pay fees for obtaining licences. Some people may take it in their heads that we are trying to obstruct. I want to make it absolutely clear that it is not from the point of view of creating any obstruction in this House, but only it shows our anxiety to impress upon the Government the reasonableness of the case which we have been fighting during the last few minutes in this House. You will certainly credit the Opposition with the fact that the Opposition is putting a valiant fight against the obnoxious clauses of the Marketing Bill. So far as the merits of the Bill are concerned, I do not think there is any difference of opinion between the Unionist Party and the Congress Party. But we think that it is our duty to raise our voice against the obnoxious and un-economic clauses of the Bill. I think you are aware of the fact as to who these weighmen, measurers, surveyors and warehousemen are. They are very poor people. My friend, Diwan Chaman Lall, may take exception to it, but I wish to use a slang to impress my meaning—they are what are called menials, small workers who are half-starved, half-naked and who are earning something like 4, 5, 6, 7 or 8 annas a day. It is these people

whom you want to take licences by paying a fee for it. I ask in all sincerity, is there any justification for it? Mr. Deputy Speaker, who are these warehousemen? They are what are called *chaukidars*, and the Government wants to bring them within its purview — people who have not got even the sense to ask for a licence, people who perhaps do not understand the word licence. And yet when there are discrepancies on the part of these weighmen, they would be punished and ousted from the market, so that they will not be able to carry on their work. If the Government or the Parliamentary Secretary on behalf of the Government is prepared to give us an assurance that generally speaking these people will not be asked to get any licence or they will not be asked to pay any fee for it, then I am prepared to waive this amendment. But I hope, though I hope against hope, that better counsels will prevail and that sanity will dawn upon this insane Government, and in that hope I move this amendment.

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

That in sub-clause (3), lines 1-2, the words 'weighman, measurer, surveyor or warehouseman' be deleted.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): It has been suggested to me by my friend sitting here that even if such an inoffensive amendment like this is moved and the Parliamentary Secretary is not authorised to accept it himself, he might just go out and consult his Leader and ask him whether he has any objection even to such an amendment. This amendment excludes the broker who might be said to belong to what is called the *sufedposh* class. He is not a man who actually works with his hand. He depends upon a certain amount of specialised knowledge which he has acquired no doubt by dint of industry and he does not belong to the working class. Therefore I think the mover of the amendment has excluded him. If you insist upon that man getting a licence then '*qahr-e-darvesh bar jan-e-darvesh*'. But what justification on earth is there—unless of course the Parliamentary Secretary thinks that his hands are tied up? I ask him to justify it on the floor of the House. Why keep silent? Why does the member of Government not say that though the members of the Opposition are raising this point, there is this hitch? What this amendment asks is this, that this clause which lays down that no broker, weighman, measurer, surveyor or warehouseman shall be able to work with respect to any agricultural produce in the Punjab without obtaining a licence, be deleted. You remember that this work is not to be carried out merely within well-defined *mandis*. According to the few amendments which you have refused and according to the clauses which have been passed, anybody who is selling agricultural produce of a notified character comes within the purview of the Act.

What is the object of my learned friend in asking a warehouseman who is merely a *chaukidar* of certain *kothas* where agricultural produce has been stored to take out a licence? (*A voice:* Is that man a *chaukidar*?) What is he if not a *chaukidar*? We are conversant with the conditions that prevail in our markets. An *arhti* stores some agricultural produce in his own store. He does not keep a warehouseman at all, because he is there to guard it himself. But supposing he hires two or three *kothas* near the railway station or at another place where he can get them at a cheap rent and there he stores his agricultural produce; he has to employ a person

[R. B. Mr. Mukand Lal Puri.]

to be in charge of those *kothas*. That *chaukidar* who is to be in charge of the agricultural produce which is stored by an *arhti* has to be paid. Most of the members on this side as well as on the side of Government know what the average income of a *chaukidar* is. It does not exceed Rs. 12 per mensem. We are not living in lands far distant from the Punjab. Each one of us has personal experience and knows what the earnings of a weighman over a month amount to. Those earnings, I respectfully beg to point out, do not in any case exceed Rs. 20; in some cases they are only Rs. 10 a month. In fact the competitive system of labour would reduce their earnings to less than Rs. 20 a month. Do you really wish to insist upon such labour taking out a licence simply because the Punjab Government has thought fit to introduce the Agricultural Produce Markets Bill? If you do that, can you escape the accusation made against you that this Bill is not for regulating the markets, not for securing a proper return to the grower, but because you want to have political control over these classes? If you want to be hard on certain classes of people, this certainly is not the class on whom you should place the disabilities. As it is, labour in this province is not very paying, in fact a charge has been levelled that labour is being exploited in this country by capitalists, be they capitalist landlords or capitalist industrialists. Does the Government not want to escape that accusation? I want the Parliamentary Secretary to give serious thought to this question and to accept this amendment which is absolutely innocuous and which would save the Government from unnecessary ignominy and would be a very useful provision.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : There are two points which I think my honourable friend opposite ought to take note of and give a reply in regard to them. One of them is this. What is it that my honourable friend desires to penalise? Let us take the case of a surveyor. Why should a surveyor who merely surveys, I do not know what particular thing he surveys, should be compelled by my honourable friend to take out a licence? (*Interruption.*) Let us take the meaning which my honourable friend wants me to take. Let the surveyor be a man who surveys a warehouse in which agricultural produce is stored. He may be a surveyor of agricultural produce. I am not sure what are the actual duties of a surveyor. Whatever his duties are, he has merely to give an estimate according to the best of his light, it may be an accurate estimate or it may be inaccurate. However, he has only to submit an estimate. Why, then, should he be under a compulsion that is put upon him by this measure of taking out a licence? Surely it is necessary that my honourable friend should enlighten the House on this point before the House can be asked to record its opinion on this clause. He must enlighten the House as to what particular necessity there is for him to penalise a warehouseman, a surveyor, a measurer and a weighman by compelling each one of them to take out a licence. There is nothing stated in reference to these four classes of men who are going to be penalised by this measure as to what would happen to them, what evil they can commit, what would happen to them if they committed those faults under the provisions of this Bill except perhaps that they would not be given the licence even though

their duties may not be directly concerned with the working of the provisions of this law. What particular duty does a measurer perform? In what particular manner is he responsible for any wrong that might be done to a person who is the agricultural producer? (*An honourable member*: By the twist of his hands.) A measurer is an ordinary workman employed by the broker whom you should penalise. My honourable friend is a great zamindar and it is a pity that he is not familiar with the actual happenings in the *mandis* when his produce goes to the *mandis*. A measurer is not the owner of the produce; he is not the broker selling the produce to another person. He is not a person who stores the produce and charges for it. He is merely an ordinary workman who is called in either by the broker or the seller for the purpose of measuring or weighing. Further, I do not know how my honourable friend would define the duties a measurer. As far as he is concerned, I do not see any necessity to penalise him and to compel him to take out a licence. If my honourable friend wants to penalise them in this way he ought to define these terms. When this measure comes into force a great deal of litigation is likely to arise out of this, as to who is a measurer, who is a warehouseman, who is a surveyor and so on. Who is going to define them? Will we have an amending Bill brought in by my honourable friend? There is no use of passing this measure unless you define the four classes of people I have mentioned *qua* this Bill. Where will I search for a definition of these classes of people when I, acting on the market committee, am compelled to decide as to which particular person must be given a licence? Where am I going to look for guidance to find out whether any particular individual is a measurer, a surveyor, or a weighman, or a warehouseman? A weighman may be for weighing tobacco which may not be one of the articles notified under this Bill. But my honourable friend would quite logically compel him to take out a licence under the *aegis* of a market committee. My honourable friend nods his head. Do I take it that the Parliamentary Secretary shakes his head against this argument? Does he deny the validity of this argument? Where in this clause do you find an exemption of the class of persons I have referred to who are not dealing with any of the articles notified under this law? Yet, quite logically my honourable friend would be penalising all these classes and compelling them to take out a licence. It is quite possible as one of my honourable friends said that he did not read this Bill and so this point escaped his notice or the notice of the Government. If that is not so, it is necessary that the Government should enlighten the House as to what is at the back of its mind in bringing in a provision of this nature. It is also further necessary that the Government should enlighten us as to the definition of these classes of workers and as to their duties. Let me take an example. My honourable friend over here is a zamindar and he brings his agricultural produce into the notified area, into the particular area which is covered by this measure, for the purpose of selling that particular article. He hands this commodity to his broker. The broker arranges for the sale of this commodity. The commodity is then weighed, let us say it is cotton, and it is sold by the broker to a particular factory in that *mandi* as it is usually done in these *mandis*. The cotton is then weighed on the scales by this particular factory. Where does the measurer come in? The man who attends to the machine for the purpose of weighing may be considered to be a measurer. How is the weighman to be penalised?

[Diwan Chman Lall.]

You are at the same time penalising the man who is purchasing this commodity. He cannot purchase it without taking a licence and if he commits any wrong he suffers the penalty of having his licence cancelled. Why do you want to go beyond that and punish or burden an ordinary workman who may know nothing at all about the transaction? He has merely manipulated the machine which belongs to his master and you are compelling him to pay to the market committee or to the Government as the case may be, a licence fee for the purpose of getting this permission from the market committee to act as a warehouseman or a measurer or a weighman. In this particular transaction which is the ordinary class of transaction, there is no question either of a warehouseman, surveyor or a measurer. The only question that arises is the question of a weighman. Now take another case where commodities come into the market and they are not sold that very day and they are put in a warehouse. Even then I submit you have already got the authority or the power to punish either the broker or the warehouseman, that is to say the factory owner in whose factory this particular commodity is stored. Why do you wish to penalise the ordinary *chaukidar* who holds the key to the lock which locks up the door of the warehouse? Under what pretext or under what justification does my honourable friend wish to burden the ordinary workman who is merely a *chaukidar* looking after this warehouse and what would happen if he is to be penalised? My honourable friend says that it is not the weighman that he is after. Then what definition has my honourable friend given in this Act regarding the particular type of warehouseman whom he wishes to penalise? I do submit that the vagueness of these terms that have been employed first of all create a difficulty. I submit, secondly, that apart from the vagueness of these terms, there is a particular class of ordinary workman who is going to be penalised unnecessarily. When you have armed yourself with that power to control those who are actually governed by the transaction of sale and purchase of agricultural produce in these market areas and have got at the real man, there is no necessity to go beyond that and penalise the ordinary workman. I submit therefore my honourable friend will perhaps enlighten the House as to what exactly he means by roping in this class of workers and give us the benefit of his opinion as to what he means so that we may be able to come to a correct decision in regard to this particular amendment.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I would only add very few words to what has been so ably said by my honourable friend on my right and that would be with respect to the measurer. It is not very clear to many members, it seems, what a measurer is. Probably the reference is to a person who uses in what in the Punjab we call a *topa* or a *duropa*. Generally it is the *duropa* which is employed in the villages. But in the *mandis*, as Nawab Sahib and other big zamindars would know, it is neither the *topa* nor the *duropa* that is employed. Generally the grain is weighed and, of course, cannot be measured either by a *topa* or a *duropa*. Now let us see if there is any justification for the inclusion of a measurer. In the first place it will not be very common to find a measurer in that sense in a *mandi*. But even if there were a number

of measurers in every *mandi*, has it occurred to the framers of this Bill and this clause particularly that there may be a difference in the measurement if the same grain is measured by X and then it is again measured by Y? There may be an honest difference. It will not be a big difference. But supposing he weighs one *mani* of wheat. I trust my honourable friend knows what a *mani* is. Roughly it is eight maunds of wheat and it is 200 *topas*. If you weigh out one *mani* and then the same *mani* is weighed by another there might be a difference of a *topa* or half a *topa*. Now are you going to penalise that man because of the difference of a *topa* or half a *topa* in the measurement of a *mani*? Perhaps that man has measured 10 or 20 *manis* in a day with that *duropa*. After all it is an open measure; it is not a closed measure. Grain has to come even at the top in the form of a cone, if the honourable members would understand what I mean, and the man has to put his hands, one hand on one side and the other hand on the other, before he fills it and when he empties it and if a few grains fall off every time there may be less measurement by half a *topa* in the aggregate. It would be in the first place impossible to detect. In the second place it would open the way to false accusations and to annoyance without any proper justification at all. I would, therefore, submit that so far as the measurer is concerned, it is absolutely unnecessary to include him in the list of persons who would be compelled to take out a licence.

Then take the surveyor. It is not clear to many members and it is not absolutely clear even to me what the Honourable Minister means by a surveyor here. There is no question of surveying any land nor of surveying any *kothas* nor of surveying any grain in the sense of finding out the dimensions of a heap to ascertain the weight. Then the only sense in which a surveyor can be mentioned or could be included here is this. Generally in the case of cotton when it comes they take it to a surveyor or a surveyor is called for. They say, here is a heap, you just survey before we can fix the price. He just opens it or takes a handful here and a handful there and he says, the *kan* of this cotton is 13 or 13½ or 14. Those people who know anything about it would know what I mean by *kan*. For the information of those who do not know I may say that it means that if a maund of *kapas* is ginned it may yield 13 seers of cotton and 27 seers of *benola* if we do not make any allowance for dust or impurities or it may be yielding 13½ and in the best case it may yield 14. That is the duty which may be done by the surveyor. Now I ask the Honourable Minister whether he seriously thinks that there could be any occasion for penalising a surveyor because he has said 13 while another surveyor gives it as 13½? It will make a difference in the price if the *kan* is to be determined at 13 or 13½ or 14. But it is a matter of personal opinion and experience and skill and there can be absolutely no question of deliberate dishonesty. If a surveyor comes and says the *kan* is 10, nobody would believe it. Even the most ignorant cultivator would say this man is a liar and no surveyor will have the audacity or the temerity to say that the *kan* is 10 or 8 or even 11 unless, of course, the *kapas* is absolutely rotten and was picked towards the end of the month of *Poh*, when it might be bad, but it would not be at all possible for a surveyor to make such a great mistake; so that, I would submit that there is no justification for the inclusion of a surveyor among those people who are liable to be penalised under this Act.

4 P.M.

[Dr. Sir Gokul Chand Narang.]

On the other hand it would open the field for false accusation for unnecessary and unjustified annoyance.

Now let us come to the warehousemen. Who are these people? The meaning of warehousemen or warehouse is not quite clear. Does it mean the owner of a *kotha* in which a commodity is stored? So far as I can understand it means nothing else. Some people are neither brokers nor *arhtis*, nor weighman, nor measurers, but they have some money and they invest it in immovable property. They have godowns and these *arhtis* and other traders utilise these godowns for storing their grain. Now how is the owner of the godown or *kotha* to be penalised? If he steals, he is a thief and like a thief he would be dealt with under the Indian Penal Code. If he sets fire to the commodity, he would be dealt with for arson, and if he throws dust or any other impurity into the commodity, there are other provisions of the Indian Penal Code under which he would be hauled up. What has he got to do either with weighing or measuring or surveying or selling or with the brokerage of any commodity that is stored in his house? Well might the chaprasis and clerks of this House be hauled up for any Bill that might be passed by this House. They are doing their duty here, the Secretaries and even the Speaker and the whole staff of *chaukidars* do take part in a certain sense in the legislation that might be passed by this House, but they are certainly not responsible for the nature or the quality of any law that may be passed. I would therefore submit that the inclusion of measurers, surveyors and warehousemen in the list of persons who are required to take out licence is absolutely unnecessary.

Minister for Development (The Honourable Chaudhri Sir Chhota Ram): Sir, the honourable members of the Opposition have suggested that apart from ordinary *arhtis* and brokers, weighmen, measurers, warehousemen and surveyors should not be licensed, because to them licensing means only penalising. I maintain that there is no question of penalising anybody as a surveyor or as a warehouseman or as a weighman. They are liable to be penalised only if they are guilty of breaches of certain rules. So far as the question of subjecting them to a small licence fee is concerned, I hope that is not regarded by the opponents of this measure as penalising. After all, certain professions have to pay certain fees. Doctors have to pay fees, lawyers have to pay fees and in future *sahukars* also will have to pay some fees. There is no reason why the same condition should not be applied to the pursuit of the profession of weighmen, measurers, surveyors and so on.

One of the difficulties to which attention was drawn by Diwan Chaman Lall was that these words had not been defined anywhere and the absence of any definition of the meaning to be attached to these terms might lead to a good deal of litigation. I maintain that the mere fact that these terms have not been defined anywhere will not lead to any litigation. After all the Punjab is not the only province where legislation of this kind has been introduced. There are other provinces where legislation of this type has existed for a number of years and all these terms, weighmen, measurers and surveyors, occur undefined in the Bills passed in those provinces. So far as I have heard no litigation has followed there in consequence of these terms having remained undefined.

Another objection that has been raised by Dr. Sir Gokul Chand, it was also raised by Diwan Chaman Lall, is this. What do you mean by licensing a measurer and what do you contemplate in the way of punishing a measurer for breaches of any of the rules and so on? Why do you seek to punish them? What can they be punished for? Take the instance of a measurer. Suppose a man sells *til* by a *mani* and the measurer is the person who puts the *til* into the *mani* and empties it on the floor or into a sack. That man can fill the *mani* in such a way as to subject the seller of the *til* to a loss of at least half a seer per maund. Instead of filling the *mani* with the contents absolutely level with the edge of the rim, he can pile up the contents into a cone well above the edge. That can be easily done and a loss of at least half a seer can be easily caused to the seller. Suppose that man does it habitually and invariably in every case. There is no reason why such a man should not be penalised. Take the case of a surveyor. He tests the quality of cotton. Suppose there is a quarrel between the seller and the purchaser and the purchaser says that the cotton in the lower portions of the cart is not of the same quality as in the upper portion. The seller contends that the quality is the same. Suppose the surveyor gives a deliberately false verdict that the cotton in the lower portions of the cart is inferior to the cotton in the upper surface. Is there any reason why such a man should not be punished if proved guilty? For these reasons I oppose this amendment.

Chaudhri Krishna Gopal Dutt : I am constrained to say that it is a very poor defence which the Honourable Minister for Development has given. He was blowing hot and cold in the same breath. He said that there was no question of penalisation and again that they were liable to be penalised. The two statements made are absolutely irreconcilable. I, at least for one, have not been able to reconcile these two statements. He says these weighmen, measurers, surveyors or warehousemen are guilty of misconduct and malpractices in the *mandis* and that there should be some provision against these practices. I at least do not know if all these people are guilty of malpractices as has been suggested by the Honourable Minister for Development. But he has made a very exaggerated statement when he says that every surveyor does all these things.

Minister : A surveyor may.

Chaudhri Krishna Gopal Dutt : He said, 'does'. (*Interruption.*) Then, Mr. Deputy Speaker, the question is as to who will be the judge of that. If he is guilty of misconduct, then I would say that there is the entire Indian Penal Code working against him and the entire Indian Penal Code can be brought into operation against him.

Syed Amjad Ali Shah : Under what section?

Chaudhri Krishna Gopal Dutt : You know that better than I do. The Honourable Minister has not given any reason as to why they should be asked to take a licence. The second point that he did not cover was whether any fees are going to be charged from these people or not.

Minister for Development : Yes, they are going to be charged.

Chaudhri Krishna Gopal Dutt : The Honourable Minister for Development did not touch the point at all as to whether they really possessed the capacity to pay what the Government is going to demand from them.

[Ch. Krishna Gopal Dutt,]

This was one of the most important points and the Honourable Minister for Development did not say a word about it. Then he referred to the Marketing Bills in other provinces. It makes a world of difference, as I said the other day, as to whether this Bill is going to be put into operation in this province or in any other province. Even the most innocuous things, as I said, can work havoc in the hands of those people whose intentions are bad, and I repeat that the intentions of the present Government are not above suspicion. It is why we did not want to arm the Government with these powers. On the one hand I have been told privately by a very prominent member of the Unionist party that these weighmen and surveyors, generally speaking, will not be charged any fee and, when we ask for an assurance from the Government, it does not give any. Why does the Honourable Minister for Development say that he is going to charge fees from these people? He is at present the god of the province in the sense that he has got political power in his hands and he is at perfect liberty to abuse that power in whatever manner he likes.

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

Chaudhri Krishna Gopal Dutt : Therefore, we are helpless and it is our duty to plead. With these words I press my amendment.

Mr. Deputy Speaker : The question is—

That the words "weighman, measurer, surveyor or warehouseman" in lines 1-2, sub-clause (3), stand part of the sub-clause.

The Assembly divided. Ayes 76, Noes 82.

AYES

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.
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, Shaikh.
Fateh Khan, Khan Sahib 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 Qadir Khan, Khan Bahadur.
Ghulam Samad, Khwaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Sahib Sardar.
Hans Raj, Bhagat.
Jafar Ali Khan, M.
Jalal-ud-Din, Amber, Chaudhri.
Jogindar Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.

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| Manohar Lal, The Honourable Mr. | Muzaffar Khan, Khan Bahadur Nawab. |
| Maqbool Mahmood, Mir. | Nasir-ud-Din, Chaudhri. |
| Mubarik Ali Shah, Sayed. | Nasir-ud-Din Shah, Pir. |
| Muhammad Amin, Khan Sahib Shaikh. | Naunihal Singh Mann, Lieutenant Sardar. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Nawazish Ali Shah, Sayed. |
| Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Muhammad Hussain, Chaudhri. | Pohop Singh, Rao. |
| Muhammad Husain, Sardar. | Ram Sarup, Chaudhri. |
| Muhammad Jamal Khan Leghari, Nawab Sir. | Rashida Latif Baji, Begum. |
| Muhammad Nawaz Khan, Major Sardar. | Riasat Ali, Khan Bahadur Chaudhri. |
| Muhammad Nurullah, Mian. | Ripudaman Singh, Thakur. |
| Muhammad Qasim, Chaudhri. | Roberts, Sir William. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Sahib Dad Khan, Khan Sahib Chaudhri. |
| Muhammad Sarfraz Khan, Chaudhri. | Shahadat Khan, Khan Sahib Rai. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Shah Nawaz, Mrs. J. A. |
| Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Yasin Khan, Chaudhri. | Sham Lal, Rai Bahadur Chaudhri. |
| Muhammad Yusuf Khan, Khan. | Sikander Hyat Khan, The Honourable Major Sir. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sohan Lal, Rai Sahib Lala. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Sultan Mahmood Hotiana, Mian. |
| | Sumer Singh, Chaudhri. |
| | Saraj Mal, Chaudhri. |
| | Tikka Ram, Chaudhri. |

NOES

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| Bhagat Ram Choda, Lala. | Kishan Singh, Sardar. |
| Chaman Lal, Diwan. | Krishna Gopal Dutt, Chaudhri. |
| Chanan Singh, Sardar. | Muhammad Iftikhar-ud-Din, Mian. |
| Deshbandhu Gupta, Lala. | Mukand Lal Puri, Rai Bahadur Mr. |
| Duni Chand, Lala. | Mula Singh, Sardar. |
| Duni Chand, Mrs. | Muni Lal Kalia, Pandit. |
| Faqir Chand, Chaudhri. | Partap Singh, Sardar. |
| Gokul Chand Narang, Dr. Sir. | Rur Singh, Sardar. |
| Gopal Das, Rai Bahadur Lala. | Sahib Ram, Chaudhri. |
| Gopi Chand Bhargava, Dr. | Sampuran Singh, Sardar. |
| Hari Lal, Munshi. | Santokh Singh, Sardar Sahib Sardar. |
| Harjab Singh, Sardar. | Sant Ram, Seth, Dr. |
| Harnam Das, Lala. | Shri Ram, Sharma, Pandit. |
| Jugal Kishore, Chaudhri. | Sita Ram, Lala. |
| Kapoor Singh, Sardar. | Uttam Singh Dugal, Sardar. |
| Kartar Singh, Chaudhri. | |
| Kartar Singh, Sardar. | |

Mr. Deputy Speaker : Amendments Nos. 13—18 are obviously out of order.

Chaudhri Tikka Ram : I beg to move—

That in sub-clause (3), at the end, the words "in respect of agricultural produce as defined in this Act" be added.

The motion was carried.

Lala Duni Chand (Ambala and Simla, General rural) ; Sir, I beg to oppose sub-clause (3). I submit that this is one of the most important and necessary amendments.

Mr. Deputy Speaker : May I make it clear that honourable members who want to speak on sub-clause (3) may avail themselves of this opportunity of doing so ?

Lala Duni Chand : In order to make my object clear I may read out sub-clause (3). It runs thus :—

No broker, weighman, measurer, surveyor or warehouseman shall, unless duly authorised by licence, carry on his occupation in a notified market area.

What I want is that none of these persons should be required to take out a licence. So far as I understand none of these people are supposed to be guilty of those malpractices of which an *arhti* or a commission agent may be guilty. The provision of taking out a licence may be perfectly necessary in the case of *arhtis* or other shop-keepers who carry on business more or less on a large scale and who deal every day with the producers ; but I fail to understand what necessity or what justification there is for compelling these classes of persons to take out a licence. Are they in any way the sharers of the spoliation, loot and blackmailing of which the *arhtis* may be guilty ? It is not possible for any reasonable man to think that this class of persons is in any way a party to the blackmailing, cheating or malpractices that are practiced by the *arhtis*. They are one and all humble people who carry on business of different kinds in order to earn a living for themselves and for their children and mostly earn their daily bread. Why should these people be compelled to take out licence ? I do not want to repeat the arguments that have been advanced by the other speakers. None of these people make large income and may be making only between eight annas and one rupee a day. If they are compelled to take out a licence there will be a lot of difficulties. I know that under the proposed law any person will be entitled to get a licence on mere application. So far as that provision of the law is concerned I think it is all very well, but there will be difficulties in practice. We know everybody is entitled as of right to go to a police station and make a report of a cognizable or a non-cognizable offence, but may I know how many persons are allowed to exercise this right of making a report free of any charge ?

Similarly all people are entitled to a licence. I fear most of them, if not all, will be required to pay something. This will work in practice a great hardship upon a large number of people. If the number of people affected is small, then it could have been contended that it is going to affect a small number of people. These persons will be numbering in hundreds, perhaps, in thousands. All

¹That in sub-clause (3), line 3 between the words "licence" and "carry" the words "which shall be issued or renewed free of any charge" be inserted.

these people shall be applying to the market committee or the prescribed authority and each one of them shall have to satisfy one or the other member of the market committee or the prescribed authority. I would ask you to realise how many difficulties they shall have to face in practice. They will not get their licences easily. They will not be asked by the authorities, 'Well, here is a licence, take it and pay 4 annas, or 8 annas or one rupee.' This is the point that I want to make out. Again, when they will get licences, some condition will be attached to their licences and very possibly there may be too many conditions and if they are found guilty of a breach of any of those conditions, whether important or unimportant, their licences might be forfeited. Again, they will be facing a serious situation when some sort of charge will be brought against them; it will not be very easy for them to get a proper judgment from proper quarters. In some cases some of them may forfeit their licences and others may not forfeit their licences, but they shall have to pay something to those people, of course, in whose hands it will lie whether a licence is forfeited or not. I do ask the Honourable members of this House to pay due attention to this aspect of the matter. It will be a real grievance and not an imaginary one. When there will be any proceedings in regard to the forfeiture of their licences, they shall experience a lot of difficulties. There will be a lot of intrigues and there will be loot. If one will know that the licence of such and such a man is forfeited, he will try to step in his place. Then in this connection also there will be a difficulty. I submit, that the Government gains nothing substantial by making it compulsory for these various classes of people to take out licences. I will explain this. If you go to any market, you will find that these people have nothing to do important and big. They have to discharge petty duties. I fail to understand why there should be any interference with this perfectly legitimate and normal business carried on by petty persons. The business that they will be carrying on will be petty and the persons who will be carrying on this business will be petty. Most of them will be poor people. Why should the swords of Democles hang over their heads? Why should they be required to take out licences? If you find a class of persons who are supposed to interfere with the rights of others and who are supposed to harm others, then I can well understand the reason. But speaking generally, it is a class of people who are pursuing their legitimate and ordinary business. They have no business to interfere with the rights of other people. They do not, in any way, injure other people. Why, for God's sake, are you going to penalise the whole class of people? A penalising legislation of this kind can apply only to a particular class of people who may be a danger to society. Can any one say honestly and reasonably that these poor people can be a source of danger to the society or that they can loot people? We know that 99 per cent. of them will be earning their daily bread and if their licences are taken away, they will be deprived of it.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Lala Duni Chand : I do not understand your remarks.

Mr. Deputy Speaker : I simply asked the honourable member to be brief.

Lala Duni Chand : Now, I understand. I thought that what I was saying was not relevant. However, the Government is expected to be beneficial or to be kind and just to those people who come under its rule. The foremost duty of any Government is that it should look after the interests of poor people. In what way will the the Punjab Government be benefitting this province by making it compulsory for all these people to take out licences? Under these circumstance, I do not easily make a presumption, against the Government. I, having a legally trained mind, take care, whenever I make any presumption, of the circumstances available to me. If you are going to persist in penalising these people, if you are not going to take care of the views of a large section of people, then we are forced to raise our voice of protest. Another presumption is also possible and it is that you are doing all this with a political motive. You want to bring under your control this class of people. You have got this point before you. If once *arhtis* and shopkeepers are brought under your control then all these surveyors, weighmen, measurers, etc., will also be brought under your control. I think the members of the Government should be above any such prejudice. But after all, this presumption is forced upon one's mind that this is the only motive as to why these persons are required to take out licences. I fail to understand it. This is one of the most unacceptable provisions of your Bill. As I said the other day, if this Bill is free from certain objectionable features, all of us can agree to the passing of it and in that case there will not be much difficulty, but we are at issue on some most important points. It is not possible for any of us to agree to the most obnoxious and most unacceptable provisions of law. We made an offer to the Honourable Minister, that so far as the *arhtis* are concerned, make the Bill as stringent and as effective as you can and you can take every pound of flesh in their case. But you want the poor people to take out licences. We gave you a more effective substitute. But here also you are adamant. You want that small people should also be under your thumb. How is it possible for any honest member of this House not to object to a provision of this kind? This is the most important amendment to which all the attention and energy of the House should be directed. With these words I move my amendment. Now I leave it to the honourable members, the fair-minded members of the House, whether they can easily support a provision like this. I ask the members sitting on the other side whether there is any justification for them to go *en bloc* on each occasion to support inequitous provisions like this. Do they not think for a moment that the poor people whom this provision is going to effect expect some fairness not only from the members of the Opposition but also from members on the other side? I do hope in any case the House will make up its mind so far as this amendment is concerned. I will not be able to carry this amendment, but the House should tell the Government benches that they are making laws that are most inequitable and that are going to ruin a large number of petty trades. I hope my amendment will receive the utmost consideration of the House and I shall see what will be the fate of it at the end.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : Much has been said on this clause and we have also heard the

Honourable Minister for Development on this point. I have only to point out one thing with regard to the nature of this measure. It is admitted on all sides, that this is not a fiscal measure and the idea of Government is not to make money out of this Bill or of this measure. Neither is it a punitive measure. It is a regulative measure as it regulates the market practices and attempts to codify the practices that are now prevailing in the different markets of the province. As such there is not much difficulty so far as the retention of this clause is concerned. On the one side there is the apprehension in the mind of the Opposition that there is something else in the minds of the sponsors of this Bill than the mere regulating of market practices obtaining in the different places in the province. On the other side it is said by the mover of this measure that Government only want to remove malpractices that are prevalent in the different markets. We all agree on that point that malpractices, if there are any—and in some cases there are many—should be remedied. At the same time in an attempt to remove malpractices we should not introduce practices which tend to become corrupt practices and which may create later on a lot of trouble in the way of persons who have nothing to do with the different functions that are carried on in the market. The main functionaries in the show are the seller, the purchaser and the middleman (*arhti*, or commission agent). Then there is the broker. But so far as the other functionaries are concerned they are merely measurers and their business is only to help the buyer and the seller and the commission agent. If similar provisions in different Acts are also examined, you will see that in some cases, more especially in the case of Bombay, no fee is charged from weighmen. So far as measurer is concerned different scales of fees have been fixed in other provinces. But in our case an attempt is being made by Government benches to utilise this Bill in more than one way. They do not only aim at getting this Bill on the statute book with a view to remove the malpractices, but they also aim at using it as a weapon in the hands of Government against those who are politically opposed to them, and it is for that reason that these things are being retained in the Bill. The Opposition wants that these words should be deleted. That is an extreme step that the Opposition is proposing. We had a middle course also and suggested that in certain clauses some words might be removed. But Government is not open to reason. It does not want to consider these amendments. It sits mum and silent and rules by force of majority. With these words I support the amendment as proposed by my learned friend from Ambala Rural Constituency.

Mr. Deputy Speaker : The question is—

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

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Chaudhri Krishna Gopal Dutt : I beg to move—

That in line 3, for the word 'nomination' the word 'election' be substituted.

Mr. Deputy Speaker : I think that in view of the fact that the consideration of clause 8 has been postponed, this clause also may be postponed.

Chaudhri Krishna Gopal Dutt : No, Sir. It is not the consideration of the principle of election that has been postponed. What has been postponed is the question as to how many members should constitute the committee and what method should be adopted for election, whether there should be separate electorate or whether the local bodies should elect the members and so on. The consideration of the principle of election has not been postponed. I have also got instructions from the acting Leader of my party to move this amendment.

Minister for Development : I beg to move—

That the consideration of clause 10 be postponed.

The motion was carried.

—

Clause 11.

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

That in line 1, for the word 'Government' the words 'Deputy Commissioner' be substituted.

The main reason why I want the Deputy Commissioner to be given the power of removing a member from the market committee in case of any misconduct is this. In order to determine the nature and extent of the misconduct of a member to justify his removal there should be some sort of tribunal which should record some sort of evidence and also give the person concerned an opportunity to explain his conduct. Though the Deputy Commissioner ordinarily does not constitute a tribunal, though he discharges his duties as an executive officer, all the same he is supposed to record some evidence on which he can base his conclusions. If this power rests with the Government, howsoever highly the members of the Government may be placed, they are not generally in a position to record evidence or to sit as a tribunal. There must be a person or a body of persons who can hold an enquiry whenever such matters come up before them for enquiry. If the Government has got this power, it will hardly hold any enquiry, but will leave the matter entirely to the subordinates whose reports the Government will quietly accept without going into the merits of the case. That is one reason why I press this amendment for the acceptance of the House.

There is another reason also that has prompted me to move this amendment. Whenever any complaint is made against a particular member of a committee the member concerned will approach the Minister or Ministers concerned. I think people should not be encouraged to approach the members of Government for anything like that. Such matters should be left to those authorities who can hold enquiries on the spot. The Deputy Commissioner will have the advantage of knowing, in view of his local knowledge, all things about the person concerned and about the reasons why he is being proceeded against. For all these reasons it is highly desirable and necessary that the Ministers of Government should not take this responsibility upon themselves. This work should be left to the local subordinates who can do this work better than the Ministers. For these reasons I commend the amendment to the House.

Mr. Deputy Speaker : The question is —

That the word 'Government' in line 1 stand part of the clause.

The motion was carried.

Lala Duni Chand : I beg to move—

That in line 6, for the word 'Government' the words 'Deputy Commissioner' be substituted.

Mr. Deputy Speaker : The question is—

That the word 'Government' in line 6 stand part of the clause.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I beg to move—

That the following proviso be added :—

'Provided that he may appeal to the High Court against the order of the Government for his removal.'

Mr. Deputy Speaker, I moved a similar amendment with regard to another clause and the arguments which I adduced then apply to this amendment also. I do not therefore think that I need make any lengthy speech in support of this amendment. I have repeated *ad nauseam* that the Government have exhibited a bad spirit in dealing with such matters and the province has had a bitter experience of it from the past Government as well as the present Government. We have seen in the case of local boards, particularly in the case of municipalities that when certain persons were guilty of misconduct they brought recommendations to the Ministers and to other members of Government with the result that where action should have been taken against them, no action was taken. It is no exaggeration. I can quote chapter and verse in support of my contention. I can cite any number of instances of the kind I have mentioned. I hope Dr. Sir Gokul Chand Narang who was a Minister in the previous Government will bear me out when I say that Ministers including Dr. Sir Gokul Chand Narang had been showing favours.

Dr. Sir Gokul Chand Narang : Nonsense.

Chaudhri Krishna Gopal Dutt : In spite of the fact that the honourable member has used a very strong expression I regret to say that I have no reason to change my opinion.

Dr. Sir Gokul Chand Narang : I said 'nonsense' out of affection.

Chaudhri Krishna Gopal Dutt : I do care for the affection of my honourable friend and therefore I have no intention to take up a controversy with him.

There have been cases in this province when the Government did not take action against those persons of the municipalities or debt conciliation boards or district boards who were guilty of malpractices or who were guilty of misconduct. Not only that, but there have been certain persons, members of municipal committees and district boards, who were victimised on personal grounds, on party grounds, on political grounds. Therefore I think that the Government should not be entrusted with this power and at least the power of penalisation should not rest with the Government. There should be some authority

[Ch. Krishna Gopal Dutt.]

over the head of the Government which should be expected to give justice in case the Government committed any mistake. Moreover, the Government might not commit a mistake, but the officer of the Government deciding the question may be misled by certain evidence in favour of or against the aggrieved person. So there should be an independent tribunal which should sift all the evidence and after sifting the evidence come to some definite conclusion which is based upon justice and not based upon party consideration. I think that in this province if there is any such constituted authority which is expected to meet the ends of justice, it is the High Court and therefore I want that if there is any aggrieved person, aggrieved at the hands of the Government for the mistakes of the Government, he should be at liberty to move the High Court so that justice may be done. With these words I move my amendment.

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

That the following proviso be added :—

“ Provided that he may appeal to the High Court against the order of the Government for his removal! ”.

Diwan Chaman Lall : On a point of order. May I, in view of the fact that certain clauses have already been postponed, suggest the desirability of postponing this clause also? Apparently this clause has been put in, and you will notice that it was not originally part of the Bill but comes after the report of the select committee, in view of the fact that the scheme suggested by the Government was a scheme of nomination and therefore I dare say Government desired to take the power into their hands of cancelling the nomination of those particular members who were guilty, according to them, either of neglect of duty or misconduct. If, on the other hand, it is possible to arrive at an agreement regarding the plan of election, it is possible that the Government themselves must consider this clause not to be necessary in view of the plan adopted for electing members of these bodies. In view of that, would it not be desirable that this particular clause may also be postponed and taken up at a later stage when clauses 8 and 10 will be duly considered and brought before the House? I think my honourable friend would probably agree with me that it will probably be desirable to adopt this course, so that any powers that the Government might wish to exercise might be exercised in view of the plan that they adopt. At the present moment the only plan is the plan of nomination. It is possible that the plan may be changed to a plan of election and in that case the powers to be exercised by the Government may be slightly different to the powers that are mooted here. So, may I ask him, in order to facilitate discussion and so that we may not come back again to the same amendments, whether it will not be desirable to postpone consideration of this clause and take up the question when clauses 8 and 10 are considered by this House?

Minister for Development : May I dispel a misapprehension that seems to exist in the mind of Diwan Chaman Lall? He thinks that there was no provision corresponding to the present provision in the Bill as originally introduced. There was a provision on this subject in the original Bill also and that appears on page 4 as a proviso. This clause was added as a substantive clause while the select committee was considering this Bill. It

was put in as a separate clause by itself, the procedure for removal being taken practically bodily from either the Municipal Act or the District Boards Act.

With regard to the other question of postponing the consideration of this clause, I do not think it is at all necessary. The question of nomination or election has absolutely nothing to do with the question of removal. In municipalities we have a system of election; in district boards also we have the same system and yet this provision exists in both the Municipal Act and the District Boards Act. I, therefore, submit that the consideration of this clause should not be postponed. It is not necessary. Nor is it desirable. If we are able to come to an agreement over clause 8, well and good. But if we are unable to come to an agreement then the argument put forward by my honourable friend does not hold good. Even if we came to an agreement this clause would have to stand as it is. So it is not advisable to postpone the consideration of this clause. I have a very valid objection to this amendment which I think I had better reserve till the amendment regarding deletion comes up.

Mr. Deputy Speaker : The question is :—

That the following proviso be added :—

“ Provided that he may appeal to the High Court against the order of the Government for his removal.”

The motion was lost.

Mr. Deputy Speaker : Does any honourable member wish to speak on clause 11 ?

Diwan Chaman Lall (East Punjab Non-Union Labour) : Sir, I rise to oppose the clause. The reasons given in the clause for the removal of members of these committees are two—(1) misconduct, that he has been guilty of misconduct and (2) neglect of duty. Who is going to be the judge of what constitutes misconduct or neglect of duty? Suppose my honourable friend in the course of his official duties goes to a particular spot, holds a meeting and addresses a vast audience, utilizes the official lorry and the official loudspeaker and I say to my honourable friend that he is not within his rights in utilizing that lorry and that loud speaker for the purposes of his party propaganda. My honourable friend says ‘no, I am addressing a meeting and I am doing it in the course of my duties.’ We have had that instance here on the floor of this House and there is a valid objection raised from our side and from our point of view against my honourable friend’s conception of what duty is and if in such an important matter it is not possible to decide what does or what does not constitute neglect of duty, by what criterion is my honourable friend going to judge the question of neglect of duty by a member of a market committee? Take the second case, the question of misconduct. What is misconduct? If a member of a market committee when he sneezes does not sneeze in a particular manner, in a hygienic manner, my honourable friend may consider that to be a misconduct. From the hygienic point of view, it is a very serious misconduct if a man sneezes in your face and it is nowhere laid down what is a misconduct. It is an extraordinary proposition that legislation should be taken in hand and it should be attempted to penalise members of committees on these two grounds without specifying what is the nature of these two grounds.

[Diwan Chaman Lall.]

Suppose my honourable friend visits a particular area where a market committee has been set up and he goes there and holds a meeting and the members of the market committee do not attend that meeting. Is there anything in the provisions of the measure to prevent my honourable friend from considering the non-attendance of a member of the market committee as a misconduct? Is there anything? And if there is anything I would be very glad to learn and I would be very glad to be enlightened as to what is the interpretation of these words. Where there is no restriction placed on the word, anything may be misconduct, anything that is not acceptable to the Government which is the sole authority in such matters in considering whether a person has committed a misconduct or not. It is extraordinary that powers may be vested by virtue of election upon certain bodies of men working for the public and that these powers should be hedged in by such idiotic restrictions, by such dangerous restrictions and it is inconceivable that any self-respecting person should be found and should be wanting to sit on such committees when such powers are being utilised by my honourable friend. I do submit therefore that it is a very valid objection that we have to raise in regard to these vast powers that my honourable friend is wanting to take into his hand of removing members of these committees on the ground of misconduct and neglect of duty and leaving these two words absolutely undefined, utterly vague and so wide. In fact almost any act of a member of a committee can be brought within the purview of the meaning of these two phrases. Therefore if we want really to set up market committees consisting of men who will know how to do their duty properly and who are self-respecting men, who will not have always hanging over their heads—an expression which my honourable friend behind me is very fond of using the—sword of Damocles because at any moment they may be supposed in the eyes of the official concerned to be guilty of a misconduct or neglect of duty which might cost them their seat in the committee—I submit in view of that—it is necessary that these powers should not be given to my honourable friend. I, therefore, oppose this particular clause and submit that it should not be passed by this House.

Mr. Deputy Speaker : Question is—

That clause 11 stand part of the Bill.

The Assembly divided : Ayes 67, Noes 27.

AYES

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| Abdul Hamid Khan, Sufi. | Badar Moyd-ud-Din, Qadri, Mian. |
| Abdul Haye, the Honourable Mian. | Barkat Ali, Malik. |
| Abdul Rab, Mian. | Chhotu Ram, The Honourable Chaudhri Sir. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Faiz Muhammad, Shaikh. |
| Ahmad Yar Khan, Daulatana, Khan Bahadur Mian. | Fateh Khan, Khan Sahib Raja. |
| Ahmad Yar Khan Chaudhri. | Fateh Muhammad Mian. |
| Ali Akbar, Chaudhri. | Fateh Sher Khan, Malik. |
| Amjad Ali Shah, Sayed. | Fazal Ali, Khan Bahadur Nawab Chaudhri. |
| Anant Ram, Chaudhri. | Fazal Din, Khan Sahib Chaudhri. |
| Ashiq Hussain, Captain. | |

Fazal Karim Bakhsh, Mian.
 Ghulam Moby-ud-Din, Khan Bahadur Maulvi.
 Ghulam Rasul, Chaudhri.
 Gurbachan Singh, Sardar Sahib Sardar.
 Haibat Khan, Daha, Khan.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan, Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Fayaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan, Gurchani, Khan Bahadur Sardar.
 Muhammad Husain, Chaudhri.
 Muhammad Husain, Sardar.
 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 Mian.
 Muhammad Sadiq, Shaikh.

Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Wilayat Hussain, Jeelani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 Duni Chand Lala.
 Duni Chand, Mrs.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.
 Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partap Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shri Ram, Sharma, Pandit.
 Uttam Singh, Dugal, Sardar.

Clause 12.

Mr. Deputy Speaker : The question is—

That Clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Mr. Deputy Speaker : The question is :—

That Clause 13 stand part of the Bill.

The motion was carried.

Clause 14.

Lala Duni Chand : I have already given my views and consistently with those views I simply move this amendment without any speech. I move—

That in line 8 between the words "shall," and "subject", the following be inserted :—

"Control and manage the funds that may come into its hands from time to time."

My object is to limit the powers.

Mr. Deputy Speaker : The question is :—

That in line 8, between the words "shall," and "subject", the following be inserted :—

"Control and manage the funds that may come into its hands from time to time."

The motion was lost.

Lala Duni Chand : I beg to move—

That in lines 8—16, the words "subject to established" be deleted.

I simply move it without any speech.

Mr. Deputy Speaker : The question is—

That in lines 8—16, the words "subject to.....established" stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the first sixteen lines of the clause stand part of the clause.

The motion was carried.

Dr. Sir Gokul Chand Narang : I move—

That in the proviso, line 6, for the word "two-thirds" the word "three-fourths" be substituted.

If you will refer to the proviso you will see the object of my amendment. The proviso reads as follows :—

Provided that no committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting *especially convened for the purpose* by a majority of not less than two-thirds of the members of the committee.

We have postponed clause 8. I do not know what the decision on that clause will be, but taking the clause as it stands the committee will contain not less than two-thirds—(Interruption). If the Honourable Minister accepts the amendment I need not take up the time of the House.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram); Remove your suspicion that two-thirds majority consist of grower's representatives.

Dr. Sir Gokul Chand Narang : Only one class will have more than two-thirds.

Mr. Deputy Speaker : The question is—

That in the proviso, line 6, the words "two-thirds" stand part of the Bill.

The motion was lost.

Mr. Deputy Speaker : The question is—

That in the proviso, line 6, in the place of the words "two-thirds" which have been deleted the words "three-fourths" be inserted.

The motion was carried.

Lala Duni Chand : Sir, I beg to move—

That the proviso be deleted.

In doing so I go further than Dr. Sir Gokul Chand has gone. I want to draw attention to the proviso which runs thus :

Provided that no committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting specially convened for the purpose by a majority of not less than two-thirds of the members of the committee.

I do not want to give to the committee the power to transfer any property. My reasons are obvious. These committees are not going to be absolutely dependable or absolutely reliable. To put them on a very high level, they would be of the same type as the district boards or the municipal committees. Properties worth thousands and lakhs should not be placed in their hands for the purpose of transferring. I do not want to give the committees power by which they can make money. Do you mean to say, if a committee is entrusted with property worth Rs. 40,000, no member of the committee will think of making some money? Let Government take this power. I would not give this power to the committee because there is every danger of the committee making illegal income out of it. With these words I move my amendment.

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

That the proviso be deleted.

Dr. Sir Gokul Chand Narang : Sir, the honourable mover of this amendment has overlooked the fact that in the substantive clause the power of sale is given and the proviso only places restrictions on that power.

Lala Duni Chand : I moved it because there was an amendment (laughter).

Dr. Sir Gokul Chand Narang : If the proviso is deleted it means the committees to whom he does not want to give power will have absolute power and these restrictions of having a majority will be removed. I also feel that an amendment ought to have been moved that there would be no transfer except by this majority and it will be subject to confirmation by

Dr. Sir Gokul Chand Narang.]

Government. I think even now if the Honourable Minister thinks that my suggestion is worth considering he should manage to have an amendment put in somewhere that like the municipal committees these committees shall not make a transfer of any immovable property without the sanction of Government. I think some such restrictions in addition to the restriction of having a majority should have been imposed. I do not know if it has ever occurred to him, but he can even now consider this.

Mr. Deputy Speaker : The question is—

That the proviso as amended stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 14 as amended stand part of the Bill.

The motion was carried.

Clause 15.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I move —

That in line 7, for the word "one" the word "two" be substituted.

Unless we read the clause the object of my amendment will not be clear. I will, therefore, read the clause which runs thus :—

The market committee may appoint two or more of its members to be a sub-committee for the conduct of any work or to report on any matter, and may delegate to any one or more of its members such of its own powers or duties in such manner as may be prescribed.

Now I would substitute two in place of one. I think the power should not be delegated as a rule to one member because he is likely to make mistakes and he is also liable to abuse his power. Therefore the smallest sub-committee should consist of two. This is a very simple amendment and I need not make any speech.

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

That in line 7, for the word "one" the word "two" be substituted.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Sir, the objection raised by my honourable friend on my left is a valid one. In the first two lines of the clause it is stated : may appoint two or more of its members to act for it ; and it is quite illogical to say that any one of the two members might act for it in a specified manner. What is the idea of appointing a committee of two ? Why not start off in the clause by stating 'one or more of the members to be sub-committee for the conduct of any work or to report on any matter and so on' ? If that was the intention, namely, any one or more members, then later on two, it would have fitted in. What my honourable friend has got is 'may delegate to any one or more of its members such of its own powers or duties in such manner as may be prescribed.' It would be more logical and more safe when you are delegating the entire responsibility of the committee *qu* particular business or the work to be done, the entire power and duties and in such manner as may be prescribed, it would be safer to delegate these

duties not to any one person but to a sub-committee of two. I think it would help rather than hinder the progress of the work and prevent any abuse that might take place in reference to the delegation of this power to the sub-committee. It is always safer to delegate it to a sub-committee of two rather than to leave it to one individual to take that responsibility and it may be of a very grave nature. Therefore it is necessary that the amendment proposed by my honourable friend, Dr. Sir Gokul Chand, should be accepted.

Minister for Development : I am prepared to accept the amendment moved by Dr. Sir Gokul Chand Narang because the language as it stands involves the delegation of the powers of the committee as a whole.

Dr. Sir Gokul Chand Narang : It seems really an over-sight because in the original clause there was one. In one place it has been corrected: it has not been corrected in the other place.

Mr. Deputy Speaker : Question is—

That in line 7, the word "one" stand part of the clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That in line 7, in place of the deleted word "one," the word "two" be inserted.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir: I beg to move—

That in line 7, between the words "to" and "any" the words "or withdraw from" be inserted.

According to the original clause, it seems to me as if this clause is divided into two parts. The first part concerns the appointment of two or more of its members to be a sub-committee for some special purpose. The second part is regarding the delegation of powers. If that delegation means general delegation of powers, then it would mean that once the powers are delegated, say, as long as that committee is there, then there is no power to withdraw those powers from the sub-committee.

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

That in line 7, between the words "to" and "any" the words "or withdraw from" be inserted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural) : Sir, I think if this amendment is accepted it would make the whole clause absurd. You just kindly read yourself, and I would ask the Honourable Minister and the mover of the amendment to read the clause with this amendment, if accepted. Now, it would read as follows:—

"And may delegate to or withdraw from any two or more of its members such of its own powers....."

It does not mean that powers may be withdrawn from that sub-committee as such. If that sub-committee consists of, say 5 members, powers may be withdrawn from two members and the remaining 3 members will exercise the powers; or if you say "two or more", then the powers may be withdrawn from three and not from all five. If he wanted to bring

[Dr. Sir Gokul Chand Narang.]

in this thing, he should have used a different language, and he should have put his amendment in a different form. It is really a drafting mistake and the Honourable Minister can say that he accepts the principle of this amendment. But it would have to be drafted something like this :

“And may delegate to any two or more of its members such of its own powers or duties in such manner as may be prescribed and may likewise withdraw those powers.”

I do not insist upon these words. They can be improved.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : May I point out that in reference to this matter it is possible that the committee may want to withdraw the power from two and not from 5, whereas under this amendment that my honourable friend has placed before the House, the power remains with the committee? If the committee has delegated the powers to, say 5 members, then with this amendment it has the power to withdraw those powers from all the five or from two or more. So that, both the powers — my honourable friend's suggestion as well as the other — are there with the committee. It is a comprehensive amendment which gives the power to the committee to withdraw, what? To withdraw the delegated powers from two of its members or it may be three or four or five, as the case may be. I can visualise the state of affair where a committee having delegated the powers to five members may desire to leave them with two and take them away from the other three and appoint another sub-committee. It is quite possible. It can happen. But with this amendment there is nothing in this clause which can prevent the committee, from withdrawing the powers from all the five members. There is nothing to prevent. After all what you are doing is that you are merely providing a procedure for the purpose of withdrawing powers from the sub-committee and appointing another sub-committee. You are giving the power to the committee, by means of this amendment, to withdraw the powers from two or more members, it may be three or four or five, as the case may be. I do not think there is any difficulty in accepting this amendment.

Minister for Development : It would be making an invidious distinction, if you delegate powers to a sub-committee, consisting of five members and then withdraw the powers from two leaving the remaining three where they were. If the delegated powers have to be withdrawn then they should be withdrawn from the sub-committee as a whole. It is very simple.

Dr. Sir Gokul Chand Narang : May I say a word of explanation? I am not making a second speech. Supposing, this amendment is accepted and supposing there are three members on the sub-committee and the committee withdraws the powers only from two, then one is left. Then it defeats the very object which the House has already accepted that the powers should be delegated to any two or more members.

Diwan Chaman Lall : One man cannot constitute a sub-committee, simply because he has no power at all. If there is only one man left, then there is no power left with that one man. If the sub-committee consists of three members, powers should be withdrawn from all the three.

Mir Magbool Mahmood (Parliamentary Secretary): Sir, there appears to be some misunderstanding with regard to the purport of this clause and the amendment proposed by Sardar Kapoor Singh. So far as the object in view is concerned, there seems to be no difference of opinion between the two sides of the House. There are many of us who feel that the right to delegate carries with it the right to withdraw. So the addition suggested is not necessary. But if it is sought to make it definite, I think, that Sardar Kapoor Singh, should have some such words:—

“.....And may delegate to any two or more of its members.....”

That should get the objective in view of Sardar Kapoor Singh.

With regard to the point suggested by my honourable friend, Diwan Chaman Lall, I would suggest that so far there is no conflict of opinion between the two sides of the House. The idea is that if the power remains with less than two persons, they shall not discharge this delegated power. The only contingency that can arise is this. Supposing the sub-committee consists of five members, then out of these five, it is proposed that powers may be withdrawn from three and allowed to remain with two. I am sure in such exceptional cases it would be open to withdraw powers from that sub-committee and appoint another committee. As such, with your permission, the following amendment is moved—

That after the word “member,” the words “or withdraw from them” may be inserted.

I think it will achieve the desired object.

Mr. Deputy Speaker: Is the honourable member prepared to withdraw his amendment?

Sardar Kapoor Singh: Yes, Sir, I beg leave to withdraw it.

The amendment was by leave withdrawn.

Sardar Kapoor Singh: Sir, I beg to move—

That in line 7, after the word ‘members’ the words ‘or withdraw from them’ be added.

The motion was carried.

Mr. Deputy Speaker: The question is—

That clause 15 as amended stand part of the Bill.

The motion was carried.

Clause 16.

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

That in sub-clause (1), lines 7-8, between the words ‘salaries’ and ‘as,’ the words ‘not less than Rs. 20 a month’ be inserted.

My object in moving this amendment is that every servant of the market committee should get at least Rs. 20. There should be nobody getting less than Rs. 20. The object is quite clear. If this amendment is not accepted, probably the market committees will appoint persons on Rs. 8, 10

[L. Duni Chand.]

or Rs. 12 a month. It is necessary that every employee of the market committee should be given a living wage. That also will be some sort of a safeguard against temptation. It is unfortunate that in this country it is those Government servants who are in the lowest ranks who get the least pay. I suppose the members of the market committees who are going to be favoured will get a substantial salary. I do not know in what frame of mind the Minister for Development will be. I shall see if he is inclined to accept this amendment or not.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), lines 7-8, between the words 'salaries' and 'as,' the words 'not less than Rs. 20 a month' be inserted.

The Assembly divided : Ayes 22 ; Noes 51.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Binda Saran, Rai Bahadur.
Chaman Lall, Diwan.
Duni Chand, Lala.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Harjab Singh, Sardar.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Pron Singh, Chaudhri.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram Lala.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
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.
Hans Raj Bhagat.
Het Ram, Rai Sahib Chaudhri.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The Honourable Nawabzade Major.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.
Muhammad Amin, Khan Sahib, Shaikh.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Muhammad Jamal Khan Loghani, Nawab Sir.

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|--|--|
| Muhammad Nawaz Khan, Major Sardar. | Pohop Singh, Rao. |
| Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed. | Ripudaman Singh, Thakur. |
| Muhammad Yasin Khan, Chaudhri. | Sahib Dad Khan, Khan Sahib Chau- dhri. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Shah Nawaz, Mrs. J. A. |
| Muzaffar Ali Khan Qizilbasb, Sardar. | Shah Nawaz Khan, Nawab Sir. |
| Muzaffar Khan, Khan Bahadur Nawab. | Sikander Hyat-Khan, The Honour- able Major Sir. |
| Nasir-ud-Din, Chaudhri. | Sohan Lal, Rai Sahib Lala. |
| Nawazish Ali Shah, Sayed. | Sumer Singh, Chaudhri. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

Mr. Deputy Speaker : The question is—

6 P.M.

That clauses 16 stand part of the Bill.

The motion was carried.

—————
Clauses 17 and 18.

Mr. Deputy Speaker : The question is—

That clauses 17 and 18 stand part of the Bill.

The motion was carried.

—————
Clause 19.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I beg to move—

That in line 6, between the words 'area' and 'and,' the words 'provided such fees are not an indirect burden on the growers' be inserted.

The one reason why I move this amendment is that any fee which is charged on the agricultural produce would indirectly be a burden on the grower, because the traders will not pay a single pie from their pockets. Therefore every fee charged on the produce will be an indirect burden on the grower. Suppose one or two annas are charged as fee on agricultural produce. That will not be paid by the traders themselves. That fee will have to come from the pockets of the grower. What will happen is that the trader instead of paying a higher rate for the produce would pay a sum less by the fee charged on the produce with the result that the grower would suffer and not the trader. So, it is necessary that when Government levies any fee on the agricultural produce it should see that it does not become an indirect burden on the growers themselves.

Mr. Deputy Speaker : The question is—

That in line 6, between the words "area" and "and," the words "provided such fees are not an indirect burden on the growers" be inserted.

The Assembly divided : Ayes 17, Noes 50.

AYES.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chamen Lall, Diwan.
 Duni Chand, Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mun i Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Rur Singh, Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 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.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Amin, Khan Sahib Shaikh.

Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ripudamar Singh, Thakur.
 Roberts, Sir William.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Shan Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Tikka Ram, Chaudhri.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*):
 Sir, I beg to move—

That at the end the following be added :—

“ And get them approved by the Assembly.”

The object of this amendment is quite obvious and I need not dilate upon this point beyond saying that when the Government frame rules under this Bill and fix grades of fees to be charged from the licenceholders, the rules should be placed before this House for approval. In this way the Assembly will have an opportunity to see whether the amount of fees so fixed are excessive or reasonable. I think it is quite a moderate amendment and hope that it will find favour with the Government and the whole House. With these words, I commend my amendment to the House for unanimous acceptance.

Mr. Deputy Speaker : The question is—

That at the end the following be added:—

“ And get them approved by the Assembly.”

The motion was lost.

Mr. Deputy Speaker : Amendments 4 to 8 deal with fees to be levied. They will be discussed together and will be voted upon separately if necessary.

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

That at the end, the following be added:—

“ Which shall not exceed four annas per cent. of the price fetched.”

Under clause 17 Government wants to take power in order to levy any fees they might decide on. My object is to prevent them from robbing Peter to pay Paul. I know that they shall have to rob Peter to some extent. But I want that they should rob the least amount possible. I have fixed the maximum amount at annas four per cent. of the price fetched. The *arhtis* gets Re. 1 per cent. So if I give annas four per cent to the Government for practically doing nothing the Government should feel satisfied. The Government should be anxious to lighten the burden of the grower as far as possible. Even if it is necessary for them to levy some fees, they should be the least. The whole object of this Bill is to help and protect the growers. This is an amendment that to some extent helps and protects the grower. There is no reason why they should have the plenary power to levy any amount they want. There should be a reasonable limit and I have fixed it at 4 annas. With these words I move my amendment.

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

That at the end the following be added:—

“ Which shall not exceed four annas per cent. of the price fetched.”

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Do I take it that the Government are not going to speak on this? If there is not going to be any speech on behalf of the Government I would like to add my word of support to the amendment of Lala Duni Chand. What is it that the amendment seeks to do? It seeks to fix a maximum. Why should the Government be averse to fixing a maximum? Or is it that they do not know the actual facts of the situation regarding sales and purchases? Four annas per cent. on the sale price may eventually on that particular commodity which passes through several hands, come to as much as Re. 1 per cent. on the purchase price of that commodity. Commodity is brought into the mandi and sold. I am the person selling to the Honourable

[Diwan Charan Lal.]

Sir Chhotu Ram. On that particular sale a four anna per cent. according to my friend would be levied. The Honourable Sir Chhotu Ram then makes a profit out of his transaction by selling it to his colleague the Honourable Mr. Manohar Lal. Then again in regard to that transaction there is further levied a four annas per cent. and so on. Thus one particular commodity may pass through a dozen hands and each transaction would be subject to the levy of four annas per cent. Therefore a four anna per cent. levy would not be a small amount. It would be a tremendous amount in the end and if my honourable friend fixes a maximum of four annas, what more does my honourable friend want beyond the four annas? And why does he want a definite power in the hands of the Government to levy a maximum amount? The Government may by rule specify. What the Government is going to specify by rules, can it not be specified here as far as the maximum is concerned? Or does my honourable friend consider that the officials in the department are much more able to fix the maximum than the honourable members on the floor of this House? What should be the difficulty for my honourable friend to accept the maximum as proposed by my honourable friend, Lala Duni Chand? I do submit that there is throughout this Bill an atmosphere of executive action. There is hardly any trust being placed upon the advice that is being given to my honourable friend on the floor of this House. He would rather do these things by rules, which ought to be done not by rules but in the body of the Act itself, particularly as a burden is going to be placed upon the poor man. My honourable friend is bringing in this measure for the protection of those classes which he once described as ignorant, illiterate and purchaseable. Surely those very classes may be ignorant, may be illiterate as my honourable friend says. I would not go so far as he goes in describing them in that language. In fact I deprecate that language *qua* those classes, the hard working peasants in this province whose average income is not very much more than one anna a day in spite of their exertions to gain a decent living. I submit for the sake of protection of those very classes it is necessary that a maximum should be fixed here and now. This burden, may I remind my honourable friend, is going to be placed upon those very classes whose income is one anna a day. There is no guarantee that this fee that is going to be charged is not going to be passed on to the backs of the peasantry in this province, the actual grower of the agricultural produce which is subject to this levy. In fact there is every certainty that while my honourable friend is attempting to do good by the left hand, by the right hand that good is going to be snatched away by the levying of these charges from the growers. I submit that if we are going to burden, if my honourable friend is going to burden the actual grower in this particular matter, that grower should be burdened with the full knowledge of this House and that burden should not in any circumstance exceed a four anna per cent. on the sale price of his produce. It is admitted according to the rule itself that in the first instance it is the licensee who buys and sells this produce who will be charged this particular levy of four annas. But who is there who is conversant with the sale and purchase in *mandis* who is not aware of the fact that this fee will necessarily be passed on to the peasantry who carry the produce which is sold through these licensees? In every instance, Mr. Deputy Speaker, the burden will shift from

the middlemen, that is the licensee, down to the actual primary producer and if it is going to shift on to the shoulders of the primary producer, I do submit that we should lay down, as my honourable friend Lala Duni Chand is wanting to lay down, a maximum amount beyond which this burden shall not be levied from the primary producer in the first instance. Therefore I submit that my honourable friend ought to accept this amendment in the interests of those very classes about which he is so eloquent and about whose protection he is so eager that this measure should be passed. I submit that it is necessary, if the protection is to be a valid protection, that the burden should be defined and should not exceed the amount that is sought to be fixed by the amendment. In my opinion no burden should be placed on the primary producer. I thought that when the amendment is accepted the burden would not be shifted on to the shoulders of the primary producer. My honourable friend was not willing to accept that amendment. That amendment was defeated. Therefore, for want of a better proposition we submit that the burden should be fixed. The maximum should be fixed according to the amendment proposed by Lala Duni Chand.

Mr. Deputy Speaker : The question is—

That at the end, the following be added :—

“ Which shall not exceed four annas per cent. of the price fetched.”

The Assembly divided : Ayes 19, Noes 50.

AYES

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| Balbir Singh, Rao Bahadur Captain Rao. | Kartar Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Muni Lal Kalia, Pandit. |
| Chaman Lall, Diwan. | Partab Singh, Sardar. |
| Duni Chand, Lala. | Rur Singh, Sardar. |
| Gokul Chand Narang, Dr. Sir. | Santokh Singh, Sardar Sahib Sardar. |
| Gopi Chand Bhargava, Dr. | Sant Ram Seth, Dr. |
| Hari Lal, Munshi. | Shri Ram Sharma, Pandit. |
| Harjab Singh, Sardar. | Sudarshan, Seth. |
| Kartar Singh, Chaudhri. | |

NOES

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| Abdul Haye, The Honourable Mian. | Faiz Muhammad, Shaikh. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Faqir Hussain Khan, Chaudhri. |
| Afzaalali Hasnie, Sayed. | Fateh Muhammad, Mian. |
| Ahmad Yar Khan Daulatana, Khan Bahadur Mian. | Fazl Ali, Khan Bahadur Nawab Chaudhri. |
| Ahmad Yar Khan, Chaudhri. | Fazal Din, Khan Sahib Chaudhri. |
| Ali Akbar, Chaudhri. | Fazal Karim Bakhsh, Mian. |
| Amjad Ali Shah, Sayed. | Few, Mr. E. |
| Anant Ram, Chaudhri. | Ghazanfar Ali Khan, Raja. |
| Ashiq Hussain, Captain. | Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Habib Ullah Khan, Malik. |

Hans Raj, Bhagat.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.

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.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ripudaman Singh, Thakur.
 Roberts, Sir William.
 Shah Nawaz, Mrs. J. A.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Sardar Sahib Sardar Santokh Singh : I move for the deletion of this clause. It is an irony of fate that the Bill, which seeks to improve the lot of the growers, is seeking to do that by means of the imposition of fees. My friend Sardar Kapoor Singh who moved the amendment—

That in line 6, between the words "area" and "and," the words "provided such fees are not an indirect burden on the growers" be inserted.

evidently forgot that the Bill, notwithstanding the hue and cry that has been raised from this side and the praises that have been given to it from the other side, deals with only a fraction of the amount of produce. It deals all-told with six to nine pies in a rupee. All that will come under the purview of this Bill will not amount to more than six to nine pies in the rupee. With the rest, fifteen annas and six pies or fifteen annas and three pies, this Bill will have nothing whatsoever to do. Now the question is, and it may be rightly asked, when the market committees have been formed, where are the funds for their administration to come from? Although it is no part of the Opposition to suggest where those funds are to come from, yet the Honourable Minister for Development cannot be unaware that he will have a lot of money from licensing fees. He will have a lot of further money from fines. This amount would be quite enough for the working and proper management of the marketing committees. If they remain businesslike and if they know how business is to be regulated and controlled, this amount should be quite enough and if not enough the Government must contribute money for its pet child which it has created, not so much for the benefit of the poor grower but, for the benefit of a very small class of people, the big landlords and zamindars, from the provincial exchequer. If you do impose fees on goods that are brought for sale, I really cannot understand how you will be benefiting the grower thereby. Let me tell my honourable friend that the *ahrat* that the *arhtis* charge is ordinarily not more than 10 annas or in some cases the maximum of one rupee per cent.

The amendment which was moved by Lala Duni Chand and which has been rejected provided for an imposition of fees amounting to a maximum of four annas per cent. on the sale or purchase of produce coming in the *mandis*. This the Minister for Development was not prepared to accept implying thereby that he had it in his mind to impose a higher fee than four annas per cent. Otherwise there is absolutely no reason why he did not accept the amendment. The amendment proposed a maximum of four annas; it was quite open to the Honourable Minister to frame rules imposing only one anna, two annas or six pies per cent., but he would not accept four annas and this fortifies me in my belief that he intends to impose a fee of more than 4 annas per cent. Now the position comes to this that the *arhtis* as I have said charge only say twelve annas on an average for *ahrat*. The Government will not be able to reduce this in any way. I therefore cannot understand how the zamindar is going to be benefited if this clause is allowed to be retained, which will mean an additional burden on him. I do not wish to take more time of the House on this, but submit that this clause be deleted.

Dr. Sir Gokul Chand Narang (West Lahore Division, General-Rural) (*Urdu*): Sir, I am at a loss to understand why the Government is not prepared to accept this healthy and useful amendment. If the amendment under discussion were adopted it would mean that the amount of fee intended to be levied on the licensees would not in any case exceed four annas per cent. of the price obtained for the agricultural produce. In other words the honourable mover of the amendment wants to give discretion to the Government to the effect that it may charge a fee to the extent of annas four. The Government would be free to levy annas 2, 3 or at the most annas 4 per cent. of the price. But since it appears from the attitude of the Government that it is not prepared to accept this amendment, the honourable members sitting on this side of the House are justified in entertaining suspicions and apprehension that the Government intends to levy even a higher rate of fee than that proposed in the amendment.

Instead of dwelling on the amendment now before the House, I propose to discuss the merits of the clause itself. I may point out here for the benefit of those honourable members who hail from the rural constituencies that clause 19 aims at levying a fee on the agricultural produce, bought or sold by the licensees in notified market area, which may rise to the extent of 8, 10 or 12 annas per cent. There is no doubt about the fact that the clause, as it stands in the Bill, provides for squeezing a certain amount of money only out of the pockets of the licensees, but I may tell the House that the whole brunt of this clause would indirectly fall on the poor agriculturists whom the present Government intends to save from the clutches of the *arhtis* and *mandivalas*. At present there are no such fees payable by the growers or *arhtis* in the market. But in this case even if the fees are not directly paid by the growers still the burden of fees is bound to be shifted on to them. I may inform the Honourable Minister in charge of the Bill that if he does not intend to charge any fee from the licensees the clause is undoubtedly uncalled for, and if he proposes to levy any fee he should bear in mind that the very object of the Bill is likely to be defeated as the growers will very probably have to pay more as a result of this Bill than what they are already paying. At present transactions worth hundreds

[Dr. Sir Gokul Chand Narang.]

and thousands of rupees are being effected every day in our markets. Supposing agricultural produce worth one crore of rupees comes to the markets in the Punjab at the time of a certain harvest and the licensees were made to pay only 6 annas per cent. of the price fetched for the produce, it would amount to Rs. 37,500. And as the licensees would not be prepared to bear this new burden they would indirectly shift it on to the growers and consequently crush them under the heavy weight of this new taxation. And if the growers express unwillingness to pay the amount of fee, the licensees would flatly refuse to purchase their produce. They would frankly tell them that since they pay 6 annas per cent. to the Government by way of fee they must charge it over and above the amount of commission or brokerage which they are already charging. In case the growers raise the slightest objection to this increased burden they would simply be asked to take their sacks of corn and other produce to the house of Chaudhri Sir Chhotu Ram and sell them to him.

My honourable friend here who is a *pucca arhti*, although there are *pucca* as well as *kutchi arhties* working in mandis, will bear me out that this burden will ultimately fall on the growers. The *arhti* is taking at present only 10 annas. But if he knows that he shall have to pay six annas to Government, he will turn round and say to the grower, "My dear man, it is right that I used to charge only ten annas previously, but now that I have to pay six annas from my own pocket I must charge you sixteen annas." So, the burden will finally fall on the shoulders of the grower. This will be a hardship for the poor grower. But if the Government is adamant in that such a levy must be imposed on the growers this House should at least fix a limit beyond which no such exaction be possible. And how is this money going to be expended? It will be utilized for providing arm-chairs and other costly furniture for the members of the committees.

Mir Maqbool Mahmood: My honourable friend has not carefully examined the clause. We have provided a limitation. These charges will be made by the committees and not by the Government.

Dr. Sir Gokul Chand Narang: I know you have given the power of imposing these charges to the committees. But I object to your giving such powers to the committees at all. I maintain that the money thus got by the committees will be spent in a most objectionable way. It will be spent in winter on teas, pastries and cakes and in summer on icecream and drinks of the members. The hard-earned money of the poor grower will be spent on the luxuries of the members of the committees who will sit smoking their hookas in the committee rooms. It is not sufficient for you to say that the exactions will be made by the committees. These exactions will be made by virtue of a section which you are going to enact. So, you cannot deny that the responsibility for this will ultimately be yours. If you deny your responsibility in this connection you will be behaving like one who made a wrong use of his gun and when questioned denied all responsibility and said, "You gave me the gun. You got a licence for me. So the responsibility for the wrong use of the gun is yours." But the question is this: who will be convinced of the soundness of his plea? So, if the Government agrees to give up this clause the danger of an unjust imposition being inflicted on the growers by the market committees will

be permanently averted. But if it does not agree to doing this it will be leaving the growers at the mercy of the marauding *arhtis* and brokers who will surely draw all monies to be paid by them as a result of the passage of this Act, out of the pockets of the poor growers. I have made this thing quite clear. It now remains for the Government to see to the reasonableness of my suggestion and accept it.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) (*Urdu*): Sir, I do not propose to make a lengthy speech at this fag end of the day but I feel I must say a few words to clear the position. The amendments moved by the Congress group indicate that they propose to make the provisions of this Bill ineffective. They do not even hesitate to take up inconsistent attitude in their zeal to defeat the provisions of this Bill. On the one hand, in an amendment to a previous clause, Mr. Duni Chand proposed that no person employed by the market committee should receive a salary less than Rs. 20 a month. According to him even a part time employee or a chaprasi or sweeper or bahishti should receive at least Rs. 20 per month. On the other hand, Sardar Kapoor Singh, a member of the same party, moves an amendment to the effect that "fees levied on agricultural produce bought or sold should not be even an indirect burden on the growers." The amendment speaks for itself. Any fee which will be levied will naturally affect the growers. If his proposal is accepted, may I know how we are to meet the expenditure which will be required for running the market committees? We should realise that by levying a reasonable fee on the marketable produce in order to improve our marketing, we shall stop the existing malpractices and extortions which prevail in the markets to-day, and thus help the grower to realise more money for his produce. The same honourable member proposes in another amendment that no fee should be levied for the first four years after the commencement of this Act. I need not comment on the wisdom of this amendment or the logic behind it. Chaudhri Krishna Gopal Dutt's amendment proposes that the rate of fee should not exceed one pie per maund and the Leader of the Opposition fixes the maximum rate at 4 annas per cent. The Honourable Minister in charge has already explained to the House that at present the middleman in most cases gets 7 annas out of a rupee. In order to reduce these unconscionable charges the Government has brought this Bill. If we succeed in abolishing the malpractices and unconscionable charges charged by the *arhtis* at present, I am sure the grower will not grudge paying a small fraction as fees in order to improve marketing and thus achieve this end. The Leader of the Opposition has not advanced any strong arguments in favour of his amendment. His only fear is that the Government may not impose a heavy burden upon the shoulders of the consumers as well as the growers. By the parity of their reasoning, will it be correct to suggest that the Government should abolish all nation building departments and stop all its beneficent activities because it will reduce the expenditure and thus afford a relief to the taxpayer? I am sure, no one will accept such a flimsy argument. We should realise that at present a considerable portion of the earnings of a grower is taken away by the middleman and on account of the existing malpractices in the markets the grower does not get full value of his produce. The Government

[K. B. Mian Mushtaq Ahmad Gurmani.]

proposes to reform the mandis and improve the system of marketing so as to enable both the grower and the consumer to receive full value for their produce and money. This object cannot be achieved without having an efficient administrative machinery for this purpose. Funds will be needed to run these market committees and clause 19 provides that the market committees may, subject to such rules as may be made by the Government in this behalf, levy fees on the agricultural produce bought or sold by licensees in the notified area and the Government shall make rules specifying these fees. It will be open to the marketing committees which will consist of the representatives of license-holders and growers to levy fees within a prescribed maximum. If the committee feels that they can do with a less amount than prescribed by the Government they can curtail the fees. It would be wrong to fix an arbitrary limit at the present juncture. The question of fixing maximum fees can be safely left in the hands of the Government which will fix the maximum after due consideration of the requirements and needs of the marketing committees in order to ensure efficient administration. The Government alone can judge as to how much money will be required for the administration of the markets, but I have not the slightest doubt that the Government would fix fees at the lowest possible minimum. They would not charge even one pie more than what is absolutely necessary. Moreover the amount realised by the fees will remain with the marketing committees and they can adjust the fees according to their needs and requirements. The cultivators and growers hardly need any assurance that their own Government would always keep their interests in view while fixing the maximum and would not provide for a single pie more than what is absolutely necessary for the efficient working of the provisions of this Bill.

Dr. Sir Gokul Chand Narang : Is there any kisan among the Unionist Ministers ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : All of us are the representatives of the cultivators. We are ourselves growers and are fully alive of the difficulties of the cultivators and growers. No one can claim to have more sympathies with the cultivators of the Punjab than the present Government. It would be wrong to fix an arbitrary limit of fees and to restrict the powers of the Government in this behalf. The Present Government is determined to ensure the maximum benefit and full value of their produce to the cultivators and growers in the Punjab. With these words, I oppose the amendment under consideration.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Deputy Speaker, I am somewhat astonished at the speech that my honourable friend has just made. He was responsible for voting down the amendment moved by my honourable friend, Lala Duni Chand, prescribing a limit of Rs. 20 for servants required by the committee. Having voted that particular amendment down my honourable friend now says, 'You are preventing us from levying fees in order to pay to the persons employed by the committee.' What an extraordinary logic on the part of my honourable friend ! The second argument of his was that he prefaced by saying that it is a Government of kisans. Well, I see that kisan, a hard working kisan, the last speaker, sitting there. I also see other kisans sitting there. Kisans

are those poor people, who are going to be hit hard by this measure and not my honourable friend, a rich zamindar, who calls himself a kisan but who does not know how to turn a plough. My honourable friend over there, who is the Minister in charge of this Bill and who can turn and twist his hand, I doubt if he can twist a plough, and yet he calls himself a kisan. I see another kisan sitting over there, my honourable friend in charge of the Education Ministry. I see another kisan, who is not sitting in his bench, the owner of 4,000 acres of land, a kisan no doubt. This was the preface to the argument that my honourable friend made, namely, that this being a Government of kisans was doing everything that was in favour of kisans. The proposition that my honourable friend made from this side of the House, it was said, was not in favour of kisans. I see that deliberate burden is being placed upon the shoulders of kisans by those people who pretend that they are helping kisans. My honourable friends talk about long memories. Well, everyone in this province knows now what the actual state of affairs is *qua* this measure. We know perfectly well that far from removing the burden, the burden is going to be intensified by the imposition of this particular section. You should have paid out for all the administrative part of this particular scheme. You should not make the peasant to pay for it. You should make those people pay for it who are in a position to pay for it, for instance, my honourable friend over there. I am quite willing to share the burden with him. Every zamindar, not a *kisan*, but every zamindar, who is capable of paying his full quota towards the running of measures of this nature, should be made to pay and the burden should not be passed on to the shoulders of poor people.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: We are fully aware of your sympathy with tenants. That is why you turn out your tenants every year and in the assembly ask for the permanency of their tenure.

Diwan Chaman Lall: My honourable friend has got some wrong information. The trouble with my honourable friends opposite is this that they are full of serious insinuations, full of serious, stupid, idiotic and ignorant insinuations. I know, whenever my honourable friends talk and whatever they talk, that talk is full of insinuations. I would ask my honourable friends over there, are they prepared to so alter the scheme that this indirect burden of taxation does not fall upon the actual producer of agricultural commodities? No. They are so unmindful of the interest of the small producer that they will not even get up from the official benches and reply to us, except when they are goaded by my honourable friends.

At this stage the Assembly adjourned till 12-30 p. m. on Monday, 16th January, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 16th January, 1939.

The Assembly met at the Assembly Chamber, Lahore, at 12-30 p. m. of the clock. The Secretary informed the House of the unavoidable absence of Mr. Speaker due to illness. Thereupon Mr. Deputy Speaker took the chair.

STARRED QUESTIONS AND ANSWERS.

CRIMINAL ASSAULT ON CHAUDHRI NAUNAD SINGH BHAJNIK OF ROHTAK.

***3560. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether he is aware of the fact that one Chaudhri Naunad Singh Bhajnik lodged a report with the police at Rohtak that a criminal assault was made upon him, wounding the fingers of both of his hands, by the mob on the 7th October in the procession of the Honourable Premier ;

(b) the names of assailants mentioned in the report ; and the action that has been taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes. The report was lodged eight days after the occurrence. A case under sections 147/448, I. P. C., was registered but investigation failed to establish the complaint.

(b) Three persons were mentioned by the complainant. It does not seem necessary to give the names. It may be mentioned that the investigation showed that enmity had previously existed between the complainant and the three persons accused by him.

Pandit Shri Ram Sharma : When was this report registered by the police ? Did they take down the statement of the complainant ?

Parliamentary Secretary : His report was before the police and the police made inquiries on his report. There was no necessity of taking further statement from him.

Pandit Shri Ram Sharma : Did the police enquire from him which witnesses he wanted to produce and was he afforded an opportunity to produce them ?

Parliamentary Secretary : The honourable member did not ask for all these details. If he were to give notice of that question I would make further enquiries and supply the necessary information.

LOOTING OF KURE SHOPKEEPER'S SHOP IN CIVIL LINES, ROHTAK.

***3561. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that on 7th October 1938, the day on which a procession was taken out at Rohtak in his honour, Kure Shopkeeper's shop in the Civil Lines, Rohtak, was looted by some of the processionists and that the shopkeepers at once approached the Superintendent of Police in the office and complained to him what had happened;
- (b) whether he is also aware of the fact that the said shopkeeper sent his report to the police by registered post when he failed to get his report registered otherwise in the Police Station, Rohtak;
- (c) whether the complainant mentioned the names of those who looted his shop in his report; if so, who were those whose names were mentioned;
- (d) what action has been taken in the matter so far?

The Honourable Major Sir Sikander Hyat-Khan : (a) Yes. Only Kure saw the Superintendent of Police in his office and said that his shop had been looted and he had been beaten. No other shopkeeper approached the Superintendent of Police at the time.

(b) Yes, he sent his report by registered post but it is not true that the thana police refused to register his complaint.

(c) Yes. It is not in the public interest to give names.

(d) A case was registered under sections 147/448 and is under investigation. It appears that the shop was not actually looted but that in a scuffle between some persons in the crowd, the complainant's shop, which consisted of a flimsy wooden projection, was pushed and the wares were knocked over.

Pandit Shri Ram Sharma : When was it enquired into and which police officer made the enquiry?

Premier : If the honourable member wants these details, let him give notice.

Pandit Shri Ram Sharma : When the answer to this question was being prepared, did the police prevail upon Kure to give a wrong statement?

Mr. Deputy Speaker : This is not a supplementary question.

RESEARCH WORK IN FEEDING BULLOCKS ON MOLASSES.

***3583. Sardar Hari Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) with reference to my question No. *8062,¹ dated 5th July, 1938, whether any investigations have been made and with what result;
- (b) if the result was fabricated what action has been taken against the culprits;
- (c) whether he will lay the inquiry papers on the table of the House?

The Honourable Chaudhri Sir Chhotu Ram : (a) As a result of a preliminary inquiry charges have been framed against the Farm Manager and an Agricultural Assistant, and a departmental inquiry will be held in due course.

(b), (c) Do not arise.

COMPLAINTS OF CORRUPTION AGAINST POLICE OFFICERS AND OFFICIALS.

*3663. **Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of complaints of corruption made to him in writing against police officers and other officials during the period between 1st January 1938, and 30th September, 1938 ;

(b) the action, if any, taken thereon ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Except in cases of a very unusual character, complaints regarding local affairs sent direct to me are either returned to the senders for presentation in the proper quarter or are simply forwarded from the Secretariat to the local officer concerned ; and no record is kept of their contents. I take this opportunity of asking honourable members to make it known to the public that they would be better advised in their own interests to take their grievances and make their complaints to the local officers, at any rate in the first instance, rather than direct to the Minister. The submission of petitions direct to Ministers is bound to mean not only extra work in the Secretariat but delay in investigation. May I ask honourable members to help in conveying this appeal to the public in the province for the adoption of the procedure which I have mentioned in all normal cases ?

Lala Duni Chand : Do I understand that the Government is unable to give the number of complaints made during the period mentioned in the question ?

Parliamentary Secretary : I have stated that no record of such complaints is kept.

Lala Duni Chand : I understand from the answer given that the record is not kept of the contents of the complaints. May I understand that the record is not kept even of the number of complaints ?

Parliamentary Secretary : I have already stated that no record of such complaints is kept and they are only forwarded to the officers concerned. How can I then give him the number of such complaints ?

(At this stage several members began to ask questions.)

Mr. Deputy Speaker : As long as I do not call upon an honourable member to put a question, he should not put a question. He should simply rise in his place.

Lala Duni Chand : May I know if the Parliamentary Secretary is quite unable to say if any action was taken on any of the complaints of corruption during the period of nine months mentioned in the question ?

Parliamentary Secretary : If the honourable member were to put a separate question with regard to any specific complaint, I shall be only too glad to give him a reply. The action taken against cases of corruption is published in administrative reports.

Chaudhri Muhammad Hassan : Will the Government please state if they are in a position to say whether corruption has increased or decreased ?

Sardar Sohan Singh Josh : Do I understand that in future it is not permissible to approach the Premier ?

Parliamentary Secretary : The reply is that in the first instance the representation should be made to the proper authorities and then if the grievance is not redressed the complainant should approach the Premier or the Minister concerned.

Pandit Shri Ram Sharma : The Parliamentary Secretary has advised us that in the first instance the complainants should be asked to approach the local authorities and then the Ministers. Is it not a fact that the Ministers are always declaring in public meetings that we can approach them direct, and is it also not a fact that whenever a complaint against any corrupt officer is made through somebody else the Government officers ask that the complainants should personally present their representations ?

Premier : But has my honourable friend any objection to people making representations in person ?

Pandit Shri Ram Sharma : My question is that if on the score of poverty or illness or due to some other such reason a person makes a representation through a certain public-spirited person, why should it be rejected simply on the ground that he did not make it in person ?

Premier : That is all right. But it is not the function of any honourable member of this House to go from village to village and collect representations. If a person cannot appear before an authority in person he can send his representation by post.

Pandit Shri Ram Sharma : Is it not the duty of a member to collect information with regard to the grievances of his constituents and to try to seek their redress ?

Premier : Certainly, Sir. But it is no business of the member to instigate innocent persons to make allegations against Government servants.

Chaudhri Muhammad Hassan : Is it not the duty of a member to ask people not to offer bribe to anybody ?

Premier : Most certainly, and he should set an example himself.

Mr. Deputy Speaker : Next question.

Lala Duni Chand : I should like to put one supplementary question.

Mr. Deputy Speaker : The honourable member should know that we are now in the midst of the list of questions for 12th January. We have to get on with all these questions. Besides there have been so many supplementary questions on this question. I do not think there is any further information to be elicited. I therefore call upon the honourable member to put the next question.

Lala Duni Chand : I want to make one submission and I think I have got a right to do so. In view of the persistent refusal of Government to supply any information regarding the number of complaints received or regarding the action taken thereon, are we not justified in pursuing this important point to find out whether Government is doing anything in a matter like this ?

Mr. Deputy Speaker : That is not a supplementary question.

Chaudhri Kartar Singh : Is it not a fact that the Honourable Premier has been saying at public meetings that if people have any complaints to make they can send a post card to him conveying their complaints ?

Premier : Certainly.

Chaudhri Kartar Singh : Then, why is it that if a representation is made to Government the people are told that they should approach the local authorities ?

Mr. Deputy Speaker : This question has already been answered.

Dr. Gopi Chand Bhargava : I rise to a point of order. The honourable member for Ambala and Simla (Lala Duni Chand) wanted to put a supplementary question and you stopped him from doing so. He later on explained that the question was an important one and therefore he wanted to put a supplementary question. But you were pleased to call on Chaudhri Kartar Singh to put a supplementary question. When you allowed Chaudhri Kartar Singh to put a supplementary question, the honourable member who has given notice of the main question should also be allowed to put his supplementary question.

Mr. Deputy Speaker : The honourable member for Ambala and Simla made a fairly long statement which was not a supplementary question. After having heard him for a considerable time I came to the conclusion that it was not a supplementary question. That is why I stopped him at that stage. I may also add that I have already made it clear that we are still in the middle of the list of questions for the 12th January and we have to get on with these questions. It is not necessary for me to give reasons for disallowing any and every supplementary question. We have to finish the list of questions and it is in the interest of the House that this is being done. Many supplementary questions have been allowed on this question.

Dr. Gopi Chand Bhargava : My point is that the honourable member when he made a statement made a request to you to allow him to put a supplementary question. He did not mean that statement to amount to a supplementary question. Having allowed Chaudhri Kartar Singh to put a supplementary question, you should also allow the honourable member for Ambala and Simla to put a supplementary question. If pressure of time was a consideration for your not allowing the honourable member to put his supplementary question, then you ought not to have allowed Chaudhri Kartar Singh also to put his question. But having allowed Chaudhri Kartar Singh to put his question, the conclusion is that you agreed to allow further supplementary questions to be put. Therefore the honourable member for Ambala also should be allowed to put his supplementary question.

Mr. Deputy Speaker : He did put a supplementary question, but I disallowed it.

Lala Duni Chand : I rise to a point of order. I consider that your present remarks amount to adding insult to injury. I wanted your permission to put a supplementary question and I started by saying that I wanted to make a submission before you. After that I explained why further supplementary questions should be allowed. But I did not put a supplementary question. What I said was only a request to you to permit me to put a question.

Mr. Deputy Speaker : Very well. The honourable member may now put the question.

Lala Duni Chand : In view of the persistent and, I should say, contumacious refusal of Government to supply any information regarding the number of complaints of corruption and the action taken thereon, may I know whether the Government is totally ignorant of the fact whether any action has been taken by any officer of Government or by the Government itself in regard to any case of corruption during the last nine months ?

Premier : I would refer the honourable member to the statement showing the action taken against officers who were proved to be corrupt.

Mr. Deputy Speaker : Next question.

ALLOWANCES DRAWN BY THE HONOURABLE MINISTERS.

***3664. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state the total amount of allowances of all kinds drawn by all the Honourable Ministers during the nine months from January to September, 1938 ?

The Honourable Mr. Manohar Lal : The expression 'allowances of all kinds' is not understood. The only allowances that the Honourable Ministers receive are travelling and halting allowances.

As regards these travelling and halting allowances, full information was supplied in answer to questions in the last session of the Assembly. I may, however, add that such travelling and halting allowances as were due under the rules and within the amount voted by the Assembly have been paid.

GRADES OF PAY OF CLERKS.

***3665. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the grade of clerks hitherto recruited for the civil and revenue departments in the Punjab was on their appointments fixed at Rs. 30—1½—70 and it has since been reduced to Rs. 25—1—60 ;

- (b) if so, the reasons for the same ?

The Honourable Mr. Manohar Lal : (a) Yes. For persons entering service on or after 1st January, 1931, the sanctioned scale is now Rs. 25—1—35/1½—50/2—60.

(b) The reduced rate was considered equitable keeping in view the general reduction in the scales of pay of members of the provincial and subordinate services.

Lala Duni Chand : May I know the reasons as to why the scales of the low paid Government servants are being further lowered ?

Minister : This method of putting the question involves a fallacy of many questions. Who says they are being further lowered ?

Lala Duni Chand : Has not the Honourable Finance Minister admitted this fact that previously the scale was higher and now that scale has been reduced ?

Minister : The supplementary question said that they are being further reduced. Nothing of the kind has happened.

Lala Duni Chand : May I read out my question to the Honourable Minister ? It is whether the grade of clerks hitherto recruited for the civil and revenue departments in the Punjab was on their appointments fixed at Rs. 80/1½—70 and it has since been reduced to Rs. 25—1—60 ? I want the reasons as to why the scale of low paid Government servants is being further lowered ?

Minister : If I may I also repeat the answer. The answer completely covers the question put to me and there is no further reduction. As regards those entering the service with effect from 1st January, 1931, there was a revision of grades made some time ago, not recently and the reason has also been given.

Lala Duni Chand : May I know if this is not the view of the Honourable Minister that Rs. 25 a month for a clerk, for an educated man, is hardly anything upon which he can live ?

Minister : I have to embark on a large thesis if I were to attempt to answer this particular query.

Diwan Chaman Lall : Do you think it is a living wage ?

Minister : That is a matter of opinion.

HONOURABLE CHAUDHRI JUG LAL, MINISTER OF BIHAR.

*3701. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Criminal Investigation Department watched the movements of Honourable Chaudhri Jug Lal, Minister of Bihar, and took down notes of his speeches, while he was recently on tour in the Punjab ;

(b) whether it is also a fact that the Punjab Government instructed district officials to offer him welcome and the Premier himself wrote him a letter welcoming his visit to the Punjab ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) It is not a fact that the movements of the Honourable Mr. Jug Lal Chaudhri were watched by the Criminal Investigation Department during his recent visit to the Punjab. Government strongly repudiate the suggestion contained in the question. Nor was the Criminal Investigation Department

[S. Amjad Ali Shah.]

specially deputed to take down the notes of the Honourable Minister's speeches. Police reporters were present in the ordinary course of their duties at the meetings at which the Honourable Minister made his speeches.

(b) Yes, deputy commissioners were asked to depute gazetted officers to meet the Honourable Minister and to render such assistance regarding his journeys and accommodation, etc., as may be required, and the Honourable the Premier on being informed by the Honourable Minister concerned wrote back welcoming him.

SECURITY FROM MR. PRABODH CHANDRA.

*3713. **Sardar Hari Singh**: Will the Honourable Premier be pleased to state whether a security of Rs. 1,000 has been demanded from Mr. Prabodh Chandra, Editor, Students' Advocate, Lahore; if so, on what grounds?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): Yes, by the District Magistrate, Lahore, in exercise of his discretion under section 7 (1) of the Indian Press (Emergency Powers) Act, XXIII of 1931, because in his opinion the paper was likely to be used for one or other of the purposes enumerated in section 4 (1) of the said Act as amended by section 16 of the Criminal Law (Amendment) Act, XXIII of 1932.

Lala Deshbandhu Gupta: Will the honourable Parliamentary Secretary be pleased to give reasons for taking this action at the very first instance when this gentleman applied for permission?

Parliamentary Private Secretary: I have nothing to add to my previous answer.

Lala Deshbandhu Gupta: Do Government realise that there is a strong feeling in the province against this policy of demanding securities from the papers at the time of their filing a declaration even when they do for the first time? Is it not prejudging the intentions of the paper and declaring that the paper is likely to be objectionable?

Parliamentary Private Secretary: Government has no such information.

Lala Duni Chand: Is it within the knowledge of the Government that Prabodh Chandra has been doing political work among the students and that is the reason why such security was demanded from him?

Premier: Honourable member has made certain insinuations which are totally incorrect.

LEAVE RESERVISTS IN OFFICE OF DEPUTY COMMISSIONER,
LUDHIANA.

*3743. **Chaudhri Muhammad Hasan**: Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of leave reservists employed by the Deputy Commissioner of Ludhiana in January, 1938;
- (b) their names, addresses and educational qualifications and whether they were appointed after a competitive examination or not;

- (c) whether it is a fact that on the appointment of leave reservists mentioned in (a) above, the names of some candidates were struck off the list of candidates; if so, whether such candidates made representations to the Commissioner, and, if so, the orders passed on these representations?

The Honourable Dr. Sir Sundar Singh Majithia : (a) *Nil.*

(b) and (c) Do not arise.

TRAVELLING ALLOWANCE DRAWN BY SUPERINTENDENT OF POLICE AND OTHER OFFICERS AT LUDHIANA.

***3745. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state—

- (a) the amount of Travelling Allowance drawn by the Superintendent of Police, the District Magistrate, the Deputy Superintendent of Police and the Revenue Assistant at Ludhiana during the months of August, September and October, 1938;
- (b) the number of cases decided by the District Magistrate and the Revenue Assistant in camp during these months?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

| | Rs. | A. | P. |
|---|-----|----|---|
| (a) District Magistrate | .. | .. | .. 382 11 0 |
| Revenue Assistant | .. | .. | .. 471 12 0 |
| Superintendent of Police | .. | .. | .. 478 3 0 |
| Deputy Superintendent of Police | .. | .. | .. 173 13 0 |
| | | | <i>Cases decided.</i> |
| (b) District Magistrate | .. | .. | .. 2 |
| Revenue Assistant | .. | .. | .. 233 (in addition to Girdawari work). |

PERSONS BELONGING TO BEIT ILAQA ENLISTED AS ASSISTANT SUB-INSPECTORS, SUB-INSPECTORS AND INSPECTORS OF POLICE.

***3749. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state—

- (a) the number and names of assistant sub-inspectors, sub-inspector^s and inspectors of police, if any, enlisted from the Ludhiana district during the current year and in the year 1936-37, with their educational qualifications, parentage and home addresses; and
- (b) whether any one of them belongs to the Beit *Ilaqa*;
- (c) if the reply to the last part of the question be in the affirmative, the names, the educational qualifications and castes and parentage of each of them, and if reply be in the negative the reasons for not enlisting any young men from the said *ilaga*?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) Since the beginning of 1936 only four direct appointments of inspectors have been made in the province and none of sub-inspectors. Of the four inspectors recruited none were from the Ludhiana district. Only one candidate has been taken from the Ludhiana district as an assistant sub-inspector during the last two years. This candidate belonged to the Khanna police station area, with First Arts qualifications.

(c) If candidates have not been taken from the area which the honourable member has in mind the reason is that better qualified men were available elsewhere. Appointments in the ranks to which the question relates are not made on a district basis.

SEPARATION OF MALBA FROM LAND REVENUE.

***3750. Sardar Sohan Singh Josh** : Will the Honourable Minister of Revenue be pleased to state whether, since the agitation recently made against the realization of *malba* with land revenue, any instructions have been issued by the Government to local officers concerned to separate the *malba* from the land revenue in future ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. Instructions have very recently been issued to the local officers stating for their guidance the exact legal position in regard to the *malba* cess. Posters in Urdu and Gurmukhi have also been published in the districts where there had been agitation over the collection of *malba* with the land revenue.

Sardar Sohan Singh Josh : What are those instructions ?

Parliamentary Secretary : Instructions have been issued and posters have been distributed in Gurmukhi and Urdu. If my honourable friend wants me to read those posters I am prepared to do so. If he wants me to lay them on the table of the House I will do so. (*An honourable member* : Please lay them on the table.)

Sardar Sohan Singh Josh : May I ask whether it is a fact that the Honourable Minister was pleased to say that no *malba* will be realised from a village which passes by a majority a resolution to this effect, and, if so, is this promise being fulfilled ?

Premier : It will be fulfilled at the time of settlement.

Sardar Sohan Singh Josh : Is it a fact that the settlement officers do not record the statements made by the people with regard to *malba* ?

Premier : They should make an application to the proper authorities and submit a copy of it to the Government.

Sardar Sohan Singh Josh : Cannot the Government itself issue instructions to this effect ?

Premier : But my honourable friend said that the applications do not reach the Ministers. I only suggested a remedy.

Chaudhri Kartar Singh : Is it a fact that the Secretariat does not carry out the instructions of the Ministers ?

Premier : Certainly not.

Chaudhri Kartar Singh : Will the Honourable Premier please state whether it is a fact that his Secretariat did not carry out his instructions in the matter ?

1 P.M.

Premier : No, it is not a fact.

Chaudhri Kartar Singh : What is the reason that the Honourable Premier had to ask Sardar Sohan Singh Josh to have a copy of the request about *malba* sent to the Government ?

Premier : My honourable friend is probably thinking of some other province and not of this province when he insinuates that the Secretariat do not carry out the instructions of the Ministers.

Parliamentary Secretary : May I, with your permission, read out an extract from these posters in order to remove some misunderstanding ?

Dr. Gopi Chand Bhargava : When the Honourable Premier has already replied and said that my friend over there was probably thinking of some other province, what is the good of wasting the time of the House ?

Chaudhri Kartar Singh : May I know whether this was the reason why the Honourable Premier advised that the zamindars should send one signed statement to the authorities and one to the Government ?

Premier : My honourable friend is perhaps talking about some other province and not about the Punjab.

PREMIER'S VISIT TO VILLAGE KHALCHIAN IN DISTRICT AMRITSAR.

***3751. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether tear gas was kept in readiness at the time of the Premier's visit to the village Khalehian, district Amritsar, on 9th August, 1938; if so, whether the district authorities apprehended any breach of the peace there ;
- (b) the number of Superintendents, Deputy Superintendents, Inspectors, Sub-Inspectors of Police, Head Constables and Constables who were on duty there ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Yes. It was sent as a precautionary measure in case the threats made at several Kisan meetings to break up meetings were translated into action.

(b) Two Superintendents of Police (one was a specialist in the use of tear gas), 1 Deputy Superintendent of Police, 2 Inspectors, 3 Sub-Inspectors, 15 Head Constables and 196 Foot Constables.

Premier : May I add to the reply to this question that during the course of a debate on the Ajnala adjournment motion, I made a statement that there was no tear gas squadron at Ajnala ?

Sardar Sohan Singh Josh : May I ask if it is a fact that the Superintendent of Police tried again and again to throw tear gas there ?

Premier : It is a very valuable commodity and cannot be wasted.

Lala Deshbandhu Gupta : Is the tear gas meant to be used against those people who come to meet the Honourable Premier ?

Premier : There is no doubt that some people are in a mood to weep when they see so many people coming to visit the Premier. (*Laughter.*) (*A voice :* That is why you carry the tear gas apparatus with you.) (*Laughter.*)

Dr. Gopi Chand Bhargava : Whereas it is a fact that whenever a supplementary question is asked or an adjournment motion is moved in this House the Government feels greatly perturbed over it, will it not be expedient to use tear gas even on the floor of this House to save Government members from the volleys of supplementary questions or from uncomfortable adjournment motions. (*Laughter.*)

DECLARATION FOR NEW WEEKLIES AND DEMANDING OF SECURITIES.

***3752. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of declarations filed by different persons for bringing out any weeklies in any language in the first half of the year 1938, and also the names of the papers out of them, if any, from which no securities whatsoever were demanded ?

The Honourable Major Sir Sikander Hyat-Khan : The information for the period from January to May, 1938, was supplied to the honourable member in answer to Assembly Question No. *2980.¹ During the month of June, 7 declarations were filed and security was demanded from none.

***3759. Cancelled.**

RESIGNATION OF LALA BHAGAT RAM CHANNAN FROM MUNICIPAL COMMITTEE, LYALLPUR.

***3763. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that Lala Bhagat Ram Channan, a member of the Lyallpur Municipal Committee, resigned from the Committee in June, 1938 ; if so, whether his resignation has since been accepted and he has ceased to be a member of the committee ; if so, since when ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The member in question resigned as stated but his resignation has not yet been accepted for the reason that the question whether he ought not to be removed from the Committee is under consideration.

PROTEST OF HINDU PUBLIC OF VEHOA BY NOT CELEBRATING THE DUSEHRA FESTIVAL.

***3807. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Hindu public of Vehoa, district Dera Ghazi Khan, did not celebrate the Dusehra festival at Vehoa this year ;
- (b) if so, why ?

¹Vol. V, page 560.

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a)

Yes.

(b) Presumably because most of the Hindus had left Vehoa after the raid of the 27th September, 1938, and there were not enough members of the community in the village to celebrate the occasion.

FAMINE AND FAILURE OF FODDER CROPS IN SOME DISTRICTS.

*3816. **Chaudhri Kartar Singh**: Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that owing to drought severe famine conditions are prevailing in the province;

(b) the names of the districts in which the fodder crop has completely failed and the steps the Government has taken so far to afford relief to them?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No. Scarcity conditions are, however, prevailing in the Hissar, Rohtak, Gurgaon and Karnal districts.

(b) *First part.*—The fodder crops have failed to a great extent in the Hissar and Rohtak districts (except in the Khadir tract of the Sonapat tahsil) and to a lesser extent in the Gurgaon and Karnal districts. Scarcity of fodder exists also in—

The Pind Dadan Khan and Chakwal tahsils of the Jhelum district.

The Nakodar and Phillaur tahsils of the Jullundur district.

The Ludhiana district.

Second part.—A Fodder Adviser with the necessary staff has been appointed for the purchase and distribution of Fodder in the south-eastern districts. The carriage of fodder by rail has been sanctioned at concession rates, the expenditure on which account amounted to Rs. 67,700 up to the middle of November, 1938.

Similarly, concessions have been introduced in the Jullundur district with effect from 20th September, 1938, and a proposal for the introduction of such concessions in the Ludhiana and Jhelum districts is under the consideration of Government.

Large remissions of *abiana* have been given on *khari* fodder crops throughout the Western Jumna Canal, and the rates of *rabi* fodder crops have been reduced by one half.

Chaudhri Kartar Singh: Before I ask a supplementary question, I would request you, Mr. Deputy Speaker, that you will allot at least half an hour for asking supplementary questions on this matter.

Mr. Deputy Speaker: This is not possible.

Chaudhri Kartar Singh: Will the Parliamentary Secretary please state the considerations on which *malba* has been given up in tahsils of Phillaur and Nakodar?

Parliamentary Secretary: What has this to do with this question? My reply is about fodder and I have said that there is shortage in these two tahsils.

Chaudhri Kartar Singh : Does the Parliamentary Secretary know that the Government is receiving Rs. 2 to Rs. 3 per square and that only Re. 1-4-0 has been remitted ?

Sardar Lal Singh : Is it a fact that the concession rates for fodder are restricted to certain lines, like Bahawalpur and Ferozepore ? Why cannot people get the same concession for importing fodder from other areas ?

Parliamentary Secretary : To save the time of the House, may I point out that the Leader of the Opposition has given notice of a short notice question which the Government has agreed to answer when the Government will be in a position to make a full statement regarding the relief that they are providing for the various districts of the province. In the circumstances the honourable members should wait till then.

Sardar Lal Singh : My question refers to the question whether it is a fact that concession rates on railways are limited only to certain districts ?

Premier : This is only natural. Concessions are restricted for transport of fodder from certain districts where fodder is available. It is no use giving concession for places where fodder does not exist.

Sardar Lal Singh : But people may have relatives, say, in Lyallpur where they can get fodder. Why is no concession allowed them ?

Premier : If Lyallpur is one of the districts from which fodder can be conveniently transported, I am sure the local authorities will be glad to consider this question of including it in the list of places where concession applies.

Sardar Lal Singh : Local authorities are refusing such concessions to such places.

Parliamentary Secretary : If he thinks there is any district or area to which this concession should apply, will he kindly write to me and I am sure the Government will consider this question very sympathetically.

BHAKRA DAM SCHEME.

*3817. **Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when Government proposes to take in hand the Bhakra Dam Scheme ;
- (b) whether the Bhakra Dam Scheme will have precedence over Thal Project ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No date can be assigned as the work cannot be commenced until agreement is reached with Bilaspur. Negotiations are proceeding with Bilaspur.

(b) There is no question of precedence as each scheme has to be considered on its merits and can be taken up when the project proposals have matured.

Lala Deshbandhu Gupta : Is it a fact that the Thal Project is being expedited while the Bhakra Dam Scheme is not being given the due attention ?

Parliamentary Secretary : That is wrong.

Chaudhri Kartar Singh : Is the Honourable Parliamentary Secretary aware of the fact that the maps and the plans relating to the Haveli Project are ready and the members of the Unionist Party after getting copies of these maps go in the respective *ilaqas* to buy at low prices the lands adjacent to the course that the canal will take ?

Parliamentary Secretary : This is entirely incorrect and a baseless allegation like several others of its kind that some members are in the habit of making. The Government is anxious to see both of the schemes put into practice as early as possible.

Dr. Gopi Chand Bhargava : I rise on a point of order. The honourable Parliamentary Secretary has been pleased to state that the members on this side of the House are in the habit of making insinuations. I would submit, Sir, that the questions and supplementary questions are put only to elicit information and it is my experience that whenever we have a right to find out something and we enquire we find that something comes out. The information received by us might be exaggerated but we generally find that there is some truth in it. Therefore, I submit that the Parliamentary Secretary was not at all justified in making the remarks and attributing motives and I would ask you to request him to withdraw those remarks.

Mr. Deputy Speaker : I would request the honourable Parliamentary Secretary not to use such expressions.

Premier : No insinuation was meant. My honourable friend himself, if he has listened to that question, will agree with me that it was most objectionable. The proper way, if any member has got any grievance or any suspicion against another member, is to move a regular motion against that member and discuss it in this House and not to make insinuations under the garb of supplementary questions.

Dr. Gopi Chand Bhargava : What I objected to was the remarks made by him that members on this side of the House are in the habit of making such insinuations. The honourable Parliamentary Secretary was not at all within his right to do so and I do not think that the Honourable Premier is.....(*Interruption.*)

Mr. Deputy Speaker : Order, please.

Parliamentary Secretary : On a point of personal explanation. I did not say that the honourable members of that side are in the habit of making baseless allegations. What I said was that some members were in the habit of making baseless allegations of this kind.

Premier : *Chor ki darhi men tinke wali bat hai.*

Dr. Gopi Chand Bhargava : I think he has not withdrawn it and he has repeated it.

Mr. Deputy Speaker : I would request the honourable Parliamentary Secretary not to use such expressions.

Chaudhri Kartar Singh : I challenge that I can prove this allegation.

Mr. Deputy Speaker : Order, please.

Parliamentary Secretary : Please come out with the name of any such person.

Premier : Please disclose the name.

MECHANICAL INSPECTION OF MOTORS.

***3865. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of firms and owners who, under the proviso of rule 49 of the Punjab Motor Rules, 1931, produce their public motor vehicles for mechanical inspection every six months in the province of Punjab ;
- (b) the state of machinery, number of engineers, mistries and their qualification with which the workshops kept by the firms or owners mentioned in part (a) above are equipped and manned ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : A statement is laid on the table.

Statement.

| Serial No. | Name of firm. | Machinery and staff employed. |
|------------|---|--|
| 1 | 2 | 3 |
| 1 | North Western Transport Company, Limited, Lyallpur. | (1) A workshop fitted with the necessary machinery and plant. (2) One superior mechanic with 5 years practical experience. (3) One head mechanic having about 18 years of experience. |
| 2 | Government Mail Motors, Kaahmir-Rawalpindi. | (1) A workshop belonging to the subsidised Civil Motor Transport Section of the Royal Indian Army Service Corps which is inspected periodically by the Technical Inspector of the Corps. (2) One engineer. (3) One head mistry. (4) Three turners and fitters. (5) One electrician. (6) One vulcanizer. (7) One head mistry and one fitter employed at the firm's depôt at Srinagar. |

| Serial No. | Name of firm. | Machinery and staff employed. |
|------------|---|---|
| 1 | 2 | 3 |
| 3 | Jodh Singh Gujral and Sons, Rawalpindi. | (1) An adequately equipped workshop. (2) One head mistry. (3) One mistry and turner. (4) Two fitters. (5) One painter. (6) One carpenter. (7) One electrician. |
| 4 | Kailash O. K. Bus Service, Lahore. | (1) An adequately equipped workshop. (2) Six fitters and assistant fitters with experience ranging from 2 years to 12 years. (3) One blacksmith with 12 years experience. (4) One carpenter with 12 years experience. (5) Three cleaners. |
| 5 | Sardar Jiwan Singh and Brothers of Maghiana (Jhang District). | (1) A well equipped workshop. (2) One mistry who is a good mechanic and a qualified first class electrician. (3) Two fitters. (4) One blacksmith. (5) Four apprentices. |

REPRESENTATION OF PUNJAB MOTOR UNION AGAINST ASSISTANT SUB-INSPECTOR, POLICE, DEVIPURA, FOR CHALLANING LORRIES.

*3866. **Maulvi Mazhar Ali Azhar**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that on 31st May, 1938, Assistant Sub-Inspector, Police, Devipura, near Shalamar Garden challaned the motor drivers of lorries Nos. 4441, 772, 5610, 2470, 1508 under section 5 of Indian Motor Vehicles Act, and after taking their licences in possession issued to all of them a chit on blank paper without intimating the name of the court and the date of appearance in court;

(b) whether any representation was made to the Assistant Inspector-General, Police, Traffic, by the Punjab Motor Union drawing his attention to the procedure mentioned in part (a) above; if so, the action the Government has taken in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Yes. (The numbers of the vehicles were P-444-C, P-5610-C, P-2470-C, P-772-C and P-1808-C).

(b) Yes. Owing to shortage, no printed forms had been supplied to the police post at Devipura. This has now been rectified and the Assistant Sub-Inspector has been instructed in the use of the forms.

INQUIRY INTO THE CHARACTER OF A TEACHER OF JAMALPUR SHEIKHAN.

***3890. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state whether any inquiry was recently made into the character of a teacher of Jamalpur Sheikhan now in Chang, district Hissar, on a complaint against him; if so, what was the result and what action does he propose to take?

The Honourable Mian Abdul Haya : Yes. The case is again under investigation by a magistrate.

Dr. Gopi Chand Bhargava : May I know when was the offence committed and when were the enquiries started?

Minister : I have not got the details with me. If the honourable member had put the question in that manner, I would have collected that information for him.

Dr. Gopi Chand Bhargava : Was any departmental enquiry made and was the gentleman suspended?

Minister : I understand that the departmental enquiry was being held when the case was taken to court and as the case is pending in a court of justice, it is not desirable to give any further information.

SUSPENSION OF RESOLUTIONS OF LYALLPUR MUNICIPAL COMMITTEE
BY DEPUTY COMMISSIONER, LYALLPUR.

***3894. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the Deputy Commissioner, Lyallpur, has suspended all the resolutions of the Municipal Committee, Lyallpur, passed in its meeting held on 2nd March, 1938, by exercising his powers under section 232 of the Punjab Municipal Act; if so, the reasons thereof;

(b) whether any explanation was called from the Municipal Committee in this connection: if so, whether he will be pleased to lay a copy of the said explanation on the table of the House?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) The Deputy Commissioner suspended all the resolutions passed at the meeting of the Municipal Committee of Lyallpur held on the 2nd March, 1938, for the reason that in his opinion they were in excess of the powers conferred by law.

(b) The committee were in due course asked whether they wished to furnish any explanation. The explanation furnished is a lengthy document, and I am arranging for a copy of it to be sent to the honourable member.

INQUIRY INTO A COMPLAINT OF BRIBERY AGAINST A STIPENDIARY
MAGISTRATE, HISSAR.

***3937. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any inquiry was recently made by the Deputy Commissioner, Hissar, into the alleged complaint of bribery and corruption against any stipendiary magistrate, Hissar; if so, the result of that inquiry and the action that the Government proposes to take in the matter as a result of that inquiry?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): Certain allegations of corruption were made to the Deputy Commissioner, but on enquiry were not substantiated. No action is contemplated.

Khan Sahib Chaudhri Sahib Dad Khan : Who made the enquiries?

Premier : The enquiries were made by a responsible officer.

Khan Sahib Chaudhri Sahib Dad Khan : In how many cases has the general reputation of an officer been taken into consideration since this Government has come into existence?

Premier : I cannot give that information off-hand to my honourable friend nor would it be desirable to give that information, but I can assure him that in several cases it has been taken into consideration.

Dr. Gopi Chand Bhargava : May I know whether the Deputy Commissioner himself went to the person and took possession of his account books—I mean account books of the person who gave this bribe?

Premier : I am not aware of the details.

Khan Sahib Chaudhri Sahib Dad Khan : Were they taken into possession; if so, what happened?

Premier : They were taken over but did not corroborate the charge.

Pandit Shri Ram Sharma : Who is this magistrate about whom this investigation was made.

Premier : I cannot give my honourable friend the name. I cannot satisfy his curiosity in that particular respect.

MOB VIOLENCE AT ROHTAK ON 7TH OCTOBER, 1938.

***3627. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether he is aware of the fact that criminal assaults were made, shops looted and many other innocent persons victimised in the mob-violence on the 7th October at Rohtak in the procession taken out in his honour and that of the Minister of Development;

(b) whether the whole police force and the magistracy was with the procession, and whether any attempt was made by them to check this lawlessness;

(c) how many reports were received about such incidents in the Rohtak police station and the action taken upon them;

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- (d) whether I submitted a long list of victimised persons to the local authorities, the result of the police investigation upon them ;
- (e) whether the full account of this mob-violence as published in the *Haryana Titak*, Rohtak, dated 11th October, 1938, came to his notice ;
- (f) what action the Government propose to take in order to avoid such occurrences ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) Complaints of trespass, assault and looting on the 7th October, 1938, at Rohtak, were made to the police.

(b) Several police officers and magistrates were present during the procession and all necessary steps were taken to maintain order.

(c) Thirteen reports were received and fully investigated by the police under the direct supervision of the Superintendent of Police.

(d) *First part.*—Yes.

Second part.—From police investigation it appears that no trespass of any kind was committed into any private house, that the allegation that the *zenana* quarters of a house were entered into was entirely without foundation and that no person was beaten inside the shops or houses. No shop was looted by the processionists. Of the 13 complaints, the complainants were unable to name or identify the alleged assailants in 9 cases. In the remaining 4 cases an attempt was made to involve certain innocent persons. Disinterested evidence has, however, fully exonerated them of complicity in the matter.

(e) Yes, and the attention of the Journalists' Association was drawn to the objectionable nature of the article.

(f) Government fully realise their responsibility for maintaining order. Government hope that the party opposite will also remember that it has a similar responsibility.

Pandit Shri Ram Sharma : With reference to the reply that has been given just now stating that necessary steps were taken by the Government to check the lawlessness of the mob, may I ask what were the steps taken ?

Premier : It has already been replied to, that is, the allegations made are baseless.

Pandit Shri Ram Sharma : In view of the above replies, it is not proper to say that these allegations were baseless.

Mr. Deputy Speaker : It does not arise out of this question.

Diwan Chaman Lall : Surely, it does arise out of this question.

Mr. Deputy Speaker : Order, please. The next question.

Lala Duni Chand : May I know if the result of the investigation has been that not a single case has been traced in connection with what happened at Rohtak. What is the Honourable Premier's personal knowledge ?

Premier : My personal knowledge extends to this that nothing happened in my presence, as I said in answer to a previous question, and so far as these questions are concerned, they conclusively proved that these allegations were false.

Lala Duni Chand : May I know if the injuries on the several persons were self-inflicted according to the opinion of the Premier?

Mr. Deputy Speaker : Next question.

Pandit Shri Ram Sharma : In reply to part (b) it has been said that enquiry was held into the matter. May I enquire if the police made any enquiry from me with regard to persons whose names I supplied to the authorities?

Premier : I cannot add to what I have already said.

Pandit Shri Ram Sharma : May I enquire if the Government took any steps?

Premier : I have to add nothing to what I have already said.

Pandit Shri Ram Sharma : May I enquire if the Honourable Premier has studied the article regarding this loot and beating published in the *Haryana Tilak*?

Premier : If it had not been your newspaper the editor would have been sent to jail by now.

Pandit Shri Ram Sharma : Sir, you will realise that the Honourable Premier is taking an undue advantage of his position— (order, order).

Lala Deshbandhu Gupta : Did the Honourable Premier make a statement before the inquiring officer, he being an eyewitness to the doings of the 7th October?

Premier : Nothing happened in my presence.

Lala Deshbandhu Gupta : Did you or did you not make a statement before the enquiry?

Dr. Gopi Chand Bhargava : May I know when we can expect our arrests in view of the fact that we are very inconvenient to the Premier?

Premier : My honourable friend is mistaken if he has such wrong notions—

Dr. Gopi Chand Bhargava : I did not follow your reply.

Premier : I did not catch your question about your arrest.

Dr. Gopi Chand Bhargava : You said something which I did not catch.

Premier : You said something which I also did not catch.

Lala Duni Chand : May I know if it is a fact that whenever any riot is committed in order to please Government no action is taken?

NUMBER OF PERSONS BELONGING TO AMBALA DIVISION IN SUBORDINATE AND HIGHER SERVICES.

*3066. **Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of persons belonging to Ambala Division in subordinate and higher services of the province;

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- (b) the number of such employees in other four divisions of the province ;
 (c) the reasons for disparity, if any ?

The Honourable Major Sir Sikander Hyat-Khan : (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. The attention of the honourable member is drawn to the reply given to question No. 430^a put by Lala Deshbandhu Gupta on the 29th June, 1938.

(c) Does not arise.

Lala Duni Chand : May I know if it is within the knowledge of Government itself that the Honourable Chaudhri Sir Chhotu Ram has said more than once that Ambala division is receiving step-motherly treatment in regard to recruitment to services ?

Mr. Deputy Speaker : Next question.

Lala Duni Chand : I want a reply to my supplementary question.

Premier : The honourable member can deal with Chaudhri Sir Chhotu Ram outside the House.

NUMBER OF JATS BELONGING TO ROHTAK DISTRICT IN SUBORDINATE AND HIGHER SERVICES.

***3667. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number of Jats in the subordinate and higher services of the province belonging to Rohtak district ;
 (b) the number of Jats employed in the subordinate and higher services of the province belonging to the other four districts of the Ambala division, separately, namely, Ambala, Karnal, Gurgaon and Rohtak districts ;
 (c) the reasons for disparity ?

Parliamentary Secretary (S. B. S. Ujjal Singh) : (a) and (b) The honourable member is referred to the reply given to part (ii) of question No. 28^a put by him on 17th June, 1937.

(c) Does not arise.

Lala Duni Chand : Is it not true that the information asked for in this question is not contained in the reply to which the Parliamentary Secretary has referred ?

Premier : It is a very wrong assumption.

Lala Duni Chand : May I know the number of Jats in Government service from the five districts mentioned ? The question I put was about the number of Jats belonging to Rohtak district recruited in services as

^aVol. V., page 433.

^aVol. I, page 265.

compared with those of other four districts of the Ambala division, namely, Gurgaon, Hissar, Karnal and Ambala. He has referred me to the reply given to a previous question.

Premier : The honourable member may refer to the previous question and answer.

Lala Duni Chand : Can the Honourable Premier say that the information asked for is given in the reply given ?

Premier : I cannot possibly carry figures with regard to such questions in my head.

DACOITY IN THE HOUSE OF B. GANGA RAM, STATION MASTER,
MORINDA, IN AMBALA DIVISION.

***3668. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that on or about the night of 27th July, 1938, Babu Ganga Ram, Station Master of Railway Station, Morinda, Ambala district, was seriously wounded with hatchets and *lathis* by dacoits and his valuables were carried away ;
- (b) whether the police station, Morinda, is about a furlong from the said railway station and in spite of the hue and cry raised by the victim the police did not reach the spot at once and the dacoits escaped with the booty ;
- (c) whether any clue of the dacoity has been found ;
- (d) what action the Government proposes to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) On the night of the 27th/28th July a burglary was committed in the quarters occupied by the station master named. The station master was belaboured with *lathis* and valuables worth some Rs. 370 carried away.

(b) The police station is about a furlong and a half away. No cries were heard there. The case was reported by a pointsman of the railway at 2-30 A. M. and the police went to the spot without loss of time. The culprits had left the scene before the report was made.

(c) The case is still under investigation.

(d) The investigation will be carried on in the usual course with all possible vigour.

Lala Duni Chand : Do I understand that the investigation has been going on for the last 7 or 8 months and this occurrence took place 8 months ago and will the Parliamentary Secretary please say whether the investigation is still going on and nothing has come out of it ?

Parliamentary Secretary : That is exactly what I have said that the investigation is still going on and no clue of the culprits has so far been found.

Lala Duni Chand : May I know at what stage the investigation has now reached and whether any evidence has been secured up to this time or not ?

Parliamentary Secretary : Unless a trace of the culprits is found the police cannot proceed further in the matter. What other course does my honourable friend suggest ?

Lala Duni Chand : I understand that even the names of the supposed culprits are not known. Is that the position ?

Parliamentary Secretary : I am sorry I cannot give you any further information.

Lala Duni Chand : May I know if it is within the knowledge of the Government that the poor station master gets about Rs. 200 for Government every day by the sale of railway tickets and he is in danger of being looted every day if nothing is done in the case ?

REPRESENTATION MADE BY CHAUDHRI BHARAT SINGH AGAINST DISTRICT BOARD RESOLUTION REGARDING APPOINTMENTS IN BOARD SERVICES ON POPULATION BASIS.

***3672. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether he is aware of the fact that Chaudhri Bharat Singh, member of the District Board, Rohtak, represented in writing recently to the Commissioner, Ambala division, against the resolution of the District Board for making appointments on population basis with the intention of introducing caste and sub-caste considerations in the Board services ;

(b) what action was taken in the matter ?

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

(b) The Commissioner forwarded the representation for disposal to the Deputy Commissioner.

Pandit Shri Ram Sharma : May I enquire what was the fate of the representation submitted to the Commissioner who forwarded it to the Deputy Commissioner ?

Minister : It is with the Deputy Commissioner and he will dispose it of in the best manner.

Pandit Shri Ram Sharma : When is it likely to be disposed of ?

Minister : As early as he can possibly do.

Pandit Shri Ram Sharma : When ? After what time ?

NON-ENTERTAINMENT OF NON-JUDICIAL COMPLAINTS WITHOUT PERSONAL APPEARANCE OF THE COMPLAINANT.

***3674. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether he is aware of the fact that the Superintendent of Police, Rohtak, has also adopted the practice of the local Deputy Commissioner in not entertaining the non-judicial complaints without personal appearance of the complainant ;

(b) whether the Superintendent of Police returned to Pandit Shri Ram Sharma, M.L.A., a complaint, dated 8th September, 1938 and 10th September, 1938, with the remark that the applicants should approach him direct;

(c) whether the Government intend to issue instructions to the district authorities on this point?

The Honourable Major Sir Sikander Hyat-Khan : (a) Government understand that the Superintendent of Police by no means always insists on the personal appearance of the complainant, but he does require that petitions be presented to him direct and not through any third party.

(b) Yes.

(c) No.

Pandit Shri Ram Sharma : It has been said by the Government several times that the members of the House should come forward to help the Government in eradicating the evil of corruption, but we are being put aside as a third party. How then can we co-operate with them to put a stop to corruption?

SHORT NOTICE QUESTION AND ANSWER.

GURU GOBIND SINGH'S BIRTHDAY AT TALAGANG AND STONES THROWN ON PROCESSION.

Dr. Gopi Chand Bhargava : Will the Honourable Premier be pleased to state whether stones were thrown on the processionists participating in the procession taken out at Talagang in district Campbellpur on the occasion of the birthday of Shri Guru Gobind Singh in December, 1938, a procession which was taken out with the permission of the authorities concerned and that many of the processionists including ladies received injuries by this stone-throwing. If so, whether any investigation was made to find out the mischief-makers and if so, what action has been or is intended to be taken on the result of that investigation?

The Honourable Major Sir Sikander Hyat-Khan : I regret that I am unable to answer this question because the matter is *subjudice* at present.

Lala Deshbandhu Gupta : The reply to the latter part asking for information as to what action has been or is intended to be taken on the report of the investigation, is not given.

Premier : The case is in a court of law.

Lala Deshbandhu Gupta : How many persons have been prosecuted?

Premier : I cannot give this information off-hand, but very likely more than a dozen persons.

ADJOURNMENT MOTIONS.

FAMINE CONDITIONS IN THE PROVINCE.

Dr. Gopi Chand Bhargava : I may submit, Sir, that you will find that notices of many adjournment motions have been given in regard to the famine conditions and the steps taken by the Government to meet those

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conditions. I communicated with the Honourable Minister of Revenue and the Honourable Premier and, with your permission, I tabled a short notice question. This question has been accepted, and I presume that when the reply is ready, it shall be circulated to us a day before. I also presume that the Honourable Premier will give us some time to discuss the matter regarding the steps taken by the Government to meet those conditions. If that is so, we will not have to move any adjournment motion regarding the famine conditions.

Premier : I want to say a word about what my honourable friend, the Leader of the Opposition has said. So far as his short notice question is concerned, it has been admitted. We are trying to collect complete information on the subject from the various districts and a full and comprehensive reply will be communicated to my honourable friend. With regard to the special time being granted, I cannot possibly commit myself at this stage to give any time because it largely depends upon the nature of the information which we provide to my honourable friend and also upon the spare time we can get during the present session. In any case, the information would be useful to my honourable friends opposite and also to the honourable members on this side, and perhaps, later on, if not during this session, it would be possible for us to ventilate the matter further, if necessary.

Dr. Gopi Chand Bhargava : Shall we have a right to move the adjournment motions after the reply is given?

Premier : You can always move an adjournment motion on the reply to the short notice question, if you so desire.

DISTURBANCES AT A PUBLIC MEETING AT ASAUDHA.

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 refusal of the local authorities to take necessary steps to prevent interference in a peaceful public meeting held at Asaudha, district Rohtak, on the 29th December, 1938, from a band of organised hooligans intent upon creating breach of public peace.

Mr. Deputy Speaker : The honourable member asks for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the refusal of the local authorities to take necessary steps to prevent interference in a peaceful public meeting held at Asaudha, district Rohtak, on the 29th December, 1938, from a band of organised hooligans intent upon creating breach of public peace.

The motion appears to be in order. Is there any objection to the leave being granted?

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I beg to object to leave being granted.

Mr. Deputy Speaker : Those honourable members who are in favour of the leave being granted may please rise in their places.

(As more than the requisite number of members rose in their places, the leave was granted and the motion was fixed for discussion at 6-30 p. m. on the same day.)

UNFAIR COMMENTS OF THE DAILY PRATAP.

Premier : Sir, I seek your permission to invite your attention and the attention of the House to a leaderette signed by Mahasha Krishna of the Daily Pratap, in its issue, dated the 15th January, 1939. You will recollect, Sir, the incident which took place on the 12th January when on an adjournment motion a closure was moved and you accepted the closure. Thereupon the honourable member, Diwan Chaman Lall, made some accusation against you and some members walked out of the House. The leaderette in question is a comment on this incident. You will recollect that the honourable member, Diwan Chaman Lall, himself regretted the expressions used by him and withdrew them the next day in the Assembly. The editor of the Daily Pratap has cast serious reflections on your conduct. I do not want to read out the translation of the leaderette *in extenso* but shall confine myself only to the relevant passages which are open to the gravest objection. The sentences when translated read thus; and this is the first quotation :—

“ There is no doubt about the fact that the Deputy Speaker has proved himself totally unfit for the office he is holding. He cannot control the House. He is unable to give correct rulings.”

The writer then proceeds. Here is another quotation :—

“ Any impartial observer would say that the Deputy Speaker committed a blunder in allowing the debate to be closed forty minutes before the time appointed for its closure.”

Then further on, calling in question this “ uncalled for action ”, as the writer calls it, of the Deputy Speaker, he concludes thus :—

“ The Opposition no longer trust in his impartiality and sense of justice. It would therefore be in the fitness of things that he should either arrive at an understanding with the Opposition or resign his post.”

Surely, Sir, every one in the House will agree with me when I say that these sentences clearly exceed the limits of fair comment and the remarks of the writer are highly offensive and extremely undignified and they deserve the strongest disapproval of the House. They constitute a libellous attack on the Chair and I consider it my duty to draw the attention of the House to this gross abuse of its privileges. I leave the matter entirely in your hands.

(At this stage Diwan Chaman Lall rose in his seat.)

Mr. Deputy Speaker : No discussion is allowed.

Diwan Chaman Lall : All that I want to know is this. Which particular matter or matters are regarded as a breach of privilege?

Mr. Deputy Speaker : No discussion is allowed.

Diwan Chaman Lall : Until the House knows exactly what the breach of privilege is—

Mr. Deputy Speaker : I would request the honourable member to resume his seat.

I have carefully examined the contents of the leading article to which my attention has been drawn by the Leader of the House. It is no doubt an offensive and undignified attack against me as the Deputy Speaker of

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the House and merits the severest censure. I trust that the writer of that article and the editor of the Daily Pratap will take note of the condemnation given expression to by the Leader of the House and that he will make amends for it by expressing his unqualified apology at the earliest moment in the next issue of the daily. Meanwhile I feel justified in taking the only course open to me against the paper, and that is to exclude its representatives from the Press gallery of the House. I accordingly hereby direct that with effect from the adjournment of the House to-day, the Press passes granted to the representatives of the Daily Pratap shall stand cancelled, and no notice papers, etc. shall be sent to the paper until further directions. The representatives concerned will be admitted if applications on their behalf are made again, but not until a full, frank and unqualified apology to the Chair and to the House is forthcoming and published in the Press.

Dr. Gopi Chand Bhargava : I am sorry that I have to make a certain observation and that is this, that I do not agree and I enter my emphatic protest against the orders that you have been pleased to pass.

Mr. Deputy Speaker : No discussion is allowed.

Diwan Chaman Lall : You will realise that since the phraseology that you have employed—

Mr. Deputy Speaker : The honourable member has no right to criticise the Chair.

Diwan Chaman Lall : I am not criticising you. I am raising a point of order. If you will be patient and listen to me, I will tell you—

Mr. Deputy Speaker : Order, order.

Diwan Chaman Lall : Will you listen to my point of order or not ? My point of order is this. The procedure that you have followed is the procedure which was laid down in the Central Assembly when the Honourable V. J. Patel used this procedure in reference to the incident that occurred on the floor of the House against the Indian Correspondent of the London Daily Telegraph and the Times of India, Bombay. At that time you will realise that leaders of parties and others were allowed to make their statements in reference to the matter. Further there was a difference—

Mr. Deputy Speaker : The honorable member should simply state the point of order briefly. He has no right to make a speech.

Diwan Chaman Lall : I appeal to you to realise that I am very briefly stating my point of order. My point is this. Firstly, the Leader of the Opposition and others should have been allowed to make a statement, and secondly, I submit, the procedure in this House is different to the procedure that was then adopted, because since then the Government of India Act has been passed and that Act states—

Mr. Deputy Speaker : Order, order. I have followed the correct procedure. This point of order does not arise.

Diwan Chaman Lall : I rise to another point of order. The Government of India Act says that a committee of privileges may be appointed—

Mr. Deputy Speaker : This point of order does not arise.

Diwan Chaman Lall : The point has been raised as to the matter of privilege and I am raising this point that no matter of privilege can be taken up unless it is done according to the method laid down by the Government of India Act and the rules of this House and you say that no point of order arises! If you do not allow me to raise a point of order, I will sit down.

Dr. Sir Gokul Chand Narang : The Honourable Premier when he was reading out his statement said that he hoped that every member of this House would agree with him. How is it to be ascertained whether all the members of the House agree with him? Is there no method of expressing disagreement with what the Honourable Premier has said?

Mr. Deputy Speaker : This is not a point of order.

An honourable member : May I ask under what rule action has been taken?

Premier : May I ask if there is a single member in this House who does not agree with me that aspersions have been cast on the Deputy Speaker?

Dr. Gopi Chand Bhargava : May I know why you do not allow members on this side of the House to have a say in the matter?

Diwan Chaman Lall : I refer you to section 71 (2) of the Government of India Act. In view of the provision of that section, you have no authority whatsoever to take the action that you have taken. That is why I ask you to let us know exactly under what section you have taken this action. If there had been any breach of privilege, then a committee of privileges should be appointed to go into the matter. Under section 71 (2) you have no authority to take the action and you should not go into the question *suo motu*, without permitting the discussion of this matter.

Mr. Deputy Speaker : No such point of order arises.

Diwan Chaman Lall : I submit that you should refer this matter to a committee of privileges. That is the only procedure to be adopted.

Lala Deshbandhu Gupta : The statement made by the Honourable Premier is a direct interference with the liberty of the Press and as such should not form part of the proceedings.

Mr. Deputy Speaker : Order, order.

Sardar Sampuran Singh : I want to raise a point of order. My point of order is that your order is *ultra vires*. We want a ruling whether you are within your rights according to the Government of India Act in taking the action you have taken.

Mr. Deputy Speaker : I am perfectly within my rights.

Lala Duni Chand : I have to raise a point of order. My point of order is that whenever any objection is raised, as so many objections have been raised, you should give a ruling in regard to each point of order raised.

(At this stage the Honourable Premier stood up to speak amidst great uproar.)

Diwan Chaman Lall : I have no intention of interrupting my honourable friend, but since you are not allowing any of the members on this side to speak, you have no right to allow any one on the other side to speak.

Mr. Deputy Speaker : Order, order.

Chaudhri Krishna Gopal Dutt : You should stand for the interests of the minorities. Only two days ago you said you were impartial. I appeal to you in the name of impartiality to save the situation by your tact.

Mr. Deputy Speaker : I am perfectly impartial.

Chaudhri Krishna Gopal Dutt : But if you think that you can transact business in this atmosphere you are hopelessly mistaken.

Dr. Gopi Chand Bhargava : I am very sorry to find that a serious situation has occurred this time. You know full well that I do not like such occasions to arise. I am one of those who are for the smooth conduct of business. But I beg to submit that the procedure adopted by you to-day does not meet with my approval. No doubt the Honourable Premier was pleased to consult me on this question and he even told me that I would be given an opportunity to speak on this point. In spite of that I have not been given an opportunity to speak. I therefore submit that the action taken by you does not meet with our approval. Though we have got no right to criticise you, I submit that if we are to go on like this, I will be forced to take action which is my right and which I can possibly take and that is, I may have to give notice of a motion of no-confidence in you.

Mr. Deputy Speaker : I can allow no discussion at this stage.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : Mr. Deputy Speaker, I have stood up a hundred times and I have sought permission from you to raise a point of order, but you have not given me permission to raise it. When the Honourable Premier has been permitted to make a statement on an article of Mahashe Krishen, why should I not be permitted to say something in reply to what he has said. So far as the dignity of the Chair is concerned we are all with him. But so far as this statement of the Honourable Premier is concerned that the whole House is at one with him in the matter of the said article, I must point out with your permission that we do not agree with him.

You have the power not to permit me to speak. But it is my right to know under what rule or law the Premier is allowed to make a statement and the Leader of the Opposition or I am debarred from replying to him. I wish to point out with your permission that it is a political sin to try to muzzle Mahashe Krishen or any of the newspapers. By so doing the Government will be unlawfully depriving them of their freedom and of their right. I request you not to flout the public rights while you are in this honourable House.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I have to say only this much for your consideration and for the consideration of this honourable House that the procedure which I have just now adopted is the same which I adopted twice at Simla and at least once here at Lahore. I drew your attention to an article which appeared in the daily Pratap of Lahore. Such things have been said in that article that

a perusal of it will convince everybody that derogatory remarks have been made about the Chair. Now the question is this, the House has no unlimited powers to use in such cases. It cannot, for the matter of that, impose a suitable punishment on anybody for making such remarks as have been made in the article under reference. There is a feeble power in this connection which rests with the Speaker of the House, and that is this that he, whenever he thinks fit, may order visitors or representatives of the press to leave the Assembly Chamber. This power has been vested in the Speaker under Rules 78 and 79 of the Rules of Procedure. The question now is: why should not that weak weapon be used in this case if a stronger one is not available? Undignified words have been used against the Chair and against this House and we are helpless to take any action. In these circumstances why not the feeble power which rests with you, Sir, be put into use? I am sure that if such words as have been used by the writer of the article in the Pratap had been used by any editor of a newspaper in any other country, the very sale of the paper would have been stopped. It would not have been possible for the newspaper to appear any more. I think you will be within your rights if you make use of your powers under Rules 78 and 79 in the present case.

Lala Deshbandhu Gupta : May I point out that you have allowed the Honourable Premier to condemn a respectable paper, but you have not allowed the Opposition to say a word in regard to it?

Diwan Chaman Lall : Mr. Deputy Speaker, you will realise that the Honourable Premier has utilised two opportunities to speak on the merits of the question whereas you have strictly prevented the Opposition from uttering a single word regarding the merits.

Mr. Deputy Speaker : Order, please. There is no motion on which the honourable member can claim a right to speak now.

Diwan Chaman Lall : Am I or am I not permitted to say a word with regard to the statement made by the Honourable Premier?

Mr. Deputy Speaker : There is no motion before the House and I cannot therefore allow any discussion.

Diwan Chaman Lall : Then, why is it that you permitted the Honourable Premier to make a statement, but you are not permitting the Opposition to say a word in reply to it?

Mr. Deputy Speaker : Merely on the ground that there is no motion before the House.

Diwan Chaman Lall : Will you then allow me also to make a statement?

Mr. Deputy Speaker : Order, please.

Diwan Chaman Lall : I want to be perfectly clear in regard to this matter. You permit the Honourable Premier to make two statements on the merits of the question, but you do not permit this side to say a single word in regard to that. Is that the position?

Mr. Deputy Speaker : Order, please. There is no motion before the House. The Honourable Premier only made a statement.

Diwan Chaman Lal: There may be no motion. But in fairness to this side of the House I ask you to let us know whether the Honourable Premier can be permitted by you to make two statements on the merits of the question, but we cannot be permitted to say even a single word in regard to that question. I want your answer 'yes' or 'no'.

Mr. Deputy Speaker: There is no motion before the House and I therefore cannot allow a discussion on the question.

Diwan Chaman Lal: If there was no motion before the House, why did you permit the Honourable Premier to make those statements?

Dr. Sir Gokul Chand Narang: 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?

Mr. Deputy Speaker: There is no point of order involved.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural): Sir, what does it mean? You reduce this House to a farce. Several points of order have been raised, but you have paid no attention to them.

Mr. Deputy Speaker: Order, order.

Pandit Muni Lal Kalia: It is strange that you allowed the Honourable Premier to make a statement and when we want to make a statement in reply to that, you, Mr. Deputy Speaker, do not permit us to do so. This side of the House cannot confirm this action of yours. (*Interruption.*)

Mr. Deputy Speaker: Order, order. The honourable member's conduct is grossly disorderly. I therefore direct him to withdraw from the Chamber.

Pandit Muni Lal Kalia: You may bodily remove us from the House we are not prepared to withdraw. We want to listen to the reasons that have prompted you to take up this attitude. We want to ask you as to under which rule you can debar us from making a statement in reply to the one made by the Honourable Premier. This cannot be, (*Hear, hear from the Opposition benches.*) Under what authority, I ask, can you deprive me from exercising the right to speak in this House where my right is as sacred as yours? My right to speak is cent per cent equal to that of yours. We are not school children. We have to speak and we shall speak and have our say in the House. We would not withdraw from the House. You maltreat us and misbehave with us, and it is our courtesy that we are putting up with you. (*Ironical cheers from the Government side.*) In fact, you, Mr. Deputy Speaker, are unfit for this post.

Mr. Deputy Speaker: Order, order. I have already directed the honourable member to withdraw from the House. His conduct is grossly disorderly. He is directed to withdraw from the House.

(At this stage there was great uproar in the House.)

Chaudhri Krishna Gopal Dutt : I want you, Mr. Deputy Speaker, to enter into a compromise.

Sardar Sohan Singh Josh : Sir, the Premier has observed that the Pratap is publishing false reports. We do not agree with this view. The Premier is only anxious to stifle the voice of the Pratap but we will not suffer him to do so.

(Again there was uproar in the House.)

Mr. Deputy Speaker : I suspend the sitting for half an hour.

The Assembly accordingly adjourned for half an hour.

The Assembly re-assembled at 2-35 P. M. of the clock, Mr. Deputy Speaker in the chair.

POWER TO REMOVE A MEMBER.

Chaudhri Krishna Gopal Dutt : I hope the tempers have now been cooled and you will consider the matter very coolly and appoint a committee of privileges to go into the matter in the interests of the smooth working of the Punjab Legislative Assembly.

Mr. Deputy Speaker : Before the sitting was suspended I directed Pandit Muni Lal Kalia to withdraw from the House immediately for disorderly conduct. I now find that Pandit Muni Lal Kalia is here. I would again ask Pandit Muni Lal Kalia to withdraw from the House immediately.

Pandit Muni Lal Kalia : You never asked me to withdraw. In any case I did not hear your order.

Chaudhri Krishna Gopal Dutt : May I appeal to you to avoid unpleasantness in this House? That is up to you now.

Lala Bhim Sen Sachar : On a point of order. Leaving alone this question whether or not the order was conveyed or communicated to Pandit Muni Lal Kalia who, I understand, says that no order to this effect was given, regardless of that fact I say, when that gentleman was ordered to withdraw from the House, then he was to withdraw from the House under the rules till the House met again. He should not be asked, unless of course he is asked to withdraw for a second time, to go out now. In regard to this I must refer to a precedent in this House when in Simla Dr. Shaikh Muhammad Alam was asked to withdraw from the House and after the House had met again after lunch he sat in the House and was not asked to go out of the House.

Pandit Muni Lal Kalia : I now understand for the first time that you passed certain order and you named me. I solemnly say that I did not hear your order and so far as my information goes none of the members on this side heard that order. If I had heard it I would have taken some action on it. Under the rules there are two alternatives left to the Chair; either to name a member or in case of a grave disorder to suspend the Assembly. You chose the latter alternative and adjourned the Assembly for 30 minutes. Again the order which you say you passed against me was not communicated to me. I did not hear it with my ears. In any case after you have suspended the House, the order does not stand now.

[Pt. Muni Lal Kalia.]

In these circumstances my privilege as a member of this House is being infringed and I am being deprived of the right which the statute gives me. I refuse to leave the House because the Chair has not got the power under the rules and if I am to be forcibly removed I will see to it and I will protect my right.

Chaudhri Krishna Gopal Dutt : Save the situation please, Mr. Deputy Speaker.

Mr. Deputy Speaker : There is only one way to solve the difficulty. I was perfectly within my powers to direct Pandit Muni Lal Kalia to withdraw from the House, and if the honourable member would formally act upon it and withdraw from the House or express his regrets—

Diwan Chaman Lall : Where is the rule about regret ?

Dr. Shaikh Muhammad Alam : This is too much to expect.

Diwan Chaman Lall : May I ask you to be kind enough to point out the rules of the Assembly which empower you to ask the honourable member to express regret ? It may be a matter of courtesy, that is a different matter, but where is the rule to that effect ?

Mr. Deputy Speaker : If the honourable member will act upon my direction and if he will leave the Chamber then this question may be considered.

Chaudhri Krishna Gopal Dutt : You are begging the question.

Dr. Gopi Chand Bhargava : I want to know what was the action for which he is being named now ?

Mr. Deputy Speaker : For his disorderly conduct in disobeying the Chair.

Dr. Gopi Chand Bhargava : I have not seen any disorder since the House has met after adjournment.

Mr. Deputy Speaker : Not now. He was directed to withdraw before the sitting was suspended. (*Voices : Nobody heard it.*)

Chaudhri Kartar Singh (Urdu) : On a point of order. I want to draw your attention and particularly of the Leader of the House—

Mr. Deputy Speaker : Order, order.

Chaudhri Kartar Singh : I am raising a point of order.

Mr. Deputy Speaker : There is no point of order.

Chaudhri Kartar Singh : My point of order is that when you stated that you named Pandit Muni Lal Kalia nobody heard it. Will you kindly ask the Honourable Premier to state if he heard it ?

Mr. Deputy Speaker : I would direct the honourable member to withdraw immediately from the House.

Pandit Muni Lal Kalia : Will you please refer to the Reporter's note book if there is anything to that effect ?

Premier : May I appeal to the Leader of the Opposition to see that the orders of the Chair are obeyed ?

Dr. Gopi Chand Bhargava : According to the rules and the Parliamentary Practice as followed in the House here, when Dr. Alam was named in Simla, there were two meetings, one for the discussion of the adjournment motion and the other for ordinary business. He was named in the first meeting and was kept out only for the first and not for the second. This time also there have been two meetings and after the adjournment of the House, the previous orders do not stand. I therefore think the orders of naming him now are not correct and I am sorry that he cannot go out (*hear, hear from the Opposition*).

Premier : I think after the remarks of the Leader of the Opposition, it is no use my making any further observations.

Mr. Deputy Speaker : I would direct once again that the honourable member should immediately withdraw from the House. (*Voices : For what ?*)

Pandit Muni Lal Kalia : I am not going to obey an illegal order.

Sardar Lal Singh : On a point of order. In the first place, the Honourable Premier made an important statement—

Mr. Deputy Speaker : Order, order.

Sardar Lal Singh : I want your ruling on this point whether after the important statement which had been made by the Premier, you are within your powers to prohibit even the utterance of a single word from the Leader of the Opposition or the leader of any other party. You started to read your own typed statement without allowing any one from this side to make a statement.

Mr. Deputy Speaker : No such point of order arises.

Munshi Hari Lal : On a point of order. When that controversial statement was made by the Premier—

Mr. Deputy Speaker : Order, order. No such point of order arises.

Munshi Hari Lal : I maintain that the learned Deputy Speaker has not heard my point of order. I want to be heard. It is my right to be heard. I stand upon my rights.

Mr. Deputy Speaker : I shall feel compelled to use the powers that vest in me against the honourable member if he persists in disobeying the direction.

Munshi Hari Lal : I will welcome any action.

Mr. Deputy Speaker : I again direct that Pandit Muni Lal Kalia should immediately withdraw from the Chamber, or I shall have to enforce my orders. (*Voices : Oh !*)

Chaudhri Krishna Gopal Dutt : You want to arrogate to yourself rules and powers which do not exist.

Munshi Hari Lal : We are against despotism.

Chaudhri Krishna Gopal Dutt : Mr. Deputy Speaker, please be cool and calm.

Sardar Sohan Singh Jash : Can I ask why the Honourable Premier does not constitute a Committee of Privileges and why he does not enforce some rules? Why is he doing as he wishes?

Chaudhri Kartar Singh : On a point of information.

Mr. Deputy Speaker : Order, please. I order the Watch and Ward Officer to show the way to the honourable member to leave the House.

Dr. Gopi Chand Bhargava : I beg to warn you, Sir, that no man in this House can touch the body of any member inside here.

Chaudhri Kartar Singh (Urdu) : On a point of order, Sir. The whole House and even the Honourable Premier did not hear you naming Pandit Muni Lal Kalia. (*Voices of order, order and loud noise.*) Sir, my point of order is that when you named him, nobody heard it. Just ask the Honourable Leader of the House if he did. (*Noise and interruptions.*)

Mr. Deputy Speaker : Order, please.

Chaudhri Kartar Singh : If anybody has the impudence to come here and touch us he will be insulting us and the whole House. No person and no power can insult any member in the House, and you, Mr. Deputy Speaker, should withdraw this order which amounts to contempt of this honourable House. I would also invite the attention of the Premier to the fact that if he has any regard for the dignity of the House he should not allow its sanctity to be violated.

Mr. Deputy Speaker : I direct that Chaudhri Kartar Singh should immediately withdraw from the House for his grossly disorderly conduct.

Chaudhri Kartar Singh : پکڑی سنبھال چتا۔ پکڑی سنبھال او

Mr. Deputy Speaker : Chaudhri Kartar Singh should immediately withdraw from the House for his grossly disorderly conduct.

Chaudhri Kartar Singh : Mr. Deputy Speaker, I sit in this House as a matter of right. As you are giving me an irregular order although you have not asked me to withdraw any remark on the ground that it is unparliamentary, I am not, I must submit, prepared to leave the House. No power on earth can make me leave the House like this.

Diwan Chaman Lal : On a point of privilege. On the floor of this House nobody but a member of this House has any business to be present and I submit that no member of the Watch and Ward staff has any right to be within the precincts of these walls. I further submit that neither you nor anybody else on the floor of this House has any right to call upon an outsider to come and enter this hall while the meeting of the Assembly is on and I submit, therefore, that whatever you have stated just now about the Watch and Ward Officer is both illegal and incorrect and uncalled for.

Dr. Shaikh Muhammad Alam : On a point of privilege. I say and endorse every word of what my honourable friend Diwan Chaman Lal has said. I request you in the interest of the dignity of the House and in your own interest and in the interest of the dignity of every member in this House not to break the rules yourself, otherwise you would be responsible for very serious consequences that will happen. (*Uproar*) (*Chaudhri Krishna Gopal Dutt :* Very serious physical consequences.)

Mr. Deputy Speaker : I am simply enforcing the orders. (*Uproar.*)

Sardar Sohan Singh Josh : Mr. Deputy Speaker, first you named Pandit Muni Lal Kalia and then the same treatment was meted out to Chaudhri Kartar Singh. May I know whether you are going to name all the members one after another? I would request you, to pause and to reflect as to what you are doing.

Chaudhri Krishna Gopal Dutt : You now ask the Premier to remove the honourable member.

Lala Duni Chand : I am going to attempt a solution of the problem. (*Voices from the Opposition benches : No solution.*)

Chaudhri Krishna Gopal Dutt : I ask you to remove all the members. (*Uproar.*)

Mr. Deputy Speaker : I would again say that Chaudhri Kartar Singh and Pandit Muni Lal Kalia should immediately withdraw from the Chamber.

Dr. Gopi Chand Bhargava : Who is being named?

Mr. Deputy Speaker : Pandit Muni Lal Kalia and Chaudhri Kartar Singh. (*Interruption*) I direct them to withdraw. (*The members named did not withdraw.*) The procedure that I adopt is the normal procedure and it is as follows :—

- (1) Minor breaches of order are checked by the Chair as soon as they occur. Members also call each other to order and bring points of order before the Chair. Such incidents are generally concluded simply and briefly by the member desisting from the conduct, or withdrawing the words, objected to. When the Speaker or Chairman rises to deal with a point of order, it is highly disorderly for members to remain standing or to interrupt him.
- (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 sittings."

I adopt the normal procedure even now. If the honourable members who have been named by me comply with the directions, then the matter may be concluded easily, but if the honourable members are bent upon putting in obstructions, then there is only one way open to me, i.e., the one I have already resorted to and no other.

Diwan Chaman Lall : May I, in reference to what you have stated just now, draw your attention to the fact that we are governed not by the procedure of the House of Commons which is governed by a constitution, which is not written, but by a procedure which is laid down in our own rules and in the Government of India Act. Our constitution differs from the British constitution in this respect that the British constitution is an unwritten constitution. It is a constitution which has grown from precedent to precedent and nowhere in the body of any book will you find any procedure laid down—any statutory procedure laid down—which can be considered to be the constitution of Great Britain, whereas here we are bound strictly by the terms and provisions of the Government of India Act and we are further bound by the rules that have been made in pursuance of the Government of India Act by this legislature. The rules that have been made are before you and I draw your attention to rule 77. According to rule 77 if there is any gross disorder in the House you have the authority to direct two things to happen. One, you can suspend the sitting of the

[Diwan Chaman Lal:]

House. You have already suspended the sitting. I submit that you could have suspended the sitting not for half an hour but for the rest of the day. You took the other course—of suspending the House for half an hour. You could have taken a different course but you adopted another course, viz., naming a particular member and asking him to withdraw. If that particular member refuses to withdraw, I submit that your only course is to suspend the sitting of the House. You cannot go beyond naming the member and asking him to withdraw. There is no other authority given to you either in the Government of India Act or under the rules made by this House governing the procedure of this House and you cannot fall back upon the procedure in the House of Commons which is a statutory procedure, as we have already stated on more than one occasion on the floor of this House, relative to the withdrawal of a member from the floor of this House. There, in the House of Commons, there is a person designated Sergeant-at-Arms and there is a person called the Marshall. Authority is vested in the Speaker to order the withdrawal of a particular member and order the Sergeant-at-Arms that he shall forcibly remove the honourable member from the floor of the House. I submit that it is a statutory procedure. It is by virtue of the statute, by virtue of the conscious act of Parliament, that that power and authority was given to the servant of the Crown. No such conscious act has been perpetrated or committed or enacted here on the floor of this House, and no authority vests in you to order any individual,

3 P. M. no matter whoever he may be, to take forcible possession of the body of any honourable member and ask that honourable member to be removed by any particular individual. I submit that when you are referring to Campion or to May or when you are referring to the procedure in the House of Commons it is not right that you should depend upon those practices or upon the instances available in the House of Commons. Any authority that vests in you is under the Government of India Act and under no other rules. Therefore I submit that the only course, when you find that there is such disorder or such disobedience of your orders on the floor of the House, is to suspend the sitting of the House. Beyond that, I submit neither you can go nor any other person can go in reference to this matter. And may I draw your attention further to the fact that it would be wrong to put into force an unconstitutional rule that does not govern this House. It would be wrong for the Deputy Speaker to take upon himself an illegal authority or attempt to enforce that authority which he is not by right allowed to enforce or which he has not under the rules, or under the law of this country permitted to enforce. Therefore one illegality cannot be put right by committing another illegality. I would submit that you should not, even contemplate, even dream of the action that you have been apparently contemplating during the half an hour's interval. I submit that you should withdraw the expression used against my honourable friend and not take any further action.

Dr. Shaikh Muhammad Alam : Mr. Deputy Speaker, it is a very important question before you to use any power which you imagine vests in you. Certainly it is a point on which opinions which are being given to you are valuable and should be valuable, and you may perhaps take advantage of the opinion even of the Advocate-General. The legal view

of the position which you have got is whether in the circumstances, excepting these two alternatives suggested to you with reference to your order, there is any third alternative which you can have. Certainly with advantage you can consult the Advocate-General. Furthermore there is one point. The sitting of the House had already been once suspended by you. The rule also says that the sitting of the House can be suspended. You can take no other action.

Dr. Gopi Chand Bhargava : On a point of order. Section 71, sub-section (3) runs thus :—

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.

That is the section of the Act under which rules were framed, and under that rule the Chair :

May direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly.

(*Interruption.*) I do not want any interruption. The Premier wants to interrupt me.

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.

Therefore you are only authorised to name a man and if that man does not withdraw you can suspend the House. If you pass an order and ask a member of the Watch and Ward to remove an honourable member of this House you will be going beyond your right. You have no such power because the House has not given you this power to remove any honourable member. Therefore I would submit that you should withdraw your order and then we will proceed with the business of the House because that is an insult which you have no right to throw on the whole House.

Advocate-General (Mr. M. Sleem) : Sir, the rule of the House which empowers the Speaker to direct that a member should withdraw from its meeting is 77 (2) which reads as follows :—

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.

It is quite clear that under this rule the Speaker is entitled, if he so decides to exercise that power—the Speaker has exercised that power—to call upon an honourable member to withdraw and therefore under the rule the member concerned should withdraw. Now, the question that arises is this. If the member refuses to withdraw, is there any method of enforcing

[Advocate General.]

the decision of the Speaker? In other words the position is that if a member having been directed to withdraw objects to do so and keeps on attending the sitting, the only consequence of his refusal is that the House should either permit him to sit or keep on adjourning. Now the rule says :—

The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

Reference has been made to section 71 of the Government of India Act which says :—

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.

Under this section, therefore, if there is any power given to remove or exclude any person who infringes the rules or standing orders, that would be *intra vires*. The question that arises is : Is there any provision in any existing Indian law which deals with this situation? What is the position of a person who, when he enters a place, subsequently becomes disentitled to remain there. Under the existing law, he becomes a trespasser. I give you a simple illustration. Suppose, somebody is asked to a dinner. He accepts the invitation and comes to the place. He is not a trespasser. But when he is asked to leave the place, he refuses and says, 'I will stay on here for ever'. Under the existing law he would become a trespasser. If a person becomes a trespasser, the ordinary remedy under the law, if he refuses to leave is that he can be removed. I submit, therefore, that there is nothing in the Government of India Act or in the Rules, which precludes you from giving such a direction.

Dr. Gopi Chand Bhargava : May I put a question to the Honourable Advocate-General? According to which law does the enforcement of the law he has quoted lie with the Speaker or the Deputy Speaker of the House?

Dr. Shaikh Muhammad Alam : Sir, I think personally I would pay you compliments that you have thought it well to consult the Honourable Advocate-General on this point and I hope you will welcome further light on the point in the face of the discussion and the opinion which has been given by my learned friend, the Advocate-General. I hope, he has well weighed his responsibility before he gave this opinion, that you are within your right to remove by force—calling outsiders, non-members of the House, into the House for the purpose—a member from this House where he does not sit by permission, but as a matter of right. Those were the points which ought to have been considered, and I hope that the learned Advocate-General has considered these points before he resorted to the analogy of a person being asked to a dinner and then subsequently asked to leave. That instance, I hope he will agree with me—has absolutely no analogy with the present case. If I go to a friend's place or a dinner, I go there by his permission and I go there on his invitation ; otherwise I have no right to enter into his house. Here, Mr. Deputy Speaker, I think I am not by courtesy

or by permission, but I am standing here as a matter of right. So, when I have no right to enter into the house of my friend, except by his courtesy and invitation, the situation here is different. The learned Advocate-General has referred to sub-rule (1) where an exception is given that you have got no penalising power except to remove. That is with reference to Rule 77. You have no other power to punish any member or to penalise him or otherwise to punish him in any way except to remove him. But how to remove him? According to rule 77. Now, sub-rule (2) gives you power to name him and that naming is removing; but not in this way that is, that you call into this House those persons who are outsiders and who would be the first to trespass, if they enter on the floor of this House. They would be the trespassers and not the member who is sitting here as a matter of right. How can you ask a trespasser to come into the House and remove members of the House who have got a right to be here? With due deference to the opinion expressed by the learned Advocate-General, I think, Mr. Deputy Speaker, if this case goes to any court for a judicial decision, I hope that judicial decision would be in my avour.

Mr. Deputy Speaker : I have heard enough on that point.

Dr. Shaikh Muhammad Alam : You have not only heard but you knew so much of it before also. All the same you got some light, it may be a small ray, but that would not be a wisdom in my estimate. I am submitting that the opinion which is given to you by the learned Advocate-General is erroneous in law and is wrong in law and I hope you will not follow that opinion, and make a test case in the Punjab and, perhaps, to be tried in any other province under section 527 of the Criminal Procedure Code.

Dr. Gopi Chand Bhargava : Before the learned Advocate-General offers further views, I would like him to throw light on this point. Whatever power law gives, which he has quoted, is it within the power of the Speaker to turn a member out? What we understand is that these rules were framed according to the Government of India Act and whatever power is given under the rules, that is binding upon us, and not any other law. If there is no such law, I do not think if that man has got the power to turn a member out. It should be the Speaker and not a member of the Watch and Ward Staff who can turn out a member.

Advocate-General : Sir, there is one point that has been raised and that is this that assuming that a person has become a trespasser—and I have already given my reasons that a person who is not entitled to remain becomes a trespasser—the next question is that if he is going to be removed, can he be removed by some person who can be called into the House to remove him? My submission is this that if a person has become a trespasser, it makes no difference whether originally he was a member of the house or not. For instance, supposing a stranger comes into the house and refuses to leave. The situation is that, when the stranger is asked to leave he says, 'No, I refuse to leave'. Is it only one of the members of the house that can exercise that power? Surely, if such a situation arises, a neighbour can come into the house, all means can be used, you can give orders to any person whom you think to be in a position to carry out the orders to remove that stranger. It is argued that a person, who is not a trespasser, cannot be removed. I would submit that as soon as he refuses to leave a place, he becomes a trespasser and it makes no difference, whether he is a member

[Advocate General.]

or a stranger. Therefore any person can be asked to remove him. There is nothing in the rules, which says that in no circumstances shall a non-member enter this House.

Lala Duni Chand (Ambala and Simla, General, Rural) : As a lawyer of some standing I want to place a point before the House and particularly before the Honourable the Advocate-General. Supposing it happens that the honourable member, Pandit Muni Lal Kalia or Chandhri Kartar Singh, is forcibly removed. In that case, will not the forcible carrying away of either of these two gentlemen amount to assault? I want to put a question: whether it would not be an assault under the Indian Penal Code. Is there a provision of the Indian Penal Code that exempts the wrong-doer from the liability of being put into a criminal court or a civil court for damages? I want to know from the Advocate-General whether any section of the Indian Penal Code or whether any rule or law would protect the wrong-doer who would touch the bodies of these two gentlemen.

The other point is this. I am not aware of any watch and ward officers, but if there are any, you are putting them in a wrong position. They will be rendering themselves liable for a criminal offence and also for a suit for damages. If there is any rule or law or if there is any section in the Indian Penal Code that protects the watch and ward officers, I would like to know. This is the legal point of view of the question that I want to put before the Advocate-General.

Diwan Chaman Lall : With your permission, I want to give a reply to the Advocate-General. It is a very important matter that has been raised on the floor of this House and therefore I want, with your indulgence and the indulgence of the House, to give a proper explanation of the matter. My friend, the Advocate-General, has, I am afraid, missed the point. Firstly, he has missed the point by stating that having become a trespasser, the Speaker has the right of removing an honourable member forcibly. My honourable friend will find it a very difficult thing to quote any legal provision to that effect whereby he has the authority to do so. But that is not the point. The point about which my honourable friend, the Advocate-General, has gone wrong is in not realising what the Government of India Act says. The Act says definitely in section 71 that "no punitive power vests in the Chair excepting the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner". It is only in pursuance of section 71 (3) that any power vests in the Chair to order the removal of any honourable member from the floor of the House and no other power. There is no other provision barring the Government of India Act which gives that power. No amount of reading of the rules of the House of Commons or the Procedure of the House of Commons gives you any power outside the limits of section 71 (3). What happens? These powers are given. How do you take those powers?—not merely because these powers are in the Government of India Act but by acting under the Government of India Act you should go ahead and make your own rules and in those rules you shall provide all that the Government of India Act allows you to provide for. The Government of India Act gives you that permission. You can make rules to remove an honourable member. You have not acted according to those rules, because there are no rules. It

was up to my honourable friend acting under section 71 (8) of the Government of India Act to frame rules when the rules were being framed on the floor of the House giving the necessary power to the Honourable Speaker to remove an honourable member from the House for disorderly conduct. It was only at that time when you could specifically have secured by order of this House that power which is permitted to you under the Government of India Act, and it is only thereafter that you can act in pursuance of that power. You cannot act unless that power is given specifically by the rules or resolution or by an Act of this House. The permission is there, but you have not availed yourself of that particular power. You have not. There may be a lacuna. You are allowed to remove an honourable member, but how are you going to remove him? If you are allowed to do so, you have not the further power which is given to the House of Commons by statute, you have not the further power of having him removed by the serjeant-at-arms. I submit you cannot exercise that power of having him ejected forcibly. You have only half a leg, you cannot take the whole step. You have made the rules in which you have stated that you can remove an honourable member but you have not stated in the rules the manner in which you can remove that member. You name a member and ask him to withdraw. If he refuses to do so you have the power to suspend the House. That is all the power given to you. You cannot carry out your orders. Unless and until you take power into your own hands from your own House by virtue of an Act passed by the House or by means of a resolution you cannot go further than that. How do they do it in the House of Commons? There it has been done by authority of statute by the provision of a serjeant-at-arms who is empowered according to the law to remove an honourable member if the Speaker so orders that he should be removed. Have we any rule to that effect? Under the Government of India Act section 71(8) you should have taken similar powers. My friend at Simla attempted to take similar powers without coming to the House and asking the permission of the House for the appointment of a marshal, with the result that that marshal could not sit on the floor of the House and could not exercise the power that he wished him to exercise.

Then again my honourable friend, the Advocate-General, has gone wrong. He has gone wrong because of his unfamiliarity with parliamentary procedure. He should know that as far as strangers are concerned, the House of Commons procedure regarding strangers has been strict and I believe it is strict as far as we are concerned. Who is a stranger? He is a man who by statute or by authority of this House duly asserted is not allowed to come within the precincts of this House. If my honourable friend refers to May's Parliamentary Practice he will find the following words:—

Until 1845, the Commons, maintained the exclusion of strangers from every part of the house; but since that time that order has not been made, and the presence of strangers has been recognized in those parts of the house not appropriated to the use of members.

My honourable friend ought to know that parliamentary procedure is definite on that point. At any moment a member of the House of Commons can get up and say, Mr. Speaker, 'I spy strangers.' The Speaker has the right even to clear the galleries. But nowhere will you find an example where any person who is not a member of the House is allowed to enter the precincts of the House reserved specially for the members. If my honourable

[Diwan Chaman Lall.]

friend, the Advocate-General, can give one example of this nature, I will be able to make a present of the argument to him. The rule is strict. Only honourable members can sit in this House; no stranger can, unless by the express permission of the House. Therefore if any member of the Watch and Ward or of any other organisation comes within the precincts of this House, that person comes within the precincts of the House reserved for the use of members and is thereby committing trespass. If any forcible action is taken by you, then I warn you to remember that any honourable member who is thus attacked has the right of self-defence, because no person, no stranger is allowed to enter the precincts of the House reserved for members except with the permission of the House. For the benefit of honourable members I shall here read an extract from May's Parliamentary Practice.

On the 3rd May, 1836, the House, in pursuance of the report of a select committee, ordered that arrangements should be made for the accommodation of ladies during the debates; and in session 1918 the House declared its opinion in favour of opening the Member's gallery equally to men and women, and requested the Speaker to make arrangements accordingly. In session 1906, arrangements were made and approved by the house for the accommodation of private secretaries of ministers and officials from the public departments in the gallery on the right behind Mr. Speaker's chair.

Thus you will see that everything has been done under the orders of the House of Commons. The appointment of the sergeant-at-arms was also made deliberately in spite of the fact that some provision prevailed there for centuries giving power to the Speaker to exclude a member. Not only was the appointment of sergeant-at-arms recognised, but an order of the House of Commons specifically empowered him to remove a member bodily from the House. I fear the Advocate-General has left his argument half-way. He should have proceeded with his arguments to the very end. Section 71 (3) of the Government of India Act says that no other power shall be exercised by the House of a punitive nature nor the House shall act as a court of law except to exclude or remove a member from the House for behaving in a disorderly manner. Thus the section only gives permission to adopt a particular procedure for removing a member. But has that permission been availed of? Has this Assembly framed rules for the appointment of a person whose duties will be the same as those of the Sergeant-at-Arms of the House of Commons? Has this House given express authority for that person to remove a member bodily from this House? No. There is a lacuna in our rules of procedure in respect to this question. My honourable friend cannot take advantage of the provision in the Government of India Act and ask, how are we to exercise this power which is given under the Act? What he ought to do is to come before this House with a definite proposition, as they did in the House of Commons, for the appointment of a sergeant-at-arms and clothe him with this particular authority. That is what my honourable friend should have done. Until this is done, nobody has a right to lay his finger upon the person of any honourable member of this House. Not only from the point of view of law but also from the point of view of practice, no stranger can be permitted to enter a place reserved for the members of this Assembly. You see the Advocate-General is here. He is not a member of the Assembly and he would be a stranger to this House. But by virtue of a provision in the

Government of India Act he is not a stranger here. He takes his seat in this House by special permission given in the Government of India Act. No other person, whether he is a chaprasi or a policeman or a member of the watch and ward staff or even the Secretary over there can come into the precincts of this Chamber unless specially empowered. Nobody else has a right to cross that ring and enter this Chamber without committing an offence against law. If any of those persons dares to enter the sacred precincts of this Chamber and exercises a power which is not given to him under the law he is not only committing an offence, but every honourable member has a right to defend himself and in self-defence to prevent the breach of the law being committed.

Dr. Shaikh Muhammad Alam : May I also bring one other thing to your notice? If a member refuses to withdraw as a result of your order, it is wrong to presume that that member becomes a trespasser notwithstanding your order to him to withdraw from the House. He is here as a matter of right and nobody can use criminal force to eject him from the Chamber.

Dr. Sir Gokul Chand Narang : May I suggest that the decision on this question may be postponed till to-morrow and we proceed with the legitimate business of the day? A situation has arisen which is very complicated and we cannot come to an agreed correct solution of the problem. The Advocate-General thinks that he is right and some of the lawyer members on this side think that they are right. The question is certainly difficult of solution and I would therefore suggest that more time may be given to both parties to study the question in greater detail. The matter may be dropped to-day and if you think it necessary it may be taken up to-morrow. To-day let us proceed with the consideration of the Agricultural Produce Markets Bill.

Premier : I endorse the suggestion made by my honourable friend, Dr. Sir Gokul Chand Narang. I also suggest that in deference to the past practice of this House the two honourable members named by you may kindly withdraw from the House and allow us to proceed with the business of the House. In the meantime we can further study this question and see if there is any substance in the point raised by my honourable friend opposite and then you can give your ruling. I think in deference to your order, whether it is right or wrong, I would request the honourable members concerned to withdraw for the sake of the honour of this Assembly and for the honour of this province. Your orders may be right or they may be wrong. That is not the question. Once you order a member to withdraw it is his duty to obey the chair and then raise a protest if the constitution allows it.

Dr. Gopi Chand Bhargava : I would have been glad to endorse the request of the Honourable Premier but for one fact. Once a member is asked to withdraw, it is generally the practice for the chair to allow that member to come back to the House. Instead of that, if my honourable friend wants to side-track the issue in a round about way, I am sorry I cannot agree to his suggestion.

Malik Barkat Ali : It is really very painful to have to speak on an occasion of this character which certainly touches fundamentally the

[Malik Barkat Ali.]

very rights and liberties of members of this House. The point raised in the course of the present discussion is this: If a member is asked by the Chair to withdraw immediately and that member does not do so, what is to be done? Has the Chair got the power to forcibly order the ejection of that member? Now the rule governing this point is admittedly rule 77. I would request honourable members on this side to peruse sub-rule (1) of rule 77. I may straightaway clear up my position by saying that if a member does not withdraw he does not become a trespasser. I cannot accept that argument for the very simple reason that an honourable member of this House has a right to come to this House subject to certain orders passed by you in the exercise of those legal powers that you possess. But barring that, he has every right to come here to-day, to-morrow and the day after. I respectfully submit that the question of trespass does not really arise in the present case. I direct your attention to rule 77 (1) and I will ask honourable members on this side of the House in a spirit of sobriety to study the situation. The clause says:—

The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

You stand charged, Sir, with the supreme duty of enforcing order in this House and in the exercise of that supreme duty the rule says you have all powers necessary for the purpose of enforcing your decisions on all points of order. Suppose that you have directed an honourable member to withdraw himself from this House and that honourable member does not withdraw, I submit it is open to any member of the House in a situation of this kind, to get up and raise a point of order, the point of order being that a certain honourable member who has been ordered to withdraw from the House has not withdrawn from the House. That would be a legitimate point of order and I respectfully submit that these powers which you possess in conjunction with your supreme duty of preserving order, carry with them the necessary corollary that you have got all powers necessary for the purpose of enforcing your decisions on all points of order. Now, it has been argued by my friend, Diwan Chaman Lall, that in case a member does not withdraw, then, he cannot be forcibly ejected. Whether you should resort to force is another matter. I shall deal with that matter later. But I am only dealing now with the legal position because to my mind this legal position is far more important. It is important that every member of this House should realise the dignity of this Chamber and if he is required to act in a manner in which the law says he should act, he should act in that manner and he should leave all questions of honour and other things aside. It was contended that under clause 4 of rule 77 the only alternative is a suspension of the House. Now I respectfully submit that cannot be so. If you kindly read clause (4) my submission is that clause (4) arms you with additional powers. The clause says: "The Speaker may....."

I request you to note the word 'may', it is not 'shall'.

The Speaker may, in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him.

Supposing a member does not withdraw. You name an honourable member and he does not withdraw, you name another honourable member, he does not withdraw, you name a third and he does not withdraw, with

the result that this Chamber becomes a scene of confusion, gross disorder so that you cannot possibly carry on the business of the House. You are armed with the additional power of suspending the House. Therefore the mere fact that you possess the power of suspending the House does not carry with it the argument that if a member does not withdraw the only power is to suspend. I submit it is not so. That is an additional power which you may exercise at this juncture or which you may decide to exercise at a later juncture after examining the position in the House. Therefore suspension cannot be the only alternative as has been suggested. It has been argued that there is a lacuna in the rule in that the power has not been given to you. It is said that the power can certainly be given to you to enforce your decision by force, but this power has not so far been given. I respectfully submit there is no question of any lacuna so far as rule 77 is concerned. It is not necessary that rule 77 should say that there shall be a sergeant or somebody to forcibly bodily remove the honourable member. I respectfully submit the words "forcible removal" are not at all necessary to the exercise of your powers for the purpose of enforcing your decisions.

Now I draw your attention to another point. I refer now to section 71 of the Government of India Act, clause (8). You will be pleased to see that clause (8) itself lays down that the power of removing or excluding persons infringing the rules or standing orders or otherwise behaving in a disorderly manner is a power which certainly does not fall within the ban of the words, "Nothing in any existing Indian Law..... shall be construed as conferring a chamber..... or officer of the legislature the status of a court or any punitive or disciplinary powers." This House cannot punish people in the manner in which courts can punish people. This House cannot take disciplinary powers but an exception has been made, namely, the removal or exclusion of persons including members infringing rules or otherwise behaving in a disorderly manner. You will further be pleased to see that sub-section (8) of section 71 distinctly refers to these powers as either powers capable of being conferred on the chamber or any committee or any officer of the legislature. The Speaker is an officer of the legislature. You will be pleased to turn to section 65. It says:—

Every Provincial Legislative Assembly shall..... choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

You will be pleased to note that section 65 definitely mentions the office of the Speaker or Deputy Speaker and the holder of the office, namely, the Speaker or the Deputy Speaker, is certainly an officer of the legislature. Therefore it was perfectly open to this House in its rules of business to confer on an officer of the legislature namely yourself or whoever acts in your place all the powers which are given in rule 77. Therefore I respectfully submit and I ask my honourable friends on this side of the House to consider this question seriously, whether in the rules as they stand your power to order the forcible ejection exists or not. Nor there is absolutely no force in the contention— it has been perhaps advanced in a thoughtless moment — that it is only the Deputy Speaker or the Speaker who can, by

[Malik Barkat Ali.]

his own hands eject a disorderly member. Surely that argument will not be seriously advanced or even considered, because physical action under your orders, is in law deemed to be your action. Therefore I respectfully submit that the contention that you must use your own hands is really a contention which has no legs to stand upon.

Finally may I make one humble appeal both to my friends on this side and to you. I desire to fully echo the sentiments expressed by Dr. Sir Gokul Chand Narang.

It is a very extreme stage that we have arrived at, and although I do not deny your powers to exclude members who behave in disorderly fashion, I would request you to reconsider and halt before you direct that this extreme step be carried out. I do support the plea of my honourable friend that you kindly do not carry out your orders now. Allow this House, both sections of the House, to consider this question in a very soberly and dignified manner so that this extreme situation which should be very rare should be avoided in the history of this House. This is all that I have to say. I do not certainly accept the position that a disorderly behaving member must be ejected because for the moment he becomes a trespasser. No, he is not a trespasser and I respectfully submit that even if rule 77 (1) giving you the necessary powers to preserve order had not existed, by virtue of your office, you would have inherent powers to see that order is preserved and maintained in this chamber. (*A voice*: Even shoot us). My learned friend says that these necessary powers can carry with them the power of shooting. I appeal to you, you are honourable members of this august chamber and you have installed a gentleman in the office of the Speaker, right or wrong, and if the honourable Speaker orders me, for the time being to clear out, it is my duty to clear out irrespective of the merits of the order. (*A voice*: What about your statements in the Press). My learned friend ought to know that no statement in the Press has anything to do with this question. We are arguing this question in a spirit of seriousness and I would appeal to him to apply his mind in a spirit of seriousness. We are not here to play, we are not here to dart out arrows of criticism, we are not here to exchange remarks. Remarks can be exchanged, but I feel that this is the most serious situation in the history of this legislative chamber and I therefore appeal to all members who may not be receiving my remarks palatably, I would appeal to them to consider the seriousness of the present situation and not to take any step which may leave a very bad stain on the reputation of this chamber. I therefore conclude my remarks and I make to you my last appeal that before you take this action, kindly wait and give this House an opportunity, to bring their influence to bear on that section of the House which is not accepting the present situation so that this unhappy and most unfortunate situation may be avoided by the exercise of tact and wisdom on both sides of the House (*hear, hear*).

Chaudhri Muhammad Hassan: All that I understood from the learned Advocate-General is that my learned friend here in not going out of the House has committed trespass. Not at all. Criminal trespass is defined in the Indian Penal Code. It means that a person must have entered a place owned by some other person.

Mr. Deputy Speaker : That is mere repetition.

Chaudhri Muhammad Hassan : That is not repetition. The question of possession is the chief ingredient of an offence of trespass. It was admitted quite frankly by Malik Barkat Ali that it is not a trespass and I suppose the Advocate General will also admit it, because possession is the chief ingredient of trespass. We, the members of the House, are in possession of this House and anybody who is in possession of this House even if ordered by as respectable a person as yourself does not commit trespass. Therefore the rules, as you know fully, do not guide us. There is no punishment for a member who refuses to clear out or refuses to withdraw, and we do not know what should be done with him. The learned Advocate-General was pleased to quote a wrong law. He said, every member who refuses to obey the orders of the Chair can be removed by any one. With due deference to him all the unanimous judgments of our High Court are against this view. It is not that a person who trespasses into the precincts of this House but it is the person whom you order that he should come here and remove this gentleman. He will be guilty of an offence under section 448 of the Indian Penal Code and is punishable. The best policy would be, as suggested by Dr. Sir Gokul Chand Narang to suspend the sitting of the House and give time to the ministerial benches to reconsider this question. There are three eminent lawyers on those benches and they can consider the matter from a legal point of view. I therefore submit that whatever might be the result of it with due deference to you, you must first withdraw your order because if the order is wrong, you become the abettor when you order an outsider to enter the House possessed by all of us. Therefore I would request you to first withdraw your order which is illegal and save your subordinate from the consequences of committing an offence.

Mr. Deputy Speaker : It is not necessary for me to give my final ruling just as present, but in view of what the honourable members have observed, I would not enforce my orders and I would again direct that Pandit Muni Lal Kalia and Chaudhri Kartar Singh should immediately withdraw from the chamber.

(There was noise and uproar in the House.)

Mr. Deputy Speaker : If orders of the Chair are not being obeyed, it is difficult to carry on the business of the House. I therefore again suspend the sitting of the House for one hour.

The Assembly re-assembled at 4-58 P. M. of the clock. Mr. Deputy Speaker in the chair.

Dr. Gopi Chand Bhargava : Sir, I have reviewed the whole situation and I have requested my friends to abstain from entering the chamber. What was done here was by way of protest only.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 19—concluded.

Mr. Deputy Speaker : Consideration of the Punjab Agricultural Produce Markets Bill is resumed. Diwan Chaman Lall is to resume discussion on clause 19.

Diwan Chaman Lall (East Punjab, Non-Union Labour): The last occasion before the Assembly adjourned, I was on my feet opposing clause 19. The grounds that I then urged upon the House were these that instead of relieving the burden of the kisans or of the growers the passing of clause 19 would be creating an extra burden which, although nominally to be passed on to the licensees, would, in reality, be passed on by the licensees to the growers of agricultural produce. That was the point that I was urging and in reference to that I was referring also to the speech made by an honourable member on the opposite benches who stated that he represented the Kisan Government of this province. What I said then is quite sufficient. (*Interruption*).

Mr. Deputy Speaker: I would request the honourable members not to indulge in conversation.

Diwan Chaman Lall: The members opposite consider that they are the custodians and the authoritative representatives of the kisans of this province. In any case there has not been any reply from the honourable member in charge repudiating the suggestion that has been made that this burden which he desires to place on the peasants will be a burden and a very onerous burden as far as the present regime of the Punjab is concerned. He had the opportunity of saying a word or two either in disproof of the allegations that have been made or in explanation of the allegations that have been made, but he adopted rather an extraordinary course, although he is in charge of the Bill, of not giving this House the benefit of his reply or his opinion or his suggestion in regard to this matter. But I do hope that my honourable friend, since this matter affects a very large body of kisans of this province, will take the opportunity now to tell this House how he intends to avoid this burden being placed upon the peasantry of this province, and what steps he intends to take to prevent this burden being passed on from the licensees to the actual producers of agricultural produce of this province. It is for him to explain as far as they are concerned and as far as this side of the House is concerned. It is impossible for us to come to any conclusion that far from removing a burden this particular clause would be creating extra burden for the peasantry of the Punjab.

Rao Pohop Singh (East Punjab Landholders): Sir, it has been depicted in speeches by many honourable members on that side of the House that the burden of fees would be ruinous to the poor growers if the fees that are to be levied are more than four annas per hundred rupees of the price of commodities sold. The honourable Dr. Sir Gokul Chand Narang preached his sermon to members of this side of the House in very simple Urdu so that they might be able to understand him and he meant to convey that the zamindar members of this House would do a great disservice to the poor growers if they did not accept this amendment. But I would submit, that they have either failed to understand what amount of enormous gain the passing of this Bill would bring to the poor growers or they have a veiled sympathy with the growers. When the Honourable Premier or the Honourable Minister for Development or the Honourable Minister for Finance says that there is an enormous loot and a heavy loss to the growers when they bring their commodities to the market, I would

certainly say that most violent and flagrant insinuations would be made against them conveying that whatever they say is maliciously false and incorrect. But, Sir, I would submit that it was the Honourable Sir Jagdish Prashad who, at the conference of ministers and others convened to devise ways and means to improve the condition of marketing, was pleased to say that the growers received less than sixty per cent of the price of wheat and even less than fifty per cent of the price of other commodities which they brought to the markets. Taking into considerations the exorbitant rate of different sorts of commissions and cuts and underweighing and false measuring, I would submit that that statement of the honourable member was quite correct. If we pay the legitimate and reasonable commission of say Rs. 6-10-8, then the gain to the grower, if this Bill comes under application, would be Rs. 33-5-4 per cent. (*Rai Bahadur Mr. Mukand Lal Puri*: How?) I take it to be forty per cent in the case of wheat — you may not admit, but that I do not mind. I work out that the price which the grower now receives is short by 40 per cent. He gets only 60 per cent of the price of wheat. (*Rai Bahadur Mr. Mukand Lal Puri*: What is your authority?) There are Sir Jagdish Prashad and many others but you would not believe any authority in the world. You are in that frame of mind. I have to convince these members. (*Dr. Sir Gokul Chand Narang*: Do not get angry.) In that case Rs. 33-5-4 per cent would be the gain to the grower. Suppose their fee is four annas per hundred rupees, the gain then would be 132 times more than the fees and if the fee is eight annas per hundred rupees the gain would be sixty six times as much as the amount of fees and if it is one rupee per hundred, then the gain would be thirty three times as much as the amount of fees. Sir, under such circumstances to say that the burden of fees would be ruinous to the zamindars, if the Bill comes into force, is not correct. In order to see the nature of this amendment, I would, if you permit me, narrate the attitude of the Opposition towards this Bill and its different clauses. When the Bill was to be introduced, they said that it was not necessary to introduce this Bill at all; the malpractices were not to be found in any appreciable degree and that they could be dealt with under the provisions of the Indian Penal Code. But when they failed there, they came to clause 6 and said that there was no necessity to have a marketing committee. When they came to clause 6 part (2), they said that the power to cancel or suspend a licence was harsh and should not be given. I submit that when the malpractices prevailing in the markets are so many and when the question of growers being looted up to many millions is involved, and the *arhtis* have been doing it for a very long time, it would certainly require very drastic measures so that the *arhtis* might give up these habits and malpractices. I would submit that if by the provision of cancellation of licences half of the malpractices could be stopped I would say that the province should thank its heavens. Then, Sir, while discussing that clause one of the honourable members said that he would propose a fine of one hundred rupees in case of breach of the conditions and would go up to Rs. 500 and would provide also for imprisonment and the cancellation of the licences and complained that there was no lighter punishment provided than the cancellation of the licences. *Rai Bahadur Mr. Mukand Lal Puri* while criticising clause 27 part (3) incidentally came to the conclusion that the Bill provided also for punishment of the *arhtis*

(Rao Pohop Singh.)

with a fine of up to Rs. 500 and began by saying that there was double punishment. When the Honourable Minister for Development interpreted it and said that the *arhtis* were not to be punished under that clause they again began to say that there was no lighter punishment provided. When the question of warehousemen, weighmen and surveyors came, they said, the Government were requiring these people to take out licences simply for the sake of fees, that the only motive was that the framers of the Bill wanted to collect some money by requiring these weighmen and others to take out licences. I would submit that half of the loot that the *arhtis* are making come through the agency of these persons, weighmen, surveyors and others; but they would simply appeal to the House and appeal to the public outside by calling divisions and by saying that members sitting on this side of the House were callous minded persons and wanted these poor people to take out licences simply for the sake of money. Well, it was for the sake of controlling them and to stop these malpractices that they were required to take out licences. Sir, now the question of these fees has come up and having failed on all other points they want to make this Bill unworkable and impracticable for want of funds. The honourable Dr. Sir Gokul Chand Narang a few days ago was pleased to say that the poor growers would not bring their commodities for sale in the markets, that they had not enough to maintain themselves and it would be only the big landlords and big zamindars who would bring commodities to the markets and they would be the members of the market committees. To-day he says that the poor growers would bring their commodities in the markets and will lose heavily if any fee is charged from them or is imposed on the sale of commodities. They would say anything and everything to defeat the object of the Bill.

Lala Duni Chand : Will it not come out of their pockets ?

Dr. Sir Gokul Chand Narang : It is his maiden speech.

Rao Pohop Singh : I would not care and every member on this side of the House at least will not care. We can face the voters and can go to them and tell them the real facts. We understand the real interests of the zamindars and a small fee or even a higher fee ranging from 1 to 2 rupees would not be anything compared with the gain which a grower or a zamindar would receive from the application of this Bill.

Dr. Sir Gokul Chand Narang and other members on that side of the House were pleased to remark that members on this side of the House did not handle the ploughs and did not till the land with their own hands and therefore were not zamindars or kisans. I would submit that members on this side of the House, even big members have got their relations and brethren and caste fellows handling the plough. I may tell honourable members on that side of the House that the zamindars will not remain only tillers and cultivators of the soil but they would be governors and ministers and they would be public servants also. My honourable friends should get rid of the idea that they alone, the member of opposition would have the monopoly of these posts. I would submit that the descendants of the zamindars would be zamindars if they are ministers or if they are

officers. I would with your permission give one or two examples. By the passage of the Redemption of Mortgages Act the honourable Sir Sikander Hyat-Khan and his family are to sustain a loss of about 5 lakhs.

Diwan Chaman Lall : On a point of order. Is the statement which the honourable member is making relevant to the discussion ?

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

Dr. Sir Gokul Chand Narang : I did not object to his speech on the ground of relevancy because it is his maiden speech.

Rao Pohop Singh : Not only this but you will have many more speeches. The honourable members on that side said that as members on this side were big zamindars they have no sympathy with the poor cultivators and therefore they were going to levy this fee. I would not say that idiotic and violent speeches were made in this House by certain members. My honourable friends on the other side should have patience to hear speeches made from this side of the house also. I would say one more thing that Major Khizar Hayat Khan Tiwana is to sustain a loss of Rs. 50,000 in one transaction.

Dr. Sir Gokul Chand Narang : By the levy of this fee ?

Rao Pohop Singh : By the Redemption of Mortgages Act. My honourable friends sitting on the other side who do not sustain any loss go about telling people that the Act would ruin the people. While the Honourable Ministers could say that it would benefit the poorer people, those on the other side would say that it would ruin the richer classes, the mortgagees. This is the difference. While the ministers could call the poorer people as their brethren, the members on the other side would not call them as their brethren but would feel only for richer classes.

I would then submit that the fees would not matter in the least when compared with the gain that the growers are to receive by the application of this Bill. Therefore, I would request the honourable members of the House to support the clause.

MOTION *RE* BREACH OF PRIVILEGE.

Diwan Chaman Lall : On a point of order, Sir. I gave notice, a little while ago, that I would move a breach of privilege motion. That motion is before you and I submit that, according to Rule 87 of our Manual a motion on a question of privilege suddenly arising is entitled to immediate precedence over all other business. Since that matter of privilege arose suddenly, I submit that this motion of mine should have precedence over all other business, and must be considered by this House and by you and must be discussed on the floor of the House immediately.

Mr. Deputy Speaker : The honourable member did not rise at the proper time to move it, but he may now move it.

Diwan Chaman Lall : Mr. Deputy Speaker, the motion that I gave notice of was to the following effect :—

I beg to give notice that I move now a privilege motion to the effect that a member of the Watch and Ward attempted to and did enter the precincts of the House reserved for the members of the House and thereby committed a flagrant breach of the privileges of the Punjab Legislative Assembly.

Mr. Deputy Speaker : No question of privilege arises. So far as the Chair is aware, the officer did not enter the precincts of the Chamber nor did he attempt to enter the Chamber. But even if he did so, the conduct of that officer cannot be discussed. He did so in obedience to the order given by the Chair. If the honourable member wants to criticise the conduct of the Chair, he may bring in a regular motion. No question of privilege arises here and therefore, this motion is out of order.

Diwan Chaman Lall : May I, before you give your final ruling in regard to this matter, just draw your attention to the fact that the statement of fact, since you assert it, must be correct. Since you said that he did not enter—

Mr. Deputy Speaker : So far as the Chair is aware of.

Diwan Chaman Lall : Yes, so far as you are aware. The question arises that so far as this side of the House is aware, this particular gentleman did enter the precincts of this House at a particular moment and I shall explain that particular moment presently. You may not have noticed it, but we on this side of the House did notice it.

Mr. Deputy Speaker : I may take it for granted that it is so, but even then he did so under the orders of the Chair.

Diwan Chaman Lall : You should draw a distinction between a no-confidence motion in yourself and a breach of privilege motion, and I do submit that the two things do not hang together. It does not matter on whose authority that stranger entered the precincts of this House. It makes no difference. It may be an authority properly exercised, it may be an authority improperly exercised. I am not concerned with the authority under which he acted. All that I am concerned with is the actual factum of his entry into the precincts of this House and all that I desire to discuss by means of my motion is the factum of his entry, and not the question under whose authority this particular gentleman entered the precincts of this House. It is the factum of his entry that I am concerned with. I am not concerned with your ordering him to enter, I am not concerned with the Honourable Premier wanting him to enter the precincts of this House. I am concerned with the fact that a stranger did actually enter a place reserved for members. This itself constitutes a motion of privilege. That is all that I intend to discuss. I may mention the fact that according to the Parliamentary Practice, even after a disturbance of the debate that has taken place, a motion regarding this matter can be entertained at any moment when an immediate breach has been alleged. I need not refer to anything more.

Mr. Deputy Speaker : I agree with the honourable members so far as the privilege to move his motion is concerned.

Diwan Chaman Lall : The only point that remains is to convince you. At this moment I would be out of order, if I reflect upon any conduct on your part. You are perfectly within your right in stating the correct constitutional position that if I reflect on anything that you have done or any instruction that you have given, I would be out of order, unless I do so within the ambit of a no-confidence motion. I entirely agree with you in the proposition that you have laid down. Therefore I am not concerned with that, and I shall not refer to it. All that I am concerned with

is the actual fact that a stranger did enter the precincts reserved for members. Hence this motion for the breach of privilege is before the House. I hope that you will dissociate the two things, namely, a no-confidence motion in the Deputy Speaker and a motion for the breach of privilege. I would be out of order if I refer to anything beyond that privilege motion. As you will notice, the terms of my privilege motion are confined purely and simply to the actual fact of the entry of that particular gentleman. They do not mention the orders given by the Deputy Speaker. They do not concern anything in reference to anything that the Deputy Speaker might have done or might have wanted to do. You are quite right. I admit that in order to discuss that, I will have to move a no-confidence motion in the Deputy Speaker and ask him to vacate the Chair and discuss the matter. That is a perfectly constitutional position. My motion is not in reference to the conduct of the Deputy Speaker or the Chair. It can only be raised by means of a no-confidence motion. My motion only refers to the actual breach of privilege committed by a stranger who actually did enter the precincts which are reserved for honourable members. Therefore, Mr. Deputy Speaker, I do submit that a breach of privilege has been alleged. It may be that it may not be proved, but the allegation of this breach is there.

Sir William Roberts : On a point of order Sir. I understand that the motion before the House is a clause of the Marketing Bill. I would submit that the honourable member is not in order to bring this matter now. I would suggest that it would have been more suitable for the honourable member if he had done this in consultation with the Leader of the House and brought up this matter some other time.

Mr. Deputy Speaker : There is no point of order involved.

Diwan Chaman Lall : Mr. Deputy Speaker, I have great respect for my honourable friend, Sir William Roberts. I do wish to state this that—lest there should be misunderstanding about it—you agree that a privilege motion can be moved at any time, provided it is immediate, that is to say, it has arisen suddenly. This has arisen suddenly and it can be moved at any time. It is an entirely correct proposition and hence I moved a privilege motion, and I do desire that we should confine ourselves to it and not to any motion against the Deputy Speaker. You will realise that my honourable friend, the Leader of the Opposition did actually get up and insist upon your orders being obeyed and called out two honourable members, who are no longer sitting in this House, in pursuance of the orders that you gave.

It was considered right and proper for my honourable friend the Leader of the Opposition to have carried out the mandate of the occupant of the chair. Therefore it is not the question that we at the present stage or at any later stage today in reference to this matter wish to criticise the Deputy Speaker or any ruling given by him or any action taken by him. All that we desire to do is to discuss the matter which is of great moment to every honourable member of this House, not only to members on this side of the House but equally to members on the other side. We should be very careful to preserve the privileges of the House irrespective of parties. These are not matters of moment to us but those who come after us. This motion

(Diwan Chaman Lall.)

deals with a particular privilege according to which a breach has been committed and I submit that we are well within our rights in discussing the allegation of breach of privilege. It may be true. It may equally be possible to disprove that allegation. It may be possible to prove it. But an allegation has been made.

Mr. Deputy Speaker : Order, order. The honourable member is delivering a speech.

Diwan Chaman Lall : I cannot by silence point out what my point is.

Mr. Deputy Speaker : The honourable member has made his point abundantly clear. I cannot allow him to deliver a speech.

Diwan Chaman Lall : My last suggestion was this, that if my honourable friend the Premier and you agree that this matter should be taken up, I am quite willing that it be taken up later. I am perfectly willing to accommodate him in this matter, but I want you to realise the importance of an allegation of this nature and the necessity of discussing it on the floor of this House. That is all I have to say in regard to this matter.

Mr. Deputy Speaker : After taking into consideration very carefully all that the honourable member has said, I am sorry that I cannot agree with him. If the Watch and Ward Officer entered the precincts of the Chamber or if he attempted to do so he did so in pursuance of the order given by the Chair. Therefore, as I have already held, the motion is out of order and I cannot allow it to be discussed.

AGRICULTURAL PRODUCE MARKETS BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, clause 19 is at present under discussion and various honourable members have criticised its provisions from different points of view. But I am really surprised at the disingenuous solicitude for poor zamindars professed by those honourable members who do not represent either the poor or the agricultural classes in this House. They are asking the Government not to pass this clause or if that be not acceptable to Government not to charge any fee at all or charge only a nominal fee. I could understand these gentlemen making such a request on behalf of *arhtis* and brokers. But they say that all their solicitude is for the welfare of the poor zamindars. They are also asking the zamindar members to beware of this clause because, they say, if any fee is charged the *arhtis* will shift the burden on to poor zamindars. I again submit that I cannot understand this farce—

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Now I will take up all the points raised by the honourable members one by one. First of all their demand is that no fee should be charged. My reply is that you require money for the market committees to function and for the proper administration of markets affairs. There is only one way of obtaining the necessary funds. It is to charge some fees from those who are working as traders, *arhtis*, brokers, etc. At this stage I am not concerned with the exact scale of fees which should be charged. I will deal with that question later. At the present stage I only want to bring home to honourable members that it is necessary to charge some fees.

It is asserted that this fee will indirectly prove a burden on the poor zamindars because the *arhtis*, etc., will shift it on to them. I would like to know, whether my friends are putting forward this argument seriously. I submit that this is just like saying that no lawyer or medical practitioner should be assessed to any tax because if taxed, he will shift the burden on to his poor clients or patients. Similarly it can be said that no terminal tax should be levied because otherwise the burden will be shifted on to consumers. I am not prepared to admit that any sane person will pay any serious attention to such arguments.

It has also been said that this clause has been included in the Bill only for the benefit of big landlords. I fail to understand how the honourable members can make such an allegation. Nobody can deny that it is generally the poor people who have to go to markets and face all the machinations of the *arhtis* and brokers. So far as big landlords are concerned they do not generally go to markets. Even if they do, nobody can say to them after having weighed a portion of their cotton that the remaining portion is not American but desi cotton or that the remainder is not as dry as the portion already weighed and that, therefore, the former cannot be accepted at the same price as the latter. They have to face no such situations. On the other hand the Lalas themselves go to the houses of big landlords to pay their respects and purchase their produce on the spot. The produce of these landlords is generally weighed there and not in the markets. Then, how can any one say that this clause will benefit big landlords and not poor zamindars?

One of the speakers was pleased to remark that the small holders owning five or six acres have nothing to do with markets because their produce hardly suffices for their own families. According to him these small holders are living example of

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and thus having nothing to do with markets they are not likely to be benefited by this Bill in any way. Let me tell him, Sir, that the zamindars who own 5 or 6 acres or even less than that and have large families do not depend solely on their own lands. They cultivate the lands of bigger zamindars as well as banias to make both ends meet. It is the height of ignorance to suggest that these small zamindars have nothing to do with markets as they retain the whole of their produce for their own consumption. Much as they might wish they simply cannot do so. These people have to pay land revenue as well as interest on debts. After every six months they have to make necessary offerings to the Lalas and also to pay Government dues. Therefore, they have to go to markets to sell a portion of their produce and obtain necessary money for these purposes, no matter whether the balance meets or fails to meet their own requirements of consumption. Again, the zamindars do not go to markets only for selling their produce. They have also to make purchases occasionally and therefore, to face all the tricks of *mandiwalas*. Thus this Bill is going to benefit all the zamindars whether they are big landlords or small holders.

A further question has been asked as to why the Government does not fix a maximum fee in a substantive clause in the Bill. It is being suggested that a maximum amount must be fixed here and now no matter whether it is annas two, four or six per cent. I should like to inform honourable members that the maximum will be fixed at the time of framing

(Minister for Development.)

rules. I cannot say just at present whether it is going to be annas two, three or four but the amount will be fixed after most careful consideration. I may also assure them that in this connection the experienced businessmen as well as leading members of this House will be consulted before coming to a decision.

Now, Sir, one word to my zamindar brethren. Dr. Sir Gokul Chand has in a very naive manner asked them to beware of the snare laid down by the Government. But I would like my brethren to understand that this solicitude is not for poor zamindars but for those mandiwalas who purchase and sell thousands of maunds of agricultural produce every day. He knows that sometimes a certain commodity passes through more hands than one; at first it is purchased by x, then from him by y, then by z and so on. Now, what Sir Gokul Chand Narang is really anxious about is that for these transactions the traders and *arhtis* concerned should not have to pay the prescribed fee. Hence all this hue and cry. I would, in the end, request honourable members opposite not to harp on the one theme that the Bill is intended to benefit only big zamindars and not small ones. The zamindars now refuse to be taken in by such solicitude. The pigeons have now come to realise the real character of the solicitude of the cat for them.

Dr. Gopi Chand Bhargava (Lahore City, General Urban) (*Urdu*): Sir, I have carefully listened to the speeches made on this clause and the various amendments. Now I have had the privilege of hearing the views of the Honourable Minister for Development. So far as the Minister is concerned he has very often declared and shown by his actions that since he has been elected by the votes of zamindars he will not even as a Minister of the Government be prepared to look after the interests of any class but the zamindars. Not only that, even from amongst the zamindars he would prefer those belonging to his own constituency. The Honourable Speaker has remarked more than once that no matter from which constituency a member comes, the moment he is elected he becomes the representative of the whole province. In spite of that the Honourable Minister has shown by word and deed that he is not prepared to accept this position. I admire his courage and frankness but let me tell him that as a minister it is not proper for him to care only for the interests of his own constituents.

Then I should like to tell him that he cannot become the well-wisher of the poor zamindars merely by saying so. Let us see what his actions are. By means of an amendment we requested him not to subject the poor kisans to an indirect burden but he did not comply with that request and the amendment in question was rejected. Then how can he boast of being the champion of the cause of poor zamindars?

The Honourable Minister was pleased to remark that if no fees are levied the market committee will not be able to function. I submit, Sir, that when we have agreed to the formation of a committee it should be provided with necessary funds to function properly. I am prepared to accept this proposition. But I am not prepared to agree to the proposal that poor people should be taxed for this purpose. You are welcome to tax the millionaires; by all means reduce the commission of the *arhtis*; do away with all the objectionable and illegal trade allowances, but for once pause to think as to who will be really affected by these fees.

As regards the *arhtis* let me tell you that their commission amounts to annas eight per cent. We did not beat about the bush but asked the Government to levy a fee on the *arhtis* to the extent of 50 per cent of their commission or four annas per cent if it so desired. I would submit, that even if the Honourable Minister wants to rob the *arhtis* of all their commission and fixes the rate of fee at eight annas per cent, he is welcome to do so, but let him make the whole position quite clear and say that since the *arhtis* have been robbing the people he now wants them to work without any commission.

It does not become a Government to conceal anything. It should be candid and frank in its statements.

It has been said that the Government has not yet made up its mind as to what it is going to do. I have no personal experience of how a Government is carried on. My honourable friends on the opposite benches have had a good deal of experience of Government as they were executive councillors and ministers even under the system which has now expired. But from what I have read about other Governments and heard about them, I have been able to gather at least this much that when a Government is about to propose a Bill the first thing it does is to examine all statistics on the subject of the proposed legislation. I am therefore justified in thinking that all the statistics, and other data must have been examined by this Government as well. It must have consulted the Marketing Board, discussed matters with businessmen and studied the marketing practices prevailing in various mandis. The Government must have certainly gone into the various aspects of the question before thinking of sponsoring such a Bill before this Assembly. I am not quite sure that the present Government did so or not, but I am sure that any Government faced with the task of bringing forward a legislation will certainly do that much. It is its duty to examine beforehand the likely effect of its proposed legislation on the people for whose benefit it is intended to be placed on the statute book. I have read even so far that even the rules in connection with a legislation are kept ready beforehand. As soon as a Bill is passed into law the rules are enforced.

So far as the Bill under discussion is concerned, it is generally felt and known that the Honourable Minister in charge wishes that the produce from the next harvest is disposed of under the new Act. He took a good deal of time over the preparation of this Bill. Then, the select committee took its own time in making changes in it. It cannot be believed that rules to be made under the Bill have been quite out of his mind so far. Because if he has given no thought to the making of rules so far they will take a long time. At least three or four months are required in order that such rules may be framed. Then you have to get the assent of the Governor before the committees can be notified under the new Act. In these circumstances how can one believe my honourable friend the Minister when he turns round and says that he as yet has given no thought to the drafting of rules to be enforced under the proposed Act. He must have a clear idea beforehand of what he is about to do in this respect.

My honourable friend the Minister has been pleased to observe that as I have been returned on the votes of non-agriculturists I can have no sympathy for the agriculturists. I admit that I have been returned on the

(Dr. Gopi Chand Bhargava.)

vote of non-agriculturists. I confess that I am a non-agriculturist. This too is a fact that I have never touched the plough like many gentlemen sitting on those benches who are called agriculturists but who earn their livelihood by pursuing professions other than agriculture. But these things do not go to establish that whatever I say in this House is not reasonable. I may be anything but I am not the big fish which always keeps its mouth open to swallow the small fish. I am not a big zamindar who owns a canal and takes away 25 per cent of produce as water rate from the poor zamindars. I am one of those humble servants of the masses who walk long distances to do work for the welfare of the masses. We have a right to speak out our mind and tell the Government what we think to be right. It is up to the Minister in charge of this measure to rise and answer our criticisms. He says that he is a sympathiser of the zamindars. But it is all talk. We have been listening to such talks now for nearly two years. But we want concrete proof of the Government's sympathy for the poor zamindars. For instance, have they solved the all important question of bread? Have they made any serious attempts to solve this question? We said that this burden should not be made to fall on the growers. This has not been agreed to. We said that the suggestion about four annas per cent be adopted. That has not been accepted. How can we be convinced of the sincerity of my friends when they claim to be the sympathisers of the zamindars? With these words, I oppose the whole clause.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Urdu*): Sir, I had no intention whatever to speak on this clause but I feel like replying to the speech of the Honourable Sir Chhotu Ram who is in the habit of indulging in tall talk on the subject of his sympathy for the cause of the poor and down-trodden agriculturists. He has, on several occasions described our party as a party of banias. I want to expose his claim to be the sole monopolist of sympathy for the zamindars.

Mr. Deputy Speaker: Order, order. The honourable member should only speak on the clause.

Sardar Ajit Singh: Sir, I maintain that Sir Chhotu Ram is unaware of how to help the poor zamindars. He has opposed all the amendments which were moved with the intention of benefiting the poor zamindars. For instance, I wanted that in line 5, the words "or sold" be deleted. I wanted that fees may only be levied on "agricultural produce bought by licensees" so that the grower may not be ultimately overburdened with the levies of the *arkhis*. But the Honourable Minister has not been pleased to accede to my proposal.

Then, I wanted him to provide that the rate of fee shall not exceed one pie per maund. But the Honourable Minister does not seem to be in a mood to agree to such reasonable suggestions. He is, I think, obsessed with the idea of making as much money as possible by the levy of fees so that good salaries may be provided for the officials of the market committees who will certainly be members of the Unionist Party. But even by fixing the fees at one pie per maund he can very well make six or seven thousand rupees in a Mandi where several thousands of maunds of produce is bought and sold every day, because in an average Mandi where about 6 to 7 lakhs

of maunds of wheat and cotton are sold, if even half a pie per maund is taxed the Government can get 4 to 5 thousand rupees, but if, as proposed, one pie per maund is levied the Government can get 10 to 12 thousand rupees easily which is sufficient for a staff costing about 6 p.m. Rs. 1,000 a month. This is the *کسان نوازی* of Sir Chhotu Ram. In reality he wants to fix fat salaries as for himself and burden the kisans thereby.

Mr. Deputy Speaker : Question is—

That clause 19 stand part of the Bill.

The Assembly divided : Ayes 75 ; Noes. 39.

AYES.

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| Abdul Hamid Khan, Sufi. | Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. |
| Abdul Haye, The Honourable Mian. | Kishan Das, Seth. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Manohar Lal, The Honourable Mr. |
| Abdul Rahim, Chaudhri (Gurgaon). | Maqbool Mahmood, Mir. |
| Afzaalali Hasnie, Sayed. | Muhammad Amin, Khan Sahib Shaikh. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Ashraf, Chaudhri. |
| Amjad Ali Shah, Sayed. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Anant Ram, Chaudhri. | Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. |
| Balwant Singh, Sardar. | Muhammad Hussain, Sardar. |
| Barkat Ali, Malik. | Muhammad Nawaz Khan, Major Sardar. |
| Bhagwant Singh, Rai. | Muhammad Nurullah, Mian. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Qasim, Chaudhri. |
| Faiz Muhammad, Shaikh. | Muhammad Raja Shah Jeelani, Makhdumzada Haji Sayed. |
| Fateh Sher Khan, Malik. | Muhammad Sarfraz Khan, Raja. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Fazal Din, Khan Sahib Chaudhri. | Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed. |
| Fazal Karim Bakhsh, Mian. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Few, Mr. E. | Muzaffar Ali Khan Qizilbash, Sardar. |
| Ghazanfar Ali Khan, Raja. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Muzaffar Khan, Khan Bahadur Nawab. |
| Ghulam Qadir Khan, Khan Bahadur. | Nasir-ud-Din, Chaudhri. |
| Gopal Singh (American), Sardar. | Nasir-ud-Din Shah, Pir. |
| Gurbachan Singh, Sardar Sahib Sardar. | Nasrullah Khan, Rana. |
| Haibat Khan Daha, Khan. | Nur Ahmad Khan, Khan Sahib Mian. |
| Hari Chand, Rai Sahib Rai. | Pir Muhammad, Khan Sahib Chaudhri. |
| Het Ram, Rai Sahib Chaudhri. | |
| Indar Singh, Sardar. | |
| Jafar Ali Khan, M. | |
| Jagjit Singh Man, Sardar. | |
| Jalal-ud-Din Amber, Chaudhri. | |
| Jogindar Singh Man, Sardar. | |
| Karamat Ali, Shaikh. | |

Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 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.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOSE.

Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 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.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Clause 20.

Mr. Deputy Speaker : Question is—

That clause 20 stand part of the Bill.

The motion was carried.

Clause 21.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That the following be added as sub-clause (i) and the subsequent clauses be renumbered :—

‘(i) The acquisition of a site or sites for the market.’

The motion was carried.

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

That sub-clause (v) be deleted.

The sub-clause runs as follows :—

The payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans.

My reason for moving this amendment is briefly that the marketing committees should not be empowered to raise loans. These committees will consist of persons whom I do not consider fit for being entrusted with such great responsibilities especially when they are nominated. If my amendment is not accepted they will have the power to raise loans and pay interest on them. I object to their being given this power. With these words I move that sub-clause (v) be deleted.

Mr. Deputy Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh : I beg to move—

That in sub-clause (vi), at the end, the following words be added :—

“ Propaganda in favour of agricultural improvement and thrift.”

As you know, these sub-committees are meant to control or regulate the purchase and sale in the market committee and in order to—

Chaudhri Tikka Ram : We are going to accept the amendment.

Sardar Kapoor Singh : Very well.

Mr. Deputy Speaker : The question is—

That in sub-clause (vi), at the end, the following words be added :—

“ Propaganda in favour of agricultural improvement and thrift.”

The motion was carried.

Diwan Chaman Lall : I move—

That in part (ix), lines 1-2, the words “ with the ... Government ” be deleted.

Chaudhri Tikka Ram : I suggest that sub-clauses (vii) and (viii) may be put to the House. There is no amendment so far as those sub-clauses are concerned.

Mr. Deputy Speaker : Really speaking, these are not sub-clauses.

Diwan Chaman Lall : Sub-clause (ix) reads—

“ With the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market.”

You will realise that the original words—

“ With the previous sanction of the Government, any other purpose whereon the expenditure of the market is in the public interest ”

have been changed by the select committee into—

“ With the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market.”

My proposition is this, that if the committee's fund is to be utilised for the purposes which are calculated to promote the general interest of the market, then I submit that it is the committee and the committee alone which is the proper body to consider what particular items are calculated to promote the general interest of the market. An official sitting at the headquarters of the Punjab Government is not likely to know more. In

(Diwan Chaman Lall.)

fact he is likely to know much less and can only be guided by local things as conveyed to him by the local officials. Therefore, there is no reason why this power should be kept in the hands of the Government. The result would be, if this power is given to the Government, that quick action, which may be necessary to promote the general interest of the market, will not be undertaken and it is quite possible that when a reference is made by a market committee through the local officials to my honourable friend's department, then it may conceivably take a year or two years before an official decision is arrived at by my friend whether that particular interest is for the purpose of promoting the general interest of the market or not and if he agrees, then all this valuable period would have been lost. If the Government override the decision of the market committee, the result would be that the decision taken may be without any valid reason. It may be, the position of the local officials in this behalf may form the basis, and invariably forms basis in certain matters, for the decision of the Government and it is inconceivable that a local official should be empowered to override the decision of a market committee. We do not know yet what decision the Government may arrive at in regard to clause 8 but suppose the committees are elected ones and surely elected committees ought to know this much that since they are empowered to spend money on other matters specified in section 21 they ought to be empowered to expend money on other cases which in their opinion may be for the benefit of the market. A little while ago my honourable friend accepted an amendment "propaganda in favour of agricultural improvement and thrift." This is a very vague term, *i.e.*, "propaganda in favour of agricultural improvement and 'thrift'". Government have accepted that. What difficulty could they have when they accept a general term of this description under which expenditure may be incurred by the market committee? When power is given to the market committee to incur expenditure for this general purpose, why cannot other general purposes be added which may be found to be useful for the purpose of the market committees' activities in similar general terms, that is to say 'calculated to promote the general interest of the market'. If the argument is that 'propaganda in favour of agricultural improvement and thrift' is a general term, I am sure my honourable friend will not object to expenditure being incurred by the market committee or the general interest of the market. I am certain that he will not object to it since he is wanting these market committees and markets to function properly. I am convinced that he cannot possibly object to expenditure being incurred by these market committees for the purpose of promoting the general interest of the market. The only objection that my honourable friend might have is this — fettering the power of the market committee to decide whether a particular interest is a general interest of the market or not.

So, I submit that since it is a local matter the local people in charge of these matters are the best people to decide as to whether a particular purpose is calculated to promote the general interest of the markets or not; and if they are the proper persons to know whether the general interest would be promoted by a particular method, surely my honourable friend is only burdening his own department with unnecessary correspondence

and unnecessary activity which he can quite conceivably do without. Considering that he is overburdened, as he is with so many portfolios, he should place these matters in the hands of the local committees to decide on what other purposes for the purpose of promoting the general interests of the markets the market committee should spend out of this fund. I submit that the proposition is simple enough. It will not only strengthen the hands of the market committees but will lead to expeditious action being taken where action is found to be absolutely necessary and it will avoid red-tapism and will avoid unnecessary delay which may endanger the purpose for which this market fund is being created. If an urgent matter arises on which the committee in the interest of the market wishes to spend money why should they be compelled to wait until the decision is given by my honourable friend's department? Government in this case does not mean any delegated authority. Government in this case means my honourable friend and his department and I do not know whether under the rules he can give any delegated authority or not. If that is the position it will, as I submitted, lead to unnecessary delay and unnecessary interference in the work of the market committees and it will, instead of adding to the activities of the market committees for the purpose of serving the general interest of the markets, actually hamper the activities of the committees which my honourable friend wishes to set up.

Mr. Deputy Speaker : The question is—

That in part (ix), lines 1-2, the words " with the Government " stand part of the clause.

The Assembly divided : Ayes 64 ; Noes 26.

AYES.

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| Abdul Haye, The Honourable Mian. | Gurbachan Singh, Sardar Sahib Sardar. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Hans Raj, Bhagat. |
| Afzalali Hasnie, Sayed. | Hari Chand, Rai Sahib Rai. |
| Ahmad Yar Khan, Chaudhri. | Het Ram, Rai Sahib Chaudhri. |
| Ali Akbar, Chaudhri. | Indar Singh, Sardar. |
| Balwant Singh, Sardar. | Jafar Ali Khan, M. |
| Bhagwant Singh, Rai. | Jagjit Singh Man, Sardar. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Jogindar Singh Man, Sardar. |
| Faiz Muhammad, Shaikh. | Karamat Ali, Shaikh. |
| Faqir Hussain Khan, Chaudhri. | Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. |
| Fateh Muhammad, Mian. | Kishan Das, Seth. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir. |
| Fazal Karim Bakhsh, Mian. | Muhammad Amin, Khan Sahib Shaikh. |
| Few, Mr. E. | Muhammad Ashraf, Chaudhri. |
| Ghazanfar Ali Khan, Raja. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. |
| Ghulam Qadir Khan, Khan Bahadur. | |
| Ghulam Samad, Khawaja. | |
| Gopal Singh (American), Sardar. | |

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| Muhammad Hussain, Sardar. | Nasir-ud-Din Shah, Pir. |
| Muhammad Nawaz Khan, Major Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Muhammad Qasim, Chaudhri. | Pohop Singh, Rao. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Pritam Singh Siddhu, Sardar. |
| Muhammad Sarfraz Khan, Chaudhri. | Ram Sarup, Chaudhri. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Roberts, Sir William. |
| Muhammad Wilayat Hussain Joelani, Makhdumzada Haji Sayad. | Shahadat Khan, Khan Sahib Rai. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Shah Nawaz Khan, Nawab Sir. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Sham Lal, Rai Bahadur Chaudhri. |
| Muzaffar Khan, Khan Bahadur Nawab. | Sikander Hyat Khan, The Honourable Major Sir. |
| Nasir-ud-Din, Chaudhri. | Singha, Diwan Bahadur S. P. |
| | Sumer Singh, Chaudhri. |
| | Suraj Mal, Chaudhri. |
| | Talib Hussain Khan, Khan. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES

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|------------------------------|-------------------------------------|
| Bhagat Ram Choda, Lala. | Kapoor Singh, Sardar. |
| Bhagat Ram Sharma, Pandit. | Krishna Gopal Dutt, Chaudhri. |
| Bhim Sen Sachar, Lala. | Muhammad Hassan, Chaudhri. |
| Binda Saran, Rai Bahadur. | Muhammad Iftikhar-ud-Din, Mian. |
| Chaman Lall, Diwan. | Mula Singh, Sardar. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalia, Pandit. |
| Dev Raj Sethi, Mr. | Sahib Ram, Chaudhri. |
| Duni Chand, Lala. | Sampuran Singh, Sardar. |
| Girdhari Das, Mahant. | Santokh Singh, Sardar Sahib Sardar. |
| Gopal Das, Rai Bahadur Lala. | Satya Pal, Dr. |
| Gopi Chand Bhargava, Dr. | Shri Ram Sharma, Pandit. |
| Hari Singh, Sardar. | Sita Ram, Lala. |
| Harjab Singh, Sardar. | Sudarshan, Seth. |

ADJOURNMENT MOTION.

DISTURBANCE AT A PUBLIC MEETING AT ASAUDHA.

Pandit Shri Ram Sharma (Southern Towns, General, Urban)
(Urdu): Sir, I beg to move—

That the Assembly do now adjourn.

Sir, in the course of discussion of a motion for adjournment in connection with the posting of police reporters in the National Agrarian Institute on the 12th the Honourable Premier was pleased to remark that if all the activities of the promoters of the Institute were directed towards the welfare of the poor kisans there was no earthly reason for carrying on those activities behind closed doors.

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

Pandit Shri Ram Sharma : If you kindly allow me to proceed you will find that I am not irrelevant. I was saying that the Premier remarked that such activities should be carried on in the open under the pipal trees. Now I want to tell you how the Government interferes with the activities directed towards the welfare of poor kisans when they are carried on in the open and under pipal trees. This will also throw a flood of light on the anxiety of the Government to maintain law and order in the province and to ensure freedom of speech. Last year I drew the attention of the House, by means of an adjournment motion, to the fact that responsible ministers were making most irresponsible speeches asking the people to turn out and throw away any non-agriculturist who came to address them. I pointed out at that time that such speeches would lead to very serious consequences and now we find that my apprehensions were not unfounded. The incidents at the meeting at Asaudha have proved beyond doubt that the Government of the Punjab is not prepared to raise its little finger to protect the civil liberties of minorities.

My honourable friends opposite are in the habit of boasting that the Punjab is leading other provinces. But what do we find in actual practice? The responsible ministers of the Punjab Government go to attend conferences in other provinces and make serious allegations against the Government of those provinces for interfering in the civil liberties of the minority.

Premier : On a point of order. The honourable member is wholly incorrect in making that statement.

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

Pandit Shri Ram Sharma : I am speaking to the motion. I am not making any reference to any particular Minister. I was saying that civic rights and civil liberties are the very foundations of democracy and that it is due to the regard which the Congress governments have for civil liberties that our ministers have not only made with impunity very irresponsible speeches but have also threatened those governments with civil disobedience and bloodshed. In this connection I submit that freedom of speech and meeting is the very life of democracy. If the citizens of a country are not allowed to exercise their lawful right of meeting, that country may be said to have bid farewell to all notions of democracy and its Government may be described as despotic.

Now let me present to the House a somewhat detailed account of the happenings which have necessitated this motion for adjournment. You know that in order to educate the rural population the Congress is carrying on propaganda in rural areas so that its message may reach the remotest corner. We in the Rohtak district are doing the same in our own humble way in order to acquaint the poor and ignorant people of that ilaqa with the agrarian problems. We hold meetings in different villages and people come to those villages to hear what we have to say. One of these periodical meetings was held at Asaudha. This village is situated in the Jhajjar tahsil which the Honourable Minister for Development represents. I might also mention here that this ilaqa is inhabited by people belonging to a sub-caste which was a pillar of strength to the Honourable Minister at the time of elections.

[Pt. Shri Ram Sharma.]

Now everyone knows that where there is a large gathering even a very minor offensive action or utterance may have very serious consequences. Since we knew that certain mischief-mongers and the agents of a certain party were likely to create mischief, we informed the local police of our intention of holding a meeting and requested it to take necessary steps to prevent hooliganism and breach of peace. Then it struck us that if something untoward happened we would be blamed for not informing the higher officers. We, therefore, informed the deputy superintendent and the sub-inspector, police concerned. I have got here with me an acknowledgment receipt, dated the 17th and signed by both these officers. This was done because the Government is not in the habit of telling the truth in reply to our questions.

Chaudhri Baldev Singh, President of the District Congress Committee and I went to attend the meeting. But the mischief-mongers and hooligans were already there. They removed the mattings and the National flag. (*A voice*: Who did it?) The mischief-mongers who are the agents of certain people. Well, Sir, when they started this hooliganism the sub-inspector, police, with a small posse witnessed all this, quite unconcernedly when we reached there. I told them that we were holding that meeting to educate the kisans in agrarian problems, and, therefore, they should, instead of creating trouble, listen to what we had to say. So we drew the attention of the officer in charge of police to these things in writing and took his signature on our complaint so that when this matter is subsequently raised in this House we may be able to substantiate our allegations by authenticated documents. So, here is the complaint to which we obtained the signature of the officer :—

Letter from Messrs. Baldev Singh, Shri Ram Sharma, and Bharat Singh to the Sub-Inspector of Police, Bahadurgarh, dated 18th December, 1938.

We beg to bring to your kind notice that we are here for the last one and a half hour to hold a meeting of the Congress.

Before our coming, before your very eyes, the flags, etc., of the meeting were up-rooted, carpets, etc., taken away by those who are taking law in their own hand.

Now before your and our eyes Chhotu, Phoolo and another Chhotu have declared that they would not allow the meeting to be held. They have brought a big drum which they are beating now and then.

Both Chhotus have now used provocative languages and they are bent upon mischief and consequently breach of the peace.

We beg to request you to note all these scenes, particularly the flag of Unionist party and their 'Jais' with this hooliganism.

You please note that whenever we begin to speak they beat the drum and shout Jais. We request you to give us proper protection for the legitimate and peaceful work of the meeting which we have come to hold.

Kindly also note the names of those who beat the drums and shout counter Jais.

NOTE.—Please note that besides signatories, Chaudhri Nanhuram (Jasrana), Chaudhri Rama Nand, Shrimati Kasturabai and Dyanand are also present.

We drew his attention to these things so that if he did not take suitable action, at least he might see what was happening with open eyes. Most objectionable and inflammatory expressions were used against Congressmen in his presence and missiles were hurled at the conveners of the meeting.

All this happened under his very nose. We concluded that either it was all being done at the instance of the sub-inspector of police or he was thoroughly incompetent or he was afraid lest the Unionists who were in power should be stirred against him if he did his duty. So, we went to a more responsible and a higher officer, the Deputy Superintendent of Police, who was in charge of the district police, the Superintendent being on tour. We told him that he may or may not take any action, he should at least see what was happening. After fifteen minutes we went to the Deputy Commissioner and told him, "The situation is this : either we cannot hold a meeting or we shall have to hold it amid scenes of unruliness."

Mr. Deputy Speaker : The honourable member can speak for 15 minutes only.

Pandit Shri Ram Sharma : Sir, the rule that the mover of an adjournment motion may be allowed to speak only for fifteen minutes has never been enforced. At least this is a convention of this House. If you insist on enforcing this rule, I may as well not move my motion. I was saying when I was interrupted that we drew the attention of the highest authority in the district to these happenings. This we did on the 19th of December. The following day a meeting was held at the bungalow of the Deputy Commissioner. There we two Congressmen were present besides the Deputy Commissioner and the Deputy Superintendent of Police. Then an orderly came in to announce that "They, too, have come." With this Chaudhri Siri Chand, Advocate, the nephew of the Honourable Minister of Development, came in with others. The Deputy Commissioner said "Now I want to hear both sides". Sir, it is easy to understand why disorderly conduct is witnessed at meetings which are attended by the public and by unruly elements. For instance, the day before yesterday there was a row at a meeting in the Islamia College. But when responsible men meet, no unreasonableness is expected. But I have to acquaint you with what happened at the bungalow of the Deputy Commissioner. A discussion was held between members of both parties in the presence of the highest authority of the district and the verdict of that authority was : "*tum ko jalsa karne ka haq hai aur un ko dhol bajane aur dhakke देने ka haq hai*". This was indeed a strange verdict. On the other hand the officer in charge of the police said, "There has been no riot. There has been no bloodshed. If there had been riot or bloodshed we would have acted with justification. We would have known our duty. In the present circumstances we cannot take any action." Then we sent the following telegram to the Honourable Premier, the Chief Secretary to the Government, the Inspector-General of Police and the Press :—

Telegram from Pandit Shri Ram Sharma, M.L.A., Rohtak, to Premier, Punjab, Lahore and repeated to Chief Secretary, Punjab Government, Lahore, and Inspector-General, Police, Lahore.

Chhotu Phule other hooligans created mischief took away flags carpets beated drums incited for violence took law in hand at Congress political conference at Asudha District Rohtas in police presence. Protection requisitioned to no effect. Deputy Commissioner and Deputy Superintendent of Police acquainted situation. Still no protection afforded. Workers squatting on spot breach peace apprehended request immediate action. Premier, Chief Secretary, Inspector-General wired for immediate intervention.

[Pt. Shri Ram Sharma.]

We did not send this telegram in the hope that something would be done to redress our grievance. We wanted to explore all the avenues which were constitutionally open to us so that it may be known that we had exhausted all constitutional means at our disposal but to no purpose. We sent this telegram on the 19th of the last month and now the 19th of the present month is approaching but we have not been honoured even with an acknowledgment of our telegram.

Chaudhri Ram Sarup : You are an acknowledgment personified.

Pandit Shri Ram Sharma : Sir, the honourable member from my district is getting restive. If you do not control him, I shall be justified in putting him to order.

Mr. Deputy Speaker : I am calling him to order.

Pandit Shri Ram Sharma : Had all this happened by accident, one would not have minded it but the pity is that the hooliganism in question was organised and planned by the rival political party with a definite object of creating mischief and breach of peace and what aggravates the whole position is the fact that even the local authorities like the Deputy Commissioner and the Superintendent of Police were in league with the ring leaders of the lawless mob. The local officers enjoyed instead of checking the violence committed by the bad characters of the village. Surely this cannot be tolerated in any country in the world, that those who are the custodians of law and order should themselves encourage lawlessness. I had previously informed the Premier, the Commissioner and other authorities of the impending disorder but no action was taken in time to nip the evil in the bud.

The honourable members occupying the Treasury benches are in the habit of saying that if there is any illegal act committed or violence done anywhere, the aggrieved persons should institute a case in a regular court of law. With a view to meet this argument of the Unionists and not in the hope of getting any justice the President of the District Congress Committee made a regular complaint in the court of the ilaqa magistrate who remarked, "you want to hold a meeting there but the question is whether the residents of that village also want this political conference to be held there." In reply to this we produced as witnesses eight respectable zamindars of the village including one ex-member of the district board who owns 800 bighas of land, to the effect that they did want that political conference to be held there. We also assured the magistrate that the Congress would remain peaceful but the rival party would create disorder. The way in which the learned magistrate Sardar Jaswant Singh Basur, Magistrate, 1st class, disposed of this complaint may well be judged from his own remarks which are quoted below :—

"The position that emerges from the evidence of witnesses produced by the complainant is that while some of the owners of the land were in favour of the meeting being held there the accused persons were opposed to it and, as stated by the complainant, they said that they would not permit the meeting to be held there. As co-owners of that land the accused persons have a right to say that they would not permit the conference to be held on that land and use of provocative language does not justify the institution of proceedings under section 107, Criminal Procedure Code, against them."

That is the decision of the learned magistrate. But I may also assure the Honourable House that we did not put this complaint in the hope of getting any justice as I have already pointed out but in order to complete the procedure and meet the argument of the Unionists that we should seek redress in the law courts even in the district of Rohtak where justice cannot be had in the courts. These landowners personally presented their representation to this effect to the Deputy Commissioner and the Superintendent of Police but without any result.

Now coming to the actual happenings, I will narrate only one incident as the time at my disposal is very short. Two aged women Congress workers who had been undergoing hardship in the cause of freedom of the country and had also to their credit the sentences of imprisonments came to attend this conference. The goondas and badmashes, who had collected there to commit all sorts of hooliganism and lawlessness, addressed the following words to these aged ladies :—

“ You both are badmash women. Could you not get stronger men to satisfy your passions at your homes ? Why should you not stay at your houses when there are so many stout men in your group. Here you are two and they are so many.”

I had brought all these shameful matters to the knowledge of the Honourable Premier, the Inspector-General of Police, Commissioner and the Deputy Inspector-General of Police.

Mr. Deputy Speaker : The honourable member should now wind up his speech.

Pandit Shri Ram Sharma : Sir, I beg you to give me a little more time as I have given only one example of the provocative behaviour of the persons who assaulted the political conference. One cannot imagine a more shameless and immoral attack on the patriotic women of the province. The two aged ladies put up with this provocation with tears of indignation in their eyes, and the Congress workers endured this, having made a supreme moral effort to do so. The pity is that we had informed the police as well as other authorities of the apprehension of the breach of the peace and nevertheless no preventive measures were taken by the Government. But when the ladies referred to above had been thus disgraced by the badmashes, the police was witnessing all this. On another occasion Congress workers were beaten, one was stripped naked. The Sub-Inspector of Police and Siri Chand were near at hand. The Sub-Inspector then came and pretended to write the report of the happening. I may also point out here that eight zamindars of the village had presented their application to the Deputy Commissioner and to the Superintendent of Police in which they had stated that they wanted the conference to be held in their common land. This knocks the bottom out of the Government position when they say that the inhabitants of the village objected to the holding of the political conference in their lands.

I will now come to the actual facts of the case. The conference in question was attended by my honourable friend, Dr. Satya Pal, President, Punjab Provincial Congress and Dr. Gopi Chand Bhargava, Leader of the Opposition. They will shortly describe what they saw there with their own eyes. The atrocities that were committed there by the badmashes on the Congress workers under the flag of the Unionists which was red in colour and showed five rivers and the setting sun, cannot be described by me.

[Pt. Shri Ram Sharma.]

(Here the honourable member showed that flag.) I will only mention that this hooliganism was organised by the local zamindara league which left no stone unturned in committing all sorts of lawlessness with the help of the goondas. I am very sorry to say that the tone of the speeches delivered by the Honourable Ministers and other Unionist members in this House encourage such violence outside.

One word more and I have done. I want to sound a note of warning to the Unionists that if they think that they can defeat the Congress by these low tactics, then they are seriously mistaken. If the Government believes in these tactics the Honourable Premier and the Development Minister should be honest and courageous enough to come and beat drums themselves at Asandha, instead of enjoying it to be done by hirelings and bad characters through their party organisation.

Mr. Deputy Speaker : Motion moved is—

That the Assembly do now adjourn.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*) : Sir, it is really surprising to see that the usurpers and trespassers who go to the houses of other persons and compel them to hear things which the latter consider to be most obnoxious and objectionable should be so vehemently defended. When the honourable members over there ask why the local authorities did not help them in the commission of crime or otherwise render assistance to them in their unlawful activities, it perplexes one's mind. The matter is quite a simple one. There is one village Asaudha in the Rohtak District where the Biswadars were opposed to the holding of a Congress meeting. Even if the statement of the honourable mover is taken to be correct and I am quite prepared to take it as such, an overwhelming majority of the Biswadars was opposed to the holding of a Congress meeting. No doubt a few of them wanted to hold the Congress meeting but a very large majority was against it. Now let us see what is the proportion between the proprietary rights of those who wanted the Congress meeting to be held and the proprietary rights of those who did not want it. The former at the most own 600 bighas of land in the village and the latter own 99,000 bighas of land out of a total of 40,000 bighas owned by the whole proprietary body of the village. Now let us turn to the point as to why the majority was against the holding of the Congress meetings. Why were they so much upset? Did they lose their heads? In this connection I would submit and you may take it in any sense you like that the people in rural areas hold the Honourable Premier and the Honourable Minister for Development in the greatest esteem. They believe that Sir Sikander and Sir Chhotu Ram are leaving no stone unturned to remove their economic distress. In Congress meetings the Honourable Ministers are made the target of severest criticism and billingsgate language is used against them. My honourable friend over there has described the good zamindars of Asaudha as loafers and hooligans. I would not like to pay him in the same coin. The Unionist programme is intended to relieve zamindars of their economic distress, remove their indebtedness and bring about the redemption of their mortgaged lands. And the party which is doing so much for the welfare of the poor zamindars, is being described in the Congress meetings by various ugly names. They are being

accused of cleverness and selfishness. I can quote hundreds of instances of this kind. The Congressites create disturbances and conspire to set one group of people against the other. Hitler turned such people out of his country. (*Loud applause.*) I would not make any uncomplimentary remarks against them. My friend in his newspaper 'Haryana Tilak' described Sir Chhotu Ram—

Mr. Deputy Speaker : The honourable member should speak to the motion.

Rao Pohop Singh : I will make my point clear within a minute. While describing the economic programme, his paper described the Minister for Development as Chhotu Khan.

Sardar Sampuran Singh : Has that anything to do with the motion ?

Mr. Deputy Speaker : The honourable member should speak to the motion.

Rao Pohop Singh : The Honourable Sir Chhotu Ram was described as a butcher. (*Voices : Absolutely wrong.*)

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

Rao Pohop Singh : I am glad that the honourable members say that it is absolutely wrong.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Rao Pohop Singh : My submission is simply this that the rural people do not like to hear such things in such meetings. No doubt, Sir Chhotu Ram may treat such things with the contempt they deserve and the people may cease to have a look at the newspaper.

Sardar Sampuran Singh : We have nothing to do with this paper.

Mr. Deputy Speaker : The honourable member should speak to the motion.

Rao Pohop Singh : If a meeting is held in a town or a city the people, who do not like to hear such things, may not attend it. But, is it not really objectionable that people should come to our houses and compel us to hear such obnoxious things ?

My submission is that if a person makes an encroachment on a land of another person or enters his premises without obtaining proper permission from him the latter is free to deal with him in any way he thinks fit, and no sensible, just and fair-minded person can disapprove of his action. But even if the intruder tries to offer resistance the owner of the land is at liberty to chastise him properly. It is a matter of regret that my honourable friend over there has dubbed the law-abiding and peaceful citizens of Asaudha as *lafangas* and *badmashes*. But I am sure that my honourable friends opposite would be at one with me in admitting that these villagers set a very good example of self-restraint and non-violence even in face of great provocation offered by the Congressmen. Although they were, under the law of the land, entitled to remove the intruders forcibly yet they abstained from doing so. It is a fact that not the slightest injury was

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inflicted on any person. And if we accept the remarks of my honourable friend as true even then it has to be admitted that the Congressmen tried to hold a conference at Asaudha in complete disregard of the desire of the village proprietors. Since the organisers of the meeting insisted upon holding it the villagers played *dhol*s for drowning the voice of the speakers.

Diwan Chaman Lall : I do not want to interrupt my honourable friend, but will he give way for a moment ? I want to ask him, if this is the way he justifies the playing of the *dhol*, would he not object to our playing the *dhol* here ?

Rao Pohop Singh : I shall come to that. The honourable mover of the motion for adjournment made another allegation against the residents of Asaudha that they showered filthy and abusive language on aged ladies. But, I most emphatically repudiate this charge and hold it entirely false and unfounded. The village in question is inhabited by those brave people whose martial qualities and high traditions are well-known in the country. They are brave enough to break the heads of their opponents rather than use undignified language against ladies. We the people of that part of the province worship and adore the ladies. We dare not utter a single word against them. But if they are so particular about the honour and dignity of the fair sex they should not bring them to such meetings.

I fail to understand as to why these people arranged to hold a conference particularly at Asaudha. The whole province, rather the whole country was at their disposal. They could very easily hold such a meeting at some other place. The villagers of Asaudha did not like the idea of allowing such a conference to be held under their very nose, and thus an unpleasant situation was bound to arise. In this connection I would like to say, that the conciliatory policy and sympathetic attitude of the Government was mainly responsible for all this. The Government should bear in mind that those who are used to the rod are never set right by mere advice.

On that occasion the Honourable Leader of the Opposition and Dr. Satya Pal were also present there. I have great respect and regard for both of them, but I am sorry to say that their presence could not relieve the situation.

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

Dr. Gopi Chand Bhargava : On a point of order. No honourable member is entitled to more than 15 minutes at all. It is only the mover or the Minister that is entitled to more time. Is not the time of the honourable member over now ?

Mr. Deputy Speaker : I am allowing one minute on account of interruptions.

Rao Pohop Singh : My submission is that even the presence of the Honourable Leader of the Opposition and of the honourable Dr. Satya Pal could not make any difference. The other day on the floor of the House a great hue and cry was raised in their presence and although the objectionable words were withdrawn later, yet they could not prevent Diwan Chaman Lall from using such undignified and unparliamentary language.

Mr. Deputy Speaker : The honourable member's time is over.

Dr. Satya Pal (Sialkot-Amritsar, General, Rural) (*Urdu*) : Sir, I rise to support the adjournment motion moved by my honourable friend, Pandit Shri Ram Sharma. My honourable friend Chaudhri Pohop Singh has given expression to his loyalty in a highly exquisite manner. Sometimes in the heat of the moment certain lawyers present the case of their clients in such a way that it proves to be inimical to the best interests of the latter. Similarly in the course of his speech my immediate predecessor was so much excited that he uttered things which he ought not to have stated here on the floor of this House. He held that for the maintenance of peace and order in the province it was extremely necessary to bring into practice the policy chalked out by Hitler. To-day under the guise of a third rate democracy the Unionist party is promoting Hitlerism in the province. Although none of the honourable friends opposite has courage enough to prove himself a match for the real Hitler yet all of them try to play the role of a dictator. We are prepared to bury the hatchet and give up fighting if our honourable friends opposite openly admit that they do not care for any law, convention or canon of morality. My friend Pandit Shri Ram Sharma remarked that he sent timely information to the Superintendent, Deputy Superintendent, Assistant Superintendent, and the Sub-Inspector of Police. But he ought not to have entertained any false hope of the police taking proper precautionary measures on that ground. In fact we have lost all hope and confidence in the present Government. So long as the Unionist party is in power the Congressmen cannot expect any justice and proper treatment at its hands. The present Government has singularly failed in safeguarding the interests of the minority party. If it has established a principle to the effect that the minority party should be annihilated and its interests unsparingly trampled over, it should openly and most courageously admit it and then we shall show to it how we knock the bottom out of the Government propoganda and how we expose it. It was, I would say, in the best interests of the Premier of the Unionist Government himself to provide all possible facilities to the Congressmen holding public meetings. (*Hear, hear*). He should not deprive the minority party of its right of speech. The Honourable Premier says, "Hear, hear". This means that he wants that such quarrels should continue in villages. (*Premier ; Did you hear me say, "Hear, hear" ?*) Yes, I heard with my own ears. But if you deny it, say so and that will be the end of it. If you establish this principle here that the majority will not permit a minority to have its say, you will be making short end of every other minority, Congress and all. But the question is this. Will it be right ? Will it be justifiable ? My honourable friend has misunderstood Pandit Shri Ram. He never said that the village was a village of hooligans. What he said was that hooliganism was allowed to prevail. Small boys were engaged to make noise and create trouble. They were boys of tender ages. They knew no difference between Zamindara League and the Congress. They worked at the sign of the police just as bandsmen follow their bandmaster (*laughter*). I am inclined to hold this view because when we left the scene, people met us at a distance and wanted to listen to us. They said "We are prepared to listen to you. We will listen and discuss." This was the attitude of the reasonable element of the village. A respectable way for our opponents would have been to go to the Deputy Commissioner and ask him to issue

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an injunction. We may have obeyed or disobeyed his order. Anyhow the hooliganism of a handful of men was most objectionable.

Then, it has been alleged that the Congressmen uttered abuses. Nothing can be farther from the truth. It is not the habit and training of Congressmen to pour abuses upon the heads of their political opponents. This defect is found elsewhere. There are people who are in the habit of saying, "*jab nokili topiwala mile, us ko dhakke mar mar kar nikal do.*" Such words have been uttered by the Ministry. Such words have never been uttered by any responsible Congressmen. We are clean fighters. We know how to fight under the strict principles laid down by Mahatma Gandhi. It is wrong to accuse us of using foul language.

We were provoked to the greatest extent by hurling stones at us. But we are not afraid of being stoned. We have even faced bullets in our fight for freedom. (*Hear, hear.*) Pandit Shri Ram Sharma drew the attention of the Revenue Assistant to these things, which he did with a view to explore a constitutional avenue to redress his grievances. I for one have no faith in Government machinery. They are all anxious to serve the best interests of the Unionist party. But we have brought forward this adjournment motion to test the sincerity of the Premier who has several times declared that he is a strong supporter of the civil liberties of the people. Pandit Shri Ram Sharma has proceeded constitutionally. I, as a humble Congress worker, declare that we have no faith in the Superintendents of Police or the Deputy Superintendents of Police working under the present Government. We have fought against the British Imperialism for our rights and if the proper time came we will launch a campaign against the Unionist party as well in order to safeguard our rights of free speech. In this struggle either the Unionists will come to an end as a party or our party will go under. (*Applause.*)

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*): Sir, I am feeling sickly. I crave your indulgence to permit me to remain seated while I make my speech.

Sardar Sampuran Singh: Sir, I am not saying anything with the idea of opposing it but I think we should not establish that convention in the House that on account of ordinary sickness members should speak while sitting.

Mr. Deputy Speaker: The honourable member may speak sitting if he so desires.

Chaudhri Ram Sarup: Thank you, Sir, but now, that an objection has been raised, I shall speak standing. I want to emphasise that by moving an adjournment motion on this subject the honourable member has belittled the right of moving adjournment motions. He has made it appear as a farce. I will even say that by raising this question in the form of an adjournment motion the honourable mover has tarnished the name of the Punjab Congress for ever. In fact my honourable friend has been behaving like a serpent who caught hold of a lizard into its teeth. If he were to swallow it down, he would fall a victim to leprosy and if he were to let it go, he would be dubbed a coward. In the same way my honourable friend has been in a fix since the day he gave notice of this motion. At last he has made

up his mind not to appear a coward by letting the motion drop. So, he has moved it. It is a patent fact that in order to tell a single lie successfully you have to cover it up with half a dozen more lies. My honourable friend has, apparently, taken these seven days in order to search for more lies.

Mr. Deputy Speaker : I would request the honourable member not to make such remarks.

Pandit Shri Ram Sharma : On a point of order, Sir.

Mr. Deputy Speaker : I have already requested the honourable member not to make such remarks.

Pandit Shri Ram Sharma : I would request you to ask him to withdraw those words, that is, that I have taken seven days in order to search for more lies.

Chaudhri Ram Sarup : Sir, I do not wish to repeat what my honourable friends on this side of the House have already said and I must confess that my honourable friend Rao Pohop Singh in particular has met all the arguments of the Opposition in his excellent speech. I need not, therefore, labour the point beyond saying that the argument of the honourable members of the Opposition characterising the beating of the drums in Rohtak as violence does not hold good. In fact this form of protest compares favourably with the method of protest which the Congress employs by holding *syapa* and black flags wherever the Unionist Minister goes. As a matter of fact this is an improvement on their method. After all, it is Congress that has taught and encouraged such demonstrations. What the zamindars cannot and do not want to listen, should not by force be imposed on them. They had every right to drown that voice by the beating of the drums. There is no violence in that. This is a weapon of defence and not that of offence in any way. It is better than holding black flags. We are on a higher level than the Congress.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, I have been anxiously waiting for the statement that the Government was expected to give in reply to the adjournment motion, the notice of which was given a few days back. But after listening to the speeches that have been delivered just now by my honourable friends opposite and which have been applauded by the Treasury benches, I cannot help expressing my disappointment at the failure of the Unionist Government in offering any reasonable defence of their position. It appears as if they approve the disgraceful treatment meted out to the respectable ladies and other people of the Punjab at Asaudha. One of the arguments advanced by the Treasury benches is that people living at Asaudha are martial people and, therefore, it was not believable that they disgraced the ladies. At the same time it is said that ladies should not have gone to that place. I do not know which of the arguments is true. But if the hopeless administration under the Unionists has made it impossible for women to move freely and safely in the province, then it is another question. Another argument put forth by the honourable members occupying the Treasury benches was that the land where conference was to be held belonged to all the villagers, most of whom did not like to listen to the abuses that were to be given to the Unionist Ministers. It is urged, therefore, that the zamindars wanted to stifle the Congress workers in a non-violent manner. Surely it is a poor argument

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to advance. But the Government must remember that their Ministers are preaching class war and violence by encouraging the people in this way. May I in this connection remind this House of the remarks of one of the Unionist Ministers who was reported to have said some time back, that the zamindars should regard any man with a "nukili topi" to be their enemy and should well know the way of turning him out of their villages. Again, may I remind the House of the same Minister's calling the Congressmen, mad dogs? The zamindars were also exhorted to crush the non-agriculturist "Bania" by using a heavy club in hand. This is clear preaching of class war and violence.

Chaudhri Tikka Ram : May I enquire who used these words?

Dr. Gopi Chand Bhargava : Please look up the proceedings of the previous sessions.

Granted, Sir, that the Congressites are bad fellows, have they not got the right to live? Even the badmashes are allowed to live and if they come to courts, they are allowed to put forward their defence. Nay, even a murderer is given an opportunity to defend himself. But the Government is not prepared to grant the necessary protection to the Congressmen in the province.

In the conference in question, the Revenue Assistant was heard giving orders to the bad characters to stop or renew their beating of the drums, and they faithfully obeyed his instruction. If he had a mind to stop that hooliganism, could he not use his influence that way? When my honourable friends, Dr. Satya Pal and Pandit Shri Ram Sharma, climbed the roof of the lorry to deliver their speeches, the people began to beat their drums very loudly. But the Revenue Assistant did not care to stop that. Later when people began to throw stones, he checked them and they promptly carried his instructions. It goes to prove beyond any doubt that the Government officers sympathised with the lawless mob. If the Government approved of this method of checking the Congress meetings, then they should take note of the fact that it will also become very difficult for themselves to hold any meeting peacefully in any part of the province in spite of our good will and in spite of our best efforts at preventing people from doing so.

In this connection, may I state that when a meeting was going to be held at Khilchian, 195 policemen were taken there along with tear gas, though the tear gas was not used because the officer was drinking in his own camp and thus helping the Excise Department.

If the Government never mind expending public money over making arrangements for the use of tear gas and on taking 195 policemen including the Superintendent of Police and the Deputy Superintendent of Police, sub-inspectors and head constables to a meeting where the Honourable Ministers had to make speeches or to announce the policy of the Government on a particular matter, I wonder why the Congress meeting at Asaudha was left at the mercy of the majority of the proprietors of the village. It has been said that the majority of the proprietors were against the holding of the Congress meeting and if they, as a protest, resorted to the beating of drums, there was nothing wrong in it. If this argument really appeals to Government and if it can be taken as a precedent in future, let me tell them that it would

certainly produce serious consequences. It would be impossible for them to make speeches even in their own meetings. Perhaps they think that the lathis of the police would help them in the matter. If that is their idea, let me tell them that they are mistaken. I cannot understand the position now taken up by those who are never tired of asserting that they would fight tooth and nail for the protection of the rights of the minorities and that, if need be, they would never hesitate measuring swords with those who may attack their rights. We do not know the policy of the Government in this matter? It has never been explained to us. But it appears that the policy of the Government is to crush the Congress. Let me tell them that even the British Imperialism could not succeed in crushing it. What do we care for the Unionist lathis and firings? Nobody can suppress the truth. It shall always prevail. The lathis and beating of drums would not help you. And even your harsh words would not break our bones. Do your worst. The Congress shall not die. It shall live and live for ever. It is merely for the benefit of the Government that I say that a precedent should not be created which may land them in insurmountable difficulties.

Mr. Deputy Speaker : The time of the Honourable Leader of the Opposition is over.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, with your permission and with the approval of the House let me read out a brief note prepared by me on the subject under consideration. This note is in English and will be read out in English. The other observations that I would like to make would be made in Urdu. The information received by me regarding the question now before the House is as follows :—

On the 18th December, 1938, a meeting was organised by the mover of the adjournment motion and other Congressmen at Asaudha in the Rohtak district. Asaudha has a population of 3,200 persons, of whom there are 758 male residents who own land in the village. The meeting was arranged on the village common against the wishes of an overwhelming majority of the villagers who consist almost entirely of non-Congressmen. The number of villagers who wanted the meeting to be held is reported to be under 15 out of a population of 3,200 persons. The owners in favour of Congress meeting constitute a minority of less than 2 per cent. (Not even 1 per cent. of the owners and the rest of the proprietary body was totally opposed to that meeting, and this is a fact which I supply to my honourable friends opposite to make note of.)

The villagers requested the organisers of the meeting that they should take the permission of the elders of the village before holding the meeting on the common. This the organisers brusquely refused to do, with the result that hot words were exchanged between those who wanted the meeting to be held and those who did not. It was alleged by the villagers that the Honourable the mover of the adjournment motion had abused and insulted them. Annoyed by the attempt of the minority, supported by busy bodies from outside the village, to impose their will on the majority, the villagers of Asaudha decided not to permit the Congressmen to hold their meeting on the common land. They, therefore, announced in the village, by beat of drum, that if the Congressmen persisted in holding their meeting, they will hold a counter-meeting at the same place. The noise created by the beating of the drums was so great that the Congress meeting had to be dissolved. Thereupon, the Honourable the mover of the adjournment motion, who was the most prominent Congressman present on the spot, declared that civil disobedience would be launched on the 20th December, 1938, and Congress volunteers would visit the village every day to hold a meeting on the village common in spite of the strongly expressed opposition of the villagers. Parties of about 10 to 25 persons reached Asaudha daily from the 20th December onwards, but most of them returned to their homes after staying a day in the village. The villagers, in retaliation, continued to resort to the practice of beating drums in order to break up the meetings which the civil resisters attempted to hold. Further provocation was offered to the villagers by the

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Congress volunteers, who frequently marched through the streets singing songs and shouting slogans. On the 29th December, 1938, the Congressmen organised a special meeting at Asaudha, which was attended by about 400 persons, including three honourable members of this House, but the villagers refused to listen to the speakers or to allow the Congress meeting to be held. A counter-meeting held by the villagers in spite of the attempt of the local authorities to dissuade them from doing so, was attended by about 2,000 persons the same day. Later in the evening the villagers of Asaudha held a *panchayat* and decided that if the Congressmen wanted to hold a meeting on the land owned by one of the Congress supporters in the village they would have no objection and would make no attempt to disturb such a meeting.

This is rather an important point, and I wish you to note it.

The volunteers were reported to be staying at the house of a local Congressman and to be making rounds of the village twice a day singing songs and shouting provocative slogans. It is understood that the Congress party has announced its intention of holding a big conference at Asaudha in February next.

It is evident that the Congressmen, prior to the holding of the first meeting on the 18th December, 1938, were fully aware of the temper of the villagers and their dislike of the Congress move. Applications by the Congress party for police arrangements to prevent a breach of the peace were made to the Station House Officer, Bahadurgarh, on the 14th and 17th December, 1938. On receipt of these applications the Sub-Inspector of Police, in charge of Police Station, Bahadurgarh, personally proceeded to Asaudha with a police party to take such measures as might be necessary to keep the peace. The police were present throughout the day of the first meeting and on all important subsequent occasions. Since no cognizable offence took place and it was clear that the majority of the villagers was exercising its civil rights, the police maintained an attitude of strict neutrality in the matter. Allegations were made by Congressmen that the villagers had assaulted various Congressmen in the village. These allegations were enquired into and it was found that the only evidence of assault consisted of a few scratches on one person's neck and of a very small injury on another person's toe, which had been caused by some one stepping on his foot. The reports of the complainants were entered in the police station daily diary and they were informed that as no cognizable offence had been committed they should have recourse to a court of law. Complaints were also made that certain Congress women workers had been abused and insulted by the villagers in the presence of the police. These complaints were enquired into under the order of the District Magistrate by a gazetted police officer and were found to be entirely without foundation. (*Hear, hear from the Treasury benches*). The allegation that the Congress flag was removed and that carpets and other furniture used in the meeting were taken away by the villagers is a deliberate distortion of facts. The furniture had been lent by one or two villagers for the meeting, who, when they found that practically the entire village was united in opposing the meeting, removed their property themselves. It is noteworthy that no complaint of loss was made to the police by the actual owners of the property.

After the events of the 18th December, 1938, a complaint was filed under Section 107, Criminal Procedure Code, in the court of a First Class Magistrate by a pleader of Rohtak, who is a Congressman, against certain villagers of Asaudha on the ground that they were likely to commit a breach of the peace. This complaint was dismissed on 23rd December, 1938, by the Magistrate, who held that there was no cause for action. In the course of his judgment the Magistrate remarked as follows:—

“.....the position that emerges from the evidence of witnesses produced by the complainant is that while some of the owners of the land were in favour of the meeting being held there, the accused persons were opposed to it and, as stated by the complainant, they said they would not permit the meeting to be held there. As co-owners of that land, the accused persons have a right to say that the land will not be put to a certain use without their consent and the mere fact, therefore, that they said that they would not permit the conference to be held on that land does not justify the institution of proceedings under Section 107, Criminal Procedure Code, against them.”

The present position is that no Congress meeting has been held in Asaudha since the 29th December, 1938, and in consequence no beating of drums by the villagers has since then taken place in the village. Congress volunteers continued to parade the village and raise provocative slogans but the villagers have kept

their heads and refused to take any notice of them. They are, however, not prepared to have their civil rights violated by any outsiders and they are stated to be particularly sore against the honourable mover of the adjournment motion whom they accuse of having attempted to rough ride them.

In bringing forward the adjournment motion, the Congress party has placed itself in a peculiarly paradoxical position.

I will come to that later.

Let me read out another portion with regard to the stone throwing business on which my friend Dr. Satya Pal laid stress. This is my information :—

At one time during the proceedings Pandit Shri Ram Sharma produced a brick and held it aloft saying that it had been flung at them by the villagers. The Magistrate and police on duty who had been keeping a watchful eye on both gatherings had not noticed any brick being thrown and they sharpened their vigilance to spot the mischief-maker. Shortly after, a Congress volunteer Hari Ram, son of Sukhdeo, Jat of Bhalaut, was caught in the act of picking up a brick from under the lorry and handing it to Shri Ram Sharma to be exhibited as a missile thrown on the Congress platform. This fortunate detection immediately solved the mystery of the alleged brick throwing and exposed the falseness of the Congress methods. Pandit Shri Ram Sharma retained one of these bricks to be exhibited at the next Assembly session.

With regard to the two meetings themselves, let me briefly say what the position is—

The objectors did not go to the actual place of the meeting, but with a view to make it impossible set up a counter-meeting with the beating of drum at a short distance. Pandit Shri Ram Sharma, the Congress leader, was advised that in view of the great majority of the proprietors being against his meeting being held on the common land, it would be desirable if he held his meeting on the private land of any of his supporters, as in that case if the oppositionists enter that land, action could be taken against them under section 447, Indian Penal Code. Pandit Shri Ram Sharma did not agree to it and insisted on holding his meeting on the disputed common land.

This is the position and these are the facts with regard to the meeting.

My honourable friend Dr. Satya Pal said that if the objectors of that village did not want the meeting to be held, why did they not go to the Deputy Commissioner and get an injunction? He ought to know that the Deputy Commissioner cannot give an injunction, though he can pass an order under section 144. He said that they could have gone to the civil court. I am surprised at this suggestion being made by my honourable friend that 99·8 per cent. of owners should go and get an injunction and that ·2 per cent. should be allowed to make *hullar* whenever they like. Is that fair or equitable?

Lala Deshbandhu Gupta : There are only 5 per cent Muslims in Madras. Will you have that treatment there?

Premier (Urdu) : Now, Sir, I shall try to give a brief reply to the remarks made by the honourable mover of the adjournment motion. I would only deal with matters of vital importance and leave alone the side issues. My honourable friend opposite has made an allegation to the effect that certain honourable ministers of this province laid certain charges against ministers of the other provinces at Bombay or Patna. I may submit here for his information that we are not in the habit of saying anything against the ministers of other provinces. When we do not like a thing for ourselves why should we like it for others. The fact is that the so-called nationalist press is carrying on false and entirely baseless propaganda against us. Had

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I been the proprietor of a newspaper like my honourable friend over there I would have been ashamed of such reports being published in my paper. A news agency published the report of what I said. This report, though
 8 P.M. brief, is correct to a very great extent. It has appeared in several newspapers. But my honourable friends do not give any credence to it. They are inclined to believe all the stuff and nonsense that is reported irresponsibly about my speech. My honourable friends over there are not the only persons who had some misunderstanding about what I was reported to have said. Many other friends in Congress had similar misunderstandings. What I said was simply this: "If the instances quoted about the actions of the Congress Governments are correctly reported it is up to those Governments to make amends. If they do not do it, the dreams of the *purna swaraj* which we all entertain will come to nothing."

Lala Deshbandhu Gupta : May I interrupt the Honourable Premier? Did he or did he not advocate direct action at Patna in order to defend the rights of his community?

Premier : That is irrelevant. Still I will give an answer to it later on. I was saying that a news agency had reported my speech with some exactitude though with brevity. Why do my friends accept all that is said in a most irresponsible way about what I said and not accept the report of that news agency? I have all along steadfastly adhered to this principle that no criticism is to be levelled against the Governments of other provinces. I will adhere to this principle in future as well.

My honourable friend the Leader of the Opposition has remarked that we preach violence but he and his friends do not preach violence in deference to the behest of Mahatma Gandhi. But the question is, if we had been preaching violence how could we have objected to their preaching violence? I declare on the floor of this House that if any member of the Unionist Party is guilty of preaching violence, action will be taken against him under the law of the land irrespective of the fact whether he is a Minister, Parliamentary Secretary or private member (*Hear, hear*). My friend said that they did not act violently in deference to the behest of Mahatma Gandhi. But what does the report about the recent Congress elections say? All the newspapers the *National Congress*, the *Milap* and the *Pratap* as also other neutral organs publish pointed details about the so-called non-violence of my Congress friends in the Punjab. Even the ballot box is reported to have been carried away by the protagonists of a candidate. And still my honourable friends have the temerity to say that they are all non-violent.

Diwan Chaman Lall : Does the fact that a few persons forcibly carried away a ballot box from a polling station go to show, according to the lights of my honourable friend, that the whole organisation is rotten?

Premier : Pandit Shri Ram Sharma has alleged that the Congress flag was taken away by somebody. He has just now exhibited a Unionist Party flag on the floor of the House. How did he come to possess it? If

it was possible for him to have a flag of the Unionist party in an unobjectionable way, why was it not possible for any other individual to possess a Congress flag in the same manner ?

Then, it has been said that if the present state of affairs is allowed to continue, democracy in the province will die a natural death. I daresay that democracy is already on its last legs in the Punjab and that for a very good reason. One of its very important limbs is diseased. Although it is a small limb it can be expected to grow bigger some day. But I am afraid its disease has reached such a stage now that I shall have to perform a surgical operation some day although I shall do it with the greatest amount of reluctance. Yes, I will be doing that most regretfully because I consider that limb a part of my own body although I am not claimed to be a part of the same body by my friends on the opposite benches. I am a supporter of democracy in its healthy form. I have the greatest reverence in my heart for the Congress organisation. It is not only respected in this country but is held in high esteem throughout the world.

In the end I would appeal to the honourable members of the Opposition to realise their own responsibility as they represent in this Legislature the great Indian National Congress which is highly respected not only in the whole of our sub-continent but outside also. I want the Congress to live and I am sure that it will live because—

Sardar Sampuran Singh : I rise to a point of order. I beg to submit that all the remarks of the Honourable Premier for the last five minutes have been irrelevant. We are not now discussing the activities of the Congress. The question relates to what happened in Rohtak.

Premier : I submit that the honourable member always interrupts me when he finds that my remarks are having their effect in the House. That is unfair. My honourable friend must remember that the Leader of the House in the House of Commons is never interrupted.

Diwan Chaman Lall : Mr. Chamberlain was interrupted and insulted and prevented from speaking only a few days ago in the House of Commons.

Premier : I express my hope that the Congress would live because its principles are good. I repeat it that the principles of the Congress, which are also those of my party, are good. I have not joined the Congress, however, because it had long ago died in the Punjab as my honourable friends who belong to the Congress party here will bear me out when they look within and analyse their mentality. If the Punjab Congress will continue as it is at present, it is sure to die the death it deserves. I long to see any one who is living up to the true principles of the Congress. In these circumstances, the Congress is foredoomed to failure in the Punjab.

Pandit Shri Ram Sharma (Urdu) : Sir, I have carefully listened to the speech of the Honourable Premier and the speeches of other honourable members of his party. I may be permitted to say that they all erred where hard facts of the case had to be mentioned. I being a resident of the *ilaga* am in a position to correct them because I know much more about that *ilaga* than they claim to know. The Honourable Premier has with the jugglery of figures shown that an overwhelming majority of the residents of that village were against holding any political conference in the Shamlat land of the village. But I know that eight respectable zamindars of the

(Pt. Shri Ram Sharma.)

village had put in an application to the Deputy Commissioner and the Superintendent of Police stating that they wanted the political conference to be held there. This written document is a standing refutation of their baseless allegation. The Honourable Premier has given certain percentages of the population of the village, the correctness of which is best known to himself alone. But percentages or no percentages, the fact is that the residents of the village including landowners of that place wanted this meeting to be held there. Two out of the four parts of the population of the village had no interest whether the conference was held or not; it did not matter with them. The shamlat belongs, of course, to the whole village but it is in possession of twenty houses of a Thola. Out of them eight actually approached the district authorities to get the conference held, while mostly those who belonged to the other parts of the village picked up quarrel somehow or other. It were these outsiders that fanned the flames of hate and disorder. But the fact stands that the villagers themselves wanted the political conference as is amply proved by those representations which they made to the Deputy Commissioner and the Superintendent in this behalf. In face of this hard fact, I really wonder how the Honourable Premier can say that the residents of the village did not want the meeting to be held there.

It is really very ugly that people should beat drums, resort to dancing or hurl abuses on their opponents with a view to making it impossible for them to hold a public meeting. It is a very strange argument that because most of the proprietors of the village were against the holding of the meeting the few who were in its favour should not have attempted to hold it. It is absolutely wrong to say that there were only 2 per cent proprietors who were in favour of holding the meeting and the remaining were against it. There are villages where Congressites are about 98 per cent. (*Voices*: Wrong, absolutely wrong.) In the Rohtak district in one constituency there are about 30 thousand voters. In the last elections there was a very tough fight between the Unionist candidate and the Congress candidate. The former secured victory by polling only one hundred extra votes. This shows that the number of the Congress followers in this district is not small. Therefore in a village where the Congressites are on a majority, if the Honourable Premier or the Honourable Minister for Development want to make a speech on shamlat *Deh* or a meeting is held by the Deputy Commissioner in connection with the rural uplift programme, and the Congressites begin to beat drums and shout slogans, would my friends over there like it? I am sure they would never like it. The logic of my friends opposite is absolutely wrong, ununderstandable and untenable. It has been said that the *panches* of the village ought to have been approached and if they permitted, the meeting could have been held. I ask who were these *panches*? *Panches* were those who wanted to hold the meeting and not those who were guilty of hooliganism. The main characteristic of that Unionist hooliganism was that little boys were also invited to beat tinplates and shout. This was the parallel Unionist meeting of which the Honourable Premier talked. (*Voices*: Wrong, absolutely wrong.)

Mr. Deputy Speaker : The honourable mover has only one minute left to wind up his speech.

Pandit Shri Ram Sharma : I am given less than ten minutes, while I am entitled to 15 at the least. As a matter of fact, four to five thousand people attended this meeting of 29th December though my friends over there assert that only four hundred persons attended it. There were only thirty drum beaters who were making mischief under the very nose of the police. I ask, is this the way of safeguarding the civil liberties of the people in the Punjab? If the Government is not going to check this *goondaism*, I warn for the last time that very dire consequences will follow, because there is a limit to everything. The Congress will stake its all to fight out this issue of civil liberties.

Premier (Urdu) : Sir, now there are only four minutes left at my disposal. In fact the honourable member has not said things which may require a detailed examination at my hands. I have already said that there were only 2 per cent people who were in favour of the Congress meeting being held there. I have quoted figures regarding that.

Pandit Shri Ram Sharma : May I inquire if you permitted me to speak for 15 minutes.

Mr. Deputy Speaker : The honourable member was given ten minutes and the Honourable Premier will be given four minutes.

Pandit Shri Ram Sharma : On a point of order. Was I not entitled to speak for 15 minutes under the rules?

Mr. Deputy Speaker : There is no point of order involved. I would request the honourable member to study the rules first.

Lala Bhina Sen Sachar : Do not our rules lay down that no speech shall exceed 15 minutes? If so, does it mean that a member has not a right to make a speech for 15 minutes?

Mr. Deputy Speaker : The honourable member is not putting the right interpretation on the rules.

Premier : Sir, I am sorry to remark that the honourable member opposite quotes rules without knowing them.

I do not propose to take much time of the House. I shall try to finish my speech as soon as possible. I had submitted that only 2 per cent of the whole population of the village Asaudha was in favour of holding a political conference there. In spite of the fact that I in my last speech gave certain figures in this respect the honourable mover of the adjournment motion harped on the same argument, and tried to impress upon the mind of the honourable members of the House that most of the residents of the village were in favour of holding the meeting. I again submit for his benefit that a large part of the population owning landed property to the extent of 8,550 acres was strongly opposed to holding such a meeting on the village common, and only a small number of villagers who are proprietors of no more than 300 *bighas* of land were in favour of it. My honourable friend opposite has laid much stress on this point that the local organisers of the meeting were the *panches* of the village. But I am sorry to say that he lost sight of the fact that a true *panch* never even contemplates displeasing the major portion of the population of the village. It is only the *kharpanches*

(Premier.)

who deliberately commit such follies. The proposition is quite simple and plain. We can easily judge the extent of their justification for insisting upon holding such a meeting without the consent of other villagers. Supposing there are 5 brothers putting up in the same house and, say, one of them wants to hold there a dancing performance in complete disregard of the wishes of his brothers. May I ask, under which cannon of morality would my honourable friends oppose hold him justified if he stubbornly persists in doing so? I fail to understand the mentality of those so-called Congressites who accuse the Government of strangling the civil liberties of the people. Why do they not take note of their own actions? Are they justified in bringing pressure to bear upon 99 per cent of the population of any village for the sake of only one per cent residents? They are welcome to such ideas if they think that civil liberties mean usurpation of rights of an overwhelming majority simply to carry out the wishes of an insignificant minority, but they cannot force me to hold similar views in the matter.

Mr. Deputy Speaker : Question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 29 ; Noes 58.

AYES

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj, Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.

Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Mukand Lal Puri, Rai Bahadur
Mr.
Mula Singh, Sardar.
Partab 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.
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Mian.
Chhotu Ram, The Honourable
Chaudhri Sir.

Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
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 Samad, Khawaja.
 Gopal Singh (American), Sardar.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Kishan Das, Seth.
 Lal Singh, Sardar.
 Manohar Lal, The Honourable Mr. Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur, Sardar.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.

Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, 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.
 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.

Sardar Partap Singh : On a point of order. I have an exact copy of the division list in my hand, but it shows that 31 voted for the motion while you have announced only 29.

Mr. Deputy Speaker : The names of the two voters who were directed to leave the House have been excluded from the list.

Diwan Chaman Lall : May I draw your attention to the fact that they are entitled to vote, though they are not entitled to participate in the proceedings of this House in this Chamber out of which they were asked to withdraw. They have withdrawn out of this Chamber but they have all the rights of a member except that they cannot participate in a debate in this House. They have all the other rights and since they possess all the other rights, they are entitled to vote.

Mr. Deputy Speaker : I will consider that point carefully later and will give a final ruling to-morrow.

Diwan Chaman Lall : The division, therefore, is not declared as such.

Mr. Deputy Speaker : It is only a matter of correcting the figures and so far as the result is concerned, it is not affected thereby.

The Assembly then adjourned till 12-30 p.m. on Tuesday, 17th January, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 17th January, 1939.

The Assembly met in the Assembly Chamber at 12-30 p. m. of the clock. The Secretary informed the House of the unavoidable absence of the Speaker due to illness. Thereupon Mr. Deputy Speaker took the Chair.

STARRED QUESTIONS AND ANSWERS.

CASES DECIDED BY MAGISTRATES AT LUDHIANA.

*3746. **Chaudhri Muhammad Hassan** : Will the Honourable Minister for Finance be pleased to state—

- the number of criminal cases decided by each magistrate in the Ludhiana district in the months of July, August, September and October ;
- the number of such cases decided by each of them while in camp ;
- the amount of travelling allowance drawn by each such magistrate in the months of July, August, September and October, 1938 ?

The Honourable Mr. Manohar Lal : (a), (b) and (c) Two statements containing the required information are laid on the table.

Statement I.

Number of criminal cases decided by each of the Ilaga Magistrates in the Ludhiana District during the months of July, August, September and October, 1938, and the number of such cases decided in camp. The figures of cases decided in camp are given in brackets.

| Name of Officer. | July. | August. | September. | October. |
|--|----------|----------|------------|-----------|
| 1 | 2 | 3 | 4 | 5 |
| Sardar Baghbir Singh | 143 (18) | 85 (16) | 137 (14) | 82 (16) |
| Lala Kanwal Nain | 27 (14) | 71 (31) | 107 (9) | 202 (Nil) |
| Kanwar Shiv Singh (from 1st July, 1938 to 6th August, 1938). | 52 (11) | 5 (Nil) | Nil. | Nil. |
| Lala Sardari Lal (from 7th August, 1938 to 31st October, 1938). | Nil. | 30 (4) | 47 (16) | 35 (2) |
| Lala Parshotam Lal Ohri (from 12th October, 1938 to 31st October, 1938). | Nil. | Nil. | Nil. | 11 (Nil) |
| Raja Muhammad Akram Khan (from 1st July, 1938 to 30th September, 1938). | 67 (Nil) | 54 (Nil) | 14 (Nil) | Nil. |

[Minister for Finance.]

Statement II.

Travelling allowance drawn by each of the Ilaga Magistrates in the Ludhiana district in the months July to October, 1938.

| Name of Officer. | July. | August. | September. | October. |
|-----------------------------|-----------|-----------------------------------|--------------------------|-----------|
| 1 | 2 | 3 | 4 | 5 |
| | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| Sardar Raghbir Singh | 131 9 0 | 98 9 0 | 110 3 0 | 110 11 0 |
| Lala Kanwal Nain | 42 0 0 | 36 0 0 | 29 6 0 | Nil. |
| Kanwar Shiv Singh | 56 14 0 | (Transferred to Dera Ghazi Khan). | | |
| Lala Sardari Lal | Nil. | *189 14 0 | 49 15 0 | 67 12 0 |
| Raja Muhammad Akram Khan .. | 135 13 0 | 39 15 0 | (Transferred to Jhelum). | |
| Lala Parshotam Lal Ohri .. | Nil. | Nil. | Nil. | †32 10 0 |

RELIEVING TAHSILDARS IN LUDHIANA DISTRICT OF CRIMINAL WORK.

***3747. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- the number of mutation cases decided by each of the tahsildars and naib-tahsildars of each tahsil in Ludhiana district during the last three months ;
- the number of criminal cases pending in the court of each of them during the last three months ;
- whether it is a fact that on account of criminal work the revenue officers in the Ludhiana district are handicapped in their revenue work ; if so, the action taken or proposed to be taken to relieve them of criminal work ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Statements are laid on the table.

(c) Very little criminal work is allotted to the Revenue Officers of the Ludhiana district and they are not handicapped in their revenue work on this account.

Chaudhri Muhammad Hassan : I want the number of cases decided by the Revenue Assistant in camp. He says the work is very small, therefore it may be possible for the Government to keep a record of them.

Parliamentary Secretary : I do not see the word ' camp ' mentioned in the question.

*This includes a sum of Rs. 169-14-0 drawn in connection with a journey on transfer.

†This includes a sum of Rs. 16-3-0 drawn in connection with a journey on transfer.

Statement showing the number of mutation cases decided by tahsildar and naib-tahsildar of each tahsil in Ludhiana district during the months of August, September and October.

| Serial No. | Name of tahsil Revenue Officer. | NUMBER OF MUTATIONS AT-TESTED DURING THE LAST THREE MONTHS. | | | Total. |
|------------|---|---|------------|----------|--------|
| | | August. | September. | October. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | M. Mahmud Hassan, Tahsildar, Samrala. | 154 | 416 | 80 | 650 |
| 2 | Khan Fazal Ali Khan, Tahsildar, Ludhiana. | 320 | 320 | 155 | 795 |
| 3 | Sardar Uttam Singh, Tahsildar, Jagraon tahsil. | 151 | 426 | 166 | 743 |
| 4 | Shaikh Abdul Aziz, Naib-Tahsildar, Samrala. | 251 | 182 | 121 | 554 |
| 5 | Rana Mahmud Khan, Naib-Tahsildar, Ludhiana. | 356 | 420 | 26 | 802 |
| 6 | Pandit Ram Saran Kalia, Naib-Tahsildar, Ludhiana. | 525 | 100 | 30 | 655 |
| 7 | M. Karam Ilahi, Naib-Tahsildar, Jagraon. | 485 | 334 | 422 | 1,241 |

Statement showing the number of criminal cases pending in the courts of Tahsildars and Naib-Tahsildars of each tahsil in the Ludhiana district during the months of August, September and October.

| Serial No. | Name of Officer. | August. | September. | October. |
|------------|---|---------|------------|----------|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Khan Fazal Ali Khan, Tahsildar, Ludhiana. | 7 | 4 | 11 |
| 2 | Sardar Uttam Singh, Tahsildar, Jagraon | 9 | 2 | 17 |
| 3 | M. Mahmud Hassan, Tahsildar, Samrala | 7 | 8 | 11 |
| 4 | Pandit Ram Saran Kalia, Naib-Tahsildar, Ludhiana. | 4 | 7 | 9 |
| 5 | Rana Mahmud Khan, Naib-Tahsildar, Ludhiana. | 14 | 10 | 11 |
| 6 | Shaikh Abdul Aziz, Naib-Tahsildar, Samrala. | 6 | 6 | 4 |
| 7 | S. Karam Ilahi, Naib-Tahsildar, Jagraon, (1st August 1938 to 6th October 1938.) | 6 | 5 | .. |
| 8 | S. Atma Singh, Naib-Tahsildar, Jagraon, (from 7th October, 1938 to 31st October, 1938.) | .. | .. | 3 |

PERSONS BELONGING TO LUDHIANA DISTRICT APPOINTED AS EXTRA ASSISTANT COMMISSIONERS, TAHSILDARS AND NAIB-TAHSILDARS.

*3748. **Chaudhri Muhammad Hassan** : Will the Honourable Premier be pleased to state—

(a) the number and names, educational qualifications, parentage and addresses of all those who were enlisted as Extra Assistant Commissioners, Tahsildars and Naib-Tahsildars from the Ludhiana district in the year 1937-38 ;

[Ch. Muhammad Hassan.]

(b) whether any of them were recommended by the Deputy Commissioner ;

(c) names of such of them whose rolls were called directly by the Punjab Government with the reasons and the family services of those whose rolls were called directly by the Punjab Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a), (b) and (c) A statement giving the required information is laid on the table.

Chaudhri Muhammad Hassan : Is it a fact that some of the candidates were called direct by the Punjab Government and not recommended by the Deputy Commissioner ?

Parliamentary Secretary : It has already been stated in the answer that the roll of none of them was called direct by the Punjab Government.

Chaudhri Muhammad Hassan : Is it a fact that the names of some of the members of the Unionist Party were called direct by the Punjab Government ?

Premier : The answer to the first supplementary question is quite clear.

Statement showing the number and names, educational qualifications, parentage and addresses, etc., of Extra Assistant Commissioners, Tahsildars and Naib-Tahsildars enlisted from the Ludhiana district in the year 1937-38.

| Serial No. | Name. | Educational qualifications. | Parentage. | Address. | By whom recommended. | REMARKS. | |
|-------------------------------|---------------------------------|-----------------------------|--|---|---|--|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| EXTRA ASSISTANT COMMISSIONER. | | | | | | | |
| 1 | S. K. Partap Singh. | B. Sc. (Honours), LL.B. | Younger brother of Mr. S. Partap, I.C.S. | Village Narangwal, District Ludhiana. | Deputy Commissioner, Hoshiarpur and Ferozepore. | The roll of none of these officers was called directly by the Punjab Government. | |
| 1 | Sardar Amarjit Singh. | M. A. | TAHSILDAR. Risaldar Kehr Singh. | Village and Post Office Narangwal, District Ludhiana. | Deputy Commissioner, Ludhiana. | | |
| NAIB-TAHSILDARS. | | | | | | | |
| 1 | Sardar Rajeshwar Singh | B.A., LL. B. | Sardar Gurdit Singh. | Ramgarh Sardaran, District Ludhiana. | Deputy Commissioner, Ludhiana. | | |
| 2 | M. Muhammad Bismillah, Kanungo. | Matriculation | M. Din Muhammad, Retired Office Kanungo. | Ludhiana City. | Settlement Officer, Jhelum. | | |

PROPOSAL REGARDING POSTING OF A PUNITIVE POLICE POST AT MAUZA KHARIR, DISTRICT HOSHIARPUR.

***3783. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that it is intended to post punitive police in Mauza Kharir, Thana Mahalpur, district Hoshiarpur ;
- (b) if the answer to (a) above be in the affirmative, what are the reasons for it ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No such proposal has so far been received by Government.

(b) Does not arise.

WAZIRIS' RAID ON VEHOA, DISTRICT DERA GHAZI KHAN.

***3808. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

- (a) if it is a fact that a 'phone was received on 25th September, 1938, by police station, Vehoa, district Dera Ghazi Khan, from police station, Chaudwan, district Dera Ghazi Khan, stating that a large number of Waziris were seen at a distance of one mile in the south of Chaudwan and that they intended to loot Vehoa ;
- (b) if the answer to (a) above be in the affirmative, whether any intimation of the above 'phone message was sent to the Deputy Commissioner, Dera Ghazi Khan, by the police of Vehoa ;
- (c) if it is a fact that on the evening of 25th September, 1938, it was made known to the public of Vehoa by the authorities that there was no apprehension of any raid ?

The Honourable Major Sir Sikander Hyat-Khan : (a) A telephonic message was received at Vehoa from the Chaudwan police station on the 25th September, stating that tracks of a gang had been seen a mile from Chaudwan leading south-west.

(b) The message was repeated to the Deputy Commissioner by the Vehoa police.

(c) No.

MONOPOLIES FOR PLYING MOTOR VEHICLES.

***3815. Sardar Hari Singh :** With reference to his answer to question No. *2868¹, put on 28th June, 1938, will the Honourable Minister of Public Works be pleased to state—

- (a) whether any restrictions still exist on the traffic on the two roads in the Hoshiarpur district ;
- (b) whether the Government intends to remove those restrictions in the near future ; if not, why not ?

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

(b) No. The two roads are hill roads, notified as such, and it is not possible to allow unrestricted motor traffic on them.

Sardar Hari Singh : May I know the nature of the restrictions that still exist ?

Minister : If the honourable member will give me notice I will find out.

SELLING OF ADULTERATED GHEE IN PUNJAB.

*3818. **Chaudhri Kartar Singh :** Will the Honourable Minister of Education be pleased to state—

(a) whether Government is aware of the fact that adulterated ghee is sold on a very large scale in the Punjab ;

(b) whether it is intended to fix the colour of the vegetable ghee ?

The Honourable Mian Abdul Haye : (a) Government have received complaints.

(b) The matter is under consideration.

Chaudhri Kartar Singh : Will the Honourable Minister please state whether he has consulted the technical experts of the province as well as of the Government of India in this matter ?

Minister : Of course, I have consulted experts.

Chaudhri Kartar Singh : Since when is this matter under consideration of Government ?

Minister : It has been under Government's consideration now at least for six months. The question before us is this whether we can remedy the evil by the colourization of vegetable ghee. There are other things besides vegetable ghee, for instance, there are certain oils and other articles which can be adulterated with ghee. Is it possible to order the colourization of all such products ? An honourable member, Chaudhri Sumer Singh, has given notice of a Bill to provide for the colourization of the vegetable ghee. If the Government comes to this conclusion that the Bill should be supported in order to meet the question raised by the honourable member, it will lend its support to the Bill.

Chaudhri Kartar Singh : Is the Government aware of the proposals which have been so far made in various quarters in the Punjab on the subject of adulteration of ghee ?

Minister : A proposal has been made that the adulteration of ghee can be stopped by ordering that vegetable ghee be coloured. But equally cogent reasons have been advanced to show that this is not the most effective remedy of the evil. The Government, however, will decide upon the final course to be adopted in this matter after a good deal of deliberation. I may assure the honourable member that we will soon come to a final decision in this matter.

Sardar Sohan Singh Josh : Is it true that an interested party has approached the Government to influence its decision ?

Minister : There is no question of an interested party influencing Government's decision. Every person has a right to represent his case to Government and it is Government's duty to give consideration to his representation. (*Hear, hear.*)

Sardar Sohan Singh Josh : How many such representations have been received so far ?

Minister : About half a dozen. (*Laughter.*)

Sardar Sohan Singh Josh : Is he prepared to issue instructions that before any ghee is allowed to enter the precincts of the Lahore Municipality, it is examined by its Health Officer ?

Minister : It is contemplated to remove the deficiencies of the Pure Food Act with a view to enabling the local bodies to enforce its provisions more effectively and stringently.

RELEASE OF MR. DHANWANTRI OF LAHORE CONSPIRACY CASE No. 2
AND MR. KISHORI LAL.

***3819. Chaudhri Kartar Singh :** Will the Honourable Minister for Finance be pleased to state whether Government intends to release Mr. Dhanwantri of the Lahore Conspiracy Case No. 2 and Mr. Kishori Lal of the Conspiracy case in which Bhagat Singh was involved ; if so, when ?

The Honourable Mr. Manohar Lal : As regards Dhanwantri the attention of the honourable member is invited to the reply given to question No. *2971¹ put in the last Simla session. Government has not considered the question of release of Kishori Lal as yet.

Chaudhri Kartar Singh : Will the Honourable Minister please state in which class Mr. Kishori Lal has been detained ?

Minister : I could not say. That is not related to this question.

REPRESENTATION REGARDING MISBEHAVIOUR OF ZAILDAR BAICH IN
DISTRICT HOSHIARPUR.

***3834. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that Tara Singh, Secretary, Congress Committee, Litran, thana Tanda, district Hoshiarpur, has submitted a representation to the Deputy Commissioner, Hoshiarpur, under registered cover, regarding the alleged misbehaviour of Zaildar Baich in connexion with a political conference to be held at Litran ;
- (b) if answer to (a) above be in the affirmative, contents of the representation ;
- (c) whether an inquiry has been held ; if so, by whom and with what result ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) None can be traced.

(b) and (c) Do not arise

BHAI LACHHMAN SINGH OF VILLAGE DHAROA.

*3846. **Sardar Sohan Singh Josh** : Will the Honourable Premier be pleased to state—

(a) whether Bhai Lachhman Singh of village Dharoa Kalan, thana Gharenda, district Amritsar, applied to him, on 17th October, 1938, that his name was entered in register X long ago for his interest in politics and that it may now be removed from the said register ;

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

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The application in question has not been traced.

(b) Does not arise.

Sardar Sohan Singh Josh : Is the Government aware how many times this gentleman applied to the Superintendent of Police during the last four years to know the charges against him ?

Parliamentary Secretary : I have no information on this point.

Sardar Sohan Singh Josh : Is the Government aware that his name was entered in register X for his interest in politics ?

Parliamentary Secretary : I have no information on this point either, but I can assure the honourable member that taking an interest in politics cannot be the reason for entry in register X.

Sardar Sohan Singh Josh : Is it a fact that he addressed the Honourable Premier on this point ?

Parliamentary Secretary : I have said that the application has not been traced.

Sardar Sohan Singh Josh : May I know if a record is kept of all the letters which are received by the Honourable Premier ?

Parliamentary Secretary : As I said in reply to a question yesterday, no record is kept.

Sardar Sohan Singh Josh : May I know what is the remedy open to a respectable person if his name is entered in register X ?

Parliamentary Secretary : To satisfy the local authorities by his conduct that he is not deserving of entry in register X.

BAN ON TEACHERS IN SCHOOLS IN HOSHIARPUR DISTRICT AGAINST THEIR BECOMING MEMBERS OF BOARD TEACHERS' UNION.

*3849. **Sardar Hari Singh** : Will the Honourable Minister of Education be pleased to state in reference to the answer to question No. *2921¹ :

(a) whether the circular issued by the District Inspector of Schools, Hoshiarpur, banning teachers from joining the Board Teachers' Union has since been cancelled or withdrawn ;

(b) if the answer to (a) above be in the affirmative, the date on which it was withdrawn ;

(c) if answer to (a) be in the negative, reasons for the same ?

The Honourable Mian Abdul Haye : (a) Yes, the circular has been withdrawn.

(b) From the 26th October, 1938.

(c) Does not arise.

BURNING OF *KHALWARAS*.

***3859. Sardar Sohan Singh Josh :** Will the Honourable Minister for Revenue be pleased to state—

(a) the number of *khalwaras* (unthrashed corn stocks) if any burnt during the last year in (i) the Amritsar district, (ii) the Punjab, and the relief given to peasants in connection therewith ;

(b) whether any inquiry was made to ascertain the causes leading to the burning of these *khalwaras* ; if so, what was the result of that inquiry and whether any action has been taken or is intended to be taken on the result of that inquiry ?

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

| Name of district. | Number of <i>Khalwaras</i> burnt during 1937. | Action taken by Government, and cause of burning. |
|-------------------|---|---|
| 1 | 2 | 3 |
| Hoshiarpur .. | 15 | No relief was claimed. Enquiries were asked for in two cases only which were found to be accidental. |
| Ludhiana .. | 2 | The land revenue demand was remitted. These <i>khalwaras</i> were struck by lightning and consequently burnt. |
| Lahore .. | 17 | Six cases were challaned, 4 convicted, 1 discharged. Rs. 500 were awarded as compensation. Out of the remaining 11 cases 9 remained untraced and 2 were cancelled. Proper legal action was taken against the offenders. |
| Amritsar .. | 82 | No relief was given to the peasants. Proper legal action was taken against the offenders. |
| Sialkot .. | 19 | No relief was given to the peasants. Proper legal action was taken against the offenders. |
| Gujranwala .. | 3 | No relief was given to the peasants and none was considered necessary. |
| Sheikhupura .. | 8 | A sum of Rs. 200 was advanced as taccavi loan in one case. Proper legal action was taken against the offenders. |
| Gujrat .. | 3 | No relief was given to peasants. |

(Minister for Revenue.)

| Name of district. | Number of <i>Khalwaras</i> burnt during 1937. | Action taken by Government, and cause of burning. |
|-------------------|---|---|
| 1 | 2 | 3 |
| Shahpur .. | 2 | No relief was given. Reports were lodged with the police but the parties eventually compromised. |
| Rawalpindi .. | 4 | No relief was given. One accused was convicted but was acquitted on appeal. |
| Mianwali .. | 3 | No relief was given. Enquiries were made by the Police. The accused were acquitted for want of sufficient evidence. |
| Montgomery .. | 4 | Remissions of land revenue were sanctioned in two cases, while the other two cases are under consideration. The <i>khalwaras</i> were burnt accidentally. |
| Lyallpur .. | 2 | No relief was given. Enquiries were made in both cases and legal action taken against the offenders. |
| Multan .. | 1 | The land revenue assessed on the crops was remitted. The fire was accidental. |
| Muzaffargarh .. | 2 | Proper legal action was taken against the offenders. |

LATHI CHARGE MADE BY THE POLICE AT MULTAN.

***3905. Munshi Hari Lal :** Will the Honourable Premier be pleased to state whether any *lathi* charge was made by the police at Multan on 15th November, 1938, on the crowd gathered for taking out a procession in the town on that day; if so, the reasons for the same, and the circumstances necessitating this *lathi* charge?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
First part.—Yes.

Second part.—In view of the communal rioting which took place at Multan on 19th October, 1938, an order under section 144, Criminal Procedure Code, prohibiting all processions except with the previous permission in writing of the District Magistrate had been in force at Multan since the 4th November. The district authorities decided not to permit the Shias to take the funeral procession of Hazrat Ali on 15th November, 1938, through a bazaar containing a mixed population of Hindus and Muslims, as such a procession was clearly likely to occasion a breach of the peace. This decision caused resentment among the Shias who took out the procession along the prohibited route in defiance of the order. The police were, therefore, forced to make two *lathi* charges.

PERSONS ARRESTED FOR PICKETING AT HINDI BHAWAN PRESS, LAHORE.

***3911. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the total number of picketers arrested for picketing at Hindi Bhawan Press, Lahore, in October and November, 1938 ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Nil in October ; 60 in November, 1938.

Sardar Sohan Singh Josh : May I know under what section did the Government make these arrests ?

Parliamentary Secretary : I want notice of that question.

Sardar Sohan Singh Josh : Is it a fact that section 107 was applied while it was not applicable.

Premier : How does the honourable member know whether section 107 was applied or not ?

DEATHS OF CATTLE IN GOVERNMENT CATTLE FARM, HISSAR.

***3959. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of deaths of cattle in the Government Cattle Farm, Hissar, from 1st March, 1938 to 1st December, 1938 ;
- (b) the number of cows and calves sold during 1st March to 1st December, 1938, by Government Cattle Farm, Hissar, authorities ;
- (c) the number of cattle in Hissar Government Cattle Farm on 1st March, 1938, and on 1st December, 1938, respectively ;
- (d) the quantity of fodder used for them during these ten months giving separately the quantity of fodder available at their own farm and of fodder purchased from the bazaar with the rates at which it was purchased ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 395.

(b) 999.

(c) On 1st March, 1938 7,484
On 30th November, 1938 7,465

(d) Quantity of fodder used during the said period of nine (not ten) months—

| | <i>Maunds.</i> |
|---|----------------|
| Farm produce (dry, green and ensilage) .. | 522,760 |
| Purchased | 33,776* |
| Total | 556,636 |

**Rates.*

| | Rs. | A. | P. | |
|---------------|-----|----|----|------------------------------------|
| Green Juar .. | 0 | 4 | 0 | a maund at Hissar. |
| Kurby Juar .. | 0 | 14 | 8 | a maund at Hissar. |
| Hay baled .. | 0 | 12 | 0 | a maund at Karari Railway Station. |
| Bhoosa† .. | 1 | 0 | 8½ | a maund at Hissar. |

†The majority of this was baled bhoosa to facilitate economic transport over long distances on the Farm.

SPINNING CENTRES IN HISSAR DISTRICT.

***3960. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state the number of spinning centres recently opened in Hissar district as a measure of relief, the name of places where these were opened with the date or dates when these centres were opened, the quantity of cotton used up to date at each centre since it was opened, the wages distributed among the labourers and the loss sustained by Government so far for the grant of this relief?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is laid on the table. The exact loss sustained by Government cannot be determined at present.

Statement.

| Serial No. | Place where centres have been opened in the district. | Name of Tahsil. | Date of opening the centre. | Quantity of cotton used (in maunds.) | Wages distributed. | REMARKS. |
|------------|---|-----------------|-----------------------------|--------------------------------------|--------------------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | Mds. s. c. | Rs. a. p. | |
| 1 | Chaudhriwas .. | Hissar .. | 0-5-38 .. | 248 31 8 | 3,595 5 0 | |
| 2 | Barwala .. | Do. .. | 0-5-38 .. | 119 17 10 | 1,604 6 0 | |
| 3 | Burak .. | Do. .. | 0-5-38 .. | 63 1 0 | 1,048 0 0 | |
| 4 | Kurri .. | Do. .. | 0-5-38 .. | 120 4 9 | 1,864 2 3 | |
| 5 | Siwala .. | Do. .. | 7-9-38 .. | 40 6 12 | 914 0 0 | |
| 6 | Mangali .. | Do. .. | 7-9-38 .. | 75 6 10 | 1,805 1 6 | |
| 7 | Khara Barwala .. | Do. .. | 7-9-38 .. | 60 6 4 | 1,483 4 6 | |
| 8 | Charaud .. | Do. .. | 5-12-38 .. | 10 0 0 | 195 0 0 | |
| 9 | Dhobi .. | Do. .. | 5-12-38 .. | 10 0 0 | 195 0 0 | |
| 10 | Asrawan .. | Do. .. | 5-12-38 .. | 20 0 0 | 397 12 0 | |
| 11 | Jamalpur Sheikhan | Do. .. | 5-12-38 .. | .. | 500 0 0 | |
| 12 | Bas .. | Hansi .. | 7-9-38 .. | 75 0 0 | 633 11 6 | |
| 13 | Ghirai .. | Do. .. | 7-9-38 .. | 137 38 0 | 1,421 2 0 | |
| 14 | Ratera .. | Do. .. | 7-9-38 .. | 155 0 0 | 1,254 6 6 | |
| 15 | Mandhal .. | Do. .. | 7-9-38 .. | 144 27 7½ | 1,167 6 3 | |
| 16 | Kapra .. | Do. .. | 7-9-38 .. | 134 14 8 | 1,531 8 6 | |
| 17 | Baliati .. | Do. .. | .. | 45 20 0 | 215 11 6 | |
| 18 | Jamalpur .. | Do. .. | 5-12-38 .. | 32 20 0 | 43 0 0 | |
| 19 | Dhanana .. | Do. .. | 5-12-38 .. | 32 20 0 | 12 12 3 | |

| Serial No. | Place where centres have been opened in the district. | Name of Tahsil. | Date of opening the centre. | Quantity of cotton used (in maunds). | Wages distributed. | REMARKS. |
|------------|---|-----------------|-----------------------------|--------------------------------------|--------------------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | Mds. s. o. | Rs. A. P. | |
| 20 | Gurana .. | Hansi .. | 5-12-38 .. | 32 20 0 | 35 4 6 | |
| 21 | Khot Kalan .. | Do. .. | 21-12-38 .. | .. | .. | |
| 22 | Jhumpa .. | Bhiwani .. | 0-5-38 .. | 44 15 8 | 264 13 6 | |
| 23 | Kairu .. | Do. .. | 0-5-38 .. | 24 16 6 | 254 8 9 | |
| 24 | Tigrana .. | Do. .. | 7-9-38 .. | 49 18 0 | 372 8 9 | |
| 25 | Tosham .. | Do. .. | 7-9-38 .. | 70 14 0 | 579 1 3 | |
| 26 | Patwan .. | Do. .. | 7-9-38 .. | 49 26 8 | 432 3 3 | |
| 27 | Siwani .. | Do. .. | 5-12-38 .. | 20 5 2 | 15 11 0 | |
| 28 | Bapora .. | Do. .. | 5-12-38 .. | 20 0 8 | 47 3 0 | |
| 29 | Chang .. | Do. .. | 5-12-38 .. | 19 35 8 | 10 11 0 | |
| 30 | Bahuna .. | Fatehabad | 7-9-38 .. | 57 7 7 | 636 12 3 | |
| 31 | Ahrwan .. | Do. .. | 7-9-38 .. | 63 38 4 | 686 6 6 | |
| 32 | Bhattu Kalan .. | Do. .. | 7-9-38 .. | 34 16 4 | 333 6 3 | |
| 33 | Alika .. | Do. .. | 5-12-38 .. | 9 0 0 | 59 11 3 | |
| 34 | Bhirona .. | Do. .. | 5-12-38 .. | 12 34 12 | 14 11 6 | |
| 35 | Mirpur .. | Do. .. | 5-12-38 .. | 15 0 0 | 50 1 3 | |
| 36 | Dhangar .. | Do. .. | 5-12-38 .. | .. | .. | |
| 37 | Kurangawali .. | Sirsa .. | 7-9-38 .. | } 6 20 0 | } 63 14 3 | |
| 38 | Kalanwali .. | Do. .. | 5-12-38 .. | | | |
| 39 | Alika (near Rori) .. | Do. .. | 21-12-38 .. | | | |
| 40 | Rania .. | Do. .. | 21-12-38 .. | | | |

PROFESSIONAL TAX ON THE LABOURERS WORKING IN SUTLEJ COTTON MILLS, LIMITED, OKARA.

*3970. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state whether the labourers working in Sutlej Cotton Mills, Limited, Okara, have recently been assessed to any professional or haisiyat tax recently which has caused them great hardship ; if so, what does the Government propose to do to help the poor labourers ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : I have no information. There is no *haisiyat* or profession tax within the Okara Municipality. The District Board of Montgomery impose a profession tax at different rates but persons whose income is less than Rs. 25 per mensem are exempt. If any of the men to whom the honourable member refers have been assessed to this tax and feel themselves aggrieved they have under the rules an appeal to the Commissioner, and the honourable member will no doubt now apprise them of that fact.

Dr. Gopi Chand Bhargava : May I enquire whether the Honourable Minister is aware that an appeal was filed and it was rejected ?

Minister : It must have been rejected on merits.

Dr. Gopi Chand Bhargava : Does the Honourable Minister feel that poor labourers have been forced to pay a tax which they possibly cannot.

Minister : I have already said that incomes up to Rs. 25 per mensem are exempt. I do not see any reason, when other agricultural labourers are paying the tax, why they should be exempted.

Diwan Chaman Lall : May I ask my honourable friend whether he has considered the legality of the question, namely, whether a *haisiyat* tax can be levied *qua* the incomes of poor labourers ?

Minister : I presume it is legal ; otherwise it is open for them to go to a court of law and challenge the legality.

Diwan Chaman Lall : May I ask my honourable friend whether it is the policy of the Government that such taxation should be levied from the working classes ?

Minister : The policy of the Government is that there should be one basis for taxation and the local boards have to consider the nature and rates of taxes according to the merits of the case.

Diwan Chaman Lall : May I ask whether there is any *haisiyat* tax which is levied on the salaries of the Ministers of this Government or it is only for the low paid classes ?

Minister : No low-paid labourer pays a professional tax.

Diwan Chaman Lall : I take it that there is no *haisiyat* tax levied from the Honourable Ministers opposite, but it is levied from those honest workers and agricultural labourers who draw an income of more than Rs. 25 a month ?

Minister : There is a super-tax for the Ministers.

INCREASE IN CRIMES.

*3669. **Lala Duni Chand :** Will the Honourable Premier be pleased to state whether it is a fact that there has been an abnormal increase in the crime statistics of the province during the year 1937 ; if so, causes for the same ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The honourable member will find the statistics set out and discussed at length in the *Report on Police Administration in the Punjab for the year 1937* and the Government review thereon.

Lala Duni Chand : Is it true that speaking generally the sense of insecurity prevails in the rural area now ?

Parliamentary Secretary : No. That may be my friend's opinion.

Lala Duni Chand : Has the increasing poverty of the agriculturist anything to do with the increase of crime ?

Premier : I believe that if the question had related to the present year, very likely some of the minor crimes might be due to that.

Lala Duni Chand : Is the Government aware of the fact that with the insecurity prevailing in rural areas some of the people are migrating to the towns ?

Mr. Deputy Speaker : That does not arise out of the question.

Lala Duni Chand : Is it true that the political propaganda carried on from one end of the Punjab to the other has added a new factor to the list of factors already in existence that are responsible for increasing the crime ?

(A voice : It is a question of opinion.)

Parliamentary Secretary : May be the political propaganda on the side of my honourable friend.

Lala Duni Chand : May I understand that the honourable Parliamentary Secretary refuses to answer this question ? If he says that he refuses to answer this question, I would be satisfied.

Mr. Deputy Speaker : It does not arise out of this question.

Lala Duni Chand : Is it true that the policy pursued by the Government lately of class legislation has been another factor that is responsible for the increase in crime ?

Mr. Deputy Speaker : It does not arise.

Lala Duni Chand : Sir, it does arise from the original question which is as follows :—

“ Will the Honourable Premier be pleased to state whether it is a fact that there has been an abnormal increase in the crime statistics of the province during the year 1937 ; if so, causes for the same.”

Mr. Deputy Speaker : The honourable member may put another question.

Lala Duni Chand : I want to know now whether the policy of the Government

Mr. Deputy Speaker : Order, order. That question is ruled out of order. The honourable member may put another question.

Lala Duni Chand : I want to have your ruling on the point. To me the question seems to be perfectly relevant. I have put a question with regard to the causes of the increase in crime and now I want to know whether the policy of class legislation is one of the various causes. It clearly arises out of the question that I have originally put.

Mr. Deputy Speaker : A question should not be in effect a short peech, 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 want to know whether the class legislation is also responsible for the increase in crime. May I know if the crime against money-lenders has very much increased recently ?

Parliamentary Secretary : It does not arise, because the honourable member only wanted the statistics for the year 1937.

Lala Duni Chand : I want to know whether in the year in question more offences have been committed against money-lenders than previously ?

Mian Sultan Mahmood Hotiana : May I enquire when it appears from the police report that the crime in the Punjab is on the increase for the last four or five years, why it is not stopped ? Is the failure due to the police not trying to find out the true causes of the crime or is it due to the police not applying the proper remedies ?

Premier : So far as I am aware and as it appears from the report, the cases of murder have multiplied alarmingly and I do not know the cause why it is so. I shall be highly grateful to the honourable member if he himself can give us any reason for it.

Mian Sultan Mahmood Hotiana : Is the increase in the number of murders due to the leniency of the High Court Judges ?

Premier : We cannot discuss this point here in this House.

Lala Duni Chand : Is it true that speaking generally a sense of insecurity prevails in rural areas ?

RESTRICTIONS ON SANSI MEMBERS OF CRIMINAL TRIBES IN AMBALA DISTRICT.

*3670. **Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state whether it is a fact that Sansi members of criminal tribe in Ambala district are required, regardless of their age or physical disabilities, to obtain a permit before leaving their villages ; if so, reasons for the same and the action the Government intend to take in the matter ?

The Honourable Mr. Manohar Lal : Registered members of the Sansi Criminal Tribe of the Ambala district in respect of whom a notification under section 11 or 12 of the Criminal Tribes Act has been issued, are required under the rules to obtain a leave pass authorising them to leave the area to which their movements are restricted.

Classification lists of members of Criminal Tribes are revised triennially by a First Class Magistrate and due consideration is given to old age and physical disability when considering cases for exemption.

STOPPAGE OF ADVANCE OF LOANS BY THE CENTRAL CO-OPERATIVE BANK, AMBALA, TO THE CO-OPERATIVE SOCIETIES OF THE DISTRICT.

*3671. **Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state whether the Central Co-operative Bank, Ambala City, has virtually stopped to advance any loan to the co-operative societies in Ambala district ; if so, the reasons for the same and the action the Government intend to take in the matter ?

The Honourable Chaudhri Sir Chhotu Ram : *First part.*—No. During the last co-operative year 746 loans of a total value of nearly two lakhs were advanced to 246 societies.

Second part.—Does not arise.

Lala Duni Chand : Has the Honourable Minister for Development made himself sure that no loans are being advanced in the Ambala district to the co-operative societies by the Central Co-operative Bank ?

Minister : Am I to take the unverified and unsifted information of my friend in place of the definite, precise information supplied by the departmental officers ?

Lala Duni Chand : Is he not aware that very many times the correct facts are not given in answer to questions ?

Mr. Deputy Speaker : The next question.

COMPLAINT BY L. SULTAN SINGH, SECRETARY, CITY CONGRESS
COMMITTEE, ROHTAK.

*3679. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether L. Sultan Singh, Secretary, City Congress Committee, Rohtak, lodged a complaint with the police that on 7th October during the procession of the Honourable Premier the mob entered his house, pulled down national flags, badly wounded his brother Ram Rup and also attacked his relative who was lying ill ;

(b) whether any names of the assailants were mentioned in the report ; if so, the names of the assailants ;

(c) whether and what action was taken by the police on this report there and then or what action is proposed to be taken now ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) Yes. It is not in the public interest to give names.

(c) A case under section 147/448, Indian Penal Code, was registered. Investigation failed to corroborate the allegations made in the report.

Pandit Shri Ram Sharma : During the investigation of the case, did the police take the statement of the complainant ?

Parliamentary Secretary : Full investigation was made in this case by the station headquarters officer under the personal supervision of the Superintendent. The report says that all these allegations were found to be due to personal enmity.

Pandit Shri Ram Sharma : My question was quite different. I wanted to ask whether the police took the full statement of L. Sultan Singh.

Parliamentary Secretary : His full statement must have been taken. I cannot say if he concealed any facts. Complete enquiry was made and it was found that the complaint was false and based on personal enmity.

Pandit Shri Ram Sharma : May I ask if L. Sultan Singh's statement was taken ? If so, what was the statement ?

Parliamentary Secretary : I have not that statement with me now. It is not in the public interest to lay the whole information on the table for some of it might reflect on the honourable member putting the question.

Pandit Shri Ram Sharma : Which of the witnesses were produced by the complainant and was he given an opportunity to adduce evidence in support of his allegations?

Parliamentary Secretary : The complainant was given full opportunity to adduce his evidence but the result of the investigation was what I have already stated, that is the complaint was without foundation. If I were to lay all documents on the table of the House, some of them might reflect on the honourable member asking the question.

Diwan Chaman Lall : On a point of order. Very repeatedly the honourable member has insinuated that he holds certain information which my honourable friend would not like to be placed on the table of the House. May I, through you, request him to place all those documents on the table of the House. On behalf of my friend I assert that neither my friend nor any member on this side of the House is wanting to hide anything. The Parliamentary Secretary should not make any insinuation but rather place all the information on the table of the House.

Mr. Deputy Speaker : I would request the Parliamentary Secretary not to be personal.

Pandit Shri Ram Sharma : On a point of order.

Mr. Deputy Speaker : I have already asked the Parliamentary Secretary not to make such remarks.

Diwan Chaman Lall : Do I take it that the honourable member is now going to place those documents on the table of the House? Since he has made this insinuation it is up to him to place the documents on the table or to read them now.

Diwan Chaman Lall : Is he prepared to place the documents on the table or to withdraw those remarks?

Parliamentary Secretary : I have already stated that it is not in the public interest to place these documents on the table, but I would state that our information is that there are certain matters which in the interest not only of the complainant but of a certain member of this House should not be brought to public notice.

Diwan Chaman Lall : I again draw your attention to the fact that the Parliamentary Secretary far from being honourable and straightforward in placing the documents on the table has repeated the insinuation, and I ask you in the interest of the decency of this House that instead of attacking the honourable member in this veiled manner he should place the documents on the table or withdraw the statement that he has made. No interest is damaged on this side of the House if the documents are made public. Is he prepared to place them on the table?

Mr. Deputy Speaker : The honourable the Parliamentary Secretary has once stated that he is not going to place those documents on the table and it is not in my power to have those documents placed on the table, because he thinks that it is not in the public interest to place those documents on the table.

Diwan Chaman Lall : May I draw your attention to the fact that if a particular document is referred to on the floor of this House, it is your right and duty to demand that that document should be placed on the table of the House. Either he should not have referred to the documents and made insinuations arising out of the documents or he should have placed the documents on the table. That is the parliamentary procedure. In this case a serious attack is made against the honourable member and an insinuation made, and it is up to the Parliamentary Secretary either to place the documents on the table or to be manly enough to withdraw the insinuation.

Mr. Deputy Speaker : The Parliamentary Secretary did not refer to any such document. He did not read any portion
1 P.M. of it. He simply said "there may be something against a certain gentleman." That does not mean that there is any actual reference to the document, because no part of that document was either read or referred to by the Parliamentary Secretary.

Diwan Chaman Lall : Will you then ask the Parliamentary Secretary to withdraw the insinuation that he made?

Premier : There was no insinuation. The Parliamentary Secretary only stated what the information was. As he has already said he cannot place the document on the table.

Diwan Chaman Lall : Is it not an insinuation to say that the information was such that my honourable friend would not like the facts to come to the notice of the public? May I ask him in all fairness to consider whether that is a serious insinuation or not, particularly when my honourable friend here wants that information to be broadcast all over the world?

Premier : I do not want to place official reports on the table of the House, for, it is not in the public interest to do so.

Mr. Deputy Speaker : I should like to read to the House a quotation from May's Parliamentary Practice, page 328—

Another rule, or principle of debate, may be here added. A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the house, unless he be prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law, which prevents counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested; and when the objection has been made in time, it has been generally acquiesced in. It has also been admitted that a document which has been cited ought to be laid upon the table of the house, if it can be done without injury to the public interests.

In the first place, the document has not been referred to in the sense in which it ought to be referred, that is, no portion of it was read. The second point is that it has already been stated by the Parliamentary Secretary that it is not in the public interest to lay it on the table.

Dr. Gopi Chand Bhargava : May I enquire whether the Parliamentary Secretary is prepared to place that portion of the statement or report on the table which concerns the honourable member and which has been referred to by the Parliamentary Secretary?

Parliamentary Secretary : I have already stated why I cannot place that document on the table. It is not in the public interest to do so.

[Mir Maqbool Mahmood.]

When we feel that a document should not be placed on the table, we cannot consistently with our public duty place it on the table.

Diwan Chaman Lall : Is it consistent with public duty for the honourable member to make an insinuation against an honourable member ?

Premier : I am sorry that the honourable member has repeated that word *insinuation*. It was not meant to be an insinuation at all. As has been said already, our information was of a certain type. I can assure the honourable member that I will not accept anything even on suspicion against anybody unless it is proved. There is no insinuation involved in the present case.

Diwan Chaman Lall : May I know whether the honourable member was given an opportunity to place his case before the investigating authorities or is it merely an *ex-parte* statement ?

Parliamentary Secretary : I am not aware of the details.

Diwan Chaman Lall : I rise on a point of order. In reference to what you just now read, the matter was thrashed out on the floor of this House when Sir Shahab-ud-Din was occupying the chair. However in regard to the word 'despatch', though the document referred to in the present case may not be construed strictly as a despatch, still for the purposes of what you have quoted from May, it must be treated as a despatch. Now, the rule you have quoted only refers to despatch not before the House, but the Parliamentary Secretary has referred to a particular document and that therefore automatically becomes part and parcel of the despatch before the House.

Mr. Deputy Speaker : The point is whether in this case any passage from that document was read at all. The Parliamentary Secretary did not read any portion from that document. Therefore there is no necessity to place it on the table even apart from the grounds of public interest.

Diwan Chaman Lall : What is the rule with regard to placing documents on the table ?

Mr. Deputy Speaker : It is rule 70.

Pandit Shri Ram Sharma : May I ask whether it is permissible to Government to make serious allegations against a member of this House and then to refuse to substantiate them with the information at their disposal ?

Mr. Deputy Speaker : I have already requested the Parliamentary Secretary not to be personal and he has also explained that he did not mean to be personal.

Parliamentary Secretary : On a point of personal explanation. I did not make any allegations. I only said that certain facts had come to light.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware that the Honourable Premier and Development Minister were in league with the hooligans who entered the house of Lala Sultan Singh and inflicted injuries to his relations ?

Mr. Deputy Speaker : Next question.

REPORT BY L. MORARI LAL, PLEADER, OF ROHTAK.

*3680. **Pandit Shri Ram Sharma** : Will the Honourable Premier be pleased to state—

- (a) whether L. Morari Lal, Pleader, at Rohtak lodged a report with the police that on the 7th October last during the procession of the Honourable Premier the mob entered his house, pulled down the national flag flying there ;
- (b) whether any names of those who did so were mentioned in the report ; if so, the names of the miscreants ;
- (c) whether and what action has been taken in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) Yes. It is not in the public interest to give names.

(c) A case under section 147/448, Indian Penal Code, was registered. Investigation has so far failed to substantiate the allegations made in the report. The case is still under investigation.

Pandit Shri Ram Sharma : May I know whether the public interest lies in the fact that the miscreants whose names the Government has been asked to disclose are zaildars and other henchmen of the Unionist Party ?

Parliamentary Secretary : I have already said that the matter is under investigation.

Chaudhri Kartar Singh : May I know whether it is not permissible to mention the names of persons whose cases are *sub-judice* ?

Mr. Deputy Speaker : The honourable member has no right to enquire into the nature of public interest.

Lala Duni Chand : Does the Government admit this much that Lala Morari Lal did not pull down the flag himself ? (*Laughter.*)

Mr. Deputy Speaker : The honourable member is giving information.

Sayed Amjad Ali Shah : May I ask the honourable Parliamentary Secretary if he would kindly let us know what he understands by 'national flag' ?

Mr. Deputy Speaker : It does not arise out of this question.

Parliamentary Secretary : The information sought in part (a) of the question is whether a certain report had been made by Lala Morari Lal and it was stated that a report was made by him. So far as the national flag is concerned, we in the Punjab have a national flag and since that question is not directly relevant here I did not reply to it.

Dr. Gopi Chand Bhargava : Am I to understand that when you ruled the question out of order, the Honourable Parliamentary Secretary is within his rights to reply to that question ?

Parliamentary Secretary : If you ruled it out of order, I did not hear it. If you ruled it out, I withdraw my answer.

Sayed Amjad Ali Shah : Will the honourable Parliamentary Secretary please state which flag was pulled down ?

Parliamentary Secretary : No flag was pulled down.

Dr. Gopi Chand Bhargava : How does that question arise? The reply has been given about the national flag. How does this question arise?

Premier : He said that no flag was pulled down.

Dr. Gopi Chand Bhargava : I am objecting to the question put.

Pandit Shri Ram Sharma : Only just now the Parliamentary Secretary said that enquiries are in progress and now again he states that no flag is pulled down. How does he reconcile the two statements?

Mr. Deputy Speaker : Order, please. The honourable member is not within his right to criticise the answer. The answer is there, whatever it is worth.

Diwan Chaman Lall : He is not criticising the answer. He is only putting a supplementary question. He is eliciting further information. One information is given that the matter is under investigation and a second information is given that no national flag has been pulled down. My honourable friend is putting down this question, which statement is correct. He is not criticising anything.

Parliamentary Secretary : With regard to the question of pulling down the flag no further investigation is proceeding. With regard to other details investigation is proceeding.

Chaudhri Kartar Singh : May I ask whether these happenings are the result of the class war started by the Government and encouraged by the ministers by their speeches?

Premier : That is not a fact.

Chaudhri Kartar Singh : Does the Honourable Premier remember his utterances at a public meeting held at Hariana when he said that he would be obliged to allow the rural people to mete out to the Congressmen—

Mr. Deputy Speaker : That question does not arise out of this question?

Premier : And the insinuation contained in the question is not correct.

Diwan Chaman Lall : May I ask my honourable friend whether his attention has been drawn to the terms of the question and whether the only investigation that can take place pursuant to this question is the question of the flag, whether the flag was pulled down or not? What other investigation can therefore be taking place apart from this?

Mr. Deputy Speaker : Next question.

Diwan Chaman Lall : May I take it that there is no reply to this question.

Parliamentary Secretary : I invite my honourable friend's attention to the terms of the question which says that a mob entered his house and pulled down the national flag. There are two substantive allegations. I also informed him that I do not want to go into further details. There are certain counter facts which have come to light and which are still under investigation.

Diwan Chaman Lall : May I take it therefore that the only investigation that is being held is whether the mob entered the house or not and without deciding that, my honourable friend has already decided that the flag was not pulled down?

Parliamentary Secretary : I do not want to enter into details, but investigation is also proceeding as to what was the reason for bringing certain false allegations against certain people.

Diwan Chaman Lall : Then why was he in too great a hurry to say that the flag was not pulled down, although he did not have any facts to bear out that question ?

Lala Duni Chand : May I know if the counter-factor mentioned by the Parliamentary Secretary was that Lala Morari Lal attacked the mob ? (Laughter).

PERMANENT SUPPLY OF CANAL WATER FOR LUDHIANA AND JAGRAON
TAHSILS.

*3771. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that some minors, including the Rurpur branch supply water to the land in Ludhiana and Jagraon tahsil only for the kharif crop ; if so, whether it is intended to make these minors to run for the whole year and if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The channels in this area are *kharif* channels which flow up to 15th October and give water for *kharif* and *rabi* first watering.

The area through which they pass has a subsoil water depth of 16' to 20' below ground. Adjacent areas through which the perennial Abohar and Bhatinda Branches pass have high subsoil water level, depth below ground being 6' to 18'. It is not intended to make the *kharif* channels perennial as otherwise water level will rise and in course of time cause waterlogging.

TRANSFER OF NON-AGRICULTURIST DEPUTY COMMISSIONERS FROM
EXECUTIVE TO JUDICIAL BRANCH.

*3774. **Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is the intention of the Government to transfer all the non-agriculturist deputy commissioners from the Executive branch to the Judicial branch and to post them as sessions judges ;

(b) if so, how many such transfers have been effected and under what circumstances ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No.

(b) Does not arise.

Chaudhri Kartar Singh : Is it a fact that Mr. Sachdeva, Deputy Commissioner, was on his return from England posted to Ludhiana as Sessions Judge ?

Parliamentary Secretary : I submit that this question does not arise out of the question on the paper.

Chaudhri Kartar Singh : Is it a fact that a European Sessions Judge has been appointed Deputy Commissioner at Jullundur ?

Mr. Deputy Speaker : It does not arise out of this question.

Chaudhri Kartar Singh: May I ask if it is the policy of the Government to transfer all the non-agriculturists deputy commissioners to the judicial line as sessions judges ?

Mr. Deputy Speaker : It does not arise out of this question.

Chaudhri Kartar Singh : May I know whether it is the policy of the Government to remove Indians from the posts of deputy commissioners and appoint Europeans in their places ?

Premier : From which part of the question does this arise ?

Chaudhri Kartar Singh : It arises out of your policy.

MUNICIPAL EXECUTIVE OFFICERS.

*3784. **Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state in which and how many municipal committees of the province the Government has posted executive officers and what are their names ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : When the Punjab Municipal (Executive Officer) Act, 1931, is extended to a municipal area, the committee are required by resolution to be passed by not less than five eighths of the members to appoint an executive officer within three months. Where a committee fails to make an appointment as above, the appointment is made by Government. Since the 1st April, 1937, Government have appointed executive officers in six municipalities owing to the committees themselves having failed to make the appointments. The names of the municipalities together with the names of the executive officers appointed are :—

| <i>Name of Municipality.</i> | <i>Name of the Executive Officer.</i> |
|------------------------------|---------------------------------------|
| 1. Ambala | .. Pandit Rachpal Singh. |
| 2. Bhiwani | .. Chaudhri Raghu Nath Singh. |
| 3. Jalalpur Jattan | .. Chaudhri Muzaffar Khan. |
| 4. Gujrat | .. Sheikh Muhammad Akram. |
| 5. Gujranwala | .. M. Muhammad Said. |
| 6. Rawalpindi | .. Shaikh Muhammad Yakub. |

Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister please state whether two of the executive officers whose list has been read out by him belong to the Rohtak district ?

Minister : I do not know their home districts. If the honourable member gives notice I will find out.

Chaudhri Kartar Singh : Will the Honourable Minister please state why he has not taken Sikhs as executive officers in place of those Sikh executive officers who have been turned out by him ?

Lala Duni Chand : May I know the main principles that are being observed in appointing executive officers ?

Minister : Interests of local bodies concerned.

Lala Duni Chand: Am I to understand that the Honourable Minister has no principle to follow in regard to this matter ?

Minister : I have stated, efficiency of the person and the interests of the local bodies concerned.

Lala Duni Chand : Is it not true that the Honourable Minister passes orders with regard to each candidate ? Is it not a fact that the responsibility rests with him ?

Minister : It does.

Chaudhri Kartar Singh : Is it a fact that the Honourable Minister has not kept in view the interests of the minority communities ?

Minister : I would refuse to answer that question on the floor of the House, but if he puts an unstarred question, I shall be glad to answer it.

Lala Duni Chand : If the main responsibility rests with the Honourable Minister, as he has been pleased to admit, is he unable to state the main principles observed in the making of these appointments ?

Minister : I have stated the reasons. If the honourable member had followed them, there would have been no need for the supplementary question.

Khan Muhammad Yusuf Khan : May I know whether the Executive Officer, Rawalpindi, is on leave ?

Minister : Yes. It is for the Committee to appoint another officer.

SUBSIDISED DISPENSARIES.

***3787. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of subsidized dispensaries opened throughout the province during the year 1937-38 ;
- (b) the names of all these districts, tahsils or places where the above-mentioned dispensaries have been opened together with the amount of the contributions, if any, made by the residents of that particular place ;
- (c) whether the present Government or the Ludhiana District Board has opened any new dispensaries in the Beit Ilaqa since 1937 ; if not, why not ?

The Honourable Mian Abdul Haye : (a) and (b) No subsidized dispensary was opened in the province during the year 1937-38. Two rural dispensaries in the Gujranwala district were, however, converted into subsidized dispensaries during that year. No contribution is made by the residents of the places concerned towards these dispensaries. Government, however, gives a grant-in-aid of Rs. 1,100 per annum per dispensary.

(c) Neither the District Board, Ludhiana, nor the Provincial Government has opened any new dispensary in the Beit *ilaqa* since 1937. The question of opening one or two rural or subsidized dispensaries in this *ilaqa* is, however, under consideration.

TRAVELLING ALLOWANCE DRAWN BY CIVIL SURGEON, LUDHIANA,
FOR VISITING BEIT ILAQA DISPENSARIES.

***3788. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

- (a) the present number and names of the dispensaries in the Beit Ilaqa, district Ludhiana ;
- (b) the number of visits paid by the Civil Surgeon and the District Medical Officer of Health to the rural dispensaries in the Beit Ilaqa ;
- (c) the travelling allowance drawn by each of the above-mentioned officers during the months of June, July and August, 1938, in this respect ?

The Honourable Mian Abdul Haye : (a) There are four dispensaries, viz., (1) Sidhwan Beit (civil), (2) Machhiwara (civil), (3) Nurpur (rural) and (4) Kum Kalan (rural) in the Beit Ilaqa of the Ludhiana district.

(b) So far this financial year the Civil Surgeon has paid one visit to the rural dispensary at Kum Kalan and has not been able to visit Nurpur, The District Medical Officer of Health has not visited either of these rural dispensaries this year.

(c) Nil.

REPRESENTATION MADE BY HARIJANS OF VILLAGE JASRANA TO
SUPERINTENDENT OF POLICE, ROHTAK, re USE OF WELLS.

***3801. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that the Harijans of village Jasrana represented to the Superintendent of Police, Rohtak, on 1st August, 1938, that they were forbidden from going to public wells and common lands and also assaulted by some of the zamindars headed by the lambardars ; if so, with what result ;
- (b) whether a few weeks later twenty-five Harijan families were forced by the zamindars to leave the village and others are still being oppressed ;
- (c) whether it is a fact that the superintendent of police received a letter from Pandit Shri Ram Sharma, M.L.A., dated 1st November, 1938, requesting him to take necessary action in the matter ; if so, the action taken on it ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) No such representation was made to the Superintendent of Police, Rohtak.

(b) No.

(c) The Superintendent of police received a communication, dated the 1st November, 1938, from Pandit Shri Ram Sharma, and enquiries were made into the allegations it contained. These were not substantiated,

but it transpired that there was a dispute over the payment of a 'Kuri Kamini' charge by Harijans, and proceedings are pending in a revenue court.

Pandit Shri Ram Sharma : Is it a fact that 25 Harijan families have either left or have been turned out of the place ?

Parliamentary Secretary : I have already answered in the negative.

Pandit Shri Ram Sharma : That was in reply to the question whether any representation has been made to the Superintendent of Police ? I want to know whether the fact that 25 families of Harijanas have left the place has been enquired into or not ?

Parliamentary Secretary : I invite the attention of the honourable member to part (b) of the question which reads —

“whether a few weeks later twenty-five Harijan families were forced by the zamindars to leave the village and others are still being oppressed”?

and to that part I have replied 'No'.

Pandit Shri Ram Sharma : Is it a fact that 25 families of Harijans have gone out, whether turned out by zamindars or not ?

Premier : The answer is 'No.'

Dr. Gopi Chand Bhargava : Am I to understand that no Harijan families left that village ?

Parliamentary Secretary : I have stated in my reply that no Harijan family was turned out. I have no information whether any one left the village of his own accord.

Dr. Gopi Chand Bhargava : I beg to invite the attention of the Chair to the question whether a few weeks later 25 Harijan families were forced by zamindars to leave the village and others are still being pressed. The reply to that question is 'No'. I want to know whether any Harijan family has left of their own accord ?

Parliamentary Secretary : If the honourable member gives notice of this question I will collect the information for him.

SHORT NOTICE QUESTIONS AND ANSWERS.

EXCHANGE RATIO.

Lala Deshbandhu Gupta : Will the Honourable Minister of Finance be pleased to state whether (i) Government have so far addressed any letter to the Central Government containing their views on the exchange ratio question ; if so, (ii) what reply has been received from the Central Government, and (iii) whether the Government will be pleased to place the whole correspondence on the table of the House ?

The Honourable Mr. Manchar Lal : Part (i) No.

Parts (ii) and (iii) Do not arise.

Lala Deshbandhu Gupta : May I know from the Honourable Minister whether Government did not consider it important enough to address a communication or convey their views in the matter of such great importance to the Central Government or whether they were so busy that they could not find time ?

Minister : I do not follow this as a supplementary question. The question was simply whether any communication had been made to the Government of India and I said 'No'.

Lala Deshbandhu Gupta : I want to know the reasons for not conveying the views of the province to the Government of India.

Minister : I am not aware of the views of the province.

Lala Deshbandhu Gupta : I want to know the views of the Government on this question.

Minister : If the honourable member is anxious to know the views of the Punjab Government, we had an occasion to address in answer to a letter of the Government of Bombay in this regard and I am prepared to read out that answer. It was this :—

“ The matter had been duly considered and it is regretted that for the reasons given below the Punjab Government had decided not to join in the representation made by the Bombay Government. The reasons were detailed as follows :—

- (1) It is far from certain that the currencies of the world have been so stabilized as to justify the proposed step.
- (2) Taking into consideration all the circumstances of the world market we are not convinced that the effect of devaluation will be to stimulate exports and its effect in raising the prices of agricultural produce is problematical.
- (3) The immediate prejudicial results are certain, viz. :—
 - (a) The consumer will undoubtedly suffer from a rise in the price of imported goods (an increase in the price of imported cloth will be particularly hard on the Punjab).
 - (b) Sterling liabilities will increase. Our estimated expenditure in England during the current year is £423,462. If the ratio is 18d. our liability would amount to Rs. 56,46,040. With 16d. ratio this liability will increase to Rs. 63,51,930, i.e., an increase of Rs. 7,05,890. It will have a much greater effect on the Government of India with consequences prejudicial to provincial advances and will presumably involve an increase in Central taxation.
 - (c) There will be much speculation in exchange and disturbance in the money market with consequent harm to trade and industry.”

Lala Deshbandhu Gupta : Do I take it from the statement read out by the Honourable Minister for Finance that the Punjab Government is in agreement with the Government of India on the ratio question? Do they hold identically the same views? Are they in favour of 18*d.* ratio?

Minister : I have stated the carefully considered position of the Punjab Government in this matter. If the honourable member wishes to re-open this question, I am prepared to do so but it can hardly be done by supplementary questions. This is a most complicated matter—the question of currency policy.

Diwan Chaman Lall : Is my honourable friend aware that this most complicated question regarding ratio has been debated threadbare on the floor of the Central Legislative Assembly?

Minister : I do not know what 'threadbare' means but this question is eternally discussed. There is no end of debate on this question even by people who are competent to speak on the question.

Diwan Chaman Lall : May I ask my honourable friend whether he is aware that 'threadbare' means threadbare?

Minister : Very clever.

Lala Deshbandhu Gupta : May I know whether the Honourable Minister for Development is in agreement with the views of the Punjab Government on this question?

Minister : It is not possible to canvass the views of individual ministers on this issue. I have stated the general position of the Government.

Lala Deshbandhu Gupta : I propose to give notice of an adjournment motion to discuss this question arising out of the answer given by the Honourable Minister for Finance.

Lala Duni Chand : Does the Honourable Minister for Finance, who is a great authority on economics, favour the maintenance of the present ratio or does he favour some modification in that?

Minister : I do not think my personal opinion would be invited, but I am prepared to discuss the matter with my honourable friend if he is prepared to sit down to do so with me.

Dr. Sir Gokul Chand Narang : Will the Honourable Minister for Finance kindly explain how a difference of 2*d.* will raise the liability from 26 lakhs to 33 lakhs? Apparently it should be 26 lakhs or whatever it is into 18/16.

Premier : 56 to 68.

Dr. Sir Gokul Chand Narang : Oh, I am sorry. I misheard it.

Diwan Chaman Lall : Is my honourable friend aware that by bringing the rupee down to 1*s.* 4*d.* it would effectively stop foreign imports into India and thereby give a fillip to Indian industry?

Minister : This will lead us to very abstruse economic discussion and I am not prepared to answer supplementary questions in this strain, for I do not think that they will serve any useful purpose if we enter into that controversy, but if Lala Duni Chand, who expressed a wish, desires after duly considering the preliminaries of the question, to go into this matter with me, I shall be prepared to do so.

Diwan Chaman Lall : May I ask my honourable friend whether he is not aware that this is a matter which does not concern Lala Duni Chand alone but concerns the entire province and the entire nation ? I take it that my honourable friend is willing to discuss it and will, therefore, agree to the adjournment motion regarding this matter.

Lala Deshbandhu Gupta : Will he allot a day to discuss this important matter in this session ?

Lala Duni Chand : Before availing myself of the opportunity kindly offered, I want to know if the views of the Honourable Minister for Finance differ in any way from the views of the other members of the Punjab Government ? (Voices : No.)

Chaudhri Kartar Singh : Will the Honourable Minister for Finance please state what difference it will make in respect of rates of Punjab cotton and wheat if the exchange rate is reduced from 18d. to 16d. ? (Voices : It is already answered.)

Chaudhri Kartar Singh : I ask it because this question has a strong bearing on the poor *kisans* of the Punjab.

BEATING RESULTING IN DEATH OF TWO PRISONERS IN NEW CENTRAL
JAIL, MULTAN.

Munshi Hari Lal : Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that some prisoners were severely beaten in the New Central Jail, Multan, in the last week ending 7th January, 1939 ;
- (b) whether it is a fact that two prisoners succumbed to injuries and died as a result of the beating mentioned in (a) ;
- (c) the reasons for the beating and who beat them and under whose orders was the beating given ;
- (d) whether the Government intend to make inquiries in the matter ?

The Honourable Mr. Manohar Lal : The attention of the honourable member is drawn to a paragraph which appeared in the press on the 13th January—a copy of which is laid on the table. As the matter is under inquiry, Government regret that they cannot at present make a fuller statement but the honourable member may rest assured that Government will give this case the most serious consideration.

Dr. Gopi Chand Bhargava : May I enquire as to what sort of enquiries are being contemplated, departmental or magisterial ?

Minister : Both. The matter is under investigation by magistrates so far as the inquest is concerned and I think further steps are likely to follow but I trust the honourable members would not wish me at this stage to disclose exactly the state at which we are in a matter of this gravity.

Chaudhri Kartar Singh : Will the Honourable Minister please state if the Government is prepared to appoint a committee consisting of the honourable members of this House to report about the Multan Central Jail affairs ?

Minister : I do not think that I can accept that suggestion.

Copy of the paragraph re the death of two prisoners in Multan Jail.

On Friday and Saturday last, some long-term habitual prisoners in the New Central Jail, Multan, combined to refuse to work and it is alleged, used most abusive language towards the jail staff. They had to be removed forcibly to their cells and in the course of the struggle received minor injuries. They were examined by the medical staff, who found nothing more serious than bruises. During the course of the night between Saturday and Sunday, however, two of these prisoners died. The Civil Surgeon and the District Magistrate were at once called upon to hold enquiries, and the Deputy Inspector-General of Prisons also proceeded to Multan for the same purpose. The matter is still *sub judice*. There was some excitement in the jail at the time, but the prisoners are now quiet and orderly.

HUNGER STRIKE IN NEW CENTRAL JAIL, MULTAN.

Munshi Hari Lal : Will the Honourable Minister of Finance be pleased to state whether there was any general hunger strike by a large number of the prisoners in the New Central Jail, Multan in the last week ending the 7th January, 1939, if so, the causes for the hunger strike by so many prisoners and how long the strike lasted ?

The Honourable Mr. Manohar Lal : The attention of the honourable member is drawn to a paragraph¹ which appeared in the press on the 13th January—a copy of which is laid on the table. As the matter is under inquiry, Government regret that they cannot at present make a fuller statement but the honourable member may rest assured that Government will give this case the most serious consideration.

UNSTARRED QUESTIONS AND ANSWERS.

NUMBER OF DACOITIES COMMITTED IN GARHSHANKAR THANA.

648. Chaudhri Kartar Singh : Will the Honourable Premier be pleased to state—

- (a) the number of dacoities committed in Garhshankar thana in the last six months ;
- (b) the names of the villages in which the dacoities were committed ;
- (c) the loss in men and money suffered by the villages in the thana in question ?

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

(b) Bhora and Birampur.

(c) Loss of life—None. Loss of property, Rs. 2,200 at Bhora, Rs. 4,700 at Birampur.

INTERNMENT OF BACHINT SINGH, A BABAR AKALI PRISONER.

649. Chaudhri Kartar Singh : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that one Bachint Singh, a Babar Akali, who has been recently released from the Lahore Central Jail has been interned in his village, for a period of three years ;

¹See answer to the previous question.

[Ch. Kartar Singh.]

(b) if so, the reasons that have led to his internment?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) Bachint Singh has *not* been interned in his village for a period of 3 years. He was prematurely released from jail by Government and it was made a condition of the amnesty granted to him that he should submit himself to police surveillance for three years after release. This was done in the interest of the public safety and peace.

REVENUE COLLECTED FROM POPPY CROP IN HOSHIARPUR DISTRICT
AND PAYMENT OF PANJOTRA.

650. Chaudhri Kartar Singh : Will the Honourable Minister of Finance be pleased to state—

(a) the amount of revenue collected from poppy crop in Hoshiarpur district during the last financial year;

(b) whether any *panjotra* has been paid on this account?

The Honourable Mr. Manohar Lal : (a) A sum of Rs. 90,420 was realised on account of acreage duty from poppy for 1937-38.

(b) No.

ADJOURNMENT MOTION.

BYE-ELECTION IN THE EAST PUNJAB LAND-HOLDERS CONSTITUENCY.

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, active canvassing by Government officials in the recent bye-election to the Punjab Assembly from the East Punjab Land-holders Constituency in favour of the Unionist candidate as evidenced among others by the securing of votes by the tahsildars concerned of Kabul Singh of Mukhlana and Dharam Singh of Bachhauri, district Hoshiarpur in favour of Rao Pohop Singh.

Mr. Deputy Speaker : The honourable member Sardar Hari Singh has asked for leave to move a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, active canvassing by Government officials in the recent bye-election to the Punjab Assembly from the East Punjab Land-holders Constituency in favour of the Unionist candidate as evidenced among others by the securing of votes by the tahsildars concerned of Kabul Singh of Mukhlana and Dharam Singh of Bachhauri, district Hoshiarpur, in favour of Rao Pohop Singh.

Mir Maqbool Mahmood : I beg to object to the admissibility of this motion for various reasons.

Dr. Gopi Chand Bhargava : I rise on a point of order. It has been admitted because you have read the motion to the House. The point of order regarding the admissibility is not relevant now.

Mr. Deputy Speaker : The honourable member is perfectly at liberty to question the admissibility of the motion.

Mir Maqbool Mahmood : Far be it from us to suggest that we do not wish to take action if the procedure alleged has been adopted. I submit that if there is any allegation against any officer of interfering with the freedom of elections, then the remedy should be sought through the ordinary legal course and not through an adjournment motion. Secondly, there should be a substantive motion at the proper time. Thirdly, if there is any allegation of any undue influence being exercised I submit that an adjournment motion is not the proper remedy.

Raja Ghazanfar Ali Khan : I may bring to your kind notice that under the rules a candidate or a voter is entitled to seek remedy by filing a petition and as the period for filing a petition is not over, I think by discussing this question on the floor of the House we may prejudice the case which may come up for decision. The other ground for objecting is that it is too vague. The matter should be definite. If you will read the adjournment motion you will find that it makes allegations against all the officials in the constituency which extends over so many districts. Therefore both on the ground of its being indefinite and on the ground that this matter may be brought before a court of law, I object to the leave being granted.

Diwan Chaman Lall : In reply to the two Parliamentary Secretaries who have raised objections, which I have not been able to follow, to the adjournment motion notice of which has been given by my honourable friend, may I say that my honourable friends are clearly out of court? If as I understood, as I have already said I did not understand it, the objection was merely that a particular court may later take cognizance of the matter which has arisen, I submit that you are strictly bound by the rules of procedure governing an adjournment motion. You will find the rule of procedure on page 12. It starts with rule 41. I will read out the relevant portion so that my honourable friends may be clear as to whether they can or cannot object on the grounds that they have raised to the adjournment motion :

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.

Then there is a rule about the time and the procedure to be followed. Then rule 44 says —

If the Speaker is of the opinion that the matter proposed to be discussed is in order—
You should judge whether it is in order—

He shall read the statement to the Assembly and ask whether the member has the leave to move the adjournment.

My honourable friend, the Leader of the Opposition, was perfectly right when he got up and raised the objection because according to the rules after you have read the motion to the Assembly, it is taken that the motion is in order, and only thereafter according to rule 44 can you ask whether the Assembly gives leave for this adjournment motion. If the Speaker is of opinion that the matter proposed to be discussed is in order he shall read the statement to the Assembly. This is exactly what you have done. First of all the time for raising an objection is over because you have already read the statement regarding the adjournment motion to the House. (A voice: Where?) I hear a voice from my honourable friend saying

[Diwan Chaman Lall.]

"where". I do not know what he means. But the rule is definite. After you have satisfied that the adjournment motion is in order you can read the statement. The rule further says—

If the objection is taken the Speaker shall request those members who are in favour of leave being granted to rise in their places and if not less than thirty-five members rise accordingly the Speaker shall intimate that leave is granted—

The stage at which we have now arrived is this stage when if my honourable friends object to leave being granted you should put the matter to the House and if not less than 35 rise from this side of the House or that side in support of this motion, the motion shall be adopted.

Let me go a step further. The next rule relates to the time of the motion. Finally Rule 46 relates to the restrictions with regard to an adjournment motion. This alone covers the actual fact of the motion being admissible or not. It says :

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.

I take it that none of the gentlemen objected on the ground that it was neither a definite matter nor urgent nor of public importance (*Ministerial benches*: We did object on that ground). I take it now that my honourable friend the Parliamentary Secretary for Revenue objects to it on the ground of indefiniteness. I shall deal with that in a minute. Let me dispose of that objection. It cannot be considered to be indefinite when two actual instances are cited of corrupt practices. Whether it is indefinite is not the general charge. It is a specific charge. I am afraid my honourable friend who objects to the motion on the ground of definiteness has probably not paid sufficient attention to the terms of the motion which are definite, absolutely definite, in so far as two instances are actually cited of corrupt practices which are supposed to have taken place. On that ground nobody objects. Let us see what are the other objections raised. Now the restrictions are as follows :—

(i) Not more than one such motion shall be made at the same sitting.

Obviously this does not apply.

(ii) The motion must relate to a single specific matter of recent occurrence.

It does relate to a single specific matter of recent occurrence. I am very glad Raja Sahib agrees with me as he is shaking his head.

(iii) The motion must not revive discussion on a matter which has been discussed in the same session or for the discussion of which by a motion for adjournment, leave was refused in the same session.

I think my honourable friend would also agree that this restriction does not apply. The matter has not been discussed on the floor of the House.

(iv) The motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

Since no matter has been appointed no notice was given of the same motion. Therefore this restriction does not apply. Then—

The motion must not deal with a matter on which a resolution could not be moved.

I submit that a resolution can be moved about a matter of this nature.

Premier : May I interrupt my honourable friend ? I want to say that you have read the motion and apparently considered it to be in order. That being so, then why waste the time of the House ?

Diwan Chaman Lall : If my honourable friend agrees to that, I have no objection.

Raja Ghazanfar Ali Khan : Sir, I want to put a question to my honourable friend.

Diwan Chaman Lall : On a point of order. I take it that the Honourable Premier has agreed and I do not see that any further discussion is needed.

Premier : I merely agreed that since the Speaker has read the motion apparently he considers it in order. If that is so, then why waste the time of the House, although I do not agree that it is in order.

Diwan Chaman Lall : Therefore, I did not continue the argument.

Mr. Deputy Speaker : The objection that has been taken to this adjournment motion that it is not in order because a legal remedy is available, is not a sound objection. (*Hear, hear from the Opposition.*) It does not always hold good. The second point is that it is vague and indefinite. The citation of two instances has removed that objection. There is another thing which is rather important and that is that the parties are to a certain extent bound to be prejudiced thereby. I would allow only a limited discussion confined to specific instances. I shall have to be strict so far as the question of relevancy is concerned. The adjournment motion is held to be in order. Is there any objection to leave being granted ?

Premier : There is one other point with regard to this motion. The notice of this motion was given on the very first day of the session and at that time no names were mentioned. If the matter had been urgent, important and definite, my honourable friend would have given notice of this motion on that particular day giving the names. But on the 6th day of the session he has given notice of it with these names added. Very likely on the same day when it was found that the motion was indefinite, my honourable friend added the two names to make it definite in order to safeguard against that objection. My point is that it would serve no useful purpose to discuss it here. He has put two names at random without making sure and if he had known it, when he gave notice of it, he would have mentioned these names. I would ask my honourable friend whether it would be worth while on his part to consider, in case the election petition goes to him and action is taken against these officers, whether it would be advisable to discuss this motion here.

(*A voice :* That is on merits.)

Dr. Gopi Chand Bhargava : On a point of order, Sir. The Honourable Premier has been pleased to remark that the notice of this motion was given on the very first day and then an amended notice, that is, another motion was put in where two names were mentioned. He said that the mover of the motion has put in these names probably without verifying.

Premier : I am not objecting to the motion. Why waste the time of the House ?

Dr. Gopi Chand Bhargava : It is very easy to insinuate against persons and not allow them to give a reply to those insinuations. The Honourable Premier has already said that probably we did not know the names.

Mr. Deputy Speaker : The Honourable Premier simply made a request. There is no question of insinuation.

Premier : There is no question whatsoever of insinuation.

Dr. Gopi Chand Bhargava : He said that another notice was given and two names were put in without verifying in order to make it definite. Does it not amount to insinuation that we did not know the facts and that we have put in these names without knowing the facts ?

Diwan Chaman Lall : I think the Honourable Premier has not been informed of the true facts by the Secretary.

Secretary : I simply gave him the notice paper.

Diwan Chaman Lall : He has no right to make a speech on the floor of the House. May I take it that the actual facts are that when notice of a motion is given it is always the privilege of the Speaker to call the mover and ask him and suggest to him certain alterations, if he so chooses, to be made in the motion in order to avoid unnecessary debate.

Mr. Deputy Speaker : May I ask the honourable members whether there is any objection to the leave being granted ?

Premier : No objection whatever on merits.

Mr. Deputy Speaker : The adjournment motion will be taken up at 6-30 P.M. to-day.

POINT OF ORDER.

RIGHT TO VOTE OF MEMBERS WHO ARE DIRECTED TO WITHDRAW FROM THE ASSEMBLY.

Mr. Deputy Speaker : The point was raised yesterday whether the members who had been asked by the Chair to withdraw from the Assembly on account of their disorderly conduct and who had accordingly withdrawn could give their votes at a division. I have looked up the matter and found that according to May, "members ordered to withdraw must withdraw from the precincts of the House".

Dr. Gopi Chand Bhargava : Would you like to hear us before you give your ruling ?

Mr. Deputy Speaker : This is a formal matter, a question of only two votes.

Dr. Shaikh Muhammad Alam : The question of even one vote is very important.

Mr. Deputy Speaker : If the Leader of the Opposition wants to say something he may do so.

Dr. Gopi Chand Bhargava : I am not going to question your ruling. You are at perfect liberty to give your ruling. My point is that it concerns the votes of Pandit Muni Lal Kalia and Chaudhri Kartar Singh. They want to say something, on this point. They have prepared the point as to how they were perfectly right and justified in voting. I submit that it would be perhaps proper if you allow them some time to explain their position only so far as the voting is concerned and not so far as your naming them is concerned.

Premier : May I submit that according to the Parliamentary Practice, which you just read out, members cannot remain within the precincts of the House and if they cannot remain within the precincts of the House, it is obvious that they cannot vote.

Mr. Deputy Speaker : Does the Honourable Leader of the Opposition want to say anything more ?

Pandit Muni Lal Kalia : Sir, I want to speak on a privilege motion.

Mr. Deputy Speaker : Order please. The point was raised yesterday whether members who had been asked by the Chair to withdraw from the Assembly on account of their disorderly conduct and who had accordingly withdrawn could give their votes at a division. I have looked up the matter and find that according to May, "members ordered to withdraw must withdraw from the precincts of the House." (page 332). There is no doubt that the precincts include the division lobbies. Exception, however, is made in the case of British House of Commons in the case of such members serving on any committee on a private bill. In strict accordance with parliamentary practice the lobbies should have been cleared before the lobby doors were locked under the direction of the Chair and any member who had been asked to withdraw could not be allowed to remain in the lobbies and therefore could not exercise his right of vote. In the circumstances I hold that the votes of the two members, Chaudhri Kartar Singh and Pandit Muni Lal Kalia, have been rightly excluded and the announcement of the result of the voting needs no correction.

Diwan Chaman Lall : You will note on the page that you have quoted that there is a restriction. The members who are suspended withdraw subject to the proviso that—

2 P.M.

Mr. Deputy Speaker : The honourable member may bring these authorities to my notice later and if necessary I will revise my ruling.

Pandit Muni Lal Kalia : I rise to move a privilege motion.

Mr. Deputy Speaker : There is no privilege motion before me.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 21—(concluded).

Mr. Deputy Speaker : The discussion of the Punjab Agricultural Produce markets Bill will now be resumed. Amendments Nos. 8 and 9 by

¹By **DIWAN CHAMAN LALL :** That at the end of part (ix) the following be added :—
"including the fixation and guarantee of minima prices of agricultural produce."

By **DIWAN CHAMAN LALL :** That at the end of part (ix) the following be added :—
"including the fixation and guarantee of minima prices of agricultural produce which in the case of wheat shall not be less than rupees three annas eight per maund of forty seers and in the case of American cotton not less than rupees ten per maund and in the case of *desi kapas* not less than rupees eight per maund."

[Mr. Deputy Speaker.]

Diwan Chaman Lall are out of order. These amendments are not relevant to the clause and they also go beyond the scope of the Bill. This Bill deals with the regulation of markets. It does not deal with the regulation of prices. Therefore I am sorry to hold that these two amendments Nos. 8 and 9 are not in order.

Diwan Chaman Lall : I accept your ruling in regard to this matter. But may I draw your attention to one fact? I hope you are not going to rule also that they are out of order because they are outside the scope of the Bill. One part of the Bill is to assure a regular price—a price which would be subject to a certain reduction to the actual purchaser, and one of the methods of assuring that is the method which I have suggested. So far as the scope of the Bill is concerned they would not be outside the scope. It may be that they are outside a particular clause. That may be so, but I do submit that they would be covered by the terms of the Bill, by the preamble and the object and aims of the Bill. What I am trying to do is merely to suggest that not only my honourable friend should prevent certain middlemen from taking away a certain definite charge—an extraordinary and exorbitant charge—which they levy upon the agricultural produce but that they should not take away a large amount by decreasing the price and guaranteeing a particular price to the actual purchaser.

Mr. Deputy Speaker : At present I feel inclined to hold that these amendments are beyond the scope of the Bill, but I will look into the matter carefully later.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : I beg to move—

That after sub-clause (ix) at the end, the following new part be added:—

'(x) Expenses of and incidental to elections of panels.'

In the amendments that have been made, provision has been made for the election of certain panels so far as the licence-holders are concerned, and for that purpose expenses will have to be incurred. In all other similar measures where elections are provided for, say in Bombay, Madras or Berar, a similar provision exists with regard to the expenses regarding elections, but in this case so far no amendment to that effect has been accepted and clause 8 of the Bill is also still under consideration. For the present one thing is admitted that there will be certain elections and unless there is a specific mention of this thing, no funds will be available for such expenses and the Treasury benches will admit this thing. There is nothing controversial in it.

Mr. Deputy Speaker : The question is—

That after sub-clause (ix) at the end, the following new part be added:—

'(x) Expenses of and incidental to elections of panels.'

The motion was lost.

Chaudhri Tikka Ram (Parliamentary Secretary) : I beg to move—

That at the end a new sub-clause be added:—

'(z) For payment of travelling allowance to the members of the market committee as prescribed.'

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 21 as amended stand part of the Bill.

The motion was carried.

Clause 22.

Lala Duni Chand : I beg to move—

That in lines 4-5, between the words ' Act ' and ' shall ' the words ' the maximum total amount of which shall not exceed one per cent. of the price of the agricultural produce sold or purchased ' be inserted.

The motion was lost.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I beg to move—

That at the end of clause 22, the following *Explanation* be added :—

Explanation.—A deduction on account of deviation from sample, when the bulk is purchased on the basis of sample, or on account of deviation from standard or quality, when the purchase is made by reference to a known standard or quality, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall not be regarded as a trade allowance for the purpose of this Act."

I am not yet physically all right to be able to make a speech in support of this amendment. Clause 22 empowers Government to frame rules or by-laws in regard to trade allowances. My amendment suggests that certain deductions should not be regarded as a trade allowance. The amendment is clear and non-controversial and I therefore expect the Government to accept it.

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

That at the end of clause 22, the following *Explanation* be added :—

Explanation.—A deduction on account of deviation from sample, when the bulk is purchased on the basis of sample, or on account of deviation from standard or quality, when the purchase is made by reference to a known standard or quality, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall not be regarded as a trade allowance for the purpose of this Act."

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, the amendment now before the House only means that if a deduction is made in the price of the agricultural produce on the ground that a deviation has been made from a sample provided in a particular case, the deduction so made should not be regarded as a trade allowance. Then, if the produce falls short of a given standard in case where a bargain is struck with reference to a known standard, the deduction made on that score should not be regarded as trade allowance. Further if the actual weight of the commodity falls short of the standard weight and a deduction is made on that account it should also not be considered a trade allowance. This, Sir, is a very reasonable proposition and the Government should have no hesitation in accepting it.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : The explanation in the amendment is very clear and self-explanatory. Clause 22 deals with trade allowance and there are certain restrictions proposed to be put upon the trade allowances which are now charged

[Pt. Muni Lal Kalia.]
 in the markets. Some of those allowances are based on well-established custom and are settled with the mutual consent of the grower and the commission agents. By the proposed explanation we want to bring on the statute-book certain allowances which must be allowed in certain cases. It is for this reason that we want that the rules should be so made that they must recognise certain well-established market practices in respect of certain deductions which may be necessary due to difference in the sample or deviation from particular standard of commodity. If this explanation is not given, a good many disputes are likely to arise and there will be so many complications later on and not only will it be difficult to bring the Bill into operation, but even the progress of trade will be hindered. There is one provision at the end of clause 22 whereby no civil court shall, in any suit or proceeding arising out of any such transaction, recognise any trade allowance not so prescribed. Later on a question may arise whether a deduction on account of deviation is an allowance or not, and when this question arises people will have to go to court or they will have to seek some other remedy. In order to obviate it and in order to facilitate the working of this law, it is necessary to have this explanation in the Bill. I hope the Honourable Minister will see his way to accept this amendment.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*) : Sir, I do not propose to make a long speech in opposing the amendment that is now under discussion because the honourable members of the Opposition have advanced no arguments in its favour excepting perhaps this, that they are out to kill the Markets Bill straightaway. That of course will be the only effect if their present amendment is accepted by the House. After all what is the aim of this Bill? It is calculated to provide reasonable and fair prices of the agricultural produce to the poor growers in the Punjab, and I may point out that even the Opposition have already expressed their lip sympathy with this aim. But now they want to defeat the very object of the Bill by proposing this proviso under which it will be open to an *arhti* to deprive the poor growers of the fair price of their produce in the *mandis*. When a kisan will carry his wheat to a local market, the commission agent will say, "Look here, your wheat is not according to the sample that is prescribed by law. So much deduction should, therefore, be made in the price of this commodity." Again it will be open to the *arhti* to demand another deduction saying that the wheat brought by the kisan is not of the same quality as is prescribed by the Act. Further, he may depose that the zamindar has mixed a foreign matter in the rice brought by him to the *mandi* while in fact the commission agent might be saying so only in order to cheat the innocent grower. There will be no end to these deductions from the price under some pretext or an other. Sometimes, the sacking might be dubbed different and sometimes the sample or quality or standard declared different. Every time the poor grower will have to loose at the hands of the clever *arhti*. It is passing strange that even Chaudhri Krishna Gopal Dutt and a number of other Congress members who also pose as champions of growers should have supported such an amendment as would defeat the very object of the Bill. Actions like these expose their lip-sympathies with the growers of the Punjab. I may assure them that their amendment is calculated to do a lot of harm to the kisan

whom they profess to be always supporting. The Government wants to leave the question of prescribing sample or quality or standard of produce to be sold in a particular *mandi*, to the Market. Committee of that *mandi*. That I think is a much more sound policy than the one which our honourable friends are advocating. Each market committee will be the best judge of its affairs and surroundings. With these words, I strongly oppose the amendment that has been moved by my honourable friend, Chaudhri Krishna Gopal Dutt.

Chaudhri Krishna Gopal Dutt (Urdu): Sir, I have carefully listened to the speech of my honourable friend Mir Maqbool Mahmood whom I expected to put forward some weighty arguments but I am sorry to say that he has disappointed me by advancing some flimsy arguments only. Not only that. What aggravates the position, is the fact that he has gone out of his way to attack the Congress party and has also cast some aspersions upon me personally. In fact he has questioned my sympathy with the kisans of the Punjab and has characterised the Congress to be inimical rather than sympathetic towards the peasants.

Mr. Deputy Speaker: I would request the honourable member to confine his remarks to the motion.

Chaudhri Krishna Gopal Dutt: I am confining my remarks to the arguments adduced by my honourable friend. Apart from that, I can also claim the right to clear the position of the Congress. I have at least the right of personal explanation. If the question is of ensuring reasonable prices of agricultural commodities the question of poverty or riches should not be brought in as my honourable friend has attempted to do.

Mr. Deputy Speaker: I would request the honourable member to confine his speech to the merits of the motion. Unnecessary heat is engendered.

Chaudhri Krishna Gopal Dutt: I bow down to what you say. But in order to meet the arguments of the Treasury benches I may point out that the motion before the House has nothing to do with the poverty of the peasant. The matter is a different one. There is what you may call a business morality and a certain atmosphere peculiar to it. It is but proper that we should be prepared to bear that in mind. Even the zamindars should learn to observe that morality and follow the lines of businessmen. But the learned member from Amritsar wants to suspend these rules of morality in favour of the zamindars. The question is simply this that my honourable friend wishes to empower the Government to frame rules and regulations concerning the market committees whereas I want that such rules should be framed by this House. At present I want to prescribe that deviation from certain standard, quality and sample of agricultural commodities should not be regarded as a trade allowance. That is quite fair and is in accordance with the dictates of the business ethics. I admit that at present there are some deductions in vogue in the *mandis* which must be stopped but that is no reason why certain justifiable deductions should also be abolished. It is not good manners to bring in extraneous matter into the discussions of this type. Let us keep politics aside and consider the matter in a scientific manner. Supposing I undertake to sell 100 maunds of wheat of a particular quality to a certain *arhti* but instead of supplying

[Ch. Krishna Gopal Dutt.]

that quality I mix into it some foreign matter. Is it fair or is it moral on my part to do so? In such a case the buyer will be entitled to an appropriate deduction. That is all I seek through this amendment. Again, if a zamindar has to supply gram but the bulk of his commodity deviates from the sample, should he not be subjected to a deduction? In the same way if a grower fails to supply the same standard or quality of any commodity which he had previously agreed to send, he should according to justice be prepared to forego an appropriate amount of deduction, may be 5 per cent. or 2 per cent. or more than that. But it is strange that the Treasury benches are not prepared to accept this perfectly sound principle. They want to shut the doors of civil courts to the buyers where they could otherwise seek redress for their grievances. Having done that, they now say that no deductions for deviation from the sample or quality are allowed under this Bill. They want to reserve all these powers with the executive. All this points to the one unavoidable conclusion that they want to destroy all trade and commerce in the Punjab. The commission agents will have to wind up their respective shops and the whole business will come to a standstill. How can they demand an exemption from the rules of business morality for the zamindars? Why can't they play the game? It is highly objectionable that Government should reject this harmless amendment. If this amendment is not accepted, it will deal a severe blow to business in this province and credit will be lost everywhere.

Again, it is sometimes claimed by the Government that they are only following the Congress Governments or other provincial Governments in the country. But let me point out the fallacy in their arguments. They do not copy faithfully. They select some portions and give up others, and then claim that they are doing what is being done in other provinces. It is said, for instance, that the Punjab Markets Bill is like the Bombay Act but I may point out that the Bombay Act includes the provision which I now seek to introduce in the Bill under consideration. If you look up the Bombay Act, you will find these very words which I have proposed here, in the body of that Act. I quote from the Bombay Act. It runs as follows :—

Explanation.—Every deduction other than deductions on account of deviation from sample, when the purchase is made by sample, or of deviation from standard, when the purchase is made by reference to a known standard or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act."

I cannot understand the diehard attitude taken up by Government to-day in this case. It appears that they oppose things for the sake of opposition and that too in the name of the poor. I say there is no question of poor or rich involved in the matter now before the House. There are defects both ways. The trade morality which is already in vogue should not be ignored. If this clause is accepted and my amendment which is taken from the Bombay Act is rejected, it would be a sheer injustice and would adversely affect the trade morality and customs now in vogue. The purchasers and for the matter of that the sellers would heavily suffer. It

is the duty of the Government to keep balance between the two parties. With these words I appeal to Government that my amendment which is a harmless one may kindly be accepted.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram): (*Urdu*): Sir, I would say only a few words. It has been said that if the clause is accepted, as it stands, it would destroy the credit of sellers. That is a proposition which I cannot accept. On the other hand attention has been invited by Ministerial benches to the fact that similar measures are already in force in Bombay, Madras and Central Provinces and that the Punjab Government is just adopting the same course. That is perfectly true, but not in a single case have you accepted the soundness of this argument. If you are at all fair you ought to accept that argument because whatever is being done in those provinces is being done by Congress Governments. If we refuse to follow their lead it will not be objectionable. But if you do, it will. Anyhow these are the things which lead to disputes and malpractices. Purchasers, deliberately, unfairly object that the produce supplied to them is not according to the sample provided or that some foreign matter is mixed with it and under these pretexts make unfair deductions. If we leave out these matters the real object of the Bill will be defeated to a large extent.

Mr. Deputy Speaker : The question is—

That at the end of clause 22, the following *Explanation* be added :—

Explanation.—A deduction on account of deviation from sample, when the bulk is purchased on the basis of sample, or on account of deviation from standard or quality, when the purchase is made by reference to a known standard or quality, or on account of difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall not be regarded as a trade allowance for the purpose of this Act."

The Assembly divided : Ayes 29 ; Noes 70.

AYES

Abdul Aziz, Mian.
Bhagat Ram Choda, Lala.
Binda Saren, Rai Bahadur.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Girdhari Das Mahant.
Gokul Chand, Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Hari Lal, Munshi.
Harjab Singh, Sardar.

Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partap Singh, Sardar.
Prem Singh, Mahant.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, 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, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Anjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Badar Mohy-ud-Din Qadri, Mian.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 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 Qadir Khan, Khan Bahadur.
 Ghulam Rasul, Chaudhri.
 Gurbachan Singh, Sardar Sahib Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Doha, 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 Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Fayaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Sahib Mian.
 Pohop Singh, Rao.
 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.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) :
 I oppose the passage of this clause (clause 22). If its applicability had been narrowed down, as was originally contemplated, in respect of dealings between the zamindars and *arhtis*, I would very well have understood the practicability

of this clause but, as it is, the Bill goes much further. It applies to dealings between dealers and dealers. The implications of this clause should have been understood properly before making this provision in the Bill. I find that this clause has been copied *verbatim* from the Bombay Act. Similarly, the amendment and the explanation thereof have been taken word for word from the Bombay Act. Little did my friends realise that the Bombay Act applied only to one article, namely, cotton and to dealings between the zamindars and *arhtis*. It is not, therefore, a very difficult matter in their case to prescribe rules and bye-laws defining allowances. But our Bill deals with so many articles and applies to so many markets where the system of dealings is very different from one another. We have to make rules and bye-laws to fit in all articles and all the various methods of trade in so many markets. My friends over there do not know that it is not the zamindar who sells hundreds and thousands of bags, but it is the poor dealer who sells that number and many times more at Karachi and Bombay ports. It is not the zamindar who does this business but it is the dealer who has to do it amongst others on Karachi and Bombay pass terms on fixed percentages of dirt, etc., say 1½ and 2 per cent. I am very much afraid most of my friends over there will not understand this business technique though I will try to explain. Take the case of a man who makes sale on the basis of 2 per cent. barley but delivers the goods with 20 per cent. barley. Under these rules and bye-laws the other man—the buyer—will not be entitled to an allowance of 18 per cent. which will be considered as exorbitant and excessive and the result will be that buyers will be driven out of the province and business will automatically stop.

If the Honourable Minister for Development and other sponsors of the Bill only knew how marketing is actually done in this province I feel sure that half of our difficulties would be over. I may tell my honourable friends that so far as the zamindar is concerned he brings his produce to the *kacha arhtis* in most of the districts. The buyer goes round, sees various lots and bids prices either by open bidding or by hand and then the bargain is struck. It is very seldom that a zamindar brings 500 maunds of *kapas* or wheat. He brings it only in small quantities of say 30 or 40 maunds. Within my practical experience, and that extends to a great number of years, I have never known that a zamindar was cheated by trade allowances, so that no question whatsoever need arise as between a zamindar and *arhti* over the trade allowances. The question of trade allowances and such other deductions arises only between the dealer and the dealer. Originally the framers of the Bill had no mind to bring in the scope of the Bill all such transactions and allowances. Things have changed in the course of discussion over this Bill and as was amply clear from the trend of the speech of the Honourable Minister for Development he is going to bring all these transactions as between a dealer and a dealer also within the ambit of the Bill. My position is that if the applicability of the Bill was to be confined only to dealings between the zamindar and the *arhti* this clause can do no mischief and that is why I was quiet during the discussion of this clause, but as this is to apply also to dealings between a dealer and dealer, I submit the Government will in the first place find it difficult, however much they may try to enumerate the various methods of business and then make rules to prescribe all these trade allowances, to cover all sorts of business in so many

[S. S. Santokh Singh.]
 articles and in different *mandis*. It will be a huge task which for want of business experience I feel sure they will not be able to perform satisfactorily. The zamindar would not gain anything by the inclusion or exclusion of this clause. If anything he may stand to lose a little in the matter. The simple remedy for the buyer will be to insist on the zamindar unloading his cart before fixing the price and this will mean another additional small expenditure for labour to the zamindar. If my honourable friends had satisfied themselves from the *mandis* as to what these allowances actually were they would not have embodied this provision in the Bill which under present circumstances will only make confusion worse confounded. But here we are not concerning ourselves with the actual situation. We are here only guided by political phrases and are discussing this Bill more on political lines rather than on business lines. My honourable friend Rao Pohop Singh, who made his maiden speech yesterday, made so many mis-statements to the effect that there was loot in the *mandis* and that zamindars are being looted to the extent of 40 or 50 per cent. or even in some cases hundred per cent. I wish my honourable friend had made himself sure of the actual position before making these bold statements on the floor of the House. The Honourable Minister for Development is in the habit of saying that *arhtiyas* give 35 seers for a maund and take 45 seers to a maund. This only shows how absurd wrong ideas in this matter are entertained even by responsible people in the province. I seriously put it to the Honourable Minister for Development whether people are really so ignorant that they will accept 35 seers for 40. They knew all along that law existed to punish cheating. May I put it to my honourable friend to please state whether any prosecutions have ever taken place in the former years for people having been thus swindled? How many people complained to the police or went to the courts? It was a very simple thing for anyone to go and say that he was being given 35 instead of 40 seers. No such complaints have been lodged with the police and no such *challans* were sent to courts. All I can say is that these things are very much exaggerated even by responsible officers without there being any basis for them whatsoever. I have already said that the inclusion of this clause in the Bill—and there is no doubt that the Bill will soon be passed into law with the comfortable majority that the Government has—will make confusion worse confounded. Government have not tried to go into the actualities of the situation and have failed to see and appreciate the consequences that will result from the inclusion of such a clause. I feel very sad and say that the business will be driven out of the province by the inclusion of clauses such as this. With these words I oppose the inclusion of this clause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
 When this Bill was moved we were given to understand that the object was to prevent the malpractices which according to the mover of the Bill prevailed in the markets; but I assure you and I assure the Honourable Minister that as the Bill has progressed and we have heard the Honourable Minister's speeches on various parts of the Bill, we have begun to realise that whatever he may profess, his object is not merely to remove the alleged malpractices from the *mandis* but to deal a blow to the business being carried on in the *mandis*. Yesterday or the day before, he made a remark which

showed that in keeping to himself the power of levying a fee on all the goods that are sold in the markets, he did not intend only to levy that fee on the produce that might be brought to the markets but on several transactions that might take place in the markets after the first substantive transaction had taken place. I shall make my meaning a little more clear. In the first place let us say 20 maunds of wheat is taken to the market which is worth say Rs. 40. If he levies a fee say of one per cent. it would mean that on these 20 maunds the licensee directly and the grower indirectly will have to pay, let us say, six annas.

(At this stage Mr. Deputy Speaker left the Chair which was occupied by Sardar Sahib Sardar Gurbachan Singh of the Panel of Chairmen.)

But if afterwards those 20 maunds of wheat are sold by one *arhti* to another then the Honourable Minister would want another six annas although no grower is concerned and no question of a zamindar whether rich or poor arises. If that merchant again sells those 20 maunds of wheat he may have to pay another six annas under the rules which he may be pleased to make. As he himself said, there may be someti mes 50 transactions or something

3 P. M. like that with respect to the same quantity of a particular commodity. His object seems to be to levy a fee on every transaction that may take place in connection with that quantity of that particular commodity. Now, is that an attempt to abolish mal-practices in the *mandis*? Is that intended to protect the poor grower, the poor zamindar from the sharp practices of the *arhtis* or brokers? Is it not giving a severe blow to the business which is going on in the *mandis*, not between the *arhti* and the grower, but between one *arhti* and another, between one merchant and another, who may have absolutely no connection with the grower or with the growing of the quantity of the commodity that they have purchased? That was one instance. I have already been suspicious that the object of this Bill is not what it is professed to be, but the remarks which the Honourable Minister made on that occasion confirmed me in my suspicion.

Let us take the proposed clause which is before us. From the speech which the Honourable Minister made a short while ago, it appeared that he wanted to fix certain amounts by way of allowances on account of admixture or inferiority of the goods as compared with the sample or on account of the weight of the sack or such other things. If this is his intention, let me tell him that he is exceeding the limits which he set to himself when he proposed this Bill before this House and he is going far beyond the object which he professes to have before him, because in this there is no question of any dishonesty or sharp practice involved, but even if there is, as he said that it is in this respect that the poor zamindar is cheated, does he think that he can prevent that? In the first instance, he cannot prevent it by any means whatsoever. If he tries to make a rule that only, let us say, 1 or 2 per cent. shall be allowed or charged on account of difference in the sample, then it means that he will drive the prospective purchaser to reject the goods which are brought to him. What is the guarantee that the difference between a commodity, the sample of which has been shown, and the commodity which is actually offered for sale after it is brought to the *mandi* will be to the extent of 1 per cent.? It may be to the extent of 10 per cent. or even

[Dr. Sir Gokul Chand Narang.]

more. But even if it is 2 per cent. the *arhti* would know that he would not be able to charge more than 1 per cent. and the alternative would be that he would refuse to purchase the goods and the goods will lie in the market and nobody would buy them and the very poor zamindar, at whose name the heart of the Honourable Minister melts, will have to take back the goods to the Honourable Minister's house and say, "I took this cart of mine to the market. You have fixed one rupee as allowance and it so happened that my goods"—he may admit if he is honest—"that my goods are really inferior to the sample according to which I have promised to supply and the difference is really more than would be covered by an allowance of 1 per cent. Therefore, my goods are not being taken by anyone in the market. You buy my goods or tell me where to take them." The position is so clear and so simple that the slightest reflection would convince any unbiased person that such a contingency may follow. The result would be that, whereas the *arhti* would not be able to get the goods which he had agreed to purchase from a particular zamindar, and may be obliged to sue him for failing to carry out his contract, the zamindar will be in a very much worse position. On the one side he may be sued for damages for not carrying out the contract of sale with the *arhti*, and on the other, his goods may be lying there unsold, because the Honourable Minister in his over-zeal and in his extravagant solicitude for a certain class of people has fixed a rate of allowance which does not meet the requirements of the case.

(At this stage Mr. Deputy Speaker resumed the Chair.)

I am not sure at all that this has occurred to the Honourable Minister himself; otherwise, I am sure he would not reject the amendment which is moved in this House. If he really does intend to include such allowances to be laid down in the rule that he intends to make, then I would say that he would be perpetrating a great wrong and it is not only the *arhti* who would suffer, but the zamindar and the grower would also suffer and he would suffer much more than a merchant or an *arhti*, who had agreed to purchase a certain quantity of any particular commodity from that zamindar or grower. If this is his intention, then I think that even now he should study the means of getting out of this difficulty. In any case, we shall be justified in voting against this clause.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban) (*Urdu*): Sir, I had no intention to speak much to-day but I have been forced to participate in this debate on account of the attitude of my honourable friends on the opposite benches. I have stood up to oppose the whole clause under consideration and to appeal to the House to reject it. Every day voice is raised against our tactics. It is pointed out that whereas the Indian National Congress is a good body, the Congress in the Punjab is rotten because the Congressmen in the Punjab have not the mentality of true Congressmen. Further, the charge is laid at our doors that we obstruct the Government in its useful activities. But our plea is that there is no other way left for us when the Government in the Punjab is what it is. Seeing how the Government in the Punjab behaves, we are left with no other alternative but to oppose it whenever it does something objectionable. The Government accuses us of pursuing an obstructionist policy. But our

accusation against the Government is that its measures are intended to kill commerce and trade and jeopardise agriculture in the Province. We had heard that the Honourable Minister for Development had a most irreconcilable prejudice against a particular class of people and we had as yet no concrete proof of his mentality. Provisions which no where exist in any other country are being included in our Markets Bill and yet the Unionist Government claims to be following the rules of democracy. I do not want that illegitimate deductions should be sanctioned by law but reasonable and just deductions ought to be allowed by this Bill. But if the Government will reject this amendment, the entire business in the Punjab may be dislocated. It is a pity that the Unionist Government do not consider any reasonable demand made by this side of the House simply because it emanates from the Opposition. The Honourable Minister of Development smiles in a way that suggests that there is no weight in what we, on this side of the House, say and that our proposals do not merit any consideration by him. But I assert that if Government finds that a certain transaction is made on the basis of some sample or quality agreed upon by the zamindar, where is the harm if he is required to pay deduction for deviation from that sample or quality? I need not stress the point that sometimes a transaction may amount to several lakhs of rupees and the loss caused by the difference in the quality may amount to several thousands of rupees. In that case compensation is highly necessary. There is a difference of East and West in the attitude of the Unionist and that of the Congress party towards the issue involved. Just consider that the buyers are going to be debarred from knocking the doors of the civil courts and at the same time the Treasury benches do not provide any remedy in the Bill for the wrongs that may be done to the buyers. It appears that the Government has lost all sense of fairness and justice and has also become bankrupt as regards business ethics. I do not mean the common morality but the business morality. There is a separate code of ethics for business which businessmen everywhere obey. But our Government do not want the zamindars of the Punjab to observe that. I challenge them to show even one example where such a legislation is passed. I am in a position to challenge because I have business connections with America, England and other foreign countries. There should be no objection to allow a buyer to seek redress in a court of law when a zamindar has not supplied him with the same quality of an agricultural commodity which he had agreed to supply. He must be compensated for the loss thus caused to him. But you neither want to provide for this in the Bill nor do you want to allow the aggrieved person to go to a civil court. That is neither fair nor morally a sound policy to adopt.

Further, the Government claim that they are providing facilities to the zamindars. But I may make it clear that these facilities will turn out to be hindrances in actual practice. This Bill will jeopardise the whole administration of *mandis* and upset business in the province. If we raise our feeble voice against this highhandedness of the Government, we are accused of obstruction and charged with adopting low tactics. But may I ask what other way is open to us in these circumstances? They say there are similar Market Acts in force in other provinces. But may I respectfully point out to them that the Punjab Marketing Bill is quite different from the Marketing Acts of other provinces, particularly in this respect? (No, no,

[Ch. Krishna Gopal Dutt.]
from the Treasury benches.) It is certainly so. Just study the Markets Act of Bombay which has been characterised by the Agricultural Report as the best legislation of its kind in India. The following quotation from the Bombay Markets Act will prove that our amendment is entirely to that effect—

Every deduction other than deductions on account of deviation from sample when the purchase is made by sample, or deviation from standard when the purchase is made by reference to a known standard, or on account of the difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this law.

In fact, my amendment is a faithful copy of this and yet I am being taken to task for having moved it. We are not irresponsible. Let the Government beware of its own low tactics and the unreasonable standard of morality which they are putting before the public. They are putting obstacles in the way of the growers as well as the *arhtis* by passing this measure.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I desire to say only a few words by way of reply to the criticism that has been offered by certain members of the Opposition. It has been suggested that the object is not so much to protect the grower as it is to aim a blow at the trade and business of the province. It is difficult for me to carry conviction to the minds of people who have sealed their hearts against anything that may be said by a member of the Ministerial Party. But I may assure them—if they will accept the assurance—that nothing has been farther from the mind of Government or from my own mind than any idea of aiming a blow of any kind at trade or business of the province. My desire to give a little more detailed consideration to these questions is one of the reasons why they have been left to the rule-making power of Government. Another reason is that if any difficulty arises later on it can be easily remedied without seeking an amendment of the substantive law. I feel sure that if any difficulties actually arise or if the honourable members of the Opposition are able to convince Government that difficulties will arise if we make rules along the lines which they think we are going to follow, then their advice will be welcomed by Government. Rules have not so far been framed. (*An honourable member* : Give us an assurance that you will provide for this in the rules), I am not going to give an assurance that I will accept this amendment either now or at a subsequent stage. I only say that we can discuss the matter and if the honourable members of the Opposition are able to convince me (*interruption*). If my honourable friends have persuaded themselves that they cannot convince me or Government, then I can only say that they have formed a wrong estimate of my disposition or the disposition of Government.

Another argument that was put forward by Dr. Sir Gokul Chand Narang was, whatever the Government may do malpractices cannot be prevented. I am afraid I am not prepared to accept such a pessimistic view of things. There are many things which can be entirely removed. There are other things in respect of which malpractices can certainly be diminished if not entirely removed.

Another alarmist utterance for which Dr. Sir Gokul Chang Narang made himself responsible was that if this clause was passed as it stood, no *arhi* would purchase the produce of a zamindar, but would turn round and say, 'you had better take your cart away to Chhotu Ram's house.' I am not prepared to accept this argument as an argument of any value. Purchasers do not purchase produce from zamindars from a philanthropic motive. It is a matter of business. They purchase the produce of zamindars because they stand to gain, because purchasing and selling is their business and out of this business they make a living for themselves. If they have to earn a living out of this purchase and sale of the zamindars' produce, they will have to continue to do so in spite of the pessimistic views which have been expressed on the present occasion by Dr. Sir Gokul Chand Narang.

Chaudhri Krishna Gopal Dutt was in a plaintive mood. He said that he had no knowledge of any country where laws of this character existed. I am really surprised to hear that argument. May I ask him one question? Has he got any knowledge of any country where malpractices exist to the same extent as here? Does he know of any country where the poor ignorant people are fleeced in the same manner as they are fleeced here? If things are very bad here, and nobody can deny that they are very bad, then stringent laws will have to be enacted in order to exercise some sort of a control over those who are disposed to cheat others.

I have now to reply to one more criticism. Chaudhri Krishna Gopal Dutt suggested that if there was a dispute of any kind between the seller and the purchaser, no court would be able to take notice of the dispute. I think he has misread the clause as it stands. What the clause says is—

No civil court shall, in any suit or proceeding arising out of any such transaction, recognise any trade allowance not so prescribed.

All that the civil court is prevented from taking notice of is in regard to a trade allowance which is not prescribed under the rules. It does not prevent the court from taking notice of any dispute as such. It is forbidden only to take cognisance of any trade allowance which is not recognised under the rules. With these words I commend the clause for the acceptance of the House.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): It is very refreshing to get it from the Minister for Development that he would be prepared to meet the objections, or at any rate to consider the objections of the Opposition when the rules are framed. Let us wait and see. He also was pleased to repeat that the object of this legislation is to protect the growers from the alleged malpractices or alleged higher charges to which they are subjected. The Opposition has emphasised that this clause as framed applies not only to transactions between growers and dealers, but also to transactions between dealers and dealers. The Lyallpur *mandi* people, for example, who purchase goods on their own account usually send the goods to Karachi or Calcutta or Bombay dealers. Should they or should they not be allowed to make charges which are sanctioned by custom or which are arrived at by mutual understanding between them and the traders of Bombay or Calcutta? A suggestion was made from this side to restrict the application of this clause to transactions between

[R. B. Mr. Mukand Lal Pari.]

growers and dealers. You are quite welcome to lay down rules or bye-laws sanctioning such allowances as you are pleased to allow so far as the transactions between the growers and dealers are concerned. But why should you lay down that the transactions between the traders of Amritsar and Karachi or of Lyallpur and Bombay shall be regulated by rules which will be made by the market committee in which two-thirds majority has been given to growers from a small area, who are entirely ignorant of trade usages and who cannot appreciate the difficulties of inter-provincial trade? I think the Honourable Minister for Development has not seen the force of this objection. At any rate he has not cared to reply to it. This objection can be met by the addition of two words in line 6 of this clause, namely, the words 'from growers.' The clause will then read—

No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received in a notified market area from growers.

The addition of these two words will remove the objection that this side of the House has to this clause. Why should not the Minister accept this amendment if his object is to regulate the transactions between growers and dealers only? It is evident that his object is to cause annoyance and dislocation of business of the classes, who are politically opposed to him and he wants to penalise the transactions between dealers and dealers, between the dealers of this province and the dealers of other provinces. Now, instead of attempting to meet this objection straightaway, he says that he would consult us when the rules are framed. We find that throughout the long time this measure has been before the House he has not tried to consult the Opposition at all or any other member interested in the trade of province. How do we know that at the time of framing the rules his mental attitude will be different? The sole question that this House should, therefore, consider is, is there or is there not any force in the point which has been made out by the Opposition? This House should not give to the Minister or the Government powers, which are outside the main scope and purpose of the Bill. Should this House or any legislature give the Government powers which are not justified by the circumstances? Therefore if the object of the Government is what the Honourable Minister for Development has stated, then let them incorporate this slight amendment and the opposition, so far as this clause is concerned, would disappear. But the answer to every argument raised on this side of the House has been that there are illegal practices, there are illegal exactions. Point out to me a place where these illegal exactions and illegal practices exist in lesser degree than in the Punjab. I make bold to say, and I say so on as much authority as the Honourable Minister for Development has, that the charges in the Punjab compare far more favourably with the charges made in any other province in India, and those members of the House who have studied Mr. Darling's book relating to marketing transactions would find that the actual net charges received by an *arhtia* for the service that he does are far cheaper than you can possibly devise by any new system. After all this Act is going to be enforced in this province and in a year or so we shall see the effects of this Act. Does my honourable friend seriously contend that the charges for marketing, whether you make one charge or whether you substitute, several charges for the

various miscellaneous services rendered to the grower, will be less under the new Markets Act than they are at present? That statement has not been so far made by any protagonist of the Government and if anybody cherishes or lives under that impression he is under a hopeless delusion. My learned friend said that Dr. Sir Gokul Chand Narang was taking a very pessimistic view when he said that the *arthis* or most of them would give up this business. The Honourable Minister for Development has correctly pointed out that an *ahri* or merchant or anybody who takes to this trade takes it for the sake of the profession because it is a paying and honourable profession. But he forgets that if you make the conditions of the profession so irksome, as you propose in your Bill or if you make the returns of the profession so little that it will not be worth while to persons to follow it, the *arthis* will give up this profession, and this ancient system of marketing, which has served the cultivator so well, will crumble to pieces, to the utter discomfiture of the grower. It will recoil on the head of the grower, whose produce is valueless without proper marketing arrangements. Even on the showing of the Honourable Minister for Development, the clause is such that it should be left for improvement by rules. If so, why does he not consider that point now? Why does he not try to meet the Opposition on this matter? Why does he ask the House to leave the determination of those points to rules? Why does he not ask the House to give an opinion upon those matters? Therefore I submit most respectfully that in their attempt to protect the grower they should not be a party to legislation which gives Government power to regulate or to injure the transactions between dealers and dealers.

Mr. Deputy Speaker : The question is—

That clause 22 stand part of the Bill.

The Assembly divided : Ayes 73 ; Noes 38.

AYES

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| Abdul Hamid Khan, Sufi. | Fateh Khan, Khan Sabib Raja. |
| Abdul Haye, The Honourable Mian. | Fateh Muhammad, Mian. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Fazl Ali, Khan Bahadur Nawab, Chaudhri. |
| Abdul Rahim, Chaudhri (Gurgaon). | Fazal Din, Khan Sahib Chaudhri. |
| Afzaalali Hasnie, Sayed. | Ghazanfar Ali Khan, Raja. |
| Ahmad Yar Khan, Chaudhri. | Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. |
| Akbar Ali, Pir. | Ghulam Kadir Khan, Khan Bahadur. |
| Ali Akbar, Chaudhri. | Ghulam Samad, Khwaja. |
| Amjad Ali Shah, Sayed. | Gurbachan Singh, Sardar Sahib Sardar. |
| Anant Ram, Chaudhri. | Habib Ullah Khan, Malik. |
| Ashiq Hussain, Captain. | Hans Raj, Bhagat. |
| Balwant Singh, Sardar. | Hari Chand, Rai Sahib Bai. |
| Barkat Ali, Malik. | Harnam Singh, Captain Sodhi. |
| Bhagwant Singh, Rai. | Indar Singh, Sardar. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Jagjit Singh Man, Sardar. |
| Faiz Muhammad, Shaikh. | Jalal-ud-Din Amber, Chaudhri. |
| Faqir Hussain Khan, Chaudhri. | |

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| Khizar Hayat Khan Liwana, The Honourable Nawabzada Major. | Muzaffar Khan, Khan Bahadur Nawab. |
| Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir. | Nasir-ud-Din, Chaudhri. |
| Mubarak Ali Shah, Sayed. | Nasir-ud-Din Shah, Pir. |
| Muhammad Amin, Khan Sahib Shaikh. | Naunihal Singh Mann, Lieutenant-Sardar. |
| Muhammad Ashraf, Chaudhri. | Pir Muhammad, Khan Sahib Chaudhri. |
| Muhammad Azam Khan, Sardar. | Pohop Singh, Rao. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Ranpat Singh, Chaudhri. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Ripudaman Singh, Thakur. |
| Muhammad Hussain, Chaudhri. | Roberts, Sir William. |
| Muhammad Hussain, Sardar. | Sahib Dad Khan, Khan Sahib Chaudhri. |
| Muhammad Nurullah, Mian. | Shahadat Khan, Khan Sahib Rai. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Shah Nawaz, Mrs. J. A. |
| Muhammad Sarfraz Khan, Chaudhri. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Sham Lal, Rai Bahadur Chaudhri. |
| Muhammad Yasin Khan, Chaudhri. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sohan Lal, Rai Sahib Lala. |
| Muzaffar Ali Khan Qizilbash, Sardar. | Suraj Mal, Chaudhri. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Talib Hussain Khan, Khan. |
| | Tara Singh, Sardar. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES

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| Baldev Singh, Sardar. | Kishan Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Krishna Gopal Dutt, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Mazhar Ali Azhar, Maulvi. |
| Chaman Lal, Diwan. | Muhammad Iftikhar-ud-Din, Mian. |
| Chanan Singh, Sardar. | Mukand Lal Puri, Rai Bahadur Mr. |
| Deshbandhu Gupta, Lala. | Mula Singh, Sardar. |
| Dev Raj Sethi, Mr. | Muni Lal Kalra, Pandit. |
| Duni Chand, Mrs. | Partab Singh, Sardar. |
| Faqir Chand, Chaudhri. | Prem Singh, Chaudhri. |
| Gokul Chand Narang, Dr. Sir. | Prem Singh, Mahant. |
| Gopal Das, Rai Bahadur Lala. | Raghubir Kaur, Shrimati. |
| Gopi Chand Bhargava, Dr. | Rur Singh, Sardar. |
| Hari Lal, Munshi. | Sampuran Singh, Sardar. |
| Harjab Singh, Sardar. | Santokh Singh, Sardar Sahib Sardar.. |
| Harnam Das, Lala. | Sant Ram Seth, Dr. |
| Jugal Kishore, Chaudhri. | Shri Ram Sharma, Pandit. |
| Kabul Singh, Master. | Sita Ram, Lala. |
| Kapoor Singh, Sardar. | Sohan Singh Josh, Sardar. |
| Kartar Singh, Chaudhri. | |
| Kartar Singh, Sardar. | |

Clause 23.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Bural) : Sir, I beg to move—

“ That in sub-clause (2), line 2, for the words ‘ six months ’ the words ‘ one year ’ be substituted.”

Clause 23 (2) fixes the period of limitation for any suit or claim which any citizen may have against any market committee or any member or employee thereof or any person acting under the direction of any such committee, member, or employee for anything done or purported to be done under this Act. The period of limitation fixed is only six months which I think is not a fair period. My amendment is that instead of six months, a period of one year be allowed. I have not fixed a higher period. I have fixed one year which should be quite a fair period for such suits. You would realize that in clause 23 Government are not allowing even six months. The period of six months which is provided by sub-clause 2 is in fact cut short by another two months by the provision which has been made in sub-clause (1) of clause 23. Sub-clause (1) of clause 23 provides that the claimant shall in order to be entitled to file a suit leave at the office of the person, whom he wishes to sue, a notice of claim in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, at least two months previous to the institution of the suit. Therefore you would observe that the period of limitation is reduced to less than four months. I think the Government did not take into consideration the effect of clause (1) on the period of limitation which was provided in sub-clause 2 and I ask the Honourable Minister for Development either to substitute a period of one year for the period of six months which is provided in sub-clause (2) or, if he finds that too much, at any rate to make an allowance for two months which he has provided in sub-clause (1). I do not know how far it would be legal for this House to cut short the period of limitation prescribed for suits which are provided under the Indian Limitation Act, a statute passed by the Central Legislature, and the effect of this sub-clause (2) read with sub-clause (1) would be to cut short that period of limitation. I, therefore, propose that for the period of six months, one year be substituted.

Mr. Deputy Speaker : Motion moved is—

“ That in sub-clause (2), line 2, for the words ‘ six months ’ the words ‘ one year ’ be substituted.”

Diwan Chaman Lall : May I know whether it is possible for our honourable friends opposite to enlighten us as to what is the position with regard to Rai Bahadur Mr. Mukand Lal Puri's amendment ? What has the Government to say with regard to this particular matter ? Has Government anything to say ?

Minister for Development : I do not propose to make a reply.

Mr. Deputy Speaker : Question is—

That in sub-clause (2), line 2, the words ‘ six months ’ stand part of the clause.

Diwan Chaman Lall : Before you take the sense of the House, may I understand quite clearly that those who are in favour of six months should say ‘ yes ’ and those who are in favour of one year should say ‘ no. ’ Is that how you are putting this to the House ?

Mr. Deputy Speaker : I propose to take the sense of the House as to whether the words 'six months' should be retained in the clause.

Diwan Chaman Lall : If you put it to the House it means that those who say "aye" mean that they are in favour of six months and those who say "no" are in favour of one year.

Mr. Deputy Speaker : Yes. The question is—

That in sub-clause (2), line 2, the words "six months" stand part of the clause.

The Assembly divided : Ayes 69 ; Noes 37.

AYES

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| Abdul Hamid Khan, Sufi. | Kishan Das, Seth. |
| Abdul Haye, The Honourable Mian. | Manohar Lal, The Honourable Mr. |
| Abdul Rab, Mian. | Maqbool Mahmood, Mir. |
| Abdul Rahim, Chaudhri (Gurdas- pur). | Mubarik Ali Shah, Sayed. |
| Afzaalali Hasnie, Sayed. | Muhammad Amin, Khan Sahib Shaikh. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Ashraf, Chaudhri. |
| Akbar Ali, Pir. | Muhammad Azam Khan, Sardar. |
| Amjad Ali Shah, Sayed. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Anant Ram, Chaudhri. | Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. |
| Ashiq Hussain, Captain. | Muhammad Hussain, Chaudhri. |
| Badar Mohy-ud-Din Qadri, Mian. | Muhammad Hussain, Sardar. |
| Balwant Singh, Sardar. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Sarfraz Khan, Chaudhri. |
| Faiz Muhammad, Shaikh. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Faqir Hussain Khan, Chaudhri. | Muhammad Yasin Khan, Chaudhri. |
| Fateh Khan, Khan Sahib Raja. | Muhammad Yusuf Khan, Khan. |
| Fateh Muhammad, Mian. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Fazi Ali, Khan Bahadur Nawab Chaudhri. | Muzaffar Ali Khan Qizilbash, Sardar. |
| Fazal Din, Khan Sahib Chaudhri. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Ghazanfar Ali Khan, Raja. | Muzaffar Khan, Khan Bahadur Nawab. |
| Ghulam Mohy-ud-Din, Khan Baha- dur Maulvi. | Nasir-ud-Din, Chaudhri. |
| Ghulam Qadir Khan Khan Bahadur. | Naunihal Singh Mann, Lientenant Sardar. |
| Ghulam Samad, Khawaja. | Nawazish Ali Shah, Sayed. |
| Gopal Singh (American), Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Gurbachan Singh, Sardar Sahib Sardar. | Pohop Singh, Rao. |
| Habib Ullah Khan, Malik. | Ranpat Singh, Chaudhri. |
| Haibat Khan Daha, Khan. | Ripadaman Singh, Thakur. |
| Hans Raj, Bhagat. | |
| Hari Chand, Rai Sahib Rai. | |
| Harnam Singh, Captain Sodhi. | |
| Indar Singh, Sardar. | |
| Jagjit Singh, Man, Sardar. | |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | |

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 Honour-
 able Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Suraj Mal, Chaudhri.
 Tikka Ram, Chaudhri.

NOES

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 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.
 Mazhar Ali Azhar, Maulvi.
 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.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.

Mr. Deputy Speaker : The question is—

That Clause 23 stand part of the Bill.

The motion was carried.

Clause 24.

Chaudhri Krishna Gopal Dutt : Sir, I would like to move an amend-
 ment of which I have not given any notice. The clause
 begins with the word 'The market committee may.'

4 P. M.
 In my opinion the word 'the' is wrong. I would submit that either 'a'
 or 'any' or 'every' be substituted for the word 'the'.

Mr. Deputy Speaker : That is a matter of drafting.

Lala Duni Chand (Ambala and Simla, General, Rural) : I oppose
 clause 24. This clause empowers the market committees to raise money
 required for carrying out the purposes for which they are established, on
 the security of any property vested in and belonging to them. The only
 condition precedent to raising money under this clause is the previous
 sanction of the Government.

Secondly, this clause empowers a market committee to obtain a loan
 from the Government for its initial expenditure, on such conditions and
 subject to such rules as may be prescribed by the Government.

[L. Duni Chand.]

Now, Sir, I would like to submit that these are very wide powers of which the committees may not be quite worthy. We have no experience of such committees in the province. Even the Honourable Minister in charge of the Bill has no previous experience of such committees. They may not be able to carry this burden. We are yet to see their working. No one knows how they will work in actual practice. I wonder if they will prove a source of benefit and blessing or an unmixed evil. In fact my fear is they will turn out to be evil, pure and simple, not only for the poor *arhtis* but for the growers also. After all why should the Government move in a hurry? Let them have some experience of these committees and then consider whether or not some such powers as are contemplated under this clause, should be given to them. At that stage the Government may, if they consider it necessary or advisable, grant them larger powers. But at present they should not do so. In the first place they will have to purchase land and secondly they will have to take loan for initial expenditure. Surely they will not be able to carry such a heavy burden. It may be that the members of the committee will try to make money out of their transactions. Even the members of big Governments sometimes yield to such temptations and waste public money. In that case not only the *arhtis* stand to lose but the growers will also lose. Have we not seen that Sir Chhotu Ram is giving big loans to those who will not be able to repay them? If this Government continues, as it is at present, the fear is that the committees under it will loot the *arhtis* as well as the growers whom this Bill is claimed to benefit. I, therefore, warn the Government with all the emphasis that I can command that these powers should not be given to the market committees. The Honourable Sir Chhotu Ram is trying to put his own ideal into practice and no one knows how it will work out.

One word more about the market committee raising loans from the Government. When municipal committees raise loans, the Government do take some interest, otherwise Government never consider them fit to shoulder some responsibility, however minor it may be. With these words Sir, I request that clause 24 be rejected.

Mr. Deputy Speaker : Question is—

That clause 24 stand part of the Bill.

The motion was carried.

—

Clause 25.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I beg to move—

That in sub-clause (1), line 9, the words "or authority" be deleted.

Sir, No speech is called for on this amendment. These words are obviously a misprint.

Mr. Deputy Speaker : Motion moved is—

That in sub-clause (1), line 9, the words "or authority" be deleted.

The motion was carried.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Mr. Deputy Speaker, my amendment is as follows:—

That in the proviso to sub-clause (1), lines 6-8, for the words "and shall..... committee," the following be substituted:—

"And shall appoint a Standing Board consisting of one representative of the growers and one of the licensees with an independent person as chairman which shall consider the explanations and objections, if any, of the Market Committee concerned and give its decision which shall be final and binding."

This amendment is moved with this object. The power has been taken under clause 25 by the Government for supersession of a market committee and the reasons given for the supersession are enumerated in sub-clause (1) of clause 25. One of the reasons is that the Government may supersede a committee on the ground of incompetency, that is, the committee is incompetent; the second ground is that it makes a persistent default in performing the duties imposed on it by or under this Act; and the third disqualification arises out of an abuse of its powers. The Government, when any one of these three things happens, by notification can supersede such a committee. There is a proviso added that before the Government issues a notification under this sub-clause to supersede the committee, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposed supersession. What I do want is a further safeguard for these committees by my amendment which is to the effect that before a notification is issued and after the explanation has been received, the matter should be referred to an independent tribunal consisting of one representative of the growers, one of the licensees and one independent chairman appointed by the Government. I am sure my honourable friend will not object to this democratic procedure being adopted instead of these matters being left to the department concerned. The department concerned, as it is obvious, will only be a particular officer who is put in charge of these matters, for instance, in the Co-operative Department, it is the Registrar of Co-operative Societies who is put in as a final authority. Similarly, in these matters too some departmental official would be put in as a final authority to decide whether the committee should be superseded or not or the grounds alleged, and the grounds alleged, as you will notice, are general grounds. Almost any act of omission or commission may be considered to be covered by the three grounds laid down in sub-clause 1 of clause 25. Any particular officer who gets a particular bias in his mind against a particular committee may quite conceivably consider the acts alleged against the committee to be covered by the three grounds given in sub-clause 1 of clause 25, that is, he may consider its incompetency or persistent default in performing its duties or a abuse of its powers and then he may decide that that particular committee ought to be superseded. Now, instead of the procedure laid down by my honourable friend, I am suggesting, as I have stated, a democratic procedure, namely, an independent committee consisting of those people who are likely to know whether such market committees are acting properly or not and a committee on which there should be representation of both interests as well as of the Government in the shape of an independent chairman. I think a better situation can be made in view of the fact that the effect of supersession will be very serious, not only from the point of view of the actual

[Diwan Chaman Lall]

growers and dealers but from the point of view of the difficulties that might be created when a new committee is brought into existence. After all when men are doing responsible public work, charges are made against them and they ought to be sure that their cases are going to be tried by an independent person who will be in a position to deal with those cases. There is no doubt at the present moment when such matters may arise under the Municipal Act, for instance. There is always some sense of injustice left in the mind of people who feel that they have not been given a square deal by the department. That sense of injustice will not arise *qua* these committees if this procedure is adopted. I do hope that my honourable friend will accept this amendment. This is not only for the purpose of creating mor. confidence but also for the purpose of making the procedure more democratic.

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

That in the proviso to sub-clause (1), lines 6—8, for the words "and shall... committee," the following be substituted:—

"And shall appoint a Standing Board consisting of one representative of the growers and one of the licensees with an independent person as chairman which shall consider the explanations and objections, if any, of the Market Committee concerned and give its decision which shall be final and binding."

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, this amendment has been commended to the acceptance of the House on the ground that it ensures a more democratic working of this clause. My reply is that the Government itself, under the present system, is a democratic Government. It is a Government consisting of members who are all elected, and is responsible to a wholly elected legislature. Therefore, on the ground of democracy it cannot be said that the Government, which before passing final orders, shall give a reasonable opportunity to the committee proposed to be superseded, is less democratic than a nominated Board. I oppose this amendment.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urbar) (*Urdu*): Mr. Deputy Speaker, I rise to support the amendment moved by my honourable friend, Diwan Chaman Lall. As usual he has stated his case in a very clear and lucid manner. But I must admit, Sir, that I for one have not been able to understand what the Honourable Minister for Development said in reply. All that he could say was that since the present Government is a representative one, it will not offend any can on of democracy if the final decision in this matter is left in the hands of the Government. I submit that so far as the broad policy is concerned this view may be correct, but even if this Government is accepted to be a representative Government it must be admitted that the officer concerned will not be a representative of the people and a torch bearer of democracy. He will be some I.C.S. officer and the Government will award its decisions on his recommendations.

Then, Sir, I refuse to accept the view that the present Government is representative. I know that they have a majority in the House but we must not shut our eyes to the fact that people were misled by their manifestoes at the time of general elections. They took the declarations of my

honourable friends opposite at their face value and voted for them. But the present activities of the Government are not in consonance with the wishes and views of the electorate. Let them ascertain the views of the voters and they will find that the people have lost confidence in them.

Moreover, the Government is liable to be turned out of office at any moment, and, therefore, it is not wise to leave this matter in the hands of a shifting, vascillating and sinking majority. To-day a great portion of the population of the province has lost all confidence in the Government. The Government has signally failed to keep the scales even between the two classes and, therefore, it is necessary to set up an independent tribunal to decide all questions relating to the supersession of a committee. This is the only way to inspire confidence and for this purpose my honourable friend has come forward with a very reasonable proposal. It is that a standing board be set up and that all these questions be left to it for final decision after carefully considering the explanations and objections and recording necessary evidence. The constitution of this board as proposed by my honourable friend also should be acceptable to the Government. It is that the growers and licensees should have one representative each on the board and the chairman be appointed by the Government. The amendment runs as follows :—

“ and shall appoint a Standing Board consisting of one representative of the growers and one of the licensees with an independent person as chairman which shall consider the explanations and objections, if any, of the market committee concerned and give its decision which shall be final and binding.”

Surely this amendment cannot be prejudicial to the interests of any class or community and no reasonable person can have any objection to it. But the Government is suffering from political jaundice and, therefore, its attitude with regard to this amendment is not different from its usual attitude towards all the motions moved from this side of the House. But whether the Government hears our voice or turns a deaf ear to it we will continue to do our duty.

In the end let me warn the Government that the people outside the House are quite capable of judging whether it is our attitude or that of the Government which is reasonable and conducive to the success of democracy in the province. It is high time that the Government realised it and desisted from turning down such a proposal as the appointment of an independent tribunal for this purpose. With these remarks I strongly support the amendment under consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, the arguments that have been advanced by the Minister for Development in reply to the amendment moved by Diwan Chaman Lall are very astounding indeed. What they amount to is this that because the Ministers happen to be elected, they have the right and justification to resort to cent per cent nominations as contemplated in this Bill. They justify cent per cent nomination simply on the ground that the Ministers happen to be elected. They are building such high hopes on market committees and they should not therefore reduce them to the position of municipal committees or district boards. We all know how very incompetent many of the municipalities and district boards really are. If the same considerations are to weigh in the case of market committees business will simply get hopeless.

[S. S. Santokh Singh.]

Do not always have the sword of Democles hanging over their head that they can be suspended at the sweet will of the powers that be. What my honourable friend Diwan Chaman Lall has suggested is a standing board not to be appointed by anybody but the Government itself. It gives that power to the Government and Government alone. Choose a grower, choose a licensee and choose a chairman. Why should this frighten you, why should you feel shy of it? Have you no confidence in anyone but yourself? Powers when given to the market committees should be properly protected. What the mover of the amendment asks is to appoint a standing board yourself—a standing board consisting of men in whom you have confidence. Have you no three men in the province on whom you can rely that you want all the power in your own hands? Cannot you find men in whom you have the necessary confidence and who may be expected to do their duty honestly and conscientiously? With these words I strongly support the amendment moved by Diwan Chaman Lall.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi division, General, Rural): I do not know what the exact reasons are which led the honourable the Deputy Leader of the Opposition to move that amendment. But I think that this amendment is justified by the experience we have of the supersession of the municipal committees. In the opinion of the citizens of Lahore and most thinking people, a great wrong was done to the town of Lahore when its municipal committee was superseded, and that wrong is being persisted in by the present Government which calls itself a democratic government—a government elected by the people and responsible to the people. Fancy the capital of the province being without a municipal committee, without a council elected by its citizens to manage its own affairs for the last 2½ years! Can it be said that this town does not contain persons who can manage the affairs of Lahore as well as a paid servant of the present Government? Should the argument be accepted that since there is an elected Ministry in this House, therefore there need be no municipal committee in the capital of the province and in all the towns of the province? We have before us this glaring instance of a wrong persisted in and continued on the capital of the province by a so-called elected Ministry. The present amendment is this that the feeling prevails that the Government, be it the old bureaucratic government or be it the same bureaucratic government under the present democratic powers, acts in the supersession of these local bodies not in the best interests of the people but sometimes out of mere party considerations, and in order to avoid that possible accusation it is necessary that such things should be determined by an independent tribunal—a tribunal which would not only be impartial in fact but which would be accepted as impartial by the public. What the amendment proposes is that Government should nominate three persons, one representative of the growers, one representative of dealers and the third an independent person, very likely a fairly high official. Let the Government create a tribunal of this sort instead of reserving to itself the power to exercise its own discretion guided by its own opinion. What objection can the Honourable Minister have to a proposal of that sort? If such a proposal is accepted, it will create a spirit of independence and self-reliance. As long as they act in the

interests of growers and traders, as long as they act to improve the market towns, they have got nothing to fear. They need not look up to Government for anything that they ought to do or ought not to do. Therefore I think this amendment is necessary and unless, as has been pointed by one of the speakers on this side, the Government should reject anything that comes from these benches, it will be well-advised to accept this amendment. It does not take away any of their powers. As I have pointed out, the power of nomination of these committees would be with the Government and the setting up of such tribunals would certainly inspire confidence.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, before I proceed with my speech I would like to submit that it is a matter of great satisfaction to me that the Government has now thought fit to provide in this clause before supersession of a market committee, an opportunity to it to clear its position, a provision which I know was conspicuous by its absence from a similar position in the Punjab Municipal Act, *i.e.*, section 238 which runs as follows :—

“Should a committee be incompetent to perform or persistently make default in the performance of the duties imposed on it by or under this or any other Act or exceed or abuse its powers the Provincial Government may by notification in which the reasons for so doing shall be stated declare the committee to be superseded.”

It was due to the absence of a similar proviso to this provision of the Act which played havoc in the case of the Lahore Municipal Committee and brought about its uncalled for and unwarranted supersession. Had such a provision been there, the representatives of the overwhelming majority of the members of the committee would not have been allowed to go unheard and the fate of the committee would have certainly been entirely different.

I am glad and I appreciate that my honourable friend, Diwan Chaman Lall, has rightly improved upon the proviso by the addition of a healthy and useful amendment to it which is now under discussion. Personally I am not in favour of the supersession of the Committees, because it is not so effective a remedy as it is considered to be. I say so from my personal experience of the affairs of the Lahore Municipal Committee. Even its supersession and the appointment of an Administrator have not improved matters. Previous to the supersession of the Committee, 84 out of its 47 members made several representations to my honourable friend, Dr. Sir Gokul Chand Narang, the then Minister for Local Self-Government, placing before him facts and figures and suggesting to him the one remedy to remove the one person who was chiefly responsible. The Government paid no heed to the representations made which ended in the sad episode in the history of local self-government in the Punjab. I need not go into its details and dwell upon the manner in which our representation was arbitrarily turned down. But anyhow we should make it a point that our past follies should not be repeated. I, therefore, submit, that if the Government finds from the report of its officer that a certain market committee has failed to discharge the duties imposed on it under the Act or has persistently abused its powers, it should not be superseded forthwith, but be given an opportunity to justify its position. In this case the committee would undoubtedly be in a position to name only those members

[L. Sita Ram.]

who had been responsible for the deterioration of its administration. My humble submission is that the whole committee should not be penalised for the follies of one or two members. If the amendment moved by my honourable friend, Diwan Chaman Lall, is accepted, the whole matter would be placed in the hands of the proposed standing board, which would scrutinize the case, weigh the *pros* and *cons* and eventually give its just and honest decision in the matter. The object of the amendment is that before the Government passes any orders for the supersession of the committee it should give the latter ample facilities to clarify its position before an independent tribunal. The proposed amendment will without doubt publicly expose the real culprit and will further serve as a warning to others. In the end I sound a note of warning to the Government that it would be, beyond doubt, gravely and seriously prejudicial to the democratic principles to supersede a committee simply because of the misdoings of a few or on the report of a government official who, due to the party Government now in vogue, may hold biased and partial views in the interest of the party in power. With those words, I strongly and whole-heartedly support the amendment under discussion.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, the Government has accepted the principle that before a committee is superseded it should be given an opportunity to explain its position. Now that the principle has been accepted, the only question to be decided is as to who should sit in judgment. If it is intended that the committee should submit its explanations and objections to the Government and the latter will give the final decision, then I would submit that the present Government has proved itself absolutely incapable of doing justice in such cases. So many problems have come before the various ministers for final decision, and in almost all cases the result shows that ہر ک درکین نمی رفت نمی شد. Moreover, the ministers cannot spare the requisite time. That is why my honourable friend, Diwan Chaman Lall, has proposed that an independent standing board may be set up for scrutinizing every such case and awarding final decision. I submit, Sir, that this decision should not be left with the Government, because that would give rise to many complications or even to flagrant injustice. It is possible that a committee may be too upright and independent from the Government's point of view and the Government may be desirous of removing it. Can you expect any justice from the Government in such a case? This shows that the acceptance of the amendment moved by my honourable friend is necessary not only to administer justice but also to make the people feel that justice is being done.

It is very strange that the Government accepts the principle but is not prepared to set up the necessary machinery to give that principle a practical shape. Moreover, it should be absolutely clear to the meanest understanding that the proposed machinery is in no way dangerous or undesirable even from the point of view of the Government. There will be three persons, one of whom will be the representative of the growers and one of the licensees. The third person who will be the chairman of the board will be appointed by the Government. Thus if the Government is not prepared to accept even this most reasonable amendment it means that it is not

amenable to reason and is bent upon doing everything in a despotic manner. With these remarks I support the amendment.

Diwan Chaman Lall (East Punjab, Non-Union Labour): May I, with your permission, say one word in reply to the arguments used by my honourable friend, the Minister for Development? My honourable friend gave an extraordinary argument for the benefit of this House which, if I may put it, amounts to this and he will see when I put it like that the utter baseless nature of that argument. Because the Government is elected therefore the Government can do no wrong, therefore whatever the Government does must be right. That is the sum total of the argument that my honourable friend has submitted before this House. Now, Mr. Deputy Speaker, only a few minutes ago my honourable friend—I am referring to a very small, insignificant, ridiculous matter—my honourable friend behind me, Chaudhri Krishna Gopal Dutt, made a very eloquent speech, but before he delivered that speech, he pointed out to the House a small matter. He said that the word “the” in “the market committee” is grammatically wrong. It should be “every market committee.” May I draw your attention, as my honourable friend has drawn my attention to this, that before the select committee the phrase was “every market committee” and this elected Government, this very wise grammatically correct Government, altered that correct English statement into “the market committee” and now they say “we will send this to the drafting committee to alter it again.” It is only an insignificant and stupid example. I say this Government is committing a fraud on the electorate. Never did this Government come before the electorate at the time of elections and place these matters before the electorate and say that they were going to pass legislation of this nature. Not only that, Mr. Deputy Speaker, but you will recall, as my honourable friends in this House will recall, that there was no such majority party, the Unionist party, which stood on a particular platform at the time of election. We had the splendid example of instances in the *Civil and Military Gazette*, which is their own organ, to whom they supply contracts without asking for tenders—

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

Diwan Chaman Lall: I am referring to my honourable friend's arguments. Election after election, the elected member is a Unionist, the defeated member is a Unionist and the gentleman whose security is forfeited is also a Unionist. I do submit that this is a party of hotch-potch individuals who have got to be there and my honourable friend cannot declare that he placed these matters before the electorate and therefore he has the sanction of the electorate for such matters. All that I submit is this, that surely my honourable friend has opposed it for the sake of merely opposing it. Valid arguments have been placed before him to show him the necessity of having an independent tribunal for the decision of this matter, namely whether a committee should or should not be superseded. My honourable friend behind me gave the example of the Lahore Municipality. Does he consider that the method which was valid, valid for his predecessors who were known as the Bureaucratic Government, the method of nomination and

[Diwan Chaman Lal]

doing things not through committees, elected committees or even nominated committees—actions committed by them through their departmental officers—was either a correct method or a justifiable method? And if some actions are going to be taken by my honourable friend in respect of this Bill, I do submit that he is in no way different from his predecessors in whose shoes he is acting at the present moment as Minister in this province. (Interruption). My honourable friend says "much worse." I agree with him entirely, but that is beside the point. The point merely is this. A simple procedure has been suggested to my honourable friend and he is not prepared to accept it and I take it the real ground is this, that he is not prepared to accept it because it is proposed by this side. There is no other argument. The only argument he has put forward is not a logical argument for rejecting the proposal that we have made. After all to-day my honourable friend is there. It is party Government. To-morrow he may not be there. He may then be charging from this side of the House honourable members sitting on that side of the House who may occupy those seats, of being partial. It is equally in his own protection that I submit that this procedure should be followed and merely departmental officers ought not to be allowed in charge of the decision whether a market committee should or should not be superseded. (Applause.)

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, the honourable member who has just resumed his seat has been good enough to suggest that the present Government is committing a fraud on the electorate. May I tell the honourable member that so far as the Unionist section of the Ministerial party is concerned, it stated very definitely in its manifesto that the party if returned in a majority to the Assembly would undertake legislation to secure a fair price for the grower including the reform of *mandi* usages. (Interruption.) It is true that the specific provisions of this Bill were not placed before the electorate. But the subject as a whole was very clearly and definitely placed before the electorate and the electorate chose to repose its confidence in the members who sought election on the basis of that manifesto. (An honourable member: Is it the Unionist party or the Muslim League to-day?) Now, Sir, in the face of these facts to suggest that the present Government is committing a fraud upon the electorate is a most unfair and fraudulent statement. (An honourable member: What about Sardar Ujjal Singh? Did he say this?) Another wrong statement which my honourable friend made was that the *Civil and Military Gazette* was an organ of the Ministerial party. He is entirely wrong and it should not have taken him even two minutes to find out from anybody who knows anything about the management of the *Civil and Military Gazette* that the Ministerial party is in no way connected with the *Civil and Military Gazette*.

Lastly I will add just one more word. He says that the Opposition has put forward a reasonable proposition and yet the Government finds itself unable to accept it. Has there been any proposal about which they have admitted, if that proposal came from themselves, that it was unsound, that it was not reasonable? And is there any proposition that has been

put forward on behalf of the Government about which the Opposition has not said that the proposition is entirely unreasonable? They may mistrust the Government, if they please. I have no reason to distrust or mistrust either the Government or myself.

Mr. Deputy Speaker : The question is—

That in the proviso to sub-clause (1), lines 6—8, the words "and shall.....committee" stand part of the sub-clause.

The Assembly divided : Ayes 56, Noes 27.

AYES

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| Abdul Hamid Khan, Sufi | Muhammad Ashraf, Chaudhri. |
| Abdul Haye, The Honourable Mian | Muhammad Azam Khan, Sardar. |
| Abdul Rahim, Chaudhri (Gurdaspur) | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Ahmad Yar Khan, Chaudhri | Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar. |
| Akbar Ali, Pir | Muhammad Hussain, Chaudhri. |
| Amjad Ali Shah, Sayed | Muhammad Nawaz Khan, Major Sardar. |
| Ashiq Hussain, Captain | Muhammad Sadiq, Shaikh. |
| Badar Mohy-ud-Din Qadri, Mian | Muhammad Sarfraz Khan, Chaudhri. |
| Balwant Singh, Sardar | Muhammad Yusuf Khan, Khan. |
| Barkat Ali, Malik | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muzaffar Ali Khan Qizilbash, Sardar. |
| Faiz Muhammad, Shaikh | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Faqir Hussain Khan, Chaudhri | Muzaffar Khan, Khan Bahadur Nawab. |
| Fateh Khan, Khan Sahib Baja. | Nasir-ud-Din, Chaudhri. |
| Fateh Muhammad, Mian. | Nasir-ud-Din Shah, Pir. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Naunihal Singh Mann, Lieutenant Sardar. |
| Ghazanfar Ali Khan, Raja. | Nur Ahmad Khan, Khan Sahib Mian. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Pir Muhammad, Khan Sahib Chaudhri. |
| Ghulam Qadir Khan, Khan Bahadur. | Pohop Singh, Rao. |
| Ghulam Samad, Khawaja. | Pritam Singh Siddhu, Sardar. |
| Gurbachan Singh, Sardar Sahib Sardar. | Ram Sarup, Chaudhri. |
| Habib Ullah Khan, Malik. | Ranpat Singh, Chaudhri. |
| Hans Raj, Bhagat. | Ripudaman Singh, Thakur. |
| Harnam Singh, Captain Sodhi. | Roberts, Sir William. |
| Het Ram, Rai Sahib Chaudhri. | Shah Nawaz, Mrs. J. A. |
| Indar Singh, Sardar. | Shah Nawaz Khan, Nawab Sir. |
| Jafar Ali Khan, M. | Sham Lal, Rai Bahadur Chaudhri. |
| Jagjit Singh, Bedi, Tikka. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Jagjit Singh Man, Sardar. | Singha, Diwan Bahadur S. P. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Sultan Mahmood Hotiana, Mian. |
| Manohar Lal, The Honourable Mr. | Tikka Ram, Chaudhri. |
| Maqbool Mahmood, Mir. | Ujjal Singh, Sardar Bahadur Sardar. |
| Mubarik Ali Shah, Sayed. | |
| Muhammad Amin, Khan Sahib Shaikh. | |

NOES

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Duni Chand, Lala.
 Girdhari Das Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.

Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) :
 I beg to move—

- (i) That in sub-clause (2) (c), line 3, the word 'either' be deleted; and
 (ii) That in sub-clause (2) (c), lines 4—8, the words 'or ————fit' be deleted.

From the amendment itself it will not be clear to many people what this amendment means. I would, therefore, draw the attention of the House to the original clause itself. If they will look at page 8 of the Report of the Select Committee, Paragraph (c), they will see how the clause reads—

"The Government may, at their discretion, by order constitute either a new committee as provided under section 7 or some other authority for the carrying out of the functions of the committee, as the Government may think fit."

Now, what I intend to do is to delete the words after the figure "7" altogether. But the deletion of all these words would not have fitted in without the deletion of the word "either" in line 3. I, therefore, had to give notice of the first amendment that the word "either" be deleted. If both these amendments of mine are accepted, the clause would then read—

"The Government may at their discretion by order constitute a new committee as provided under clause 7."

That is all. My reason for moving this amendment is that if a committee is to be superseded, it should be succeeded by a new committee and not by any other authority. That authority will usually be an individual officer and the honourable members of this House would agree with me that an individual officer is not a fit substitute for a whole committee in all cases. It may be that sometimes you can get hold of a man who may possess more intelligence, more experience, more ability, more drive and more efficiency than the whole committee combined, but such cases, I must confess, and the honourable members of the House would probably agree with me, must be very rare. I would not refer to some cases in other departments. I would leave them to my friends on this side who are rather anxious to speak on this amendment and discuss the instances from other departments, but it does not admit of any serious argument that if a committee has to be superseded, another committee ought to be appointed in its place. If the

committee consists of sixteen members, they would be representing in the fixed proportions two interests—the interest of the growers and the interests of the licensees, i.e., the traders belonging to a particular *mandi*. When an individual is appointed in their place, he would be representing only one interest and may not be relied upon to do justice to both parties whose place he would take and without incurring the odium of repetition or rather even at the expense of incurring that odium to a certain extent, I may say, as I feel it to be perfectly true, that in case a committee is superseded the authority to be appointed will be an officer—may be a gazetted officer or a non-gazetted officer—and in all probability he will be permanently representing the interest which is being so ably and so forcefully, and so forcibly also, being represented by my honourable friend, the Minister in charge of the Bill. The committee, as it is, owing to its peculiar constitution, is not likely to give satisfaction to the trading classes, but when that committee is superseded and an officer definitely representing only one interest is appointed in its place, the heart-burning would be still more. It has not been indicated anywhere in the Bill what that authority would be. I cannot imagine that that authority would be the municipal committee of that place or the district board of that district. Even if it were to be the municipal committee of that place, objection will be taken by the rural party interested in the *mandis* because the municipal committee, it would be said, represents only the urban interests. If it would be a district board—I am only taking hypothetical cases—objection would be very strongly taken by the urban people who are interested in the *mandi*. Therefore, even if the Honourable Minister acted democratically and appointed a statutory body like a municipal committee or a district board to take the place of the market committee, such an action would not satisfy both the parties. One of the parties will be dissatisfied, and I have already submitted that if an individual is appointed, the dissatisfaction will be still greater. Therefore, if it becomes necessary to supersede a committee, the Government should see that a new committee is immediately appointed in its place. We are familiar with the example of the supersession of municipal committees but the Honourable Minister cannot rely upon the supersession of municipal committees as an example to follow. In the municipal committees the parties represented are practically of one class, namely, the urban people. They may belong to different religious communities but *ex hypothesi* their interests in the municipal committee are identical and if that committee is superseded and another authority is appointed in its place, the heart-burning probably will not be great, although I am sure some of my friends, who are *ex-municipal* commissioners and happen to belong to a superseded committee, will probably urge that the appointment of a single individual in place of a committee, which is superseded, has not been very fortunate and has not satisfied the people concerned. I shall not go into that question because that might lead to misunderstandings but I am sure the Honourable Minister would agree with me that it would be much better to appoint a committee in place of a committee instead of appointing an extraneous authority whether it consists of a municipal committee or a district board or an individual. It is for this reason that I have moved these amendments. My honourable friend here has made some remark but as I have moved this motion and as I will have

[Dr. Sir Gokul Chand Narang.]

the right of reply, I will reserve my reply to their comments when they have had their say and with these words I would content myself for the present and commend this amendment to the acceptance of the House.

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

(i) That in sub-clause (2) (c), line 3 the words 'either' be deleted.

(ii) That in sub-clause (2) (c), lines 4—8, the words 'or fit' be deleted.

Chaudhri Krishna Gopal Dutt: There is amendment No. 8 in my name.

Mr. Deputy Speaker: Amendments Nos. 8 and 9 will be discussed along with this amendment.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*): Sir, I have considered the amendment moved by my honourable friend, Dr. Sir Gokul Chand Narang, and listened to his speech very carefully. I am of the opinion that the amendment will render the clause somewhat ambiguous. But if you go through amendments 8 and 9 you will find that they are comparatively more definite and comprehensive. If my honourable friend's amendment is accepted and the words which he seeks to be deleted are omitted the remainder will read as follows:—

"The Government may, at their discretion, by order constitute a new committee as provided under section 7."

This shows that the matter is still left in the hands of the Government, and, therefore, although agreeable to the spirit of the amendment I do not like its wording. The fact is that our experience in such matters is so bitter that I would think a thousand times before giving any such powers to the Government. These powers have been used by the Government with regard to municipal committees in such a manner that no person who has even the least regard for democratic ideas and institutions will even dream of arming it with similar powers in the matter of market committees.

The Honourable Minister was pleased to remark that he and his party had made it absolutely clear in their election manifesto that they would bring forward measures of this kind. I submit, Sir, that other provinces also have passed agrarian measures but this Bill is absolutely different from them and it has not behind it the sanction of the electorate. The Government should bear in mind the saying

The people of this province have had so bitter an experience of the abuse by the Government of such powers in the matter of supersession of municipal committees that they fight shy of giving these powers to the Government in any matter. Now, Sir, the sub-clause runs as follows:—

The Government may, at their discretion, by order constitute either a new committee as provided under section 7 or some other authority for the carrying out of the functions of the committee, as the Government may think fit.

BY CHAUDHRI KRISHNA GOPAL DUTT :

BY DIWAN CHAMAN LALL :

That for sub-clause (2) (c), the following be substituted:—

"The Government shall constitute a new committee under this Act."

My very first submission in relation to this sub-clause is that the Government should let us know clearly what the term "some other authority" is intended to mean. If they can satisfy us in this matter then we are not so unreasonable as to persist in our present attitude. We are willing to adopt all reasonable clauses but it would be an insult as well as a hard blow to democracy to accept a clause which contains such vague and ambiguous terms. It is, therefore, the duty of the Honourable Minister to explain whether this "authority" means an administrator like the one appointed in Lahore and Sialkot under the Municipal Act. The people of these two cities, whatever their caste or creed, have had a very bad experience of these administrators and if this authority is intended to play similar havoc with all notions of democracy, I must submit that it is a very dangerous clause. There was a time when on reading the complaints against municipal committees I used to think that the Government should at once supersede these incompetent committees and in their stead appoint some independent persons as administrators. Then my idea was that the appointment of an administrator would improve matters, but the administrators of Lahore and Sialkot Municipalities have completely disillusioned me and I have been obliged to change my opinion.

The best course for the Government would be not to supersede the committees but to weed out incompetent and corrupt members thereof. It should drag such members into a court of law, prove their guilt and incapacity and then get them disqualified. It is neither wise nor just to punish all the members for the fault of a few black sheep and to supersede the committee. But what does the Government do? It supersedes the whole committee and an administrator is appointed. But when after some time the committee is resuscitated those very members who did not allow it to function properly and for whose faults it had to be superseded are again allowed to seek election to the committee. Thus I would request the Government to follow the proper course and desist from throwing democratic institutions to the winds by seeking to appoint such "authorities." With these remarks I commend my amendments which have been moved by Dr. Sir Gokul Chand Narang, to the acceptance of the House.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, when my honourable friend, Dr. Sir Gokul Chand Narang, was Minister for Local Self-Government we drew his attention to a similar clause in the Municipal Act and protested against his having resort to it in the case of the Lahore Municipal Committee. Although all our protests proved a cry in the wilderness at that time, yet subsequent events have proved that we were right, and it is for this reason that to-day I am pleased to see Dr. Sir Narang moving this amendment. I have already stated in another connection that at the time when the supersession of the Lahore Municipal Committee was under consideration, a deputation consisting of 34 out of 47 members of the committee waited on the Minister, a good many written and oral representations were made to him and I myself, as the Senior Vice-President of the committee, tried on good many occasions to impress on him that the proposed supersession of the committee was not the real remedy. I told him in the plainest language that instead of improving matters the administrator would make them still worse. But all our entreaties fell flat. The supersession took place and an administrator was appointed. After

[L. Sita Ram.]

that I did not take any active part in the criticism of the present administration for full two years with a view to not being accused of prejudging the administrator. But now the experience of the last two years has admittedly shown that the matters have gone much worse.

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

Lala Sita Ram : I was submitting, Sir, that in the matter of the supersession of the Lahore Municipal Committee it is this word " authority " that has played such a havoc with the municipal administration and that we should not repeat the blunder by including this term in the present measure also. I, therefore, lend my whole-hearted support to Dr. Sir Gokul Chand Narang and congratulate him on revising his opinion in the light of the experience of the last two years.

I want to make it clear to my honourable friends opposite that the very idea of handing over the administration of a municipality or a market committee to a single officer should be repulsive to us. If the Government supersedes a committee it should constitute a new committee in its stead and not appoint any individual. I do not agree with Dr. Narang when he says that it is just possible that there may be proved a person who may prove better than the whole committee. I submit that it is humanly impossible for an individual to accomplish single-handed what the whole committee as a body can perform by joint efforts.

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

Lala Sita Ram : I am submitting, Sir, that we should judge the implications of the term " other authority " keeping in view the example of the administrator of the Lahore municipality. I am firmly of the opinion that in the first place instead of superseding the whole committee only the guilty members should be turned out, but if a certain committee has to be superseded it should be replaced by a new committee and not by an individual. Now the question remains how to manage the intervening period between the supersession and the constitution of the new committee. No difficulty can possibly arise as nomination by Government and not election is provided in the Bill. Even in the case of elections I would prefer a temporary board from the public to be nominated by the Government to perform the functions of the committee only for the period during which the new election may be held. With these few words, Sir, I support the amendment which my honourable friend has moved in the light of his personal experience.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (Urdu) : Sir, in expressing my views on the various points raised by the various honourable members I shall try not to repeat any argument that has been already advanced by any one of them. At the very outset I would submit that in view of the lesson learnt at Lahore under the very nose of the Government, the Honourable Minister in charge of the Bill should accept either of the amendments moved by my honourable friends, Dr. Sir Gokul Chand Narang and Chaudhri Krishna Gopal Dutt. I know, Sir, that the attitude of the Government is not in the least encouraging and that there is hardly

any hope of even the most useful and reasonable amendment moved from this side being accepted. Still it is our duty to draw the attention of the Government to what is right and reasonable. My honourable friend, Dr. Sir Gokul Chand Narang has been Minister for Local Self-Government for six years and is, therefore, fully equipped with the necessary experience of the working of such measures to know what is what. Such an amendment from such a person should not, therefore, be treated lightly. I admit that it was he who set the ball rolling and, therefore, it can be aptly remarked that *باد مباد این آرد*. Still it is never too late to make amends. Thus we must welcome the very useful and reasonable amendment moved by him. You know, Sir, that so many questions are asked on the floor of this House with regard to the affairs of the Lahore municipality but the Ministers who are living in Lahore come forward to say that they have no knowledge of the things mentioned in those questions.

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

Mian Abdul Aziz : I bow to your ruling. I am coming to the point at issue presently and although I was going to prove this problem by an analogy yet I consider that the Chair must be obeyed, whether right or wrong.

I was submitting on the analogy of the supersession of the Lahore Municipal Committee and the bitter experience we have had of handing over the administration to a single person, that we should not repeat the blunder by incorporating such a provision in the present measure. I would, therefore, put it to the Honourable Minister that if he has not already decided to reject all proposals coming from this side he should prove by his action that we have a representative and democratic Government in this province. I have no objection to corrupt and incapable members being turned out of the committees but it is neither wise nor reasonable to punish the whole committee for the faults of a few members and hand over the administration to a single officer. With these remarks I strongly support the amendments and earnestly request the Government to accept one of them.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu). Sir, I would draw your attention to the clauses of the Bill now before us. Under clause 8, the maximum number of members of a market committee has been provided as 16. All these members will be nominated or appointed by Government. But under this clause, it is sought to be provided that if the Government, at one time or another, comes to the conclusion that members so appointed are not working according to the Government's pleasure, it will be possible for the Government to supersede the market committee and to appoint in its place one or two or even three members to carry on the work of the committee. Apart from the fact that appointment of a single individual to work in the place of a whole committee is open to serious objections, another question arises. When the Government has to appoint or nominate the members of the committee, why should it, after the supersession of the committee, proceed to hand over the power of the

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 committee to a single individual and not appoint a fresh committee in its place? I have not been able to appreciate the implications of this provision in spite of my best efforts. Some people are of the opinion that the committees will be superseded on account of political reasons. We think that it is highly objectionable for the Government to appoint a single person to work as a representative of the growers on the one hand and that of the licence-holders on the other. More so when the number of the growers and licence-holders in a market committee which will, to all intents and purposes, be a single market committee in a tehsil, will be as much as is the number of voters in a single tehsil. I dare say the number of the people to be represented by a single individual like this will be unmanageable. There will be, over and above all others, at least two or three hundreds of labourers in a committee whose interests it will be the duty of a single person appointed over the head of a committee to safeguard. This scheme will not work.

Then there is another fact which is worthy of the consideration of this House. The interests of the licence-holders and the growers are divergent. How will a single individual be able to hold the balance of justice even among them? Evidently the Government intends to put to an end several real or imaginary disputes which arise in the *mandis* due to the conflicting interests of various people. But the provision about the appointment of a single individual to lord over a big market will defeat the very object for which it is intended.

Another thing to which I would draw your attention is this. Dr. Sir Narang suspended a committee in his own time. He performed an experiment. He is of the opinion now that the experiment has not worked well. No good has come out of it. The powers of the Lahore Municipal Committee have been in the hands of a single individual now for nearly two years even under the popular Government which is in power in the province these days. But what good has resulted from this?

Then, further below, another sub-section enacts that even after the expiry of the term of a committee the Government may, if it thinks fit, extend its term to another two or three years. Why this provision? When you think that a single man working in place of a committee appointed by you can serve your purpose, why provide for the extension of a committee? This provision is perhaps intended to serve as an eye-wash for certain people. But I see a flagrant violation of the principle of democracy in it. If the Government insists on placing this provision on the statute book, honourable members should oppose it.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, having given up my own amendments I beg leave to support the amendments of my honourable friends, Chaudhri Krishna Gopal Dutt and Sir Gokul Chand Narang. They may decide among themselves which amendment they would prefer to be accepted (*laughter*). Sir, I have to make only a few observations in this connection and these are as follows. In the first place I fail to understand why, when the Government supersedes a committee for dereliction of its duties or on account of some other proved faults of it, it should decide to re-appoint it in its former position. If the

Government passes a verdict of guilty against a committee after a good deal of inquiry, why should it decide to reinstate it? The things, I think, will move just like this. If the Honourable Minister decides to suspend or supersede a committee consisting of, say, 12 or 16 members, they will come round to see the Minister or his friends, dance attendance upon them and thus ask for their forgiveness. The Minister and his friends will be able to satisfy their vanity. The question is, if a committee has been superseded owing to its inefficiency, why should not another 12 or 16 individuals be given a chance to work as a committee? Why should you trust a person whom your courts or your committees of enquiry have declared to be deserving of punishment even to the extent of a sentence of imprisonment say for six months or a year?

The Unionist Government professes to be a democratic Government. But may I ask these custodians of democracy if the clause under reference fits in with the true interpretation of democracy? The present Government thinks that it carries democracy in its pockets and that it always acts according to it.

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

Lala Duni Chand : Has democracy been ushered in by the Unionists? Is it the democratic Government that they are running? Is there any sense in their proposal that the same powers should again be given to the same committee which was suspended?

Mr. Deputy Speaker : The honourable member should speak to the motion.

Lala Duni Chand : Sir, I am speaking to the motion. The point seems to be that the Honourable Minister of Development wishes that people should bow before him, seek his pleasure and flatter him. That is why he wants to reinstate the same persons who were found delinquent in their duty. As a matter of fact a new committee should be appointed. But the Government wants the old members to come to their doors and flatter them. Is that democracy?

Mr. Deputy Speaker : The honourable member is repeating the arguments that he has already advanced.

Lala Duni Chand : Sir, you need not worry: I am going to wind up my speech. In fact I was going to say, "with these words I strongly support the amendment now before the House."

Minister for Development (The Honourable Chandhri Sir Chhotu Ram) (Urdu) : Sir, it is gratifying to note that the honourable mover of the amendment has admitted the possibility of a market committee being superseded and a capable man appointed instead to carry its functions. Perhaps he has taken a clue from the Municipal Committee of Lahore which had to be superseded by the previous Government in spite of the fact that the city of Lahore is a great centre of learning where persons rich in talent, experience and public spirit can be found in abundance. By the parity of reasoning he might have thought that supersession of a market committee would be even more likely since it would be established, more often than not, in a small town where talented men might not

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be available. Further, it was conceded that the learned Doctor committed a mistake and that it should not be repeated in the case of market committees. It has been pointed out that if a market committee is superseded, probably an officer will be appointed and the chances are that the officer would be an agriculturist, may be a statutory agriculturist and will thus represent only one set of interests in the market committee. In reply to this I would like to say that the officer in question whether he is a Hindu or a Muslim or a Sikh or a Christian will have to do his duty irrespective of his caste or creed. He will have to administer the law of the land and not any particular religion. Being a Government official, he will have to be above religion and cast prejudice.

As to whether the authority will be vested in a single officer or two or more persons, I cannot say because that would depend on the circumstances of each case. If a committee is a large one and it is found that one officer would not do, two persons will be appointed, and if even two prove unequal to the task, three including non-officials would be appointed. All this will depend on the merits of each case. Let the honourable members of the Opposition rest assured that the officer in question would be a Government servant and as such will have to do his duty irrespective of the fact whether he is a Hindu, or a Muslim or a Sikh or a Christian, an agriculturist or a non-agriculturist.

Begum Rashida Latif Baji : What will be his pay, by the way ?

Minister : I would like to assure the honourable lady member that the salary of that officer will not be unnecessarily high; it will be in proportion to the income of the market committee in question. I am afraid I shall not be able to convince the Opposition in the House about this matter and I need not, therefore, attempt the impossible.

Begum Rashida Latif Baji : The affairs of the Lahore Municipality make a different reading and create some misgivings.

Minister : The responsibility for that lies on the previous Government and not on ours.

Begum Rashida Latif Baji : Then why does not the present Government change it ?

Minister : Further, it is asked as to how long the authority appointed in place of a superseded market committee would remain in office. In reply to this I would like to make it clear that the term of such an authority will not exceed three years in any case. The authority can be removed even before the term for which it was appointed expires. It is possible that an authority may be removed before the expiry of three years and a new committee appointed in its place.

Mian Abdul Aziz : May I ask one question through you, Sir ? Is it for the rest of the life of the committee which is superseded or for three years ?

Minister : I have already stated that the period shall not be longer than three years. It is possible that the authority may be removed earlier say after a year or two. But this period shall in no case exceed three years. My honourable friend, the Leader of the Opposition, has been pleased to

remark that he has not been able to understand the logic of this clause and that if there is any logic, it is no other than some political end to be gained by virtue of this clause. My honourable friend is so greatly obsessed with the idea of political motives that he sees nothing but some political motives behind every law, Bill and every clause of a Bill. For this reason he is quite incapable of taking a reasonable view of things. Further he has also taken it for granted that it is he alone who possesses conscience among individuals and his party alone possesses a conscience among parties. All others are without a conscience. This is a most narrow and petty-minded view of things. Let me tell my friend that there is no political end in view. The clause is merely intended for the better management and better control of mandis. I would advise my friend to go to a better qualified doctor for the cure of his obsession.

Now I would explain why it is considered absolutely necessary that an authority should be appointed in place of a superseded committee. Clause 8 has not yet been disposed of. When we take it up the House will decide whether the members shall be appointed by election or by nomination or through a combination of the two systems. In case we decide in favour of election, we shall have to wait for some time after the supersession of a committee before another committee can be elected. We shall have to fix dates for the submission of nomination papers of candidates, and then we shall have to give some time for their scrutiny and withdrawal of candidature. After that we shall have to fix dates when actual elections shall take place and results are declared. Even if we decide to adopt some middle course we shall have to appoint some authority in place of the superseded committee to look after the affairs in *mandis* during the interregnum. That period will naturally have to be indefinite but we have provided that this indefinite period should in no case exceed three years. Sir, with these words I oppose the amendment moved by Dr. Sir Gokul Chand Narang.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) (*Punjabi*): Sir, first of all I would like to say something about the amendment moved by my learned friend from Sialkot. He says that the Government is so bad that no power should be given to it. He objects to the use of the word 'may' and wants the word 'shall' to be substituted for it. If my amendment is accepted the clause would read like this:

The Government may at their discretion by order constitute a new committee as provided under section 7.

My friend is of the opinion that since the Government have come into disrepute with the people and have lost their confidence they should not be given any power whatsoever. He has used a strong word about Government just as Mahatma Gandhi used to describe the British Government as a satanic government. I would not repeat that word but I would say that I am not very particular about the retention of the word 'may'. In fact I am opposed to the very appointment of such committees. If a committee is superseded it is not necessary that Government should constitute a new committee in its place. The committees which consist of 18 members belonging to one community and 8 members belonging to another community are absolutely good for nothing. I say let all existing committees be superseded. These *mandis* have been in existence from times

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memorial. Let them continue unless you want them to turn into *mandis* of the dead. (*Laughter.*) When this Bill is passed into law most of the *mandiwallas* would bid farewell to them and there will be very few daring persons who would stick to their old profession. If my friend is not prepared to agree to my amendment I am prepared to accept his amendment for I am only concerned with the question of principle. If my friend wants that a statutory obligation should be placed on the Government, I will raise no objection. If the Government are prepared to accept my friend's amendment I will not say a word against it. But it appears that they are not prepared to accept either my amendment or that of my friend from Sialkot.

Sir, my honourable friend, Mian Abdul Aziz, has rightly said that the Government is determined not to accept any amendment moved by this side of the House, howsoever important and reasonable it might be. The Honourable Chaudhri Sir Chhotu Ram had remarked in the course of his speech that the Opposition is bent upon defying the proposals of the Government. I ask him in all seriousness as to how many of our amendments he has accepted so far. I regret to say that he is in the habit of blaming the Opposition without any rhyme or reason. Does he mean to say that he alone is the embodiment of all knowledge, wisdom, genius and intellect, and that the Opposition is a gang of nincompoops? The Congressites have been dubbed by him as a group of *baniyas*, but thanks to his politeness, he has so far desisted from calling them blockheads.

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

Dr. Sir Gokul Chand Narang : In fact my honourable friend opposite is not justified in complaining of the attitude of the Opposition. If the passage of the Bill is being delayed the responsibility for that falls on the shoulders of the Government. If the Government condescends to accept our amendments we may agree to the Bill. If they have accepted one or two of our minor amendments they have not done any extraordinary favour to this side of the House. I submit that they simply had to accept those amendments because had they failed to incorporate those amendments in the Bill they would have exposed themselves to the ridicule of the public.

My honourable friend over there was pleased to remark that the clause in question has been inherited by the Government from me. I never even so much as dreamt that my descendants could be so unworthy of their ancestor. (*Laughter.*) My impression was that my inheritors would be wise and rational. (*Laughter.*) And if they really have the pretensions of being my heirs I regret to say that they have belied my hopes. (*Laughter.*)

Now let us turn to the serious phase of the question. Previous to the inauguration of the present Reforms the Englishman had created factions and sentiments between brother and brother, and brought in estrangement between agriculturists and non-agriculturists, and alienated the rural population from the urban.

Chaudhri Tikka Ram: Is the honourable member relevant now?

Dr. Sir Gokul Chand Narang: I am perfectly relevant, if you would allow me to proceed. It was incumbent on those who are at the helm of affairs to-day to show to the Whiteman by their actions that they have removed all the factions that have been brought in by him and created a fraternal harmony in the province. But it is much to be regretted that my honourable friends opposite have singularly failed in bringing about this long desired change in the mentality of an average Punjabi. Sometimes they pretend to be Unionists, the very next day they become Muslim Leaguers and then the third day finds them calling themselves agriculturists. I am at a loss to understand as to what they really are. When they address a certain public meeting they harangue that they would fight to the last for the cause of Islam and then at another meeting they profess to be above communalism and insist that they stand for the service of all and that they do not discriminate between man and man.

Mr. Deputy Speaker: I would request the honourable member to speak to the motion. He is not relevant.

Dr. Sir Gokul Chand Narang: I am only giving a reply to their remarks, Sir. What I want to say is that the policy adopted by the present Government is highly objectionable.

Now, Sir, I come to the real proposition. We have serious and grave apprehensions about the appointment of any authority for the administration of the markets. The reason is that the appointment of an agriculturist for the purpose would be undoubtedly inimical to the interests of the non-agriculturists and *vice versa*. But the Government thinks that the officials are generally impartial and indifferent to any party interests, and once they are appointed they cease to belong to any community. I admit that this principle propounded by the old government is very laudable and sensible but it is not always followed in actual practice. An agriculturist officer is generally prone to favour other agriculturists. Instances are not far to seek. Even the responsible Ministers of the so-called popular Government are in the habit of declaring at the top of their voice in public meetings that they are zamindars and their Government is a zamindar Government and also that 5 out of 6 members in the Cabinet are zamindars, and although the sixth one is a *bania* yet he is their *taletkoo* or a puppet in their hands.

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

Dr. Sir Gokul Chand Narang: In one minute you will see the relevancy. Please do not be impatient. I accept the principle laid down by our Government. But I wish they had put it into practice. In public meetings they, in the capacity of ministers, harangue for hours together and make faces and gestures at the much maligned *mandivalas* and *arhtis*.

Mr. Deputy Speaker: The honourable member is again irrelevant.

Dr. Sir Gokul Chand Narang: Sir, I was submitting that the appointment of a single officer in supersession of the committee would not find favour with the public. If he happens to be an agriculturist the non-agriculturists would have reasons to grumble. And on the other hand

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if a non-agriculturist is appointed for the purpose, 13 out of 16 members of the committee would remain dissatisfied on the ground that a *bania* has been appointed for the protection of their interests. It is easy to say that the principle is sound and valid but it cannot be asserted that the actions of the officers in question would be governed by his convictions. It is now, clear, Sir, that what you considered to be irrelevant has turned out to be vitally relevant to the point in question. When the ministers themselves are unable to act in accordance with the principle of impartiality, how can we expect justice and fair play at the hands of their subordinates? Here I am reminded of a Persian hemistich, which runs as follows:—

چو نظر از کعبه بر خیزد کجا ماند مسلمانان

When these responsible ministers have failed to act upon that principle we cannot expect that a gazetted officer would discharge his duties like a god and that he would not allow his judgment to be coloured by any communal or party considerations. He would, I am sure, take a leaf out of his ministers' book. I trust you have read this Persian couplet:—

به نیم بیضه چو سلطان ستم روا دارد
ز نند لشکریانش هزار مرغ به سین

It is a matter of daily occurrence that if a *thanedar* is in need of one seer of milk his subordinates would get a pitcher full of it. They give the requisite amount of milk to their officer and take the rest of it for their personal use. Although these Honourable Ministers themselves shower filthy and obscene language on their adversaries and flagrantly abuse this golden principle of impartiality, yet they entertain hopes that a *tahsildar* or some other gazetted officer drawing only Rs. 200 per measem would be able to maintain justice and impartiality. Do they think that he would be above all communal considerations, and would acquit himself in his duties like an angel or Naushirwan?

این خیال است و محال است و.....

(A voice : جنون)

I cannot use the word جنون for them, because it may be considered objectionable and unparliamentary.

It is a pity that the Honourable Ministers indulge in irresponsible remarks while addressing public meetings. Had all the ministers in the Cabinet been Muslim, would it have been politic on their part to declare that their Government is a Muslim Government, or had there been 5 Hindu Ministers and the sixth one a Muslim would it have been worthy of responsible ministers to say that theirs is a Hindu Government because the sixth one is acting like a puppet in their hands? If the ministers themselves do not care to maintain that golden principle of impartiality how can they compel a gazetted officer to act like Naushirwan the Just? I wish these officers were so, but under the present circumstances it is expecting sand to yield oil, to expect impartiality from them.

My honourable friend over there (Sir Chhotu Ram) has remarked that he had inherited from me the clause of supersession of the market committee and the appointment of a gazetted officer in place thereof. My submission is that if he thinks it useful and beneficial he should supersede all the municipal committees in the province, and appoint an I. C. S. or other henchman of the Unionist party for each such committee to carry on its administrative functions. Let each Minister hand over a municipal committee to a retired deputy commissioner of his district in return for any favours that he might have shown him. And if the Honourable Minister for Development is not prepared to do so, it means that personally he is not in favour of this clause. I do not see any sense in the argument that the Government has incorporated that clause in the Bill simply because they had inherited it from me. May I, through you, Sir, ask my honourable friend opposite as to what he would call the man who cuts his own throat by the sword he inherited from his grandfather? (*Laughter.*)

Now, I come to the question which was put direct to me. I was asked as to why I brought that clause into operation against the Lahore Municipality. I did not intend to open my lips on that issue but now I am constrained to do so. On that occasion I was repeatedly asked not only by the Hindu and Muslim public of Lahore but also by the Honourable Chaudhri Sir Shahab-ud-Din, the late lamented Mian Sir Fazl-i-Husain, and even the President of the committee himself, to supersede it. The situation in the committee had taken a serious and grave turn. The members were at daggers drawn with each other. Nepotism had become the order of the day. Under such circumstances every minister was expected to do what I did. I had administered this bitter pill of supersession to the ailing committee as an experiment at the request of so many respectable persons.

Mrs. J. A. Shah Nawaz : May I remind my honourable friend, who is in possession of the House, that I went to see him at the time with a request from 34 municipal commissioners asking him not to supersede the committee but to allow us to elect a new President?

Dr. Sir Gokul Chand Narang : Most certainly, but the trouble was that she was too late. Had she come in time I would have considered her proposals favourably.

Rao Pohop Singh : On a point of order. The affairs of the Lahore Municipal Committee may be referred to as an instance but the question of Lahore Municipal Committee is not before the House. This should not be discussed in full detail at the moment. I would submit that the honourable member has sufficiently dilated on that point.

Mr. Deputy Speaker : I have already brought it to the notice of the honourable member that he should speak to the motion and that he is irrelevant.

Dr. Sir Gokul Chand Narang : Sir, I express my gratitude to my new friend. I suppose it is not an offence to be grateful to anybody. And what is more, I am thankful to you as well. (*Laughter.*) However, I do not complain against those friendly attacks that have been levelled against me. I, therefore, try to refrain from making any

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unpleasant remarks in this respect. And if I say anything which does not arise out of their remarks, a gesture from the Chair would suffice. The Chair need not teach me adherence to relevancy. (*Laughter.*)

An honourable member from the Treasury benches had levelled an attack against the Leader of the Opposition in his absence by saying that he is prepossessed by his political notions, and that he smells politics in every insignificant thing. Not to speak of Dr. Gopi Chand Bhargava, the entire province agrees that the present Bill is of a political nature. I stress, without fear of contradiction, that this Bill has a political aspect as well. Had it not been the intention of the honourable mover of the Bill to trample over the rights of the *mandiwatas*, he would have brought forward only those clauses which would be conducive to the better disposal of the agricultural produce. He could, by means of a few clauses, very easily stop that loot and exploitation which according to him is a characteristic of the *mandis*. In fact he has brought forward a measure which would undoubtedly bring the marketing business to a standstill. On the other hand the Honourable Chaudhri Sir Chhotu Ram affirms that it has never been his intention to put an end to the marketing business but he was only anxious to stop those illegal trade allowances that are being imposed on the poor zamindars. But the world is aware of the attitude adopted by the Honourable Minister for Development. Really if his motive is not to put an end to the marketing business I shall venture to say that he is lacking in foresight and it is because of his ignorance that he has introduced a Bill which would give a setback to the trade and commerce in the province. In these circumstances it will be difficult for the world to believe that the Honourable Chaudhri Sahib does not intend to ruin the business of the non-agriculturists. But if he has no such intentions, then I will submit that he is lacking in that other thing which is called intelligence. (*Laughter.*) It is his inexperience, ignorance or lack of knowledge which is at the back of his desire to see through such measures as he has introduced. The present measure is sure to damage the business of the traders in the province to a very large extent. If he wants to levy a fee on the sale of produce weighing, say, 10 or 100 maunds he should levy it only once. The poor agriculturist after he has pocketed the money and gone home has no connection whatsoever with the commodity. It may change hands several times before it is finally disposed of as it happens in such transactions. After pocketing the price, the zamindar goes home and does not come into the picture at all. But if the Honourable Minister insists on levying a fee every time the commodity changes hands, he confirms the suspicion of those people who think that he is out to take away as much money from the hands of the city folk as it is possible for him to do. He has already declared more than once that he is in favour of mitigating the burden of the rural areas by adding to the burden of the urban areas. Such statements of his are confirmed by his actions and the suspicions of the people are aroused. He wishes to benefit the people living in rural areas at the expense of those living in urban areas. In view of the antecedents of Chaudhri Sir Chhotu Ram, Dr. Gopi Chand was right in saying that the present Bill brought forward by my honourable friend, the Minister for Development, had a political significance. It is, therefore, not proper for my honourable friend to say

that Dr. Gopi Chand Bhargava is obsessed with politics. He is after all the leader of a respectable political party. I do not mean to say that his profession is politics, but his chief occupation of life is certainly politics. But the Honourable Premier let the cat out of the bag by admitting at one time that by passing agrarian legislation his party had strengthened its hands in the Punjab. His speech must be there in the Debates if he has not already corrected it and removed those words. (*Laughter.*) He said that the passage of agrarian Bills would strengthen the position of his party in the Punjab. (*Premier*: There is no doubt these Bills have strengthened our party.) Will he please sit down? We will hear him after I have finished my speech.

Premier: *Har ke khidmat kard o-makhdum shud.*

Dr. Sir Gokul Chand Narang: You have reserved a particular party for your *khidmat*. You imagine there is nobody else living in the Punjab who deserves your consideration.

Premier: I am your servant as well.

Dr. Sir Gokul Chand Narang: People are heard saying, "This Sir Sikander Hyat was a popular man. What has happened to him? The influence of Sir Chhotu Ram has perhaps spoilt him." There is no doubt that the Honourable Premier preserves that old frankness which was his some time ago. He has admitted that this Bill, as others, has a political significance although his colleague, Sir Chhotu Ram, has not the frankness even to admit that much. I would characterise this denial of his as a political denial. But his denials are only a too thin screen to cover himself with:

Ba har range ki khahi jama me posh

Man andaze qadat ra me shanasam.

It is not possible for him to conceal his designs. People know him too well and say: *Man khub mi shinasam pirani porsa ra.* No one can say what sort of a man he will appoint to work in place of a committee which he may be pleased to supersede. He may as well appoint not one but more than one person. I will go so far as to say that even if he appoints a *bania* that will be a *bania* of his own choice and training. He will be out to harm his own people. We know of a *bania* whom Chaudhri Sahib made to present an address to him in the face of the staunch opposition of his *baradri*. So it is not the question who will be appointed in place of a committee, a *jat* or a non-*jat*, a *bania* or a non-*bania*. The question is that of the merits of the proposal, whether it is sound or not. When I ordered the supersession of the Lahore Municipal Committee, I thought that that was the only remedy in those circumstances. I need offer no apology for the action which I then took in those circumstances. But if my honourable friends think that I made a mistake, they may rectify that mistake. The fact that I made a mistake does not mean that it is necessary for them to make mistakes. If they are not prepared to accept my amendment they should at least be willing to accept the amendment moved by my friend here.

Premier (The Honourable Major Sir Sikander Hyat-Khan): On a matter of personal explanation, Sir. My honourable friend has remarked that at the time when the agrarian Bills were presented to this House at Simla I had said, "By bringing forward these agrarian Bills we have strengthened the position of our party in the province." We have not strengthened the position of our party with any political stunt. We have tried to do service to the people and thus we have won their confidence. We have not only tried to render service to the rural section of the population but we have also done service to those against whom some forces were at work which, if not checked by us through such legislations, would have done them incalculable harm. I have given a slight fever in the proverbial way to those people for whom otherwise death was impending.

Mr. Deputy Speaker: The Assembly will now proceed to discuss the adjournment motion.

ADJOURNMENT MOTION.

BYE-ELECTION IN THE EAST PUNJAB LAND-HOLDERS CONSTITUENCY.

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

That the Assembly do now adjourn.

The motion tabled by me to-day raises most momentous issues. It is perhaps the most important adjournment motion that has ever been moved on the floor of this House since the inception of the new Legislature, because the issues raised therein vitally and deeply affect the future of democracy in this province, the popular confidence in the purity of administration and good intentions of the Government. This motion is based on very sound facts. It is based on complaints received from various districts which form part of the East Land-holders Constituency. Complaints have been received by the Leader of the Opposition by means of letters and by means of telegrams from different sources, from reliable sources and from respectable gentlemen to the effect that the officials had been actively canvassing for an Unionist candidate.

Mr. Deputy Speaker: I would request the honourable member to discuss only definite instances.

Sardar Hari Singh: How can I discuss definite instances without quoting those instances? Mr. Deputy Speaker, these allegations, which I am going to lay before you and before the House are true. These complaints gave rise to serious doubts and misgivings in the minds of true well-wishers of democracy in this province. If you wait patiently just for a minute I shall quote incontrovertible facts in support of my contention, that officials did actively interfere in the recent bye-election resulting in the success of the Unionist candidate. There has been a serious breach of the rules laid down by the Government for the conduct of Government servants in the Government Servants' Conduct Rules of 1935 framed by

the Secretary of State for India under the new constitution. Part (2) of Rule 26, of these Rules is to the following effect :—

No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, any election to a legislative body, whether in India or elsewhere :

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but, if he does so, shall give no indication of the manner in which he proposes to vote or had voted.

My contention is that not only have the Government servants broken this Rule laid down for them, but they have broken it with the active connivance, if not at the instigation, of the Ministers and the Parliamentary Secretaries. If you want any instance, I can quote the exact words of a letter written by one Sher Khan, voter No. 478 in the constituency, and attested by a member of the district board, Muhammad Khan. This letter written by the voter in question to the Returning Officer says :—

جناب عالی۔ گذر ش ہے کہ چار پانچ روز کا ذکر ہے کہ ۹ بجے رات کے قریب چوہدری غلام محمد ذیلدار ساکن بتالہ میرے پاس پہنچے۔ اور مجھے کہا مال افسر صاحب کا حکم ہے کہ اپنی پرچی رائو بیوی سنگھ کو دو۔ نائب تحصیلدار صاحب بھی خود آئے ہوتے ہیں۔ اور دیوان خانہ خانصاحب عالم خان میں بیٹھے ہیں خاص پری کے واسطے ہی نسر ما نے بیویا ہے اور بتالہ بڑے سکریٹری صاحب بھی آئے ہوتے ہیں

Perhaps, this reference is to some Parliamentary Secretary.

چنانچہ پرچی لے لی اور اے۔ کغذ پر دستخط کر کے چلے گئے۔ میں نے خود نشان پرچی پر کیا نہ ہی میں نے نائب تحصیلدار کو دیکھا ہے نہ اُن کے سامنے دستخط کئے نہ ہی انہوں نے میرے سامنے تصدیق کی ہے۔ ظالماً عرض ہے۔
فیاز مند

شو خان ولد سڈھی خان وا نمبر ۷۸

18-12-88.

Now, this letter written by Sher Khan is attested by another respectable gentleman named, Muhammad Khan, who is a member of the District Board, Gurdaspur. (*A Voice*: Will you lay it on the table of the House?) Yes, certainly I will do so. It is a copy of the letter written to the Returning Officer and it will be laid on the table of the House.

Premier : Where is the original document ?

Sardar Hari Singh : Mr. Deputy Speaker, there is another complaint in the form of a telegram received from Hissar by the Leader of the Opposition to the following effect :—

“Ambala officers and specially Revenue Assistant and staff taking strong and active interest for Pohop Singh Hissar tahsildar also. Kindly take immediate action.”

There is a complaint from Hoshiarpur also that under instructions of the Education Minister, the official bloc worked for the Unionist candidate.

There is another telegram from Gurdaspur in the name of Dr. Gopi Chand Bhargava, Lahore, to the following effect :—

“Government officials, namely, Revenue Assistant and tahsildars Gurdaspur exercising influence in favour of Pohop Singh. Kindly intervene.”

[S. Hari Singh.]

This is from the Propaganda Secretary whose name is, I think, Sri Nath.

Yet another telegram to the same effect is as follows :—

“ Bye-election East Land-holders Constituency Revenue Assistant and naib-tahsildar Gurdaspur tahsildar and naib-tahsildar Pathankot Tahsildar Shakargah naib-tahsildar Batala taking direct interest and action in favour Pohop Singh securing votes by exerting undue influence on voters request inquiry will produce evidence.”

This is also from Sri Nath, Propaganda Secretary, District Congress, Gurdaspur. If an enquiry is held into these allegations, he is prepared to produce evidence.

Now these telegrams and letters and the copy of the letter written by a voter alleging undue influence exercised upon him by the officials, go to show that the officials throughout the constituency had been exercising undue influence and had been prostituting their official position.

Mr. Deputy Speaker : I will request the honourable member to discuss only the definite instances.

Sardar Hari Singh : I have discussed definite instances and I am within my right to draw conclusions from those definite instances and to comment on them.

Mr. Deputy Speaker : These telegrams are not definite instances. These are vague and indefinite allegations.

Sardar Hari Singh : Is the copy of the letter that has been laid on the table not a specific instance ?

Mr. Deputy Speaker : The honourable member may discuss that instance or any other definite instance.

Sardar Hari Singh : If you refer to the motion itself, it says, ‘ active canvassing by the Government officials.’ I have quoted certain specific instances, two of which are cited in the motion itself and to which I may refer just now. Sardar Harjab Singh, my colleague of the Opposition, will bear testimony to the fact that the votes of Kabul Singh of Mukhliana and Dharam Singh of Bachhauri, District Hoshiarpur, were secured in favour of Rao Pohop Singh through official pressure by the tahsildars of Hoshiarpur and Garhshanker. Mr. Deputy Speaker, if the allegations just made by me and the allegations and complaints contained in the telegrams and the charges made in these letters are true—and I dare say they are true and incontestable—then it should give food for serious reflection in the minds of all true well-wishers of good government of this province and of the growth of the tender plant of democracy in this province. This goes to show two things. First, that the Government servants in various parts of the constituency have been canvassing. The Revenue assistants and tahsildars for the most part have been actively canvassing in favour of the ministerial candidate. They have thus broken the rule laid down by Government in the Government Servants’ Conduct Rules. Not only that. It goes to show that because there have been similar complaints from various parts of the constituency and those complaints are neither manufactured nor inspired and there is no conspiracy behind them, the parliamentary secretaries and the Ministers have been using their official position and have asked the officials concerned to canvass in favour

of the candidate put up by the Ministerial Party. That is a proof of the fact that the present Government is not a well-wisher of the success of democracy in this province and that it is determined to use its official position to perpetuate the Unionist regime which the Government is out to maintain in this province by fair means or foul. That, Mr. Deputy Speaker, is an evil oman for the growth of democracy in this province. If the party in power can use foul means and can prostitute its official position for the sake of the success of its candidates and use the services of officials for that purpose, it is bound to lead to corruption, it is bound to lead to demoralisation of the services. In England where we have a model of successful democracy, the services are enjoined upon to adhere to strict neutrality and they do adhere to it in election matters. There the services have no politics. That is why the democratic institutions are running smoothly and successfully. If our Government does not bring into practice similar ideals that prevail in other democratic countries, then we should give up all hopes of the success of the democratic constitution which has been introduced under the Government of India Act, 1935.

Mr. Deputy Speaker, during the election days the revenue assistants and tahsildars of all districts of the constituency were on tour. Let the Government call for statements from the districts to see which officers were on tour during the election days and you will notice that in the districts lying in the constituency, *viz.*, the districts of Hoshiarpur, Ambala, Jullundur and Gurdaspur, the revenue assistants and the tahsildars were on tour while these officers in the neighbouring districts were not.

Mr. Deputy Speaker : This is again a vague allegation. I would request the honourable member to confine his remarks to definite allegations.

Sardar Hari Singh : I am not making a vague allegation. I am building up an argument to show that the whole official bloc in the constituency, in particular the revenue assistants and tahsildars, were on tour in the rural areas in order to secure votes for the Unionist candidate. These statements would form positive proof of the fact that officials toured the constituency in order to secure votes. They would also give you certain positive and incontestable facts to show that officials did actively do propaganda and exert their influence in favour of the ministerial candidate. Mr. Deputy Speaker, if the party in power uses the officials for the purpose of party propaganda, then, as I said just now, it is bound to lead to corruption because the officials who help the ministerial candidate will also expect something in return. They will expect an extension of service, they will expect that they should supersede their seniors, they will expect that the Ministers for the time being in office will connive at their malpractices, their wrong-doings, their jobbery, their bribe-taking and things of that sort. The Ministers will not have the courage to take bold action against officials who have been used by them for their own propaganda, if they are guilty of jobbery, or corruption or of undue use of their official position. And that will lead to the demoralisation of the services, it will lead to corruption and to other evil practices, for which we are demanding an independent inquiry on the floor of this House.

[S. Hari Singh.]

Then the Ministers—the Prime Minister, the Revenue Minister and the Development Minister, of whom two are not here at the moment—cannot deny that they wrote letters in their official capacity.

Premier : What do you mean by saying 'official capacity'?

Sardar Hari Singh : As Sir Sikander Hyat-Khan, the Premier.

Premier : Yes, as Sir Sikander Hyat-Khan I did and I will continue to do so.

Sardar Hari Singh : They wrote letters and they say they will continue to do so. They wrote letters to officials in the constituency to help the Unionist candidate and the Parliamentary Secretary, Raja Ghazanfar Ali Khan, accompanied the Revenue Assistants on tour during the days of election. Mr. Deputy Speaker, what is the type of voters in this constituency? They are generally title-holders, jagirdars, zaidars, lambardars and those who want employment for their sons. What is the effect of the Ministers writing and touring the constituency on the minds of these people who have vested interests and who expect something from Government? What is the impression on their minds? It is that the Government of the day wants Rao Pohop Singh to succeed and that the action they take will make or mar their careers. What do they think will happen to them if they vote against the Government? They fear that their jagirs will be forfeited, their titles will be taken away, or they will lose employment. That is the impression created in the minds of these people and they have not the courage to vote against the ministerial candidate, because the Parliamentary Secretary and the Premier have been canvassing for that candidate, and the result of such canvassing is that the candidate who has the confidence of the voters is not returned and democracy becomes a farce. If things continue like that, all hopes of democracy succeeding in this province will fall flat to the ground.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural): I rise to support the statement made by Sardar Hari Singh in this House that the purity of elections depends largely on the non-intervention of officials. With that statement I am in entire agreement. (*Hear, hear.*) But may I remind him, Sir, that this is not the only thing on which democracy in India, or for the matter of that in any other country, depends? There are various other things which perhaps he has forgotten. One of them, if I may remind him, is respect and obedience to the Chair, which is perhaps much more important even than the non-intervention of officials in elections. I agree that purity of elections must be maintained.

I have been in charge of elections ever since the inception of Reforms in 1918. I had the honour of serving under Mr. Halifax and during this experience of about 15 years I do not remember a single instance in which Government had interfered in the elections. I have had the honour of serving under the late Sir Fazl-i-Hussain; I have had the honour of serving under Sir Sikander. I may remind my Akali friends that I have had the honour of serving under Sir Firoz as Joint Secretary in connection

with the Gurdawara elections. There was a time when people thought that during the Gurdawara elections Government would influence the elections against the Akalis. But may I ask my Akali friends whether they can quote one instance of Government interference in the elections? I may go a step further. Sardar Mangal Singh, who is a representative of the Congress party in the central legislature at present, told me himself that Government had always been fair and impartial in elections. In fact it is within my knowledge that some Government officials supported him. A complaint reached me that Government did not take action against the officials who supported him. (*Interruption.*) Yes, I am talking of previous ministers. They were as much interested in the elections as the present ministers are and there were the same parties then — the Unionists, the Congressites, etc.,

As for the example of interference quoted by the honourable member in support of his motion, I expected something better from an experienced and an able member of the Assembly, as Sardar Hari Singh is. What is this example of interference that he has cited? He has quoted a letter purporting to have been written by a voter complaining that his voting paper was taken from him under official pressure. This is generally the explanation of a voter to the party against whom he has voted. The lot of a voter is terrible during elections. I remember one instance where a voter was so much hard pressed by both the parties that he went to the returning officer, I mean the Presiding Officer, and said, "I do not care whether I vote for this devil or the other; please help me to go out of this polling station". Here one party has got hold of a voter who has voted for the other side. He is trying to please both sides — one with a vote and the other with a letter. What is after all in the letter? It proves nothing. He says that a certain zaildar came to him with an official message. He did not see either the revenue assistant or the tehsildar. He has pleased one candidate by voting for him and now he wants to please the other by writing this letter. This is a common practice. It is surprising that such a letter should have been made the basis for an adjournment motion. If the honourable member relies on the truth of that letter, the proper course for him was to go to the election court. It is really not a matter to have come before this House. It is not the practice in the House of Commons to bring in adjournment motions on such flimsy grounds. Throughout the year perhaps one or two adjournment motions are brought up there. Such small matters never come up for discussion in the House of Commons for debate on an adjournment motion. With these few words I strongly oppose the motion.

Sardar Sampuran Singh : (Lyallpur West, Sikh, Rural) : From a constitutional point of view I am rather inclined to feel that the ministers or their parliamentary secretaries would be justified in canvassing or going about in the districts to work for the Government candidates. But I want to bring one thing to the notice of this House and that is that our voters and the general public in this province have not yet come to that standard of freedom and liberty that they cannot be influenced by such canvassing by the members of Government. Technically they may be correct in their

[Sardar Sampuran Singh.]

conduct, but speaking from a moral point of view, and considering the general effect of such canvassing, I would say that it looks a little improper on the part of the members of the Government to carry on such canvassing. Besides I would like to submit that from my personal knowledge I can say that I have come across people whom revenue officers and tahsildars have actually approached and tried to win their votes for the candidates whom Government wanted to support. Any amount of evidence can be collected from all over the province to show that the officials have tried to influence the people to give their votes in favour of Government candidates. Now, considering that democracy has just been introduced in this province we must see that official influence is not exercised at the elections lest it should affect democracy at its very inception. If we are really keen that this tender plant of democracy should some day become a big tree, then it is not only the duty of Sardar

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Hari Singh but perhaps it is the greater duty of you people who are at present enjoying the fruit of that democracy, to see that this plant grows well uneffected by such corruption and to save the democracy from being polluted at its very source. Sir, I do not want to enter into long arguments. But there is one thing and that is that there is an impression going all over the province that the Government is trying to influence the voters at the time of election. I know open letters have been written to the Government in connection with the coming Gurdwara elections with the request that coloured boxes should be made use of so that the officials may not be able to influence the voters, if an uneducated person comes to vote for a certain person the officials may not use their ballot papers for the wrong person. I know that such an impression is going in the country, and if I am not wrong, I may say that people believe that officials use their influence in favour of Government candidates. If the Government wants to continue governing it is their duty to create confidence in the minds of the public. Whenever they know that people really believe that the Government is influencing voters like that and they are misusing their powers—

Shaikh Karamat Ali : On a point of order. You were pleased to observe at the time of the admission of this motion for adjournment of the business of the House that you would not allow discussion on any other matter except the two instances quoted and cited. My honourable friend is now digressing in a general manner which of course cannot be proved.

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

Sardar Sampuran Singh : There is only one sentence which I want to say and with that I finish my speech and it is this, that the Government who cannot create this confidence amongst the people and who cannot keep the elections pure, have no right to continue in power and it is only fair to themselves that they should take every pain to remove this impression and try their best not to influence the voters of the province through their official agency.

Raja Ghazanfar Ali Khan (Parliamentary Secretary): My object in taking part in this debate is not merely to refute the arguments put forward and to show whether there is ground in them or not, but to inform the House as to what really happened. My honourable friend from Lyallpur has admitted at the very commencement of his speech that constitutionally the Ministers as well as the Parliamentary Secretaries are perfectly justified in canvassing votes and there is nothing in the constitution to prevent them from voting for a certain candidate. But he tried to make a distinction between what he called the constitutional aspect and the moral aspect. Unfortunately my impression has been that all constitutions are based on certain morals and if he holds a different opinion he is welcome to do so. What is constitutionally right is morally right as well.

Reference has been made by the mover of the adjournment motion that I was touring in certain parts of the constituency and canvassing votes for the honourable Rao Pohop Singh. I do not deny that fact. The object of my visit was not to go and canvass votes for Chaudhri Pohop Singh. I had gone there to have a look round the country. (*An honourable member*: Was it at Government expense?) But I took a very active part and keen interest in persuading voters, those voters whom I had the opportunity of meeting during the course of my tour, to cast their votes in favour of Chaudhri Pohop Singh and I am very glad to say that there was a very cordial and a very encouraging response to my appeal. (*Hear, hear*). I did not stand in need of any revenue officer, whether tahsildar or naib-tahsildar, to help me in connection with the votes. As a matter of fact if there is any honesty left in politics my honourable friend sitting opposite on the Congress benches, Pandit Sharma, would bear me out that when about sun set I visited a village where he had gone a few minutes before my arrival to collect votes for Mr. Maha Dev, he noticed that I was accompanied neither by the revenue assistant nor by the tahsildar or naib-tahsildar but I took a friend with me (*Interruption*) who is an honorary magistrate and who is a member of this Assembly, because I learnt that there was a voter there, an old lady of 90 years who could not come to the tahsil headquarters to get her vote certified. It was therefore necessary that a magistrate should certify that vote. That is why I took my honourable friend, the honorary magistrate. But I did not take with me any official. And that I did at the specific request of that lady voter. But unfortunately my honourable friend Pandit Sharma had succeeded in putting a wrong idea into the head of that old lady that to give a thumb-impression was an offence under the criminal law and so I could not get that vote. However I was not accompanied by any official. As a matter of fact whenever I asked votes from the voters — the voters from this constituency happen to be men who have a stake in the country, they happen to be people who possess some landed property, who are jagirdars paying Rs. 750 as land revenue annually — they were very much interested in supporting a candidate who they considered would look after their interests. (*Hear, hear*). When I went and talked to the voters what they told me was that they were not going to vote for Mr. Maha Dev because he was a Congress candidate. They said that they did not want under any circumstances to support the Congress candidate who belongs to a party who have

[Raja Ghazanfar Ali Khan.]

no views on the agrarian legislation (*Hear, hear*). They said, the agriculturists were disgusted with the Congress party because they did not actively support the agrarian Bills and the non-agriculturists were fed up with that party because in spite of getting their votes, they did not have the courage of opposing these Bills. (*Hear, hear*). That was the issue upon which the result of this election was decided. I am surprised that my honourable friends opposite, at least those who would cast their votes in favour of this motion, should be lacking in the sportsmanlike spirit. After all a defeat should be taken in a sporting spirit. (*Hear, hear*). They know fully well that the difference between the two candidates was one of hundreds of votes and therefore if they have the honest conviction that the government officials did exercise illegitimate and undue influence and if they have got proof, then the only remedy and the legitimate remedy is an election petition and not wasting the time of the House by bringing forward a motion for the adjournment of the business of the House. Now look at the instances which my honourable friend Sardar Hari Singh has laid before the House. He has laid on the table some sort of post card on which a copy of the original letter seems to have been photographed. I would draw the attention of the House to two facts, which are contained in this letter and which deserved a very unbiased consideration. In the first instance this letter by a voter is dated the 13th December. The date fixed for polling of votes was 22nd December, that is nine days before the last day for polling votes. Then, Sir, what does this man say? He writes that a zaildar came to him. He does not write that a naib-tahsildar, or a tahsildar or the Revenue Assistant came to him. He does not write that, but says that a zaildar went to him and let me inform the House, I am sure my friends know it already, that a zaildar is at perfect liberty to canvass votes for any candidate. So only a zaildar goes to him and it is alleged that a naib-tahsildar was putting up at somebody's house and the revenue assistant was living somewhere and that a big parliamentary secretary, whether he meant by size or otherwise, I do not know, was also there. He says that he was asked to sign a paper. Now, this man is not illiterate. He did not put his thumb impression. He put his signature and those people who are well-versed in Urdu, they will, if they see a copy of the signature of the man, be convinced that he is a well-educated man in Urdu. What was that paper on which he put his signature? That paper was the forwarding letter; the only paper upon which a voter is required to put his signature is the certificate that the vote is being cast by a particular individual. Can you imagine that a man who has voted in favour of a particular candidate under coercion has the courage to write a letter to the returning officer making allegations against the revenue assistant and a tahsildar and a naib-tahsildar? He says that on receiving a message that the tahsildar wants him to vote for a particular candidate, he cast his vote for that candidate. As far as I believe, the letter from this post office was posted on the 6th December. This village is situated at a place where the registered votes could not have been got till the 10th. The earliest time he could have cast his vote was 11th or 12th. On the 11th or 12th under the influence of the tahsildar he cast his vote in favour of Rao Pohop Singh and on the 13th he writes a letter of complaint to the returning officer. Is it not absurd?

Is it possible, is it humanly possible, is it human nature that a man who is to-day so prepared to please the officials that without seeing the officials, he is prepared to put his signature and vote for any person the tahsildar likes, would on the following morning go to make a complaint that he has been influenced? It is ridiculous. But let me assure my honourable friends that I know of instances, I know of telegrams having been sent not only by one party but as far as I am aware by both parties and let me assure you that — most of the members sitting here know it but perhaps some of them sitting on the opposite benches do not know as they are new to these elections — that candidates who are very nervous of the elections and their results and are afraid of being defeated as a precautionary measure send telegrams beforehand from the very commencement of the polling knowing that they have not sufficient support to succeed and to try to prepare ground for election petition as a *pesh-bandi*. They send telegrams to officials and use all sorts of methods. The mere fact of some people sending telegrams to certain officers complaining that the officials used their influence is not enough to prove that the officials did use their influence. I may, however, inform the honourable members that as far as I am aware, wherever a complaint was made against an official, to the Deputy Commissioner or the Commissioner, or in the case of police to the Superintendent of police or some other higher officer, always an enquiry has been held in each case and effort has been made to satisfy that the officials did not use their influence. My honourable friends have taken the trouble of making an appeal to the Government benches that these democratic institutions should be saved from being demoralized and official influence being used. Let me assure my honourable friends that we on this side of the House are more anxious than any other person that elections are held above board and no official influence or any corrupt practice or any political coercion is used to make a voter vote for a particular candidate. With these few words I strongly oppose the adjournment motion and I appeal to my honourable friend who moved it and I have no hesitation in admitting that he is comparatively more reasonable and sometimes he is in a mood to listen to a reasonable appeal, that instead of wasting any more time of the House in discussing this motion, the best thing would be to withdraw this motion and I may assure him that if he quotes any particular instance where he is convinced that official influence has been used, the Honourable Premier will see that an enquiry, a reasonable enquiry, is made into that allegation and if he and his friends are convinced that they have got a strong case for a court of law the remedy will be an election petition. (*Hear, hear*).

Lala Deshbandhu Gupta : May I ask one question? Did the Parliamentary Secretary undertake the tours which he has referred to in his speech at the expense of the tax-payer or the candidate or the Unionist Party?

Raja Ghazanfar Ali Khan : I do not know at whose expense but let me assure my honourable friend that whenever I go on tour on official duty I get my travelling allowance.

Lala Deshbandhu Gupta : Was it an official duty?

Raja Ghazanfar Ali Khan : As I have informed you at the very commencement of my speech, I went on official duty.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : Sir, after the admission by the honourable Parliamentary Secretary that the Unionist Government have taken and will continue to take part in the elections I think we have a right to impeach the Government for doing so. But my honourable friend Nawab Muzaffar Khan has observed that the discussion of the matter amounts to a waste of the time of the House. I cannot accept this view. It is not a matter that can be brushed aside so easily. It has a strong bearing on our constitutional rights and privileges in the province. The Honourable Ministers should not take part in the elections; otherwise the purity of elections will be destroyed for ever. My honourable friend who has preceded me from these benches has described certain letters (*A voice* :—One letter only) and telegrams that are alleged to have been sent by the ministers asking the voters to poll their votes in favour of the Unionist candidate. These letters and telegrams also include those that were sent to Government servants or by them showing thereby that the Government officers under the Unionist Government use their undue official influence according to the dictates of the authority and coerce the voters. The Honourable Leader of the Opposition has shown how the Honourable Minister of Education went to Hoshiarpur to canvass votes in favour of the Unionist candidate. But the treasury benches deny the allegation.

Further, it is alleged by my honourable friends sitting on the treasury benches that their nominee has defeated the Congress candidate. This is wholly erroneous. The other candidate was contesting the election in his personal capacity and was not a congress candidate. The Honourable Minister of Education, on the other hand, did ask his subordinate officials to use their official influence in favour of the Unionist candidate. I will narrate the affairs of a meeting in which he was present and when questioned about the Unionists not nominating a Muslim for this seat, he replied that.....

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

Pandit Muni Lal Kalia : The Honourable Mian Abdul Haye at Ludhiana in the presence of the members of the Bar and in reply to the question which I have already mentioned, stated that Sir Sikander is the greatest custodian of the rights and interests of the Muslims in the Punjab. He has great respect for the Holy Prophet of Islam. Then he alluded to a Patiala Durbar dinner that was held during Dusehra, which was attended by the Punjab Ministers.

Khan Bahadur Nawab Muzaffar Khan : The Chair has already held that this is irrelevant.

Pandit Muni Lal Kalia : Some one asked a singing girl to recite "Salam".

Mr. Deputy Speaker : I would request the honourable member not to be irrelevant.

Pandit Muni Lal Kalia : There a professional singing girl was asked to sing the wellknown poem "Salam" ..

Mr. Deputy Speaker : I would request the honourable member to obey the instructions of the Chair. I would request him to speak to the motion.

Pandit Muni Lal Kalia : Sir, I was trying to meet the arguments advanced by Nawab Muzaffar Khan and Raja Ghazanfar Ali Khan. The incident in question where a "randi" was also present was merely intended to remind the Honourable Minister of Education of the other meeting in which he canvassed for the Unionist candidate.

Begum Rashida Latif Baji : On a point of order, Sir ? I would request the honourable member not to mention any "randi" on the floor of the House. It lowers the dignity of the House.

Pandit Muni Lal Kalia : I am sorry for that. It was just to remind the Minister of Education of his visit to Ludhiana, when he went there for canvassing votes. Otherwise I am as keen to uphold the dignity of the House as anybody else can be. Well, Sir, I give up that and ask my honourable friends occupying the Treasury Benches as to what is the necessity of denying what is essentially undeniable. Government officers have taken part in canvassing in favour of the Unionist candidate. If that is democracy, I would pray to the Almighty God to save our province from that. Unconstitutional steps are being taken and connived at by the Unionist Government in the name of the majority. These irregularities will, in the long run, jeopardise the whole administration in the province and ultimately bring the down-fall of the Unionist Government. I would like to sound a note of warning to the present Government that if they do not desist from such practices as have been enumerated this evening, their days will be numbered very soon.

In the end I would appeal to all sections of the House to realise the gravity of the charges brought against the Government, supported by the copies of the letters and telegrams, and vote in favour of the adjournment motion.

Minister for Education (The Honourable Mian Abdul Haye) (Urdu) : Sir, since two of the honourable members have referred to me in their speeches, I feel called upon to make a few observations with regard to the Adjournment Motion now before the House. It was an important, a very exciting bye-election. A party leader who came unopposed in the general elections resigned for certain reasons. The Government was held responsible for having some agrarian laws passed by this House. The issue before the country was whether or not the people, the country and the voters approved of this action of Government. Some of our friends left us and went over to the other side. Under these circumstances we decided to nominate Rao Pohop Singh as the Unionist candidate in this bye-election. All other forces, the Congress, the Akalis, the Ahrars, the Progressive Party and the Hindu Mahasabha were all combined against our candidate. We deliberately put up Rao Pohop Singh as the Unionist candidate. The Honourable Premier no doubt wrote letters. My Honourable colleagues did also send letters and some letters were also sent

[Minister for Education.]

under my signature. I went to Ludhiana. I paid a surprise visit to Hoshiarpur Intermediate College. I visited the D. A. V. College and Girls' Schools at Jullundur. I, therefore, got an opportunity to ask the people what their views in this connection were. They told me that after the enactment of agrarian laws no self-respecting zamindar could ever dare to vote in favour of the Congress candidate and that we need not have taken the trouble of writing letters to them. We are being accused of having exercised undue influence upon the voters through the Revenue Assistant. My friend Pandit Muni Lal Kalia, true to his name, has made a mis-statement to the effect that I resorted to unfair means to help the Unionist candidate in this bye-election. Let me tell him that my visit to Ludhiana was not for this purpose because Ludhiana is not situated in that constituency. If the landholders have acted upon the maxim that blood is thicker than water or that once bitten is twice shy, they have shown their wisdom. They did not like to be accused of *الجرب العجرب حلت به نفاقهم*.

Let me say, sir, on the floor of this House that we had every right to go to the constituents in order to ask them to vote in favour of our candidate. I ask if a Revenue Assistant can exercise more influence than myself. The thing which I can do myself rightfully and lawfully, why should I ask the Revenue Assistants and Tehsildars to do? My friend Pandit Muni Lal Kalia has stated things in a most undignified manner. The fact was that an out-spoken Muslim met me in the bar room in my friend's presence. He asked me as to why we were putting up a Hindu and not a Muhammadan as the Unionist candidate. I told him that he was not the custodian of the Muslim rights, but Sir Sikander was the greatest guardian of the Muslim rights and that after carefully taking into consideration all relevant matters he decided to put up the best candidate. This was a matter of vital importance. Our opponents had a bitter defeat. It is but natural that one who is defeated must attribute his defeat to some causes. It was said on a previous occasion that we in fact had done no service to the zamindars by the enactment of agrarian laws and that we, who sit on this side of the House, were not the real well-wishers of the zamindars. It was on account of this that we participated in this bye-election. We wanted to show whether the zamindar community was with the Congress or with Sir Sikander. We have now shown beyond any doubt that with the exception of a few shop-keepers and mandiwalas nobody is opposed to this legislation. The zamindars have realised that the Opposition have only lip sympathy for them, but at heart they are at one with their enemies.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, the adjournment motion and the debate thereon raises a question of first rate constitutional importance. Can the Ministers, the Parliamentary Secretaries, the Under-Parliamentary Secretaries, the Whips and the assistant Whips carry on party propaganda after they have accepted office? I am the first person to concede that by accepting office they do not cease to be members of the party to which they belong and to which they also belong while they continue in office.

(At this stage Mr. Deputy Speaker left the Chair which was occupied by Lala Duni Chand amidst loud applause.)

Therefore, I would at once concede that the honourable ministers the parliamentary secretaries and the whole army of under-parliamentary secretaries are perfectly justified in going about a constituency to canvass support for a candidate whom they have put up. But, Sir, the question is whether, even if they are entitled to do that and I say they are perfectly within their right, they should not distinguish between their party duties and their government duties. If a minister or a parliamentary secretary wishes to go to a constituency to canvass support for election for one of his friends or members of his party, if he goes, as has been admitted on the floor of the House, not only to canvass support, but actually to secure votes accompanied by a magistrate to attest the votes, if that is the kind of party propaganda which a minister or a parliamentary secretary or an under-parliamentary secretary thinks his loyalty to his party compels him to do and he does it at Government expense, then I submit it is not fair and just to the opponent. If you go as a volunteer to assist a man of your party you should do so at your own expenses or at the expense of the candidate or at the expense of the party whose cause you espouse. If you do not do that, then you are misusing the position which you occupy as members of the Government — as also members of a big party in this House. I do not say that money at all matters to some of these rich persons. I do not for a moment wish to impute any sordid motive to these gentlemen that they are in this way helping themselves to a portion of the tax-payers' money. Not in the least. These gentlemen are honourable gentlemen and some of them are above petty temptations. But it is up to us, as members of this legislature, to set up a healthy convention for the guidance, not only of the present Government, but any future Government that may come in its place. We should set up such a healthy convention that if this party propaganda is to be performed it should be performed at the expense of the tax-payer. Pardon me for repeating it. A question of principle of this importance cannot be over-emphasised. I do not wish to use it as an item of accusation against the present Government. But I say, whatever happened in the past, now let a healthy convention be set up that no Government in power will spend the Government funds for purely party propaganda. I can very well imagine some circumstances and some extreme situations when party propaganda cannot be distinguished from the Government propaganda. An instance of this kind was mentioned during the last debate. But can anyone honestly maintain for one moment that such a party propaganda, i.e., actually travelling to secure the return by election by a constituency of an individual party candidate, is part of the duty of the Government of the day? Should this be paid for at the expense of general tax-payer?

Premier : On a point of order. I think we are discussing the adjournment motion moved by my honourable friend, Sardar Hari Singh. This is not the motion before the House, and my honourable friend is irrelevant.

Rai Bahadur Mr. Mukand Lal Puri : Sir, I am replying to the debate.

Mr. Chairman (Lala Duni Chand) : As I understand, the honourable Mr. Puri is replying to certain arguments advanced on the floor of the House. Therefore, he is perfectly entitled to do so. (*Hear, hear.*)

Rai Bahadur Mr. Mukand Lal Puri : I am putting it to you, Sir, and I ask the Honourable Premier, if he can give me the indulgence of listening to me. I ask him to imagine the feelings of the other candidate who was contesting the seat against the nominee of the Government. Imagine his feelings when he finds that Raja Ghazanfar Ali Khan has been conveyed from Lahore to Gurdaspur and to Kangra at Government expense to secure votes against him. Imagine his feelings when he finds that the Honourable Minister for Education conveys himself from Lahore to Jullundur or other parliamentary secretaries convey themselves from Lahore to Rohtak at Government expense for securing votes for his opponents. You know that the expenses of a candidate are limited. A candidate cannot spend more than the amount prescribed. (*A voice : Not yet.*) A rule has been framed. In any case, whether there is a rule or there is no rule, a practical limit is fixed for one's expenses from one's own pocket. Imagine the plight of a poor opposition candidate for election when as on the last dissolution of the Assembly he finds a number of ministers, 10 parliamentary secretaries and 10 private parliamentary secretaries, transported to and fed at Government expense in the various parts of the constituency canvassing for his opponent while he has to pay for every one of his workers, low or high, and show it in his return of election expenses. That is not the kind of tradition which I for one would like to see established in the province, whether it is a Congress Government, the present Government or any other Government in power. Whatever may have happened in the past, I stand here to raise my voice against the misuse of the Government funds for such party propaganda particularly propaganda to secure the return of a candidate of their party. If you do not accept this principle do you propose to run the next general elections of the Unionist Party at the expense of the tax-payer? I do not wish to suggest that the Honourable Premier or the Honourable Minister of Education did so far forget their position as to ask their subordinates to canvass for their candidate. I do not lay any such accusation, because no such instance of a minister asking Government servants has come to my notice. But the Government must take note of the fact that on the floor of the House certain specific allegations have been made, that certain officials of certain districts had been openly canvassing for the Government candidate. These are the matters which the Honourable Premier and the Revenue Minister should enquire into. I happened to go to Ambala in connection with my professional work and in the Bar Room an ex-member of the last Legislative Council told me that revenue officers of Ambala had been openly, without any attempt at concealment, canvassing for the Government candidate. I do not know how far it is correct. But this statement was made by a respectable gentleman. All that I want is that the Government will cause an enquiry to be instituted into the conduct of these officers so that it may serve as a warning to others in future. With these words I support the motion.

(*Voices : Question may now be put.*)

Mr. Chairman (Lala Duni Chand) : Question is—

That the question be now put.

The motion was carried.

Sardar Hari Singh : Sir, I understand that I can give my right of reply to Chaudhri Kartar Singh. (*Voices : No, no.*)

Mr. Chairman : I would like to be enlightened by this House whether that can be done ?

Premier : According to the rules, it is only the mover of a motion, who can have a right of reply.

Mr. Chairman : Then I hold that this right cannot be transferred.

Sardar Hari Singh : Mr. Chairman, we have debated this adjournment motion for an hour and twenty minutes already. Three honourable members from the Government side have spoken in reply to the allegations made by me and my honourable friends on this side on the subject matter of this adjournment motion. At the very outset of my first speech, I said that this motion raised issues of great moment and that it was perhaps the most important motion that had ever been moved on the floor of this House since the inception of the new Assembly.

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

But, Mr. Deputy Speaker, I was surprised when I found during the course of the debate that the levity and lack of seriousness evidenced by the Government benches on this most serious subject was in direct proportion to the seriousness of the subject matter under discussion. I stated in my first speech that this raises issues which affect the future course of democracy in this province and, therefore, it was the duty of the House to give due consideration to the allegations made in this motion and it was my request to the Government that it should in due deference to the wishes of this side of the House appoint an independent and impartial tribunal to make due enquiries into the allegations which had been made by respectable gentlemen and by honourable members of this House based on their personal knowledge and experience during the course of this election, but instead of giving an assurance to the House the Premier has not at all opened his lips so far and other honourable members who have spoken on this motion have exhibited un-called for and unjustified levity on this serious question.

Nawab Muzaffar Khan began in the right tone when he agreed that the principle enunciated by me that non-intervention by the services in elections was a dictum that was the foundation of the success of democracy in any country and he went on to narrate reminiscences of his career as Reforms Commissioner and I give him due credit for his successful career as Reforms Commissioner. He then expatiated on the hard lot of the voter. No doubt the lot of the voter is very hard, in particular when he is between the devil and the deep sea — official pressure on one side and the dictates of his conscience on the other. In this particular case which was cited by me based on the letter which was laid on the table, the lot of the voter was very hard, because the dictates of his conscience came in conflict with the undue official pressure exercised by the zaildar who was a tool in the hands of the Revenue Assistant. Mr. Deputy Speaker,

[Sardar Hari Singh.]

I join issue with my friend Nawab Muzaffar Khan when he said that the only course open in this case was not to bring it up by means of an adjournment motion on the floor of this House, but to go to the election court. I wholly disagree with my friend when he enunciates this principle that that is the only course. If serious allegations and serious complaints are made by respectable people who have got experience of the doings of revenue assistants and tahsildars that they actively and openly without fear from any quarter did propaganda in favour of a Unionist candidate, is it not the obligatory duty of this House to discuss it here and urge the Government to appoint an independent and impartial tribunal to go into the whole matter, so that in future the purity of administration and the purity of elections should be maintained? Is it not a matter serious enough for enquiry by an independent tribunal? If the Government is not of that view, I dare say the Government does not deserve to exist any longer, as was pointed out by my friend Sardar Sampuran Singh. If a government cannot maintain the purity of elections then all hopes of purity and efficiency of administration will vanish.

Mr. Deputy Speaker : The honourable member may have five minutes more.

Sardar Hari Singh : I can have fifteen minutes.

Premier : The honourable member complained that I have not opened my lips yet. I am waiting to open my lips to satisfy him and it is only fair that he gives me a chance.

Sardar Hari Singh : There are thirty-five minutes left. I want ten minutes and he can have the remaining twenty-five.

Premier : He had half an hour while moving his motion and another fifteen minutes ought to be enough for his reply.

Sardar Hari Singh : Raja Ghazanfar Ali Khan made a very valuable confession—valuable from the point of view of this side of the House, when he stated that for the tour in connection with the elections he drew travelling allowance from Government. He also made a further admission that during the course of his tour of the constituency he secured votes for the Unionist candidate. These two admissions go to show that the Parliamentary Secretary of Government toured the constituency and secured votes for the Unionist candidate at Government expense. That constitutes a strong indictment of Government.

Premier : A repetition.

Sardar Hari Singh : Certainly a repetition, but a repetition that bears repetition. He also admitted the fact that he was accompanied on his tour by an honorary magistrate, probably an honorary magistrate in whose jurisdiction he went to secure votes. That is also a strong indictment against the Government—to choose the official agency of an honorary magistrate. An honorary magistrate is an official who exercises a certain amount of prestige in his own jurisdiction.

Raja Ghazanfar Ali Khan : No, that is a different district altogether. The honorary magistrate was a member of this honourable House and his jurisdiction is confined to Gurdaspur district. I am talking of Kangra district.

Sardar Hari Singh : I am glad to hear that. A statement has been made by honourable members on the other side that they have defeated a Congress candidate. Mr. Mahadev was not a congress candidate. He may have got the support of the congress leaders, but that is a different matter. Sympathy is a different thing. He was not a congress candidate at all. There was jubilation expressed by the Education Minister and the other Ministers over this victory. They said that it was an indication of the popularity of the agrarian laws. They said that the victory of Rao Pohop Singh over his rival was a justification of the agrarian laws and showed that the zamindars wanted the agrarian laws. If that is the reading of the victory of Rao Pohop Singh over his rival then that is a wrong reading, because the votes secured in favour of Rao Pohop Singh were secured, on the basis of proof positive in our possession, by foul means and by unfair means and by unjustified means, means of which no civilised government can be proud and of which every right-thinking person should be ashamed.

8 P.M.

Mr. Deputy Speaker : The honourable member's time is over.

Lala Duni Chand : With your kind permission may I put three questions regarding what happened in my district so that the Honourable Premier who is so anxious to open his lips may be in a position to give a reply to them in the course of his speech ?

Mr. Deputy Speaker : The honourable member has no right to do so.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I had no mind whatever to participate in this debate to-day for the simple reason that the case put forward by my friend opposite is such that it can be ignored without any speech from this side, for the reason that he relied on certain hearsay evidence to bring forward an adjournment motion. An adjournment motion can be moved only when something serious happens. On the other hand my honourable friend has brought one even in regard to a trivial matter on which he has had nothing substantial to say. However, I shall have to say more on this question at the end of my speech. (*An honourable member :* Is it not a reflection on the chair which has admitted the motion ?) I would request the Honourable Leader of the Opposition to see that his back benchers do not interrupt me in the course of my speech. He will have noticed that when speeches came from the other side we did not interrupt. I expect the same courtesy to be shown to me also.

As I have already said I had no mind to make a speech on this motion but my friend opposite has complained that I have not opened my lips. The reason for that is that no reply is needed for the case put forward by them. However, I shall lay before the House for its benefit a few facts which would be of interest. First, let us consider what were the forces opposed to the Unionist Party candidate. There was the Congress, the Mahasabha (*An honourable member :* Question), the Akali party and several other forces. (*Interruption.*) My honourable friend says that the Congress did not support any candidate.

Lala Duni Chand : May I inform the Honourable Premier that Ambala had 147 votes and the Congress did not work for any of the candidates?

Premier : I am prepared to accept his word. Evidently the Congress workers in that district proved that old adage that discretion is the better part of valour, because they knew that if they had worked for any candidate he would not have got any vote, because the voters who voted for our candidate would not have been swayed by any other consideration than that of benefit of their own community and party. It has been repeatedly said that the Congress had no hand whatever in supporting any candidate. But I saw a poster which my honourable friend has probably not seen. That poster contained the name of Seth Sudarshan, the chief whip of the Congress Party here. (*An honourable member :* He is the relative of the candidate). Very well, then. Here is another relative, Mian—

Dr. Gopi Chand Bhargava : If my honourable friend would like to save the time of the House I would tell him that Seth Mahadev was not an official candidate of the Congress and Congressmen did not support him because he was a Congress candidate. They supported him because he was anti-Unionist.

Premier : The position is quite clear. According to the Leader of the Opposition he was not an official candidate of the Congress and yet the big guns of the Congress supported him.

Dr. Gopi Chand Bhargava : I never said so.

Premier : If he did not say, what did he say? I was saying that Seth Sudarshan was one of the signatories of the poster. I am told that he is the relative of Seth Mahadev. But here is another relation of the candidate, namely, Mian Iftikhar-ud-Din from Baghbanpura. (*Laughter.*) Another relation of his who has signed the poster is from Lyallpur. (*Laughter.*) Another relation is Chaudhri Kartar Singh who comes from Okara. (*Interruptions.*)

Mr. Deputy Speaker : I would request honourable members not to interrupt.

Premier : I admit that there is relationship among these people, but it is a political relationship. Here is another signatory to that poster Sardar Sampuran Singh from Lyallpur, Deputy Leader of the Congress Party. Another relation is Sardar Baldev Singh who is not here. I admit that the relationship is not blood relationship, but political relationship. This is so far as the Congress was concerned.

On another side I know that all the members of the Mahasabahha supported another candidate. Sardar Santokh Singh, the Leader of the newly formed Independent Party and all the moneyed classes, all the forces which could buy votes and which had influence were arrayed against the poor Unionist candidate. (*An honourable member :* Is a Jagirdar a poor man?) I suppose my honourable friend will allow me to proceed with my speech. No doubt our candidate is a jagirdar, but it is a very small jagir and if we calculate the amount he might have spent on the election, I dare say he would have had to borrow or perhaps he would have spent his life savings which he might have provided for the rainy day. His income from jagir

even for several decades will not meet his election expenses. It has been contended that because ministers went to that constituency and influenced the electors the Unionist candidate was elected. That is not so. I may assure the honourable members that we did not go there. No doubt I wrote letters to the voters in that constituency, but not as a Premier, but as the Leader of the Unionist Party. Now, it is open to the opposition to blame the Unionist Party for electing me as its Leader. It is open to the Opposition to ask that party to turn me out, but as long as I am in that party it was my duty to write to the voters. (*An honourable member*: You wrote those letters as Premier and not as Sir Sikander). I did not sign even as 'Sir Sikander', but simply 'Sikander Hyat'. I may also assure the House that those letters issued from the Unionist headquarters and not from my office. That is with regard to the part that the Ministers played in the election.

Now, Mahadev comes from the Hissar district. My honourable friend knows or at any rate Mahadev knows that the number of votes he got from his own district and from the adjoining district was perhaps ten or at the most a dozen. In the Rohtak district he got only one vote. My honourable friend the Minister for Development never went there. On the other hand at the time of election he went to the opposite side so that there may be no accusation against him that he influenced the elections. In Gurgaon, the home of Rao Balbir Singh he did not get any support. (*An honourable member*: Why?) My honourable friend should put that question in all seriousness to the candidate himself. If my Congress friends want to capture the whole province during the next elections, they will have to find out the cause of the defeat of Mr. Mahadev. One reason was mentioned by the Minister for Education. Let me give you a few facts. The total number of votes polled in favour of the two opponents of the poor Unionist candidate was 107 and that moneyless zamindar, poor Unionist candidate, got how many? Three hundred and fifty-nine votes. Some of his voters are dead, otherwise his poll would have been greater. (*Interruption*). I do not blame my honourable friends for being restive because they are chagrined. When all the forces in the Punjab excepting the Unionist party concentrated in trying to defeat that candidate and yet he came out with a majority, it probably opened their eyes also. With regard to the complaints, I received several of them with regard to several matters and in regard to this particular matter I knew that I would receive complaints because as my honourable friend Nawab Muzaffar Khan has pointed out, I have experience of elections myself and there are always complaints and counter-complaints. I do not in any way want to say that some of the officials had not used their undue influence. If they had, it is wrong on their part and it is due to every one of us to see that official influence, undue official influence, is not allowed in any way to sway the result of polling. I am at one with him in this respect. As a matter of fact my honourable friends may not say so to-day, but 18 months ago or perhaps two years ago, they would have admitted that that was one of the most difficult periods of election. I received complaints from several sources including those telegrams or those postcards which my honourable friend has read out and to which my honourable friend Raja

[Premier.]

Ghazanfar Ali gave a crushing reply and a fit reply. I also received telegrams of this character: "Ballot papers landholders constituency not delivered taken away from post office by some local officer enquire want voting for Mahadev". I received telegrams from the other side, not from Rao Pohop Singh, but from his agent and I put them into the waste paper basket not because I did not want to make enquiries but I thought that my candidate would not require any such enquiries to be held and without consulting him I did not want to proceed in the matter, because after all these are allegations and in the heat of the moment candidates make all sorts of complaints. They may be coming from the agents of the candidates or from people who are not connected with them. In any case they went into the waste paper basket. But all the telegrams which were received from the other side were enquired into at once and this telegram which I read was sent down to the Deputy Commissioner for enquiry and the Deputy Commissioner made enquiries from post office officials and this is the reply we have received:

With reference to your endorsement No. 7923, dated the 21st December, 1938.

The enquiry was held immediately; this telegram is dated the 17th and at once the Reforms Commissioner's office issued a letter to the Commissioner.

I have the honour to say that the enquiries made through the Tahsildar, Jagadhri, show that ballot paper of Bachan Singh bearing registered No. 814 and that of Bhagat Singh bearing registered No. 328 were delivered to them on the 13th December, 1938, through the post office, Mustafabad, tahsil Jagadhri. The telegrams addressed to the Punjab Government seem to be based on some misunderstanding. The Sub-Post Master, Mustafabad, does not say that the ballot papers in question were taken away from him by some local officer.

This is the result of that enquiry. We made enquiries into all these allegations and I assure my honourable friend that, as Raja Ghazanfar Ali has pointed out, the proper course would have been, if there was any great grievance, to come before the election tribunal. But my honourable friend knows that the case is too weak to go before the election tribunal and so he thought that an adjournment motion must be brought forward. But I submit that this is not the appropriate way to ventilate grievances of this kind. Election offences must go before the election tribunal. Apart from that even if my honourable friend or one of the candidates or one of the voters did not want to bring the matter before an election tribunal, there are courts open to my honourable friend or any of his friends to lodge a complaint, a criminal complaint, against the officers concerned under the existing law. For using undue influence, whether official or otherwise, you can always lodge a criminal complaint under the Corrupt Practices Order in Council. That would have been a proper procedure. But my honourable friend brings in an adjournment motion in this House about which I will say a few words later.

Now I may tell my honourable friend what other things besides this happened. A poster was issued and telegrams were sent purporting to be from my colleague the Honourable Revenue Minister that he was supporting a candidate who was opposed to Rao Pohop Singh. Telegrams were sent to voters and also posters were issued bearing names including that of Sunder Singh Majithia and purporting to be from him, but which he

never wrote. This was brought to his notice and immediately he issued several telegrams to all the voters saying that this poster was wrong. I would not develop that point further because it was a corrupt practice of the worst description and I dare say we will hear more about it later.

Lala Duni Chand : Did he send 650 telegrams in order to correct that information ?

Premier : He sent telegrams to certain persons in certain districts, districts in which this poster was found. He is a very clever lawyer and elicited from me this information which is most relevant and germane to this debate! (*Laughter*). I also heard complaints that votes had been bought. I know that votes are bought and my honourable friends would admit that sometimes they are bought. I am told that in some cases as much as Rs. 200 or Rs. 300 is paid for a vote. Millionaires can afford to pay that amount but we poor people cannot. But I brushed aside those complaints with contempt because I was told that one of the candidates who has secured only one vote and forfeited his security had several votes of his family which eventually passed hands and some people told me — it might be an uncharitable view to take on their part — changed hands for Rs. 200 each. I am not prepared to vouch for the accuracy of that complaint or to deny that because it is not my duty to do so nor is it within my purview to do so at this moment. But such complaints were made and I ignored them with the contempt they deserved because after all if there was any substance in them there are the election tribunals and the open courts to deal with them where one can vindicate one's position. But none of these steps were taken and my honourable friend had thought it best to bring in an adjournment motion on the strength of a postcard and his arguments have been crushed into smithereens by my honourable friend the Parliamentary Secretary for Revenue.

Now, Sir, in the end I should like to refer to that part of my honourable friend's speech where he said that democracy would become a farce unless we as a Government tried to stop such instances. I can assure my honourable friend that nothing is nearer home to us than to see that democracy works properly in this province and things such as he has alleged and complained of do not appear at all in our elections. I can assure him that if he is prepared to co-operate with me, we will be able to eradicate corruption to a very large extent, but my honourable friend must honestly co-operate with me and not bring in adjournment motions here to make political capital of that or merely . . .

Sardar Hari Singh : To gain cheap notoriety ? (*Laughter*).

Premier : I hope my honourable friends opposite and particularly the front benchers — I will not single out my honourable friend the Leader of the Opposition, I will ask all the front benchers, because four people are more useful than one, even though he may be the Leader of the Opposition — will help me. Where was, after all, the necessity of bringing in this adjournment motion ? Adjournment motion is a thing, as you are aware, to which resort is had on very rare occasions in democratic parliaments.

Dr. Gopi Chand Bhargava : Is he there to preach us a homily ?

Premier : I am trying to preach a homily because my honourable friends did that to me. I am making a humble appeal to you as an humble colleague. Try to act up to these democratic canons which we are trying to follow, canons which have been introduced and which have the sanctity of age long experience and practice behind them in the Mother of Parliaments. It would be interesting to this House to know what happens in the House of Commons. I have got figures for four or five years -- further figures can be had from the Library of the Assembly -- about the number of adjournments of the House. In 1932-33 the number was three, in 1933-34 it was 2, in 1934-35 it was three and in 1935-36 it was four.

Lala Duni Chand : Do you know the number of censure motions in the House of Commons ?

Premier : These are the urgency motions of adjournment.

Lala Duni Chand : Do you know that the labour party moves a no-confidence motion every two months ?

Premier : Now, Sir, out of these 16 or so motions moved in five years, I understand that only three were admitted during the five years.

Dr. Gopi Chand Bhargava : I rise to a point of order. It is with very great reluctance that I have stood up to raise this point of order. Is it relevant to hear a lecture on democratic principles and on adjournment motions and how many adjournment motions have taken place in the House here or anywhere else ?

Premier : My honourable friend was not here when this question was raised and except Sardar Sampuran Singh none of the front benchers was here when we were discussing the adjournment motion and this shows the urgency and importance of the adjournment motions. (*Hear, hear*). My honourable friend gets up to make a point of order. He did not know that this point had been raised by his friends, but he was not here, perhaps because a very urgent and important motion was being discussed.

Sardar Sampuran Singh : This point was never raised by us.

Premier : I would request my honourable friends to consider dispassionately this position and alter their present policy because after all, if they want to save democracy and if they want to make it a success in this province, it is our duty whether on these benches or on those that we should all join hands together in setting up conventions of the kind which would stand scrutiny not only to-day but by the coming generations and they may not have to say that we their predecessors laid down such bad conventions that they cannot follow. With these few words I strongly oppose the adjournment motion. (*Hear, hear*.)

Dr. Gopi Chand Bhargava : I rise to a point of personal explanation. I have to give two personal explanations. Firstly the Honourable Premier said that the Congress was a party to this election (*Interruption*); is this the convention that the Premier is going to establish ? I also know how to behave like that.

Mr. Deputy Speaker : So far as this point is concerned, there is no question of personal explanation.

Dr. Gopi Chand Bhargava : My submission is that the Honourable Premier said that I had said so. I contradicted it. And therefore the question of personal explanation does arise, because I was misquoted by the Premier. My submission is that I never said that the Congress was a party to this election and I only said that the Congress as a party did not support Seth Mahadeva. He was not a Congress candidate. He did not stand on Congress ticket.

Mr. Deputy Speaker : The Honourable Leader of the Opposition has already made this statement.

Premier : And I accept it that he was not an official Congress candidate.

Dr. Gopi Chand Bhargava : If you do not allow me, I will not make this statement. He has said that the front benchers were absent and therefore we did not realize the urgency and importance of the adjournment motion. Am I to understand that when the ministerial benches are empty during the discussion of these Bills, they do not realise the importance of the Bills? The only reason for our absence was that a member had been given charge of a certain motion. My friend, Sardar Hari Singh, moved that motion and I had fixed the persons who had to support him. I knew the whole case and it was not necessary for me to sit here.

Mr. Deputy Speaker : Question is—

That the Assembly do now adjourn.

The Assembly divided: Ayes 23 ; Noes 56.

AYES : 23.

Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Lal Singh, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Mukard Lal Puri, Rai Bahadur Mr.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Rur Singh, Sardar.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Sohan Singh Josh, Sardar.

NOES : 56.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Badar Mohy-ud-Din, Qadri, Mian.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.

Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Gopal Singh (American), Sardar.

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| Gurbachan Singh, Sardar Sahib Sardar. | Mushtaq Ahmad Gurmāni, Khan Bahadur Mian. |
| Hans Raj, Bhagat. | Muzaffar Khan, Khan Bahdur Captain Malik. |
| Het Ram, Rai Sahib Chaudhri. | Muzaffar Khan, Khan Bahadur Nawab. |
| Jagjit Singh Man, Sardar. | Nasir-ud-Din, Chaudhri. |
| Karamat Ali, Shaikh. | Naunihal Singh Mann, Lieutenant Sardar. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Pritam Singh Siddhu, Sardar. |
| Kishan Das, Seth. | Ram Sarup, Chaudhri. |
| Manohar Lal, The Honourable Mr.. | Ranpat Singh, Chaudhri. |
| Maqbool Mahmood, Mir. | Ripudaman Singh, Thakur. |
| Mubarik Ali Shah, Sayed. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Amin, Khan Sahib Shaikh. | Sham Lal, Rai Bahadur Chaudhri. |
| Muhammad Ashraf, Chaudhri. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Muhammad Azam Khan, Sardar. | Singha, Diwan Bahadur S. P. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Sohan Lal, Rai Sahib Lala. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Sultan Mahmood Hotiana, Mian. |
| Muhammad Nawaz Khan, Major Sardar. | Sumer Singh, Chaudhri. |
| Muhammad Sarfraz Khan, Chaudhri. | Talib Hussain Khan, Khan. |
| Muhammad Yasin Khan, Chaudhri. | Tara Singh, Sardar. |
| Muhammad Yusaf Khan, Khan. | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

Pandit Bhagat Ram Sharma : Mr. Deputy Speaker, I rise on a point of personal explanation. The honourable Parliamentary Secretary, Raja Ghazanfar Ali Khan, made certain remarks in his speech on the floor of this House in which he charged me of having given wrong impression to one lady voter when he went to Indora by invitation to secure the vote of an old lady of ninety. He stated that I gave a wrong impression to her and therefore he could not secure that vote. With respect to this fact I have to submit that he was not there by invitation.

Raja Ghazanfar Ali Khan : How does he know? (*Interruption*).

Pandit Bhagat Ram Sharma : He went there with one relative of that lady Chaudhri Dhian Singh, Pleader, of Gurdaspur.

Mr. Deputy Speaker : The honourable member is now making a speech.

Pandit Bhagat Ram Sharma : He went there to canvass that vote. He could not secure that. I did not give any impression to that lady whatsoever. She was a purdah-nashin lady and none of us could have access to her. This is a wrong fact divulged on the floor of this House that I gave her a wrong impression. (*Interruptions*).

The Assembly then adjourned till 12-30 P. M. on Thursday, 19th January, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.
5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 19th January, 1939.

The Assembly met in the Assembly Chamber at 12-30 P.M. of the clock. The Secretary informed the House of the unavoidable absence of the Speaker due to illness. Thereupon Mr. Deputy Speaker occupied the Chair.

STARRED QUESTIONS AND ANSWERS.

PULLING DOWN THE CONGRESS FLAGS AT ROHTAK.

***3835. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that he and Chaudhri Sir Chhotu Ram were taken in a procession at Rohtak on 8th October ;
- (b) whether it is further a fact that some among the mob getting upon the tops of the houses of some Congress men, pulled down the congress flags ;
- (c) whether the allegation in (b) was brought to his notice ;
- (d) action taken in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) No. The procession took place on the 7th October, 1938.

(b) No.

(c) Yes.

(d) Cases were registered by the police but investigation failed to substantiate the allegations.

TELEGRAMS BY MR. BALKISHAN.

***3853. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Superintendent of Police and Deputy Commissioner, Hoshiarpur, have only recently received telegrams from one Mr. Balkishan alleging disorderly behaviour on the part of a police constable named Bhagat Singh in order to create disturbance in a public meeting held at Gagrat, tahsil Una, district Hoshiarpur, on 30th October, 1938 ;
- (b) if answer to (a) above be in the affirmative, the action taken in the matter ?

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

(b) The allegations in the telegrams were found on inquiry to be wholly false, and criminal proceedings are now being taken against the sender.

KHAKSAR MOVEMENT.

***3909. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether he has recently received a communication of the nature of an ultimatum from the founder of the *Khaksar* movement asking him to fulfil the demands of his (founder's) organization by 18th November, 1938, otherwise he would declare open opposition of the Government; if so, action taken or proposed to be taken by the Government in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood) : 1st Part.—Yes.

Second part.—So far as the demands of the founder of the movement fall within the sphere of the Punjab Government, he has been informed of the conditions which must govern their acceptance.

Sardar Sohan Singh Josh : What are those conditions?

Parliamentary Secretary : It is not in the public interest to discuss them.

Diwan Chaman Lall : Will the honourable member tell us why it is not in the public interest to discuss a matter of this moment? I should have thought that this is essentially a matter of public interest.

Sardar Sohan Singh Josh : May I ask as to whether the Government has acceded to any of the three demands made by the *Khaksars*?

Parliamentary Secretary : I have already stated that we have communicated to the founder of the movement the conditions which must govern their acceptance.

Diwan Chaman Lall : May I ask the honourable member once again in the interest of this province and in the public interest to tell us what are those conditions that have been communicated by the Government to this particular gentleman?

Sardar Sohan Singh Josh : May I know whether their demand for installing a separate broadcasting station for the *Khaksars* has been accepted?

Parliamentary Secretary : The question with regard to the radio does not fall within the province of the Punjab Government.

Diwan Chaman Lall : May I know who the gentleman is to whom Government have communicated the matters which he considers not in the public interest to divulge on the floor of the House?

Parliamentary Secretary : The founder of the movement.

Diwan Chaman Lall : Does the honourable member consider the divulging of the information to the founder of the movement is in the public interest, but it is not in the public interest to divulge that information to the representatives of the people on the floor of the House?

Parliamentary Secretary : Government at times carries on *confidential* correspondence with different people which cannot be released with regard to the items under correspondence. It will not serve any useful purpose and it might be harmful to public interest if unnecessary disclosures are made at this stage.

Diwan Chaman Lall : May I ask the honourable member to tell us which part of the answer is true, namely, whether it would not serve any useful purpose whether it is confidential or whether it was because of unnecessary disclosures being made: which part should be considered as absolutely true?

Parliamentary Secretary : All three are correct.

Diwan Chaman Lall : May I ask my honourable friend whether it is a correct policy on the part of the Government to carry on with public bodies or with public men confidential correspondence in regard to matters which are of moment and are of interest to the general public at large?

Lala Duni Chand : May I know whether any concessions or favours have been granted to the Khaksars in order to rope them in?

TENDERS FOR THE SUPPLY OF FURNITURE FOR THE NEW ASSEMBLY
CHAMBER.

***3939. Sardar Sohan Singh Josh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the name of the firm with which orders were placed for the supply of furniture for the new Assembly Chamber;
- (b) whether any tenders were invited for this purpose and whether any were received; if so, whether the Government is prepared to lay those tenders on the table of the House, with the rates quoted in these tenders?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) There were more than one firm with which orders were placed for the supply of furniture for the New Assembly Chamber. Their names are—

- (i) Messrs. Jhanda and Sons, Cantonment, Sialkot.
- (ii) Messrs. C. Lazarus and Co. Ltd., Calcutta.
- (iii) Messrs. Hayat Bros., The Mall, Lahore.
- (iv) Messrs. Nabi Bakhsh and Sons, Lahore.
- (v) Messrs. Suri Kohli, and Co., Beadon Road, Lahore.
- (vi) Messrs. Diamond Furniture Co., Nabha Road, Lahore.
- (vii) Jail Department.

(b) Yes.

Lala Deshbandhu Gupta : Will the Honourable Minister please state who got the biggest share of the supply?

Minister : That question is not there. If you will give notice I will give the information regarding the amounts of the various contracts.

Lala Deshbandhu Gupta : Is it not a fact that the European firm got preference and supplied a greater bulk of the furniture, and the Indian firms mentioned got very little share?

Minister : Will you please read the question you have put?

Sardar Sohan Singh Josh : What were the terms of the tenders supplied to the Government by each firm?

Minister : I want notice for that. You asked something else in the question.

Lala Deshbandhu Gupta : Is the Honourable Minister in a position to say that only the lowest tender was accepted?

Minister : There are rules on the point and they must have been followed. If the honourable member wants information on a particular point not given in the original question he should give me notice for that.

Sardar Sohan Singh Josh : Sir, part (b) of the question is quite clear as to whether tenders were invited. I want you to persuade the Minister to reply to my question.

Lala Deshbandhu Gupta : What is the answer to part (b)? Will the Honourable Minister read part (b)?

Minister : Yes: tenders were invited. The word "yes" is there; you can understand it as you may.

Diwan Chaman Lall : May I know whether any tenders were invited? It may be that only one tender was invited; it may be that more tenders were invited. Does the Honourable Minister hold the opinion that tenders were invited?

Minister : The question was raised whether tenders were invited and I said "yes". I also said there are rules on the point and they must have been followed. If the honourable member wants any further details he may give notice and I will find out.

Lala Deshbandhu Gupta : May I draw your attention to the second part of (b) wherein a request is made to the Government to lay those tenders on the table of the House?

Minister : The tenders were invited. If you put that question I will give you a reply.

Diwan Chaman Lall : On a point of order, Mr. Deputy Speaker. You have along with other members on the floor of the House, heard the Honourable Minister's reply to part (b) which was "Yes", which meant that tenders were invited and that Government is prepared to lay those tenders on the table of the House. Do I take it that the reply "yes" covers both parts of (b) and if so will he now lay those tenders on the table of the House?

Minister : I did not say that tenders are laid on the table. The question was whether tenders were invited and I said "yes".

Diwan Chaman Lall : May I ask whether when he replied part (b) of the question he replied with reservation? When in reply to part (b) he said yes it means that it was "yes" to the whole of part (b) and surely not to any one part selected by my honourable friend. Is he now taking back his reply in reference to second part of (b)? Do I take that to be the position? It is a constitutional point for you to decide with the assistance of the Honourable Minister whether he is taking back that reply or whether he is sticking to that reply?

Minister : There is no question of taking back the reply. The question was whether tenders were invited and I replied "yes".

Diwan Chaman Lall : May I ask my honourable friend whether it is not part of the duty of the Minister to read the question before he reads out the reply prepared for him by the department to the question put whether tenders were invited and whether he is prepared to lay them on the table of the House? The answer was "yes" which I take to mean that he was prepared to lay the tenders on the table, but obviously my honourable friend is not prepared to lay them on the table of the House.

Minister : The question was whether tenders were invited and I said, yes, tenders were invited. If you will put the other question, I will consider that.

Diwan Chaman Lall : The Honourable Minister should have read the question.

Lala Deshbandhu Gupta : What objection does Government have to placing the tenders on the table? Do they fear any exposure?

Minister : If I find any objection I will let you know.

Lala Duni Chand : May I know if tenders were invited from persons other than those mentioned by the Minister?

Minister : Tenders may have been given by other firms but these are the firms which got orders eventually.

Dr. Gopi Chand Bhargava : May I know the objection to placing the tenders on the table of the House? The Honourable Minister has said that if he finds that there is no objection, he will communicate his reply.

Minister : I said that the question was not clear enough and now, by "yes" some honourable members have understood that we are placing the tenders on the table of the House. What I said was that if that request was made, we would consider it.

Dr. Gopi Chand Bhargava : May I know whether the question was not clear or the reply was not clear? The question was—

"Whether any tenders were invited for this purpose and whether any were received: if so, whether the Government is prepared to lay those tenders on the table of the House, with the rates quoted in these tenders".

The Honourable Minister has already amended his reply and now he says he is not prepared to lay the tenders on the table. I want to know the reasons for not doing so.

Minister : I have not decided that positively. I said that if a request was made it would be considered.

Dr. Gopi Chand Bhargava : Am I to understand that the reply that he is not prepared to lay them on the table is also withdrawn?

Minister : No, I said that it was not included in this reply. The whole thing is due to a misunderstanding of the word "yes".

Dr. Gopi Chand Bhargava : What is the reply to the second part of the question?

Minister : If such a request is made we will consider it.

Dr. Gopi Chand Bhargava : It is not a question of request. The question is already there and the reply given was that the Government was not prepared to place the tenders on the table. Now, it is said that the question is not clear and then it is said that they will think over this question, if it is again put. What is the correct reply now?

Mr. Deputy Speaker : The Honourable Minister did not say that he would not lay the tenders on the table. He simply said that if this question was again put, he would think over it. So far as the reply to part (b) of the question is concerned, the Minister has already explained that he did not mean by saying "yes" that tenders would be laid on the table. That explanation is sufficient for the present purpose. A short notice question may be put and the information may be elicited. No useful purpose will be served by spending any more time on this question.

Dr. Gopi Chand Bhargava : My submission is that when we asked whether the reply to the second part of the question was also "yes", the Honourable Minister was pleased to say, "No, Government is not prepared to lay them on the table". And now, he has amended it. I want to know which reply is correct? Why does he require a fresh notice of this question when the notice was already given?

Mr. Deputy Speaker : The Honourable Minister's last reply was that if this question was repeated they would think over the matter.

Diwan Chaman Lall : On a point of order, Sir. You will notice that the question is already definite and clear on the paper. What is the use of the Honourable Minister once again saying, "will you kindly give me notice of a fresh question"? It is an abuse of the procedure of this House. Either my honourable friend should have said that the reply is "yes", or "no". Having once said "yes" and withdrawn it, and then having said "no" and again withdrawn it, now he says, "give me notice of that question". It is up to you to ask my honourable friend to come a little more prepared with his replies so that we can get the benefit of those replies and not utilise the time of the House unnecessarily in heckling the Honourable Ministers to obtain replies.

Mr. Deputy Speaker : Next question.

Lala Duni Chand : When the Honourable Minister has kindly chosen to answer the question, namely, whether the tenders were invited from the persons other than those seven firms, why was it that he did not answer my question?

Minister : I have said that tenders must have been invited from all quarters interested and the contracts were given to those seven firms that I have named in the answer.

Lala Duni Chand : Should I understand that tenders were not invited from general public?

Minister : There are certain rules on the subject and I presume that they must have been followed.

Lala Deshbandhu Gupta : Our information is that the tenders were not invited from the general public and that is the reason for putting this question.

Minister : Why was this not mentioned in the question?

Sardar Sohan Singh Josh : You said that a short notice question may be put. I may inform the House that this question was given in the form of a short notice question and then it became a starred question.

DAMAGE TO CEREAL AND FODDER CROPS IN HOSHIARPUR DISTRICT.

***3951. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether, on account of failure of rains, the cereal and fodder crops in the Hoshiarpur district have suffered very heavily this year ;
- (b) if the answer to (a) above be in the affirmative, the action that the Government proposes to take to help the affected peasantry ?

Parliamentary Secretary (Raja Ghazaufar Ali Khan) : (a) No. The damage to *kharif* crops in general was slight. In *barani* areas, however, maize was only about half of the normal crop and fodder also suffered considerably.

(b) The question of granting relief in land revenue is under consideration.

NOTIFICATIONS re BIRTH DAYS OF GURU NANAK DEV AND GURU GOBIND SINGH AS PUBLIC HOLIDAYS.

***3952. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state whether it is a fact that in Home Department General Notification No. 5886-G.-37/33746, dated 28th September, 1937, birthdays of Guru Nanak Dev and Guru Gobind Singh were declared public holidays, but that Notification No. 7249-G., 38-80870, dated 12th September, 1938, does not include birthdays of Guru Nanak Dev and Guru Gobind Singh among public holidays ; if so, the reasons therefor ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The notification relating to public holidays for 1938 contained a paragraph directing that all Government offices should be closed on the 8th January and the 7th November on account of the birthdays of Guru Gobind Singh and Guru Nanak Dev. The same course would have been followed in regard to 1939 but it was found on inquiry from the Shiromani Gurdwara Parbandhak Committee that Guru Gobind Singh's birthday will not occur at all in the calendar year 1939, while that of Guru Nanak Dev falls on a Sunday (26th November).

Sardar Sohan Singh Josh : Am I to understand that these holidays will always be observed ?

Parliamentary Secretary : Certainly.

Khawaja Ghulam Samad : May I know whether the Government is contemplating to revise the list of public holidays ? Will he also be pleased to state whether the Government is considering to grant two holidays for Id-ul-Fitr as requested the other day by an honourable member on the floor of this House ?

Premier : I am afraid that the Government is not prepared to revise the list at the present moment. Later on it may be possible to do so.

REMISSION OF SENTENCE GRANTED TO LALA CHINT RAM THAPAR.

***3971. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that Lala Chint Ram Thapar of Lyallpur who was convicted for contempt of court took to labour in jail and was permitted to do so ;
- (b) if the answer to (a) above be in the affirmative, whether he was recommended by the Superintendent of Jail, in which he is incarcerated, for grant of remission in the sentence ; and if so, when and what orders have been passed on the recommendation made by the Superintendent of the jail ?

The Honourable Mr. Manohar Lal : (a) Lala Chint Ram Thapar did express a wish to work in Jail, but as a matter of fact he only occasionally did a little spinning on a *charakha*.

(b) As Lala Chint Ram Thapar did no labour in the normal sense, he was not in any way eligible for remissions.

Dr. Gopi Chand Bhargava : May I know whether any letter was sent by the Superintendent of that jail to the Inspector-General to grant him remission and whether the Inspector-General wrote back to him that he should be given remission and released, but he was not released ?

Minister : I think a letter was sent by the Superintendent of Jail in connection with Lala Chint Ram Thapar, but he only occasionally did a little labour. He was in no manner entitled to any kind of remission. I do not think that the Superintendent of Jail received any instructions to grant him any kind of remission.

RESULT OF THE P. C. S. EXAMINATION.

***3975. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether the Government intends to publish the results of P.C.S. (Judicial Branch) examination held in 1938 with the respective marks of each paper ; if so, when the same will be published ;
- (b) whether the candidates were selected from within respective communities by order of merit ; if not, what standard was adopted for their selection ;
- (c) whether it is a fact that interview was not prescribed in the syllabus and the candidates were not informed before they submitted their rolls for examination, that they would be interviewed ;
- (d) whether it is a fact that the Government had not instructed or authorised the Public Service Commission to hold a *viva voce* examination ;
- (e) names of the persons who topped the list among Muslims and Sikhs within their respective communities as the result of paper examinations (excluding interview considerations) ; were they selected ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (e) The results of the examination were published in Part III of the *Punjab Gazette* dated the 9th December. The marks for the separate papers are not given in the *Gazette*, but they can be obtained by the candidates on application to the Secretary of the Public Service Commission.

(b) Selection was made in accordance with the regulations published with Punjab Government Notification No. 7929-L/2643-S-G-33/33386, dated the 8th October 1938.

(c) Yes.

(d) It is the function of the Public Service Commission, under section 255 (2) of the Government of India Act, 1935, to send to Government a list of persons considered by them to be fit for appointment to the subordinate judicial service. In reply to a reference made by the Commission, Government agreed that there was no objection to their requiring the candidates to appear for interview, if the Commission thought it advisable to do so in order to judge their fitness. Actually, however, no candidates were ruled out by the Commission on the basis of the interview.

Sardar Sohan Singh Josh : Is it a fact that the candidate who takes the highest number of marks in the P. C. S. is not necessarily taken ?

Premier : My honourable friend's information is wrong. A candidate who takes the highest number of marks community-wise is taken.

Khawaja Ghulam Samad : May I know from the Premier whether the notification referred to in the reply to part (b) of the question was considered in the case of Muslims in giving them their due representation in the cadre of sub-judges ?

Premier : Yes.

Sardar Sohan Singh Josh : May I know how many candidates are accepted as a result of the competitive examination and how many are appointed as a result of the nomination ?

Premier : Appointments are made as a result of the competitive examination.

Lala Duni Chand : May I know whether it is not a fact that a certain number is selected as a result of the competitive examination and they are declared having come out as successful ? Then some more are taken presumably in order of merit out of the remaining candidates.

Premier : I presume my honourable friend is confusing the Judicial Branch with the Executive Branch.

Lala Duni Chand : I am talking of the Judicial Branch. May I inform the Honourable Premier that a certain number of sub-judges are taken as a result of the competitive examination and another number is taken out of those who have not successfully competed.

Premier : My honourable friend is hopelessly out of date.

Khawaja Ghulam Samad : May I know the number of candidates taken in the P. C. S. (Judicial Branch) community-wise ?

Premier : We are not prepared to answer a communal question on the floor of this House. If the honourable member comes to me, I will be able to satisfy him.

Khawaja Ghulam Samad : May I know whether according to the rule made by Government to provide Muslims 50 per cent. posts in every cadre, Muslims have been given their due representation ?

Premier : I have already stated that I most regretfully decline to answer that question, but the honourable member may rest assured that Government instructions are being obeyed in all departments.

Lala Duni Chand : In order to show whether I am hopelessly out of date—

Mr. Deputy Speaker : I would request the honourable member to put his question and not criticise the Premier.

Lala Duni Chand : In order to show whether I am hopelessly out of date or whether he is more hopelessly out of date, may I ask whether it is not a fact that a certain number of candidates who top the list by securing the 1st, 2nd, 3rd or 4th places are taken as a matter of right, and some more are selected out of the remaining list regardless of the order in which they stand ?

Premier : I can only repeat that my honourable friend is hopelessly out of date. Those instructions were rescinded some time ago.

Lala Duni Chand : Does the Honourable Premier deny that a number of subordinate judges are taken out of the list of candidates who appear in the competitive examination regardless of the order of merit in which they stand ?

Premier : The honourable member has asked me a question which is not quite clear to me, but I can assure him that the candidates selected out of that list are selected on merits.

Lala Duni Chand : I shall easily succeed in cornering the Honourable Premier. Is it true that the selection of candidates by competition means in order of merit, namely the candidates standing first, second, third and so on ?

Mr. Deputy Speaker : That is not a supplementary question.

Lala Duni Chand : Is it not a fact that some candidates standing, say, twenty-fifth or thirtieth in order of merit have been taken ?

Premier : That is possible, but the candidate selected must have belonged to a particular community and he must have stood first amongst the candidates of his own community.

Lala Duni Chand : Why did he not admit that fact earlier ?

ENGLISH AND VERNACULAR CLERKS IN EDUCATION DEPARTMENT.

*3689. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

(a) the grades of English and Vernacular clerks in the Education Department, whether they have been reduced, if so, to what extent, and why :

(b) whether it is a fact that English clerks used to be recruited from among the Vernacular clerks according to seniority and whether this practice has now been discontinued ; if so, why ?

The Honourable Mian Abdul Haye : (a)—

- | | | |
|------------------------|----|---|
| (i) English clerks | .. | (Old grade) Rs. 40—2—80/2—90. (Revised grade) Rs. 35—1½—65/2—, 5. |
| (ii) Vernacular clerks | .. | (Old grade) Rs. 30—1½—60/2—70. (Revised grade) Rs. 25—1—85/1½— 50/2—60. |

The revision of the grades of pay for new entrants, i.e., those who joined service on or after the 1st January, 1981 is common to all subordinate services and there is no question of discrimination in the case of the two classes of clerks specified.

(b) The departmental instructions are that for vacancies among English clerks the claims of Vernacular clerks for promotion, if they are qualified otherwise, should invariably be considered and these instructions still hold good.

Lala Duni Chand : May I know the dire necessity that has led the Government to reduce the grades of these clerks ?

Minister : The dire necessity is quite obvious—the financial stringency. I presume before 1981 my friend was earning a lot at the bar, but his income has come down since then.

Lala Duni Chand : He need not talk about me.

Lala Deshbandhu Gupta : Whereas it has conversely increased in the Honourable Minister's case.

Minister : It has decreased. I can show it to the honourable member.

Lala Duni Chand : May I know whether there has been any departure from the old rule, namely that English clerks will be recruited from among vernacular clerks ? If not, where was the necessity for issuing new instructions ?

Minister : No rule has been abrogated. It still holds good. Those who are qualified to be promoted as English clerks from out of the vernacular clerks are still eligible.

Lala Duni Chand : Then where was the necessity for issuing these instructions now ?

Minister : No instructions have been issued.

LAWLESSNESS BY AGRICULTURISTS AFTER PASSAGE OF RECENT AGRARIAN LEGISLATION.

*3690. **Lala Duni Chand :** Will the Honourable Premier be pleased to state whether any instances of lawlessness by agriculturists against money-lenders have come to the notice of the Government since the passing of the recent agrarian legislation ?

Parliamentary Secretary : (Sardar Babadur Sardar Ujjal Singh) : Yes. Only one case of criminal trespass occurred in the Lyallpur District. The offenders in the case were prosecuted under Section 447, Indian Penal Code.

EXTERMENT OF CHAUDHRI SHER JANG.

*3764. **Lala Duni Chand**: Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Chaudhri Sher Jang under orders of externment from the Punjab was arrested by the sub-inspector of police, Mullana police station in Ambala District on 19th September, 1938, at Barara Railway station and then taken to Mullana police station and detained there for about 10 hours without an offer of bail being made to him, if so, whether he was so arrested or detained under the orders of the Government?
- (b) whether it is a fact that after the externment order passed on him he was taken over by the police to Nahan Sirmur where his brothers lived and that he continued to live there up to the time he was arrested;
- (c) whether it is also a fact that about a week before his having left Nahan he had written to the Chief Secretary, Punjab Government, direct and also through the political agency of Sirmur State asking for leave to pass through a part of Ambala district on his way to Delhi and no reply was communicated to him till the time he left Nahan;
- (d) whether it is a fact that in order to go to Delhi he had necessarily to pass through a part of the Ambala district and that he was arrested actually at Barara railway station after he had purchased the railway ticket for Delhi;
- (e) whether it is a fact that after he had been taken over to Nahan he had obtained permission from the Chief Secretary, Punjab Government, that whenever he wanted to leave Nahan for a place outside the Punjab he could do so after writing to him; if so, the grounds justifying his arrest at Barara railway station and detention at Mullana police station?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Sher Jang was arrested by the police at Barara on 19th September, 1938, under section 5 of the Punjab Criminal Law (Amendment) Act, and taken to police station Mullana and thence at 12-30 p. m. to Ambala, where he was produced before a First Class Magistrate the same day and released on bail. He was not arrested or detained under the orders of Government and was not detained for 10 hours at police station Mullana.

(b) First part, no; Second part, yes.

(c) No, on 15th September he wrote to the District Magistrate, Ambala, but did not wait for an answer.

(d) Yes.

(e) First part, no; Second part, does not arise.

Lala Duni Chand: Does the Parliamentary Secretary admit that the arrest was wrongful or contrary to law?

Parliamentary Secretary: No.

Lala Duni Chand : The Parliamentary Secretary has said that after the arrest he was released on bail. Does it not amount to saying that he was wrongly arrested ?

Parliamentary Secretary : No.

Lala Duni Chand : Do I understand that the Parliamentary Secretary concedes that the arrest and detention of Chaudhri Sher Jang was perfectly illegal ?

Parliamentary Secretary : No.

Lala Duni Chand : Is it true that he was discharged the next day ? If so, why was he discharged ?

Parliamentary Secretary : The honourable member in the notice did not ask for the reasons for his discharge. If he resents that discharge, he is welcome to give fresh notice of a question on the subject.

Lala Duni Chand : The Parliamentary Secretary is under a serious misapprehension if he is under the impression that Sher Jang was not discharged.

Mr. Deputy Speaker : That is not a supplementary question.

EDITING OF 'WEEKLY ZAMINDAR' BY DISTRICT INSPECTOR AND ASSISTANT DISTRICT INSPECTOR OF SCHOOLS, LUDHIANA.

***3789. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

(a) if it is a fact that Weekly Zamindar is published and edited under the supervision of the District Inspector of Schools and the Assistant District Inspector of Schools in the Ludhiana district ;

(b) whether the said officers obtained the sanction of the Honourable Minister for Education for editing the above-mentioned paper ;

(c) if the answer to (b) be in the affirmative, the action proposed to be taken in the matter ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes, but the District Inspector of Schools does not edit the paper.

(c) Does not arise.

Chaudhri Muhammad Hassan : Is it a paper owned by the Government or issued under the instructions of the Government ?

Minister : It is neither owned by nor issued under the instructions of Government.

Chaudhri Muhammad Hassan : Has the Honourable Minister allowed the Inspector of Schools to supervise the editing of this paper ?

Minister : No sanction of the Government is necessary.

Chaudhri Muhammad Hassan : Is it within the knowledge of the Honourable Minister that this paper does party propaganda ?

Minister : It does not indulge in any party propaganda.

Chaudhri Muhammad Hassan : Has the Honourable Minister read any issue of the paper ?

Minister : Yes, several issues.

EXPENDITURE ON ADULT SCHOOLS IN LUDHIANA DISTRICT.

***3790. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

(a) whether any adult schools have been opened by the Punjab Government in the Ludhiana District ;

(b) if the reply to the above be in the affirmative, the total amount of expenditure incurred on these schools ?

The Honourable Mian Abdul Haye : (a) No.

(b) Does not arise.

Chaudhri Muhammad Hassan : How then does the Honourable Minister propose to remove illiteracy in the district ?

Minister : When the honourable member puts his next question of which he has given notice he will get the necessary information.

MEASURES ADOPTED TO REMOVE ILLITERACY.

***3791. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

(a) the measures, if any, adopted by him for removing illiteracy from the Province ;

(b) the number of schools opened by the Ludhiana District Board in pursuance of the policy of the Punjab Government, if any, to remove illiteracy as well as the number of adults receiving education in the Ludhiana district ?

The Honourable Mian Abdul Haye : (a) Attention is invited to circular letter No. 12040-A, dated the 27th May, 1938, a copy of which is placed on the table. Seven thousand copies of the adult primer entitled ' Ilm di Kunji ' 9,000 copies of ' Ilm di chabi ', and 20,000 copies of ' Talim-i-Balighan ' have been purchased by Government and are being distributed free among persons offering co-operation towards adult literacy campaign. The response to the appeal has been encouraging according to reports coming in, and experience now being gained will be utilised to co-ordinate all future activities.

(b) No regular schools have been opened by the District Board Ludhiana, under the new scheme, but 403 adults are being educated in district board area and over 40 in municipal board area.

Chaudhri Muhammad Hassan : Is it not a fact that the Inspector of Schools does not spend some of his time in training illiterate persons in the villages ?

Minister : How can he train illiterate persons ?

Chaudhri Muhammad Hassan : How else can illiteracy be removed ?

Minister : Does the honourable member mean that the Inspector should teach these people ?

Chaudhri Muhammad Hassan : He should supervise the arrangements for the removal of illiteracy.

Minister : That is being done.

Chaudhri Muhammad Hassan : Has the Inspector submitted any report ?

Minister : I have received many reports giving an account of the work that is being done in my own district.

Chaudhri Muhammad Hassan : When was the last report submitted ?

Minister : I cannot give dates.

Begum Rashida Latif Baji : How many schools have in this connection been opened and how many women have received education therein ?

Minister : We are giving education to adults not by opening new schools but through persons who offer their services voluntarily and work honorarily.

Begum Rashida Latif Baji : But my question remains still unanswered. How many women have been educated in the adult women's schools ?

Minister : I have already pointed out that we have opened no new schools and the question of the honourable lady member does not, therefore, arise.

Begum Rashida Latif Baji : How then are you going to educate women ?

Minister : The task is pretty difficult but we hope to accomplish it through our kind sisters like the honourable lady member putting this question.

Begum Rashida Latif Baji : May I state that I started this work in 1930 so that women should be educated in our province. As experienced by me, I think it is impossible for the Government to promote adult education without employing teachers on salaries.

Minister : That is creditable. We too have been spending on that a good deal of money and will in future go on doing the same.

Begum Rashida Latif Baji : Will the Government accept the proposal of employing female salaried teachers for educating women ?

Diwan Chaman Lall : That is difficult !

Begum Rashida Latif Baji : How ?

Diwan Chaman Lall : Not difficult for us but for the Unionist Government.

Mrs. Duni Chand : May I enquire if the Government is aware of the fact that there is a general desire amongst women to get education ?

Minister : Yes, that is so. I will try to comply with their wishes.

Begum Rashida Latif Baji : It is rather difficult for men to comply with the wishes of women (*laughter*).

Mrs. Duni Chand : Is it not the duty of the Government to make arrangements for female education, especially because it is on their education on which the progress of the country depends ?

Minister : Much is being done in connection with female education and in the next few years many schools will be opened for this purpose.

Chaudhri Muhammad Hassan : Is the Honourable Minister in a position to state in which month this District Inspector of Schools submitted his last report ?

Minister : I think the honourable member has in mind only his district. I have already stated that it is not possible for me to give the exact date.

Chaudhri Muhammad Hassan : I asked the month. Of course I am interested in illiteracy being removed from the Ludhiana district.

Sardar Kapoor Singh : Is the Honourable Minister aware that the adult schools are nothing but a farce and they are meant in an indirect way to patronise some men by appointing them as teachers, etc.

Minister : That may be the view of the honourable member. I have already stated that I have opened no adult schools and if the honourable members are not in a position to appreciate what good work is being done in the Punjab in this direction, that is perhaps due to the fact that I have taken out no procession.

Sardar Kapoor Singh : Is it due to the lack of supervision of the district inspectors of schools that these adult schools are not working properly ?

Minister : It is not a question of district inspectors. Lecturers, teachers, headmasters and private persons are engaged in this work and I hope that the honourable member who is a member of the district board and his confrere will co-operate with us.

Diwan Chaman Lall : Does my honourable friend consider the Minister for Finance his confrere ? *(Laughter.)*

Copy of a letter No. 12040-A, dated the 27th May, 1938, from W. H. F. Armstrong Esquire, M. A., Director of Public Instruction, Punjab, to the Divisional Inspectors and Circle Inspectresses of Schools and Principals of all Government and Private (Training and Arts) Colleges for Men and Women in the Punjab.

The Honourable Minister for Education is extremely anxious to enlist the whole-hearted co-operation of college students, high school students, pupil teachers in normal schools, students of the Central Training College, college professors, lecturers and schools teachers, inspecting officers, and in fact every one who is working in the Education Department in launching a province-wide campaign to eradicate illiteracy.

2. I am desired to make an appeal to you to help the Department in carrying this campaign to a successful issue, and I have no doubt that you will try your utmost to secure the co-operation of your colleagues, your subordinates and your students in this campaign against illiteracy.

3. At the moment some college classes have undergone University examinations and will be for free for a few weeks, and then the summer vacations will begin. I am desired to suggest that during this period of a few weeks every effort should be made by college and school students to do their bit in this great work. All concerned should join in a determined effort to eradicate illiteracy, particularly among adults.

4. The Inspectors of Schools will be holding Divisional Conferences, and they should seek that opportunity of enlisting volunteers fired with the missionary spirit to take part in this campaign. The aim should be that each college and high school student and each officer and subordinate makes one person—man, woman or child outside the school—literate in the course of a year. The Honourable Minister is quite sure that educated ladies: wives, daughters, sisters and other relatives of the members of the Education Department can also do a great deal in this direction once their support and co-operation are secured.

5. Each individual who wishes to "enlist" in this campaign may be left free to use any method he likes, but every officer of the Education Department should be willing to offer expert advice and guidance on the subject to any one who asks for it. This department has recently given its benediction to what has come to be known as the Laubach Method which is based on the principle of 'Each one teach one.' It is suggested that this method which leads to literacy more quickly than any other, may be tried at as many places as possible.

6. Steps are being taken to prepare books, pamphlets and posters and to distribute them free of cost.

7. Government will be very glad if an appeal is made by educational officers to business magnates and employers of educated labour to do something in this direction in respect of their illiterate employees. Many educational officers wield considerable local influence, and it is suggested that they should get into touch with whomsoever is likely to help in waging this campaign.

8. The students should be addressed by the Principals and Head Masters and persuaded to "enlist." It should be made very clear to them that Government will greatly appreciate any efforts which a student may make in freeing the province from illiteracy. All employees of the Education Department should also be told that Government will view with great favour any effort made by them in the furtherance of this fight against illiteracy.

9. The Honourable Minister is particularly anxious to emphasise the fact that this campaign is not to be waged under external pressure of any kind. Co-operation and sympathy should be secured by persuasion.

10. I shall be very glad if you will kindly let me know from time to time what particular efforts have been made by you to launch this campaign and with what success.

WARNING TO THE 'HARYANA TILAK', ROHTAK.

***3802. Pandit Shri Ram Sharma:** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Punjab Government sent a warning to the management of the 'Haryana Tilak', Rohtak, through the Deputy Commissioner, in the first week of this month against publishing objectionable matter;

(b) the articles, comments and news on the publication of which the warning was conveyed and specific words and sentences that are considered objectionable; as also the sections of the law they offend against?

Parliamentary Secretary (Mir Maqbool Mahmood): Attention of the honourable member is invited to the answer to parts (a) and (b) of Assembly Question No. *3436.

Pandit Shri Ram Sharma: The previous question was in respect of the first warning and this question relates to the second warning. How is it that the answer to the previous question is given in respect of this question also?

Parliamentary Secretary: The reasons and the answer are the same.

Lala Duni Chand: Is it not true that ignorance is bliss? (*Laughter.*)

Chaudhri Kartar Singh: Does the Parliamentary Secretary see no difference between capital punishment and transportation for life?

Parliamentary Secretary : I am sorry my honourable friend has not understood me. What I said was that the reasons for the first and second warning are the same.

Pandit Shri Ram Sharma : Clause (b) of the question says :

The articles, comments and news on the publication of which the warning was conveyed and specific words and sentences that are considered objectionable ; as also the sections of the law they offend against.

When you say that the answer to this question is the same as was given to the previous question, how can I understand which were the articles and news on the publication of which this warning was conveyed in the second instance ?

Parliamentary Secretary : I have nothing to add to the reply already given.

Pandit Shri Ram Sharma : The question is quite clear. I want to know which of the articles and news were considered objectionable.

Mr. Deputy Speaker : Order, please. The answer has already been given.

Diwan Chaman Lall : The answer that has been given is that there is no answer.

Mr. Deputy Speaker : Has the Chair any power to elicit an answer ?

Pandit Shri Ram Sharma : The previous question was in respect of the first warning and this question is in respect of the second warning. I want to ask which of the articles was responsible for the second warning.

Mr. Deputy Speaker : Order, please. The honourable member is simply repeating the same supplementary question to which no answer was given.

Diwan Chaman Lall : On a point of order. My honourable friend is saying that the answer is incorrect. What does the honourable Parliamentary Secretary mean by saying that the reasons are the same when my honourable friend's question does not relate to that particular portion only but to something else as well ? The other portion of the question is what are the reasons in the second instance regarding which action is taken. It is up to my honourable friend to say that he will not give a reply. But he cannot say that the reasons are the same and then sit tight in his seat.

Mr. Deputy Speaker : This is the same question in a different form.

Lala Duni Chand : On a point of order. It is up to the Parliamentary Secretary to take shelter behind silence. But once he breaks the silence and gives an answer he cannot give a misleading answer or no answer.

Mr. Deputy Speaker : There was no misleading answer.

Diwan Chaman Lall : May I ask my honourable friend through you, Mr. Deputy Speaker, whether it is not a fact that the answer given by my honourable friend is a completely misleading answer in view of the second part of this question ?

Mr. Deputy Speaker : There was nothing misleading.

Diwan Chaman Lall : I am not asking you, Mr. Deputy Speaker. I am asking the honourable member who is so busy perusing documents and thereby not only insulting this side of the House but insulting every member of the House by taking up this attitude and insulting the entire province by not devoting due attention to the grievances that are raised on the floor of this House by means of questions. It is up to him to show a better attitude than that of a fully grown, half-baked bureaucrat.

Pandit Shri Ram Sharma : Did the honourable Parliamentary Secretary or the Honourable Premier study the article on the publication of which warning was conveyed in the second instance ?

Pandit Shri Ram Sharma : May I enquire if the article which was responsible for the second warning related to incidents which happened in connection with the procession of the 7th October last at Rohtak ?

Mr. Deputy Speaker : This question does not arise. Next question, please.

Diwan Chaman Lall : When my honourable friend refuses to answer the question surely it is up to my honourable friend to put those supplementary questions to which they may not give a reply and may I submit that if you would permit my honourable friend to continue to put his supplementary questions even if my honourable friend does not answer them, they will be before the public at any rate ?

Mr. Deputy Speaker : But the supplementary questions which the honourable member puts must be different from the supplementary questions which he has already put. They should not be the same questions put in a different form.

Pandit Shri Ram Sharma : I want to ask the Government whether it is a fact that the second warning given to the Haryana Tilak was on the basis of the twelve articles ?

Premier : My honourable friend's assumption is wrong.

Pandit Shri Ram Sharma : The first comment on the basis of which the action has—

Premier : Is he asking a question or making a speech ?

Mr. Deputy Speaker : Please listen to the Honourable Premier ; he might give you some information.

Pandit Shri Ram Sharma : I want to explain my question. I want to ask whether the second warning given by the Government to the *Haryana Tilak* was on the basis of those comments the headings of which I am going to read. The question is a bit longish, no doubt, but it is a question all the same.

Mr. Deputy Speaker : The honourable member is delivering a speech.

Pandit Shri Ram Sharma : The list of the articles is as follows :—
1. *Toady party ka sufed jhut aur sharamnak aman sozi.* 2. *Rohtak men Sikandar Shahi aur Chhotu gardi.* 3. *Hartal aur siah jhandian.* 4. *Waziron ke jaloos par Rohtak ka bazar gundon ke rahm par.* And the 5th is a complaint against a Sub-Inspector of Police and—

Mr. Deputy Speaker : The honourable member is making a speech. This question is the same as the first question put by him.

Dr. Gopi Chand Bhargava : The question is whether the action taken by the Government was passed on all or any of these articles, but the Government refuses to say which article was objected to. The honourable member wants to ask whether action was taken on any or all of these articles?

Premier : May I let the Leader of the Opposition know that if he wants an answer to this question, he should put that question in that form.

Dr. Gopi Chand Bhargava : He is putting that question in that form.

Premier : But he wants to put that question without notice.

Dr. Gopi Chand Bhargava : Then the Leader of the House should say that he wants notice, but he cannot say that it is not a supplementary question.

Premier : It is not a supplementary question.

Sardar Sohan Singh Josh : May I know if the Haryana Tilak is being throttled simply because it is anti-Unionist?

Premier : No, Sir.

Pandit Shri Ram Sharma : I enquire from the Government the articles, comments, etc., on the basis of which a warning was given? I want to know whether these are the comments on the basis of which a warning was given and I want the Government to say yes or no.

Mr. Deputy Speaker : This is nothing short of a speech. It is not a question. The answer to the very first supplementary question makes it clear that the honourable Parliamentary Secretary cannot give you this information just now.

Lala Deshbandhu Gupta : On a point of order. May I point out that the question was very explicit? If you will refer to part (b) the information sought for was that the Government should point out the offending articles, comments and news. Let the Government say that they are not in a position to point any. They have not yet said so and the time of the House is being wasted. The Honourable Premier said that if the honourable member gives notice, he will be in a position to reply, but I want to point out that the notice is already there. Part (b) seeks to get this information: the articles, comments and news on the publication of which the warning was conveyed and specific words and sentences that are considered objectionable as also the sections of the law they offend against. Let the Government say yes or no.

Mr. Deputy Speaker : This discussion will serve no useful purpose. It amounts to this that the Government is not at present in possession of this information.

Diwan Chaman Lall : May I draw your attention to the fact that the Government's attitude is different to that stated by you. The Government sit tight in their seats. They do not get up to answer. Question after question is put to them until my honourable friend is driven to the extreme, namely of pointing out to those very articles on which action is being taken by my honourable friends and ask explicitly which one of these

articles is the article on which they have taken action. Surely my honourable friend is well within his rights in putting that explicit question, but my honourable friends sit tight and when pressed hard they say that they want notice and my honourable friend is pointing out that no notice is required.

Lala Duni Chand : To sum up the situation, may I ask whether the answer of the Government is given in these articles ?

Pandit Shri Ram Sharma : Was the order giving warning to the Haryana Tilak passed by the Honourable Premier or the Parliamentary Secretary himself ?

Premier : The order must have been issued by my permission.

Pandit Shri Ram Sharma : I want to bring to your notice that not only are the answers given wrong—

Mr. Deputy Speaker : I would request the honourable member to put the next question.

MUHAMMAD NAWAZ KHAN, TEACHER, IN JAMALPURA SHEIKHAN SCHOOL, DISTRICT HISSAR.

*3804. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether the residents of Jamalpura Sheikhan of tahsil and district Hissar recently made a complaint to the authorities making therein an allegation of a serious offence against Muhammad Nawaz Khan, a teacher in the Jamalpura Sheikhan School ; if so, whether any inquiry was made by the District Inspector of Schools, Hissar, into the allegations against the said teacher and, if so, with what result ;

(b) whether the Government intends to take any action in the matter as a result of that inquiry ?

The Honourable Mian Abdul Haye : (a) Yes, but the correct name of the teacher is Muhammad Ramzan Khan.

(b) A case against this officer is now pending before a Magistrate.

Pandit Shri Ram Sharma : Is the case sub-judice ?

Minister : It is in the court.

Pandit Shri Ram Sharma : What are the charges ?

Minister : Those which are generally levelled against teachers.

Chaudhri Sumer Singh : Is it a district board school or a Government school ?

Minister : I cannot give you that information.

Chaudhri Sumer Singh : It is a district board school, and as such the Government had no concern with this and should not have answered the question ?

Minister : No, Sir. Even if it had been a district board school, the responsibility was mine and the crime is a very serious one.

Chaudhri Sumer Singh : The district board controls the employees of its school.

Minister : Government too have their responsibility in the matter.

SHORT NOTICE QUESTIONS AND ANSWERS.

REPRESENTATION OF PUNJAB GOVERNMENT AT EXHIBITIONS.

Dr. Gopi Chand Bhargava : Will the Honourable Minister for Development be pleased to state whether any of the departments of the Punjab Government were represented in the All-India Exhibition at Lahore and in the Muslim League Exhibition at Patna ; if so, which of the departments were so represented and how much money has been spent in this connection, respectively ?

The Honourable Chaudhri Sir Chhotu Ram : Almost all the Departments of Government were represented in the All-India Exhibition at Lahore. The figures of expenditure are not readily available and it is not possible to collect them at short notice. As for the Patna Exhibition, the Punjab was represented by the Department of Industries at a cost not exceeding Rs. 5,000 in any case. The actual figure of expenditure will become available only after accounts have been closed.

Diwan Chaman Lall : May I know whether any sanction was granted to my honourable friend for incurring this expenditure ?

Minister : The expenditure has been incurred out of the grant which had already been voted upon by this House.

Diwan Chaman Lall : Was any specific vote of this House in respect of this expenditure taken ?

Minister : No.

Diwan Chaman Lall : Under what authority did my honourable friend incur this expenditure ?

Minister : Under my own authority.

Diwan Chaman Lall : Is my friend well aware that he has no authority ?

Minister : I am quite well aware that I have that authority.

Diwan Chaman Lall : Has my honourable friend taken opinion of the Audit Department ?

Minister : Finance Department is always consulted and it was consulted in this case also.

Diwan Chaman Lall : May I ask him to remember that my question is not with regard to the Finance Department. My question is regarding the Audit Department. Has the Audit Department been consulted in this matter ?

Minister : Audit Department does not come in at this stage.

Diwan Chaman Lall : May I know whether this matter had at any time been before the Public Accounts Committee ?

Minister : It cannot be placed before the Public Accounts Committee before the accounts are closed for the year.

Lala Deshbandhu Gupta : May I know if the Government is aware that so far as the Lahore Exhibition is concerned, there is general complaint that gambling is going on there ? Did the Government take any action to remove that complaint ?

Minister : My honourable friend seems to be dreaming. He has not read the question.

Dr. Gopi Chand Bhargava : Who was controlling or managing the All-India Exhibition ? Who are the managers of the All-India Exhibition at Lahore ?

Minister : I do not know who they are.

Lala Deshbandhu Gupta : What is the principle on which the Government generally take stalls in exhibitions ?

Minister : It does not arise out of this question.

Lala Deshbandhu Gupta : Certainly it does. You are not the Deputy Speaker to rule out that question (*laughter*). What considerations led the Honourable Minister for Development to take stalls in an Exhibition at Patna which I understand was a failure altogether ?

Minister : I do not know whether the Patna Exhibition was a failure, but our own show attracted the greatest notice there.

Dr. Gopi Chand Bhargava : May I know whether the Government decided to take stalls in the All-India Exhibition at Lahore without enquiring who were conducting that exhibition ?

Minister : Government is not concerned with the personnel of the management.

Dr. Gopi Chand Bhargava : Am I to understand that the Government would send their stalls to any exhibition which applies for them ?

Minister : Not any exhibition of any kind, but certainly the exhibition which was being held at Lahore was regarded as good enough for Government to have a stall there.

Dr. Gopi Chand Bhargava : May I know what was the criterion on which it was decided that it was good enough ?

Minister : The criterion cannot be described in one brief sentence.

Dr. Gopi Chand Bhargava : Can it be described in two sentences ? (*Voices : No, no. Laughter.*)

Dr. Gopi Chand Bhargava : Was it because some of the members of this House were interested in that exhibition ?

Premier : Certain members of this House including my friend Raja Narendra Nath are members of the Advisory Committee.

Dr. Gopi Chand Bhargava : Was any of the parliamentary secretaries interested in it ?

Premier : On the Advisory Committee there were several members of this House.

Dr. Gopi Chand Bhargava : My question is whether there was any financial interest of any of the parliamentary secretaries in this exhibition ?

Premier : Not to my knowledge.

Lala Deshbandhu Gupta : Do the Government realise that the representation of the Punjab Government in exhibitions organised by a communal organisation is not desirable ?

Minister : I see no danger of communalism in an exhibition.

Lala Deshbandhu Gupta : Did the Government receive any request for taking a stall from the organisers of the All-India Swadeshi Exhibition held along with the last session of the Indian National Congress at Hari-pura ?

Minister : Does it arise out of this question ?

Lala Deshbandhu Gupta : I want to know whether the policy of the Government is to take stalls in exhibitions which are run by communal organisations and not by national organisations like the Congress ?

Premier : National !

Minister : This question does not arise out of the question originally put.

Diwan Chaman Lall : Please let me say one word. There might be a misunderstanding arising out of the Honourable Premier's reply regarding Raja Narendra Nath being interested in this exhibition. I take it that he is not financially interested in this exhibition. I take it that my honourable friend did not desire to make an implication that Raja Narendra Nath was financially interested.

Minister : I am not aware of the exact position he holds, but I think he is associated with the management as an office-holder—probably as Chairman of the advisory board.

FAMINE.

Dr. Gopi Chand Bhargava : Will the Honourable Minister for Revenue be pleased to state—

- (a) the areas and the districts of the Punjab affected at present by scarcity and famine ;
- (b) the steps taken by the Government to meet the situation and the relief given ;
- (c) the steps taken by the Government to meet the situation created owing to lack of rains in all other districts which are not declared famine or scarcity areas ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) *Famine*—The whole of the Hissar district.

Scarcity—

| District. | Area. |
|-----------------|--|
| Rohtak | Jhajjar tahsil and part of Rohtak tahsil. |
| Gurgaon | About $\frac{1}{2}$ ths, namely, Rewari tahsil, half of the Gurgaon and Ballabgarh tahsils and a portion of Nuh and Ferozpur-Jhirka tahsils. |
| Karnal | A portion of Kaithal tahsil. |

(b) and (c) A statement is laid on the table.

Dr. Gopi Chand Bhargava : May I enquire whether the Honourable Premier would be pleased to give some time for the discussion of the report which has been placed before the House ?

Premier : I think my honourable friend had better see that statement and carefully study it.

Dr. Gopi Chand Bhargava : I have studied it during the short time at my disposal. I received it a little while ago.

Premier : In view of that very detailed statement, I do not agree with my honourable friend that any discussion is necessary because it will serve no useful purpose at this stage. Perhaps, later on, if it is necessary, we will be able to find time for discussion of that matter. May I, Sir, also inform the House that unless we finish our work to-morrow, it may be necessary for the House to sit on Monday and may be on Tuesday also. Perhaps my honourable friends will agree with me that we should not at the moment decide to sit on Saturday but if progress is not accelerated, perhaps we may have to sit on Saturday also.

Dr. Gopi Chand Bhargava : I would submit that we ought to know exactly whether we are going to sit on Saturday or not : or whether we are going to have a meeting on Monday so that we might not make any engagements and if they have already been made, we might cancel them. It will be very difficult for us and really very hard upon us to be called upon to cancel our engagements at the last moment. Therefore, I would submit that if the Premier be pleased to let us know definitely as to what is the programme of the session, it will be of great convenience to all the members of this House and it will be very kind of him.

Premier : If we finish consideration of the Bill to-day, it may not be necessary for us to go to the next week but if we do not finish the consideration of the clauses to-day and go on to to-morrow to finish the clauses, then I think it will be necessary for us to sit either on Saturday or Monday whichever my honourable friends prefer. I personally would prefer Monday because some members may have already made engagements for Saturday. So I suggest that if we do not finish our work to-morrow we should sit on Monday and if necessary we go on to Tuesday.

A note on the relief measures taken by Government.

The measures taken by Government to relieve the situation arising out of drought in the province fall under the following heads :—

- (1) Land revenue fixed.
- (2) Land revenue fluctuating and abiana.
- (3) Taccavi loans.
- (4) Import of fodder at concession rates.
- (5) General.

1. *Land revenue fixed.*—The rules for the suspension and remission of land revenue are contained in Chapter XVI of the Land Administration Manual. The circumstances under which relief can be given are classified in paragraph 551 as under :—

- (a) Ordinary, i.e., those due to the normal vicissitudes of seasons, which chiefly consist of excessive or deficient rainfall.
- (b) Extraordinary, such as hailstorms, locusts ; etc.

In regard to ordinary calamities relief is usually given in the form of suspensions (paragraph 559 of the Land Administration Manual), while in the case of extraordinary calamities relief is given in the shape of remissions (paragraph 564 of the Land Administration Manual).

According to the information so far received, the local officers have proposed the suspension and remission of the following amounts out of the fixed land revenue demand for kharif, 1938 :—

| District. | Amount proposed for suspension. | Amount proposed for remission. | Reasons for which remission has been proposed. |
|-------------------------|---------------------------------|--------------------------------|--|
| 1 | 2 | 3 | 5 |
| | Rs. | Rs. | |
| Hissar | 7,33,943 | .. | |
| Rohtak | 4,95,662 | .. | |
| Gurgaon | 5,67,049 | .. | |
| Karnal | 2,26,664 | .. | |
| Ambala | 1,70,738 | .. | |
| Kangra | .. | 986 | Damage done by hail-storms. |
| Hooharpur | 11,816 | .. | .. |
| Ludhiana | .. | 116 | Damage done by hail-storms. |
| Gurdaspur | 18,204 | 244 | Ditto. |
| Sialkot | 48,957 | .. | .. |
| Sheikhpura | 4,407 | .. | .. |
| Shahpur | 53,986 | .. | .. |
| Jhelum | 42,116 | .. | .. |
| Rawalpindi | .. | 710 | Damage done by hail-storms. |
| Attock | 10,171 | 46 | Ditto. |
| Mianwali | 15,492 | .. | .. |
| Dera Ghazi Khan | 36,081 | .. | .. |
| Total | 24,85,286 | 2,102 | |

The Deputy Commissioners of Sialla, Lahore, Amritsar, Gujranwala, Gujrat, Montgomery, Lyallpur, Jhang, Multan and Muzaffargarh have proposed no suspension or remission. Deputy Commissioner, Ferozepore, has not yet reported the suspensions or remissions of his district.

It will be observed that, where necessary, relief is being allowed in the shape of suspensions on account of the failure of rains in the province. Failure of rains is an ordinary calamity—see paragraph 551 of the Land Administration Manual—and the local officers have rightly given relief in the shape of suspensions—see paragraph 559 of the Land Administration Manual.

The question of granting relief in the Jullundur district on account of fall in the water level and deficient rainfall is still under consideration of Government.

Besides suspensions and remissions of the current demand, relief is also given in the shape of remissions of suspended land revenue under the three harvests' rule—paragraph 576 of the Land Administration Manual. So far the local officers have proposed the following remissions on account of harvests prior to kharif, 1938 :—

| District. | Amount proposed for remission. |
|-------------------------|--------------------------------|
| 1 | 2 |
| | Rs. |
| Hissar | 1,51,366 |
| Rohtak | 26,236 |
| Karnal | 2,145 |
| Ambala | 327 |
| Sialkot | 7,678 |
| Shahpur | 1,175 |
| Jhelum | 4,609 |
| Dera Ghazi Khan | 15,344 |
| Total | 2,09,030 |

2. *Land revenue fluctuating and abiana.*—This form of land revenue is mostly assessed by the Irrigation Branch, and the assessment is generally made on the matured area, the cultivator obtaining relief in the form of *kharaba*. In these cases remissions of land revenue generally follow the remissions of *abiana*. The amounts remitted under the ordinary *kharaba* rules are as under :—

| | |
|----------------------|----------|
| | Rs. |
| Water rates | 6,34,171 |
| Land Revenue | 2,32,116 |

In addition to the ordinary *kharaba* remissions, special remissions have been given in *abiana* wherever damage on account of drought, famine, pests, etc., have justified such remissions. In the Ambala division remissions in *abiana* amount to Rs. 10,39,872. There was a hailstorm in some villages in the Lyallpur district near Toba Tek Singh, Bhagat, Muridwala and Dijkot. Field to field inspection of crops was done and water rates remitted to the extent of Rs. 11,002 and land revenue Rs. 14,779. Scarcity of rain and shortage of canal water affected the *desi* cotton crop in the Lahore district. Remissions in *abiana* have been sanctioned amounting to Rs. 60,811. *Jowar* was attacked by borer pest in the Joya sub-division of the Nili Bar colony. Field to field inspection was done in 89 villages and half remission was given to damaged fields amounting to Rs. 1,824 water rates and Rs. 1,102 land revenue. The total special remissions thus given in the canal irrigated areas of the province amount to Rs. 11,13,509 water rates and Rs. 15,881 land revenue assessed by the Irrigation Branch.

REMISSIONS ON ACCOUNT OF FALL IN PRICES.

The following remissions have been granted on account of land revenue both fixed and fluctuating :—

| District. | | | | | | Amount remitted. |
|-----------------|----|----|----|----|----|------------------|
| 1 | | | | | | 2 |
| | | | | | | Ra. |
| Ambala | .. | .. | .. | .. | .. | 18,232 |
| Gujranwala | .. | .. | .. | .. | .. | 10,035 |
| Sheikhupura | .. | .. | .. | .. | .. | 34,719 |
| Gujrat | .. | .. | .. | .. | .. | 77,310 |
| Shahpur | .. | .. | .. | .. | .. | 1,57,300 |
| Attock | .. | .. | .. | .. | .. | 1,948 |
| Montgomery | .. | .. | .. | .. | .. | 17,441 |
| Jhang | .. | .. | .. | .. | .. | 74,237 |
| Multan | .. | .. | .. | .. | .. | 19,019 |
| Muzaffargarh | .. | .. | .. | .. | .. | 1,337 |
| Dera Ghazi Khan | .. | .. | .. | .. | .. | 76,598 |
| Total | | | | | | 4,88,176 |

In giving remissions on account of low prices of agricultural produce, the economic situation was also fully examined with respect to contraction in the matured areas and the general depletion of agricultural resources.

REMISSIONS UNDER THE SLIDING SCALE SYSTEM OF ASSESSMENT.

(i) Lyallpur district and the Rakh Branch circle of the Sheikhupura district, Re. 0-8-6 per rupee of land revenue amounting to Rs. 1,70,540 in the Sheikhupura district and Rs. 21,99,903 in the Lyallpur district.

(ii) Lower Bari Doab coloy area in the Multan and Montgomery districts.

(iii) Nili Bar colony in the Multan and Montgomery districts.

} 35 per cent. of the land revenue amounting to Rs. 16,46,516.

3. *Taccavi loans*.—The total amounts so far allotted to the various districts in the province under this head comes to Rs. 33,48,800. In addition to this Rs. 35,350 and 12,31,400 are lying in reserve with the Commissioners and Financial Commissioner, Revenue, respectively. Out of the outstanding balances of previous years a sum of Rs. 5,68,006 has been suspended and Rs. 1,28,248 have been remitted.

4. *Import of fodder*.—In addition to the Hissar, Rohtak, Gurgaon and Karnal districts, concession rates for the carriage of fodder have been sanctioned for the Jullundur, Ludhiana and Jhelum districts.

Besides the above measures of relief, the following measures have been taken in connection with famine in the Ambala division :—

5.—GENERAL.

(a) *Preservation of cattle and other livestock*.—The concentration camp for cattle at Hissar is so far very successful. 4,224 animals had been purchased up to the 7th January, 1939

(including 458 transferred to the Government Cattle Farm, Hissar). 40 animals have died, all in normal ways, e.g., through cold or crushing against one another. The construction of sheds is still proceeding and a great many are already complete. There will be 30 sheds in all to accommodate 4,500—5,000 heads of cattle. Ample supply of *bhusa* and *karbi* is in stock. A few cases of foot-and-mouth disease have been reported, but the outbreak is not virulent. The condition of cattle is generally satisfactory.

During the first fortnight of December, 1938, 2,299 animals belonging mostly to Rohtak and Delhi districts or Indian States passed over the Jumna bridge. Only inferior and surplus stock is being disposed of by the owners.

In order to preserve stock in the famine stricken district of Hissar and the neighbouring area, an intensive campaign of vaccination of cattle has been launched by the Veterinary Department. During the month ending 15th December, 1938, 14,700 heads of cattle were immunised against rinderpest.

3,421 animals are reported to be maintained by the Gowshala authorities out of public subscriptions.

The total imports of fodder at concession rates of railway freight and the cost of this concession debitable to Government are given below :—

| | Hissar. | Rohtak. | Gurgaon. | Karnal. | Total. |
|---|----------|---------|----------|---------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | Mds. | Mds. | Mds. | Mds. | Mds. |
| Imports in maunds, from 15th April, 1938, up to 31st December, 1938. | 662,466 | 134,084 | 32,853 | 10,459 | 839,862 |
| | Rs. | Rs. | Rs. | Rs. | Rs. |
| Amount in rupees debitable to Government from 15th April, 1938, to 31st December, 1938. | 1,15,919 | 19,984 | 6,046 | 2,169 | 1,43,218 |

Fodder continues to be imported at concession rates in large quantities by private persons as well as by the Fodder Adviser. 260,600 maunds were imported during the fortnight ending the 31st December, 1938, of which 179,400 were for the Hissar district alone. With a view to facilitating import of fodder, constant additions are being made to the lists of exporting stations on the North-Western Railway, Bombay, Baroda and Central India Railway, Great Indian Peninsula Railway and East India Railway.

In Hissar 17,361 maunds of fodder have been issued from Government dumps up to the 7th January, 1939. The rates of *bhusa* issued from Government dumps during December, 1938, were as under :—

| District. | BHUSA. | | Chari. | Karbi. |
|-----------------|-----------|-----------|-----------|-----------|
| | Wheat. | Grain. | | |
| 1. | 2 | 3 | 4 | 5 |
| | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P. |
| Hissar | 0 12 0 | 1 0 6 | .. | 0 14 0 |
| Karnal | 0 12 0 | .. | 0 14 0 | .. |

The Fodder Adviser had spent Rs. 1,88,000 up to the 10th January, 1939, for the purchase of fodder. Besides private dumps there are 9 Government dumps functioning in the Hissar district and 7 in Karnal.

Fodder in the Rohtak district is being issued from private dumps, but in Gurgaon arrangements with private contractors have broken down, and steps are being taken to open Government dumps for the distribution of fodder.

(b) *Test or Relief Works*—

| District. | Works opened. | Daily average of workers during the week ending 31st December, 1938. |
|----------------|---------------|--|
| 1 | 2 | 3 |
| Hissar | 21 | 64,525 |
| Rohtak | 2 | 2,712 |

By the end of the first week of January, 1939, the attendance on relief works was 70,000 workers. The increase of workers is due in some measure to the fact that the wage scale has been fixed at a higher rate than that prescribed in the Famine Code. The arrangements and organization of relief works are reported to be satisfactory. More than 1,000 destitute workers from the Indian State territories have applied for relief in the Hissar district.

(c) *Relief to dependents of workers (Hissar district)*.—The total attendance of dependents on the 30th December, 1938, was 28,779. The percentage of dependents to labourers at relief works continues to be higher than was expected.

(d) *Gratuitous relief*.—The distribution of gratuitous relief has not yet commenced as the lists and tickets required for persons entitled to such relief are still in course of completion.

(e) *Spinning centres*.—(1) *Working and Supervision—Hissar district*.—The centres here have continued to function satisfactorily. On the 31st December, 1938, there were 21,278 persons on the books.

(2) *Disposal of Yarn*.—578 maunds of yarn are in stock. The amount of yarn sold up to the 30th December, 1938, was 489 maunds, and the price realized was Rs. 7,922, giving an average of about Rs. 16-4-0 per maund.

The sum of Rs. 10,000 has been allotted to the Deputy Commissioner, Rohtak, for spinning centres and another sum of Rs. 2,000 to the Commissioner, Ambala division, for the same purpose in the Gurgaon district.

(f) *Appeals for Charity—Hissar district*.—Up to the 3rd January, 1939, subscriptions to the Charitable Relief Fund, Hissar, amounted to Rs. 18,664-8-3. Allotments amounting to Rs. 11,611 have been made to the tahsil sub-committees for the preparation and distribution of *razais* and other clothes. During the week ending 24th December, 1938, 683 *razais* and 411 padded waist-coats were distributed.

Contributions in kind in the form of blankets, bundles of clothes, wheat bags, etc., have been received through the Indian Red Cross Society, Provincial Branch, District Red Cross Branches in the Punjab and other sources. Two bales of cloth were received from the Lyallpur Cotton Mills, Lyallpur.

The above measures of relief, excluding land revenue and *abiana*, suspensions and remissions, and taccavi in the famine stricken areas of the Ambala division are estimated to cost Rs. 23,32,670 during the current financial year, and Rs. 32,87,000 in the next year (1939-40) exclusive of the cost of establishment specially entertained for famine and fodder work.

It will thus be observed that Government has done and is doing all that is possible to afford relief to zamindars on account of the situation, which has arisen through deficient rainfall.

UNSTARRED QUESTIONS AND ANSWERS.

PARTICULARS FOR *BENAMI* TRANSACTIONS.

591. Rai Bahadur Lala Gopal Das : Will the Honourable Minister of Revenue be pleased to place on the table of the House a statement in the following form showing the following particulars about the *benami* transactions brought to light upto this time —

- (1) Name of district.
- (2) Name of agriculturist-alienor.
- (3) Year of alienations.
- (4) Name of benamidar.
- (5) Name of non-agricultural beneficiary.
- (6) Amount of money involved ?

The Honourable Dr. Sir Sundar Singh Majithia : As the labour involved is not commensurate with the advantage to be gained, Government regret that it cannot undertake enquiry.

KEEPING GOVERNMENT COLLEGE, LAHORE, OPEN ON THE DAY OF
THE DEATH OF GHAZI MUSTAFA KAMAL PASHA, ATATURK.

592. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the officiating Principal of the Government College, Lahore, did not close the College on 11th November, 1938, as a mark of respect to Ghazi Mustafa Kamal Ataturk, the late President of the Turkish Republic ;
- (b) whether he was approached by the students to close the college in this connexion ;
- (c) if the answer to (a) and (b) above be in the affirmative, the reasons for not closing the college ;
- (d) the action Government proposes to take in the matter ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) No.

(c) The matter was referred to the Director of Public Instruction, Punjab, and the instructions received from him were carried out. These instructions were that no orders had been received from Government to close the college. All Muslim students who wished to join the special meeting at the Badshahi Mosque were permitted to do so.

(d) Does not arise.

MUSLIM REPRESENTATION IN MUNICIPAL SERVICES IN SIMLA.

593. Khawaja Ghulam Samad : Will the Honourable Minister of Public Works be pleased to state whether a deputation of Muslims of Simla waited upon him in connexion with their under-representation in the services of the Municipal Committee, Simla ; if so, the action taken or proposed to be taken by the Government in this matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The deputation which saw me in 1938 represented that Muslims have not their fair share of seats on the Simla Municipal Committee, and that they have not their fair share of municipal appointments. I examined the matter at the time and found that the Muslim community have their fair share of seats. As to whether they have their fair share of appointments, enquiries are still in progress but the honourable member will understand that municipal appointments are made by the committees and not by Government.

REPRESENTATION OF THE ZAMINDARS OF VILLAGE MIRAJ-PATTI-SANDMI,
DISTRICT FERROZEPURE, *re* THEIR *MOGAS*.

602. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the zamindars of Patti-Sandmi, sub-tahsil Nathana, district Ferozepore, sent representation to the Superintending Engineer, Sirhind Canal and the Sub-Divisional Officer, Bhankra Division, praying that the water supply of the *mogas* of their *rajbah* may not be decreased at the time of their remodelling ; if so, the action the Government intends to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : A representation has been received but Government does not intend to take any action on it because reduction of some outlets is necessary to give authorized discharge to the tail of the minor which is suffering from shortage of supply, owing to drawing water in excess of their authorised supply by the irrigators on the upper reach outlets.

REPRESENTATION OF ZAMINDARS OF VILLAGE SAMATESAR, TAHSIL
MOGA, *re* RELIEF FOR FAILURE OF CROPS.

603. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the zamindars of village Samatesar, tahsil Moga, district Ferozepore, have represented to the authorities concerned for remission in land revenue and *abiana* on account of the total failure of the last *barani* crops and the poor condition of the present *nahri* crops in the aforesaid village for want of rain ; if so, the steps intended to be taken to give them relief ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. No remission was given as none was admissible under the rules, the incidence of land revenue for kharif, 1938, being in fact far below the danger rate.

REPRESENTATION OF INHABITANTS OF VILLAGE BURJ KALAN SINGHWALA,
DISTRICT FERROZEPURE, FOR REMISSION OF LAND REVENUE.

604. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the last *barani kharif* crop of the village Burj Kalan Singhwala, police station Nathana, district Ferozepore, has totally failed and the *rabi* crop could not be sown on account of scarcity of rains ;

- (b) whether it is a fact that even the *nabri kharif* crop of the aforesaid village has been very poor and its inhabitants represented to the authorities concerned for the remission in land revenue and *abiana* ;
- (c) if the answers to (a) and (b) above be in the affirmative, the action the Government proposes to take in the matter ; if no action is contemplated, the reasons therefor ?

The Honourable Dr. Sir Sundar Singh Majithia : It is regretted that reply to this question is not yet ready. It will be communicated to the honourable member when ready.

SUB-ASSISTANT SURGEONS.

612. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister of Education be pleased to lay on the table of the House a statement showing the distribution community-wise of the appointments made to the cadre of Sub-Assistant Surgeons in the year 1938, along with a statement as to their distribution in each community as members of statutory agricultural tribes and those who are not members of statutory agricultural tribes ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement showing the distribution community-wise of the appointments made in the cadre of Sub-Assistant Surgeons in the Punjab Subordinate Medical Service during the year 1938.

| Name of appointment. | MUSLIMS. | | | HINDUS. | | | SIKHS. | | | CHRISTIANS. | | | REMARKS. |
|-------------------------------|--|---------|--------|--|---------|--------|--|---------|--------|--|---------|--------|--|
| | Members of notified agricultural tribes. | Others. | Total. | Members of notified agricultural tribes. | Others. | Total. | Members of notified agricultural tribes. | Others. | Total. | Members of notified agricultural tribes. | Others. | Total. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Men Sub-Assistant Surgeons. | 14 | 2 | 16 | 4* | 4 | 8 | 3 | 2 | 5 | .. | .. | .. | *Includes one who is zamindar but is not a member of notified agri-cultural tribe. |
| Women Sub-Assistant Surgeons. | 1 | 2 | 3 | .. | 4 | 4 | 1 | 2 | 3 | .. | 1 | 1 | |

DIVISIONAL INSPECTORS OF PANCHAYATS, THEIR CLERKS, PANCHAYAT OFFICERS AND ASSISTANT PANCHAYAT OFFICERS.

613. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister of Public Works be pleased to lay on the table of the House a statement stating the distribution community-wise (Muslims, Sikhs, Hindus, Scheduled castes and Christians), also their distribution amongst members of Statutory Agricultural tribes and those who are not members of Statutory Agricultural tribes, of the recently appointed Divisional Inspectors of Panchayats, their clerks, Panchayat Officers, and Assistant Panchayat Officers?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No new appointments have yet been made.

CIRCULAR TO LOCAL BODIES TO PREFER DIPLOMA-HOLDERS OF THE PUNJAB LOCAL SELF-GOVERNMENT INSTITUTE WHILE MAKING APPOINTMENTS.

618. Lala Deshbandhu Gupta : Will the Honourable Minister of Public Works be pleased to state whether Government is aware of the fact that the local bodies are not giving preference to the Diploma-holders of the Punjab Local Self-Government Institute while making appointments on their staff contrary to the instructions contained in the Government circular issued to the local bodies requiring them to give preference to such Diploma-holders; if so, the action intended to be taken in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : No mandatory instructions were issued, the question of appointments to local bodies' service being primarily one for decision by the local body concerned. In the circular letter of 1986 it was suggested to local bodies that they should as far as practicable give preference to the diploma-holders of the institute when making appointments. I have no recent information as to the number of diploma-holders who have obtained appointments but the authorities of the institute reported in December, 1987, that at that date 12 diploma-holders had obtained posts either in the service of local bodies or under Government.

REMISSION GRANTED TO ZAMINDARS OF JULLUNDUR DISTRICT FOR FAILURE OF CROPS.

651. Master Kabul Singh : Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that crops in practically the whole of the Jullundur district were ruined during the last season; if so, whether Government intends to grant remission on land revenue and abiana to all those who have been adversely affected irrespective of the fact whether some of them appealed in time for remission or not?

The Honourable Dr. Sir Sundar Singh Majithia : It is a fact that considerable losses have occurred on account of deficient rains.

The question of relief is under consideration. Abiana is not charged in Jullundur as no canals exist in that district.

652. Cancelled.

ADJOURNMENT MOTIONS.

PREMIER'S CONDEMNATION OF THE DAILY PRATAP.

Lala Deshbandhu Gupta : 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 highhanded method followed by the Premier in condemning the leading article of the Daily Pratap dealing with the ruling of the Chair, which is tantamount to a serious encroachment on the liberty of the Press.

Mr. Deputy Speaker : The adjournment motion as worded appears to be clearly out of order.

Lala Deshbandhu Gupta : Are you open to reconsideration ?

Mr. Deputy Speaker : So far as the order of the Chair is concerned, it cannot be discussed by an adjournment motion. It is clearly out of order.

EXCHANGE RATIO.

Lala Deshbandhu Gupta : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the decision of the Government on the exchange ratio question as announced by the Honourable the Finance Minister in reply to a short notice question put by me on 17th January, 1939.

I hope, Sir, you will hold it in order.

Mr Deputy Speaker : The motion as worded appears to be out of order, but before deciding the question finally I would like to have the views of a few members on these two points. The first is whether there was any decision of the Punjab Government made on the question of exchange ratio, and the second is whether the Punjab Government is competent to arrive at any such decision. I would ask the Minister for Finance to throw some light on these two points.

Minister for Finance (The Honourable Mr. Manohar Lal) : The Punjab Government has arrived at no formal decision on the question of the exchange ratio, nor would this Government be competent to lay down or prescribe any policy on the exchange ratio question. The whole question of currency, as you are aware, lies particularly within the sphere of the Central Government. We have had no occasion to record any formal decision on the exchange ratio. It would be a perfectly idle course for us to attempt any such thing. That is in answer to the particular question which you were pleased to put.

Now may I, because this discussion is suggested on this matter, say one more word with your permission. It seems to me and I think it will be clear to the House that the propriety of discussing on an adjournment motion, within the strict restrictions to which an adjournment motion is subject, a subject of this magnitude which does not lie within the provincial sphere, the propriety of such a course is more than questionable. If it is the desire of this House to consider this question, or the desire of any section of the House to make a recommendation to the Government on the exchange ratio question there are other and appropriate methods of raising the issue.

It would then be possible for this House to express an opinion or possibly for the Punjab Government to express a limited opinion so far as the question of an appropriate ratio might possibly concern us in this province ; but on merely an adjournment motion no recommendation could be made and no views in a sufficiently clear manner be conveyed, no views on which any action could possibly be based. I am enforced in this statement by the fact that the Government of India on the 6th of June, 1938, issued a very *firm communiqué* on this matter containing an emphatically expressed decision, and quite recently on the 16th December again they issued a further *communiqué* not only adhering to what they said before but further strengthening their previous decision by arguments. In view of that I would say further that the appropriateness of discussing a matter of this large magnitude, which, as I said, primarily does not lie within the sphere of our province, by merely an adjournment motion within the narrow and strict conditions prescribed for such a motion, in which a few members only can take part and the whole discussion is limited. I would submit that it will be exceedingly inappropriate to take up a discussion of this question. At any rate on this I can speak with complete authority that the Punjab Government has not arrived at any formal decision on the question of the exchange ratio.

Lala Deshbandhu Gupta : Sir, may I remind you of the reply given by the Honourable Minister for Finance the other day. You will perhaps remember that at that time realising the importance of the subject I had said that I would welcome if the Premier would fix a special day for discussing this important question and it was only when no encouraging reply came from that side that I tabled an adjournment motion. I agree that a subject of this nature cannot be fully discussed through an adjournment motion, two hours being too short a period for doing full justice to it ; but that is no fault of ours and the motion cannot be disallowed on that ground. When the Government gives out its views on an important question like this without taking the House into its confidence and does not agree to allow a special day for discussing the subject, surely the only alternative open to the Opposition is to raise a debate through an adjournment motion. I quite agree that it would have been better if I had made it more clear that I want to discuss the views of the Punjab Government as expressed in their letter to the Bombay Government. But that is a very minor objection. If necessary, I have no hesitation in amending my adjournment motion that way to which I hope you will have no objection whatsoever, it being merely a technical point. My contention is that the Punjab Government has taken a decision in spite of the fact that the Finance Minister says that the Punjab Government has not taken any decision. I hold that the Punjab Government has taken a decision in so far as it has decided not to approach the Government of India to revise the ratio and lower it to 16 pence.

So far as the question of our competence to discuss this question is concerned, I feel that since the Punjab Government has expressed its opinion on this important question on the floor of the House, it is only fair that the opinion of the House should also be taken in this matter so that the Government of India and the people all over the country may know that the Assembly or at least the Opposition does not share the reactionary views

[L. Deshbandhu Gupta.]

held by the Punjab Government on this important subject. I would, therefore, urge that since the decision of the Punjab Government, that no efforts should be made to re-open the ratio question or to press the Government of India to lower the exchange ratio is there, I want to question that decision through this adjournment motion. I hope you will hold the motion in order.

Dr. Gopi Chand Bhargava : Sir, may I invite your attention to the question that was put and the reply that was given. The question was—

“Do I take it from the statement read out by the Honourable Minister for Finance that the Punjab Government is in agreement with the Government of India on the ratio question? Do they hold identically the same views? Are they in favour of 18d. ratio?”

The reply was—

“I have stated the carefully considered position of the Punjab Government in this matter. If the honourable member wishes to re-open this question, I am prepared to do so but it can hardly be done by supplementary questions. It is a most complicated matter of currency policy.”

And a further reply was given as follows :—

“It is not possible to canvass the views of individual Ministers on this issue. I have stated the opinion of the Government.”

What was said was that it was the considered opinion which amounted to a decision of the Punjab Government and not of the Finance Minister alone. It is perfectly right that the Punjab Government is not and will not be within its rights to discuss this question or express its opinion because it is a central subject. But when the question was put and the reply given, that reply was the considered opinion of the Punjab Government and not of the Finance Minister only. This adjournment motion is only to discuss a reply that was given on the floor of the House. It does not matter whether the Punjab Government is within its rights or not. When an unsatisfactory reply is given, then it becomes the right of the Opposition or any member of this House to move an adjournment motion and this is the only way of expressing disapproval of the reply that has been given.

Diwan Chaman Lal : Mr. Deputy Speaker, what my honourable friend, the Finance Minister, has said is perfectly correct. This House is not competent nor is this Government competent to deal with a matter which is exclusively the domain of the Central Government. I agree and everybody, who knows this elementary principle governing the Government of India Act, will readily agree with my honourable friend's contention. I think that this is not the point at issue in the adjournment motion of which notice has been given by my honourable friend, Lala Deshbandhu Gupta. The point at issue is not whether we are competent to give our opinion or lay down a law regarding the exchange ratio. The point is whether we can accept or reject the views expressed by the Punjab Government through the Finance Minister. That is all. The question is whether this House considers the views expressed by my honourable friend, knowing the views of the Punjab Government, as a matter of great public importance, meriting a discussion through an adjournment motion. My honourable friend's other objection was that it was an inappropriate method. We admit that this is an inappropriate method, but I take it that it is not an illegal method and that it is a

method that is open to the House. My honourable friend will remember that in the central legislature, such an important matter as the question of withdrawing the Reserve Bank Bill, which was passed by the central legislature, was discussed over an adjournment motion, a very important issue of the exchange ratio, far transcending in its importance, because it meant not only the exchange ratio, but also the currency and the banking facilities of this country as well. These three things were involved and that matter was discussed over an adjournment motion. Inappropriateness has never been urged as a ground for invalidity of an adjournment motion. I submit that we are perfectly well within our rights in tabling and asking you to accept this adjournment motion simply confined to the views expressed by my honourable friend. That is all. It is perfectly true that we can recommend by another method to the Government of India regarding the exchange ratio that an opportunity might be provided by the Government. I submit that this is the statement of my honourable friend, as the Honourable Leader of the Opposition has said by quoting him, and that position that he has taken is a definite position and demands an immediate attention of this House, and of the representatives of this province in this House. Therefore, Mr. Deputy Speaker, I would request you to hold that the matter is urgent, important and of recent occurrence and merits a discussion on the floor of this House. It may be that there are some members entirely in favour of the views that my honourable friend has taken; it may be that there are those who hold that there is a doubt in regard to agricultural portion of the community which is affected by these changes. But these are matters which can be discussed briefly, I admit, under an adjournment motion. Therefore, I submit that there is no ground which can prevent you from holding that this motion is in order.

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, the only opinion which the Punjab Government reached was its inability to join the Government of Bombay in a certain representation which they wished to make. That is the only opinion which we reached. In conveying that answer or that position of the Punjab Government to the Government of Bombay naturally some reference was made to a few of the many circumstances which stood in the way of the Punjab Government joining the Bombay Government in the representation. That was the only decision and the only matter that was definitely before the Punjab Government whether we should join the Bombay Government in a particular representation, which they wished to make. I take it that it would not be a subject of a proper motion before this House, particularly so, as it would be desirable if this matter were to be canvassed in this House adequately and properly, that we should have before us the representation which the Bombay Government wished to make to the Government of India. That, Sir, is a document, which it is not in my power and which, I think, the Honourable Premier would not wish me to place before this House. We have not the document before us and it will be an additional reason apart from the technical reasons, which I have submitted to you, for not taking up this subject in discussion on this adjournment motion before this House. This is the sole opinion and the sole decision, if you like to call it, that the Punjab Government definitely arrived at. In view that it is realised by the other side that no adequate debate can be held, I take it that you, sitting in this Chair to-day

[Minister for Finance.]

as the custodian of our rights to see that the time of the House should be properly expended, would not allow the House to enter upon an inadequate and, if I may be permitted to say so, a futile discussion on a matter of the greatest possible importance to the welfare of this country.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, in supplementing the able arguments advanced by the Honourable Finance Minister, I would invite your attention to the specific rules of procedure of this Assembly. The first rule is Rule 46, which lays down restrictions on the power to move an adjournment motion. Sub-clause (5) of that Rule says—

The motion must not deal with a matter on which a resolution could not be moved.

I beg also to invite your attention to Rule 114 dealing with the restrictions on resolutions, where it is stated that a resolution shall not relate to any matter which is not primarily the concern of the provincial Government. I submit that the purpose of the adjournment motion now is this that the Punjab Government should co-operate or join with a particular representation on this question outside the purview of this Government which a sister provincial Government wishes to make. I submit that the matter is not primarily the concern of the Punjab Government, and as a resolution on that matter could not be moved, therefore an adjournment motion also could not be moved.

2 P.M.

Chaudhri Krishna Gopal Dutt : I quite agree with the Parliamentary Secretary that it is not primarily the concern of the Punjab Government to take any steps in this matter. But the Punjab Government did not itself take note of that. The Punjab Government has expressed certain definite views. I want to bring to your notice the actual views which have been given expression to by the Punjab Government and those views are highly controversial views, not only controversial but very unpatriotic views. One of the views stated is that "there will be much speculation in exchange and disturbance in the money market with consequent harm to trade and industry." The Honourable Minister for Finance stated just now that the Punjab Government have not come to any decision. Here is a very categorical and specific statement which the Punjab Government has made. Another statement which the Punjab Government has made is—

It will have a much greater effect on the Government of India with consequences prejudicial to provincial advances and will presumably involve an increase in central taxation.

These are statements which have been repudiated from time to time. I quite understand that these arguments have been borrowed from certain other sources but these statements cannot be substantiated and I dare say—

Mr. Deputy Speaker : The honourable member is going into details.

Chaudhri Krishna Gopal Dutt : I am not going into details, I am going into the merits of the question. But the trouble is that the Government want to take shelter under the plea that the Punjab Government have not come to a decision. This is a somersault on the part of the Punjab Government.

Mr. Deputy Speaker : I would like to put one question to the honourable mover of the motion. Does the honourable mover want to discuss the refusal of the Punjab Government to support the Bombay Government in their representation concerning the question of ratio to the Government of India ?

Lala Deshbandhu Gupta : As I have already made it perfectly clear, I want to discuss the grounds on which the Punjab Government have decided not to join the Bombay Government in their representation, and since the Punjab Government have expressed their views as their considered opinion, I think it is only fair that they should hear the House and, if the House disapproves the expression of such reactionary view, the opinion of the House should prevail.

(At this stage Chaudhri Krishna Gopal Dutt stood up to speak.)

Mr. Deputy Speaker : I asked that question from the honourable mover of the motion.

Chaudhri Krishna Gopal Dutt : But that adjournment motion is in my name also. I want to make it clear as to what I want to discuss.

Mr. Deputy Speaker : I have had the views of the honourable mover of the motion.

Chaudhri Krishna Gopal Dutt : But you did not ask me as to what I wanted to discuss.

Mr. Deputy Speaker : So far as the wording of this motion is concerned, it does not cover the object of the motion as stated by the honourable mover. The motion as worded is clearly out of order. So, on this technical ground I disallow this motion.

Chaudhri Krishna Gopal Dutt : My object is different from the object of the honourable Lala Deshbandhu Gupta. The technical objection will not apply to it because the object is different.

Mr. Deputy Speaker : The wording is the same and the same objection holds good. The question is of the wording employed in the two motions, and so far as the wording goes, both of them are clearly out of order.

AGRICULTURAL PRODUCE MARKETS BILL.

Mr. Deputy Speaker : The House will now resume the consideration of the Punjab Agricultural Produce Markets Bill. Amendment No. 7 to clause 25 was under discussion day before yesterday. The amendment consists of two parts. The second part is the essential part. Therefore I will put the second part of the question first. The question is—

That in sub-clause (2) (c), lines 4—8, the words ' or fit ' stand part of the sub-clause.

The Assembly divided : Ayes 65 ; Noes 41.

AYES

Abdul Hamid Khar, Sufi.
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.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Faiz Muhammad Khan, Rsi.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Jang Singh, 2nd-Lieutenant
 Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khar, Khan Baha-
 dur.
 Ghulam Rasul, Chaudhri.
 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.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad An-in, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
- Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Naunihal Singh Manu, Lieutenant
 Sardar.
 Pir Muhammad, Khan Sahib
 Chaudhri.
 Pohop Singh, Rao.
 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.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

NOES

- Abdul Aziz, Mian.
 Baldev Singh, Sardar.
 Bhagat Ram, Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lal, Drwan.
 Deshbandhu Gupta, Lala.
 Dev Raj, Sethi.
 Duni Chand, Lala.
 Duni Chand, Mrs.
- Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.

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| Kartar Singh, Sardar. | Prem Singh, Mahant. |
| Kishan Singh, Sardar. | Ragbir Kaur, Shrimati. |
| Krishna Gopal Dutt, Chaudhri. | Rur Singh, Sardar. |
| Lal Singh, Sardar. | Sahib Ram, Chaudhri. |
| Muhammad Abdul Rahman Khan, Chaudhri. | Sampuran Singh, Sardar. |
| Muhammad Alam, Dr. Shaikh. | Santokh Singh, Sardar Sahib Sardar. |
| Muhammad Hassan, Chaudhri. | Satya Pal, Dr. |
| Muhammad Iftikhar-ud-Din, Mian. | Shri Ram Sharma, Pandit. |
| Mula Singh, Sardar. | Sita Ram, Lala. |
| Muni Lal Kalia, Pandit. | Sohan Singh Josh, Sardar. |
| Partab Singh, Sardar. | Sudarshan, Seth. |
| | Uttam Singh Dugal, Sardar. |

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*): Sir, I beg to move—

That in sub-clause (3) (b) (i), last line, for the words "three years" the words "one-year" be substituted.

Sir, in order to elucidate my point I would like to read out the original sub-clause to the House. It runs as follows:—

Where the Government by order under paragraph (c) of sub-section (2) of section 25 has appointed an authority other than a new committee for the carrying out of the functions of the superseded committee, the Government may by notification determine the period for which such authority shall act. Such period shall not be longer than three years.

My object in moving this amendment is that since the proposed period for the supersession of a market committee is an exceedingly long one, it should be reduced to a term which may last up to a maximum of one year. The Honourable Minister for Development has not so far enlightened us as to what would be the nature of the "authority" provided in the Bill. Without his definite guidance we cannot say as to whether any tahsildar or an executive officer or an administrator would be appointed to carry on the administration of the markets, during the supersession of the market committee. So far as this point is concerned we are quite in the dark. I hope and trust that he would be pleased to throw light on this particular question. However, he advanced an argument which has great weight with me. He held that when an incompetent and inefficient committee is superseded it will take some time for the Government to constitute a new committee. So far I am at one with him. But what I want to submit is that the period of 3 years as proposed in the Bill is undoubtedly a long one. It would mean that for such a long time the representatives of the growers and the *arhtis* would not have any voice in the administration of the markets, carried on by an authority which might assert its position in a despotic manner. Moreover, it would be unfair and unjust on the part of the Government to keep an absolute official control over the administration of the market for such a long period. I, therefore, very respectfully submit that for the words "3 years" the words "one year" be substituted as this period is long enough for the Government to constitute a new committee. With these few words I commend my amendment for the acceptance of the House.

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

That in sub-clause (3) (b) (i), last line, for the words "three years" the words "one-year" be substituted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, under the original clause when a committee is superseded the Government can appoint in its place an officer for three years and at the expiry of that period can re-appoint the same officer or appoint some other officer for another three years. But the Honourable Minister must realise that the interests of neither the growers nor *mandiwalas* will be safe in the hands of such officers. We, all of us, know the ways of officers and these officers will not be a whit different from their brethren. The honourable members on either side of the House are not unaware of the facts that there are certain officers who cannot work independently and always take their cue from certain people. It is, therefore, highly undesirable to hand over the administration of a market to such officers. If the Government is not bidding for corruption in this sphere, also, it should accept this amendment and agree to reduce the term of office of such authorities to one year. This period should be enough for the Government to constitute a new committee. With these remarks I support the amendment.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, I have given notice of a similar amendment which has been circulated to the honourable members. It runs as follows :—

That in sub-clause 3 (b) (i), last line, for the words 'three years' the words "one year or the remaining life of the committee so superseded, whichever be shorter" be substituted.

If this amendment is to be taken up later on and not discussed along with the one under discussion I will express my views when my amendment is taken up.

Mr. Deputy Speaker : It will be discussed along with the present motion.

Lala Sita Ram : Sir, there is only this difference between the two amendments that while my honourable friends have proposed that the term of office of the authority appointed by the Government be limited to one year, I want that it should be one year or the remaining life of the committee so superseded whichever be shorter. The position is that when the Government has come to the decision that it cannot but supersede a certain committee the next question is for how long the market concerned is to go on without a committee. Now my submission is that legally and morally this period should not exceed the remaining life of the committee that has been superseded. For instance, if the normal life of the committee so superseded is three years and at the time of supersession it has been in existence for one year there is no earthly reason why the market should remain without a committee for more than two years. This is by way of illustration only. My personal opinion is that this term should not be more than one year in any case.

After all why is a committee superseded? Because it is found to be incompetent to perform or has been persistently making default in performing the duties imposed on it. I know, Sir, that the word 'incompetent' is capable of being used in different senses and for various purposes. But just, at present, I do not want to discuss the meanings of the word or the intentions and object underlying of the Government. What I want to emphasize is that the market should not be deprived of a committee for a period longer than the remaining life of the committee which it is found necessary to supersede.

As clause 8 has not been disposed of as yet, I cannot say whether the House is going to decide to have elected committees or nominated ones. We on this side want that they should be elected and even if you do not accept this view at this juncture you will have some day, to bow before democratic principles and introduce the elective system. In that case the election of a committee becomes the right of the people and you should not seek to trample over that right and thus deprive them of exercising it. What has happened in the case of the Lahore Municipal Committee? It was superseded for the faults of a few members but 2½ years have passed and a new committee has not been allowed to be elected as yet. Anyway, Sir, whether the committee is going to be elected or nominated the period of supersession should not exceed one year. I can understand a committee being absolutely incompetent, but I cannot, for the life of me, understand why the electors should be deprived of their right to have a committee on that score. Why should it be supposed, that new members elected by the electors themselves would also be incompetent or the like.

Then, Sir, I am of the opinion that sometimes the Government has certain reasons of its own for not reconstituting a committee. For instance, the Government is anxious to retain the Administrator of Lahore till the house-tax has become an accomplished fact and certain other matters have been settled according to the wishes of the Government. But I submit that for whatever purpose a committee is superseded the Government should not be empowered to keep the reconstitution of a new committee in abeyance for more than one year or the remaining life of the superseded committee.

So far as I have been able to gather from the press reports, this matter has been referred to a court and I, therefore, do not propose to comment upon it. But one thing is clear that morally the Government had only the power of suspending the Lahore Municipal Committee for a period extending to its normal term of office. More than that, it had no moral sanction. The object of this amendment is nothing more than to provide that a committee may be suspended or superseded by the Government for such a period during which, in the opinion of Government, the affairs will improve and the ends of justice will have been met. Now that the Government has made an experiment in the case of the Lahore Committee, it should not make that mistake any longer. It is common knowledge that more harm is being done by the present administration of the Committee than was alleged to have been done by the old Committee. The conditions under the old Committee were far more satisfactory than they are now. With these words I commend my amendment to the acceptance of the House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): The matter now before the House came up for a good deal of discussion even day before yesterday. I have, therefore, not stood up merely to lend my support to the amendment that has just been moved. I want to draw the attention of the Honourable Minister for Development to a matter of importance and that is this. We must pay due attention to sub-clause (3) (b) (ii) which reads thus:—

At the expiry of the term of office of such authority, the Government may by order either re-appoint the same or appoint some other authority for any period not longer than three years.

Sayed Amjad Ali Shah : If you read the next amendment I think you will be satisfied.

Mian Abdul Aziz : Yes, I will be glad to read this amendment. It is this—

That for sub-clause (3) (b) (ii) the following be substituted :—

(ii) At the expiry of the term of office of such authority the Government shall by order constitute a new committee as provided by section 7 of this Act.

This is important. I want to take this assurance from the Government that they would not withdraw it at the last moment, otherwise I would have to say something on that also.

Parliamentary Secretary (Chaudhri Tikka Ram) : You can have that assurance.

Mian Abdul Aziz : Thank you very much. But still I have to make a few observations (*Laughter*). My objection still stands and that is this. You may pass orders of supersession against a committee the normal term of office of which is going to be three years. You appoint one, two or three men to work in place of the committee so superseded. What is the assurance that you will not supersede the other new committee after two months of its appointment? If you order the supersession of that committee also within two months of its coming into being, you can do it several times. You can go on appointing and superseding committees after periods of two months and thus if the argument is carried further you have the power to deprive people of the services of a committee for a period of, say, even twenty years or more. An amendment proposing that the Government may have the authority of appointing some men to work in place of a committee only for a year, has been defeated. I shall, therefore, express my agreement with the Honourable Minister for Development when he says that it is not possible for the Government to reappoint a committee after two months of the supersession of the former committee. Some time must lapse so that the Government may make enquiries and make preparations for setting up a new committee. But my agreement with the Honourable Minister is thus far and no further. I do not want that the Government should wait for more than three or at the most six months for the appointment of a committee. This period is sufficient for the Government to make arrangements for elections, etc. The committee should not be allowed to remain superseded for an indefinite period like the Lahore Municipal Committee. I hope the Government will not go on consigning the amendments moved from the Opposition benches to the guillotine. After all some reasonable suggestion put forward on behalf of the Opposition should find favour with the Government. With these words I support the amendment now before the House.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I have much pleasure in supporting the amendment moved by La Sita Ram. When the substantive motion which was moved the other day that no authority other than the regularly constituted committee should be appointed to replace a superseded committee, some people were honestly of the opinion that that amendment might create some difficulty. I have come to know that some people had doubts as regards the suitability of that amendment on the ground that when one committee is superseded some

time must be given either for nomination or for the election of the members of the new committee as the case may be. I certainly see that there is some force in that criticism, and some justification for entertaining those doubts. I am particularly referring to the doubt expressed by the lady member on that side under the veil. Now admitting that there was some justification for criticism so far as that amendment was concerned, is there any justification for prolonging the life of an executive officer or some other authority which may be appointed to take the place of the superseded committee? Is it necessary that three years may be taken for the substitution of a new committee in place of the old committee? I think the honourable lady member and others who shared her doubts, would agree with me that there is absolutely no justification for keeping a period of three years, during which an authority should continue to work when a committee has been superseded. An amendment was proposed that in place of three years one year might be substituted. That is also under discussion. But I may submit that the amendment which Lala Sita Ram has moved is still better and I am glad to hear from the honourable mover of the other amendment that he is prepared to accept the amendment of Lala Sita Ram. Supposing a committee is superseded when the unexpired period of its term is only six months. It would not be necessary then to prolong the life of the authority which is appointed in place of that committee beyond the unexpired period of the life of the superseded committee. His amendment is that either a year may be fixed or the unexpired period of the life of the superseded committee might be prescribed as the period of the life of the authority which might be appointed in place of the superseded committee. In case the executive officer, let us say, is allowed to remain in office after the original term of three years of the market committee it would mean that the Government considers that there are no other persons—sixteen or eight as the case may be—throughout a district or throughout that notified market area who can be relied upon to discharge the duties of a committee either honestly or with sufficient ability. That is really casting an aspersion on the people who might then be living within the notified market area. It cannot be said that eight competent men or even sixteen competent men cannot be found in the whole of that area who can take the place of a superseded committee. It might be said, the Government has not taken steps to have a new committee elected for the Municipal Committee of Lahore, although the period of the term of the superseded committee has already expired. It does not mean that if the Government has made one mistake so far as the Lahore Municipal Committee is concerned, it should necessarily repeat that mistake in the case of the market committees. I personally think that the period of supersession of a municipal committee should not really go beyond the natural term of that municipal committee, otherwise, taking the case of Lahore, now that the original term of the superseded Committee of Lahore has expired and no new committee has been appointed, it means that out of the whole population of 4½ lakhs living within the municipal area of Lahore the Government is incapable or the people of Lahore are incapable of finding out 47 persons who are capable of administering the affairs of a municipality like Lahore. If 47 men cannot be found in a population of 4½ lakhs who could be trusted to carry on competently and efficiently and honestly the affairs of a town, can it not be said that there cannot be found men in the province of the

[Dr. Sir Gokul Chand Narang.]

Punjab who can be relied upon to carry on the administration of this province efficiently and honestly? That is really casting a very serious aspersion on the people living within the municipal committee of Lahore and I am taking this opportunity of making this indirect and side remark in connection with the matter which is engaging the attention of the 4½ lakhs of people living within the municipal area of Lahore. I definitely consider it a mistake, I definitely consider it an act of injustice, I definitely consider it in an act of unjustified suspicion and an act of unjustified pessimism that after the lapse of the original term of the municipal committee a new municipal committee is not being constituted. It is being said that a corporation is going on to be brought into existence.

Mr. Deputy Speaker : Please speak to the motion.

Dr. Sir Gokul Chand Narang : I would leave it at that and turn to the actual amendment which is before the House. You know, if you have at all cared to look at the articles of association of any corporation or a business company incorporated under the Indian Companies Act, that when a casual vacancy occurs in the board of directors of a company, power is given to the remaining members of the board to nominate a director instead of holding an election to replace a member who has vacated his seat on the board; and you must also be familiar with the fact that it is provided in those articles of associations that the term of a member of the board so appointed shall not exceed the unexpired term of the member whose seat is vacated. By the same analogy, I think Lala Sita Ram is perfectly justified in asking the Government that the period during which an authority should be allowed to act should not exceed the unexpired period of the superseded committee. He has also suggested an alternative course that that period should not exceed one year in any case and in all cases the shorter period should be taken, namely, if the unexpired period is shorter than one year, the life of that authority should not extend beyond that period, it may be two months, it may be six months but the maximum limit should not exceed one year. When my honourable friend, Mian Abdul Aziz, was discussing this motion, his attention was drawn by one of the parliamentary secretaries to amendment No. 41. This amendment is fairly good as far as it goes but it does not meet the point which is now under discussion before the House. This amendment, when it comes, will simply say—

(ii) At the expiry of the term of office of such authority the Government shall by order constitute a new committee as provided by section 7 of this Act.

It, no doubt, if accepted, makes it obligatory on the Government to constitute a committee as soon as the term of the authority appointed by the Government comes to an end, but it does not say anything with respect to the period for which that authority is to hold office. This would apply irrespective of the period for which that authority or executive officer or administrator—whatever he may be called—is appointed. He may be appointed for three years or for two years and so on and so forth. The amendment standing in the name of Chaudhri Tikka Ram therefore does not meet the objections which Lala Sita Ram seeks to remove. My

attention has also been drawn to the amendment which follows amendment 41 which stands in the name of another Parliamentary Secretary, Mir Maqbool Mahmood. This says—

Provided further that before reappointing the same or appointing some other authority the approval of the Provincial Assembly shall be obtained through a resolution on the subject.

This may or may not be taken up and I am doubtful if the Minister is going to accept it (*Voices from the Ministerial benches*: It is not going to be moved). I could guess also from the horizontal shaking of his head that even if the amendment was moved it would not be accepted. So I would not waste the time of the House in discussing that amendment. What I would say is that neither of the amendments meets the point raised in the amendment of Lala Sita Ram. With these words I strongly support his amendment.

Mr. Deputy Speaker: The question is—

That in sub-clause (3) (b) (i), last line, the words "three years" stand part of the sub-clause.

The Assembly divided: Ayes 65, Noes 92.

AYES

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| Abdul Haye, The Honourable Mian. | Ghulam Samad, Khawaja. |
| Abdul Rab, Mian. | Gopal Singh (American), Sardar. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Gurbachan Singh, Sardar Sahib Sardar. |
| Abdul Rahim, Chaudhri (Gurgaon). | Hans Raj, Bhagat. |
| Ahmad Yar Khan, Chaudhri. | Hari Chand, Rai Sahib, Rai. |
| Akbar Ali, Pir. | Het Ram, Rai Sahib, Chaudhri. |
| Ali Akbar, Chaudhri. | Indar Singh, Sardar. |
| Amjad Ali Shah, Sayed. | Jafar Ali Khan, M. |
| Anant Ram, Chaudhri. | Jagjit Singh Bedi, Tikka. |
| Badar Mohy-ud-Din, Qadri, Mian. | Kishan Das, Seth. |
| Bhagwant Singh, Rai. | Manohar Lal, The Honourable Mr. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Mubarik Ali Shah, Sayed. |
| Faiz Muhammad Khan, Rai. | Muhammad Amin, Khan Sahib Shaikh. |
| Faiz Muhammad, Shaikh. | Muhammad Ashraf, Chaudhri. |
| Fateh Jang Singh, 2nd Lieut. Bhai. | Muhammad Azam Khan, Sardar. |
| Fateh Khan, Khan Sahib, Raja. | Muhammad Faiyaz Ali Khan, Nawab zada. |
| Fateh Muhammad, Mian. | Muhammad Hassan Khan, Gurchani, Khan Bahadur Sardar. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Nurullah, Mian. |
| Fazal Din, Khan Sahib, Chaudhri. | Muhammad Qasim, Chaudhri. |
| Fazal Karim Bakhsh, Mian. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Ghazanfar Ali Khan, Raja. | Muhammad Sarfraz Khan, Chaudhri. |
| Ghulam Qadir Khan, Khan Bahadur. | |
| Ghulam Basul, 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.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.

Ripudaman Singh, Thakur.
 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.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES

Abdul Aziz, Mian.
 Baldev Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur, Lala.
 Gopi Chand Bhargava, Dr.
 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.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hassan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sardar.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Lal, Rai Sahib Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I beg to move—

That after sub-clause (3) (b) (i), the following proviso be added :—

Provided that the term of office of such authority be terminated earlier if the Government for any reason considers it necessary.

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

That after sub-clause (3) (b) (i), the following proviso be added :—

Provided that the term of office of such authority be terminated earlier if the Government for any reason considers it necessary.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General Urban) : Mr. Deputy Speaker, it is a small consolation that after all the Parliamentary Secretary has moved this amendment

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 that if the Government considers it necessary for any reason, the term of office of such authority may be terminated earlier. So far as it goes; it is quite good under the normal conditions. If we had been in some other province then I think this amendment would have been quite enough. But in view of what is going on in this province under the aegis of the present Government, I think, this amendment is useless.

Mr. Deputy Speaker : The question is—

That after sub-clause (3) (b) (i), the following proviso be added :—

Provided that the term of office of such authority be terminated earlier if the Government for any reason considers it necessary.

The motion was carried.

Chaudhri Krishna Gopal Dutt : Sir, I beg to move—

That in sub-clause (3) (b) (ii), lines 2—6, for the words " the Government may by order a new committee," the words " a new committee shall be constituted," be substituted.

Mr. Deputy Speaker : I would allow amendment No. 41 to be moved by Chaudhri Tikka Ram first. Amendments from 27 to 50 will be discussed along with that amendment.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I beg to move—

That for sub-clause (3) (b) (ii), the following be substituted :—

(ii) At the expiry of the term of office of such authority the Government shall by order constitute a new committee as provided by section 7 of this Act.

Diwan Chaman Lall : On a point of order, Sir. The amendment before you now is the amendment of Chaudhri Krishna Gopal Dutt, that is, amendment No. 27, and the purport of this amendment is the same as that of No. 41. The point is that it is amendment No. 27, which is before the House and not amendment No. 41 and I take it that my honourable friend, Chaudhri Krishna Gopal Dutt, has priority in moving his amendment.

Mr. Deputy Speaker : If this is accepted, then all these amendments will come up afterwards.

Chaudhri Krishna Gopal Dutt : Then accept No. 27. There is no difference whatever.

Mr. Deputy Speaker : Is the Honourable Parliamentary Secretary prepared to accept amendment No. 27 ?

Parliamentary Secretary (Chaudhri Tikka Ram) : No harm.

Mr. Deputy Speaker : Chaudhri Krishna Gopal Dutt may move his amendment.

Chaudhri Krishna Gopal Dutt : Sir, I beg to move—

That in sub-clause (3) (b) (ii), lines 2—6, for the words " the Government may by order a new committee," the words " a new committee shall be constituted " be substituted.

Mr. Deputy Speaker : Question is—

That in sub-clause (3) (b) (ii), lines 2—6, the words—

" the Government may by order either reappoint the same or appoint some other authority for any period not longer than three years, or may by order constitute a new committee. "

stand part of the sub-clause.

The motion was lost.

Mr. Deputy Speaker : Question is—

That in place of the deleted words, the words " a new committee shall be constituted " be inserted.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in sub-clause (3) (c), line 3, between the words, "utility" and "in" the words "as determined by a resolution of the Legislative Assembly" be inserted.

Mr. Deputy Speaker, you will find that when a committee is superseded the assets of that market committee vest in the Government. According to this sub-clause Government can utilise all those assets for any purpose which Government would like. The words 'public utility' are a wide term and we know that the Government can put any interpretation on this term which suits their purpose. The past experience has shown us that when the discretion has been given to the Government or when some undefined powers have been given to the Government, those powers have been misused or rather abused by the Government. So, in this case too, it is just possible that this sum of money which the Government will have, when a committee superseded, might be used by the Government for their own propaganda and they might say that they are using it for public utility. (A voice : No.) My honourable friend says 'no'. But we know that the Government has expressed in this very House that when they go on tour and draw travelling allowances from the revenues of the province they say, 'we are going on tour for such and such public business.' So, in the same way, I am afraid, if the powers are not limited and defined, then this money may be misused by the Government. For these reasons I have proposed this amendment, especially in view of the fact when we know that the Honourable Premier has claimed that his Unionist Government would last for five thousand years, it becomes all the more necessary that the powers of this Government should be limited and defined. So I would ask the House to accept this amendment.

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

That in sub-clause (3) (c), line 3, between the words 'utility' and 'in' the words 'as determined by a resolution of the Legislative Assembly' be inserted.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General Urban) : I quite appreciate what the honourable mover of the amendment has said. But with all that I do realise that it will become very difficult and sometimes puerile to bring such small matters before the Assembly. So I would appeal for a *via media* in this connection, that the Government should give some assurance that this money shall be utilised for the development of agriculture or for the improvement of agricultural prices or some such thing for which this money was originally collected. I think that if such a specific and definite assurance is forthcoming from the Honourable Minister for Development, then we should waive this amendment, but I have to wait and see what the Honourable Minister for Development has to say and on that will depend our attitude.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : One of the members of the Ministerial party has given notice of an amendment which runs as follows :—

If no committee is constituted under (b) (ii) above, the Government shall employ the balance of assets remaining after the discharge of the subsisting legal liabilities of the said authority for any objects of public utility in the area specified in the notification issued under section 3.

No one would be more pleased than myself to devote any assets that may be available for promoting the cause of agriculture in rural areas. But that may not be fair in all cases.

This amendment is based upon Acts which are already in force in other provinces. The object of the amendment, as in other provinces, is that any assets that are available after discharging the legal subsisting liabilities of the superseded committee should be spent on some object of public utility in the area in which the market is situated. As for devoting these funds to the promotion of the cause of agriculture, I should be much more pleased than almost anybody else in this House if it could be done reasonably. But perhaps it would not be desirable entirely to tie the hands of Government by enacting that it should devote the funds only to the promotion of agriculture.

Diwan Chaman Lall : I think it is a very important point that the Minister for Development has raised. There is one small doubt in my mind in regard to this matter. I would like to know whether my friend is quite clear that the notification that he refers to under section 3 of the Act refers to that particular notified market area whose assets are being taken over by Government? Money has been taken out of a particular market area and Government is in possession of those funds since the market committee has been dissolved. Will the funds be utilised in that market area only or in other market areas?

Minister for Development : No. They will be spent in that particular market area alone.

Mr. Deputy Speaker : Does the honourable member wish to withdraw his motion?

Sardar Kapoor Singh : Yes, Sir.

The motion was by leave withdrawn.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I beg to move—

That for sub-clause (3) (c) the following be substituted :—

If no committee is constituted under (b) (ii) above, the Government shall employ the balance of assets remaining after the discharge of the subsisting legal liabilities of the said authority for any object of public utility in the area specified in the notification issued under section 3.

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

That for sub-clause (3) (c) the following be substituted :—

If no committee is constituted under (b) (ii) above, the Government shall employ the balance of assets remaining after the discharge of the subsisting legal liabilities of the said authority for any object of public utility in the area specified in the notification issued under section 3.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) : Sir, the Honourable Minister for Development has given an assurance that the funds will be utilised in that very market area. Would it not be better to add the words 'that particular area' at the end of the amendment? It will make the matter more clear and will leave no ambiguity at all.

Mr. Deputy Speaker : The question is—

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

The motion was lost.

Mr. Deputy Speaker : The question is—

That in place of the deleted sub-clause (3) (c) the following be inserted :—

If no committee is constituted under (b) (ii) above, the Government shall employ the balance of assets remaining after the discharge of the subsisting legal liabilities of the said authority for any object of public utility in the area specified in the notification issued under section 3.

The motion was carried.

Mr. Deputy Speaker : Does any honourable member wish to speak on clause 25 ?

Dr. Sir Gokul Chand Narang : I do not wish to make any speech, but I may point out that the amendment which has just been adopted has lost sight of the provision in sub-clause (3) (b) (ii). That makes the amendment absurd. However, I am not concerned with it.

Mr Deputy Speaker : The question is—

That clause 25 as amended stand part of the Bill.

The motion was carried.

Clause 26.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : I beg to move—

That in line 4, for the word 'five' the word 'one' be substituted.

Mian Abdul Aziz : May I point out that amendments Nos. 11, 15 and 17 are more or less similar to the amendment that has been moved ?

Mr. Deputy Speaker : Amendments Nos. 1 to 15 will be discussed together.

Mian Abdul Aziz : What I wish to point out is that the amendment which suggests the smallest figure should be considered first.

Chaudhri Krishna Gopal Dutt : The clause which I seek to amend reads—

Whoever contravenes the provisions of section 4 shall, on conviction, be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing contravention, with a fine which, in addition to such fine as aforesaid, may extend to thirty rupees for every day after the date of first conviction during which the contravention is continued.

When this matter came up before the select committee the maximum fine was Rs. 500 and the fine for a continuing contravention was Rs. 100. The latter was reduced in the select committee to thirty rupees. I fail to understand why the maximum has not been altered. We tried in the committee to exempt the weighmen, measurers and warehousemen from the penalty of a fine but the Government did not accede to our proposal. In this connection two considerations stand out prominently before us. First is that the poor weighmen, warehousemen, etc., are not only poor but illiterate. They are apt to commit an offence under the proposed Act unwittingly. We should, therefore, provide a penalty in their case which may not savour of vindictiveness. The present high penalty savours of vindictiveness. The Honourable Minister for Development and his Parliamentary Secretary will refer to the marketing Acts of other provinces. I know that in those provinces the maximum penalty is a fine of Rs. 500, and in the case of a continued contravention of the law the fine is Rs. 100. I want to place before them this fact for consideration. When they have thought it proper

to bring the latter figure 100 down to thirty rupees in view of the peculiar conditions of this province, why, I ask, should they not have reduced the maximum sum too? I submit that we should not fix a high penalty in this case. After all, this measure is of an experimental nature so far as our province is concerned. We should not be anxious to *penalise*; we should be anxious to *educate* people. High penalties are reminiscent of those dark periods of the history of mankind when the light of civilization had not been lit. Those were the days of barbarism. The present day experts of the science of criminology are of the opinion that the highest punishment defeats its own ends. I shall, therefore, appeal to the Government to scale down the penalty provided under this clause. It is with this end in view that I have moved my amendment. With these words, Sir, I commend my amendment for the acceptance of the House.

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

That in line 4, for the word 'five' the word 'one' be substituted.

Lala Duni Chand (Ambala and Simla, General, Rural) : I rise to support the amendment before the House. I would not have opposed the clause as it is, but for the fact that besides the punishment provided in this clause there also remains a provision for a greater punishment, namely, the cancellation of the licence. I have already placed my views on this point before the House but they were not accepted by the obstinate Government. My contention is that whatever punishment you may provide you should not provide for the cancellation of the licence, because under certain circumstances it would lead to injustice which should not be allowed. The provision of a fine of Rs. 500 will afford in many cases temptation to the magistrates to fine to the maximum the people who would come before them. It is for the first time that you are going to make criminal what was perfectly legitimate till now. You are now creating new offences and so you should not make the punishment for these new offences excessive. It appears to me that the amount of fine prescribed here, namely, Rs. 500 is too excessive. We should first watch and observe the working of this new law that is going to be made. Of course the Government will have the power to get the Act amended from time to time after they gain experience in the working of this legislation and if the experience shows that more drastic punishment should be provided, then such a provision could be made. But now we do not know how the law is going to work and whether there will be too many breaches of clause 4 or not. In view of these submissions the amendment of Chaudhri Krishna Gopal Dutt should be accepted. I know it entirely rests with the Government to accept or not to accept any amendment. All that I want to say is that this is a fair thing to do and if the Government is unwilling to do this fair thing, then we are not to blame. With these words I support the amendment moved by Chaudhri Krishna Gopal Dutt.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : An identical amendment stands in my name also and I support this amendment.

Mr. Deputy Speaker: The question is—

That in line 4, the word "five" stand part of the clause.

Mian Abdul Aziz : There is amendment No. 11 which might be accepted.

Dr. Sir Gokul Chand Narang : That is the defect of adopting the method which you have been adopting in putting amendments to vote. Now the House has no opportunity to express its opinion on the amendment that Rs. 200 be substituted for Rs. 500. The House may feel inclined to accept that amendment. What is the remedy against this ?

Minister for Development : If the House accepts the figure of Rs. 500 then it means that it rejects all others.

Mr. Deputy Speaker : The question is—

That in line 4 the word "five" stand part of the clause.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : I beg to move—

That in line 8, for the word "thirty" the word "ten" be substituted.

(Urdu) : Sir, I have already mentioned in my previous speech concerning the amendment that has just now been defeated that originally the punishment in question was proposed to be one hundred rupees but it was reduced to thirty rupees by the select committee. My submission now is that the fine of thirty rupees still seems to be excessive and should, therefore, be reduced to ten rupees. As I have already put forward my arguments in favour of the previous amendment, I wonder what new arguments I can give in support of this amendment. In fact the same criticism applies to this as that levelled against the one that has been defeated. I would not like to repeat those arguments as they have not been met by the Government so far. To me this matter seems to be rather serious that the Government should have the audacity to sit over our arguments and only meet them by their majority of votes. It is, I may inform them, tantamount to insulting the dignity of this House which we should not tolerate at all. Is it not sheer waste of time, Mr. Deputy Speaker, that we make speeches criticising the attitude of the Government after having thoroughly studied the various clauses of the Bill and other relevant authorities, but in the end we find that the Honourable Minister of Development does not care to reply to our speeches ? In this connection I am reminded of a well-known couplet of Mirza Ghalib which runs as under :—

یہاں لاکھ لاکھ لب پہ سخن اِضدّواب میں

وہاں ایک خامشی تری سب کے جواب میں

(Loud applause and cries of once more). Sir, I have recited the Urdu couplet of the great poet Ghalib which reads as follows :—

یہاں لاکھ لاکھ لب پہ سخن اِضدّواب میں

وہاں ایک خامشی تری سب کے جواب میں

The object of this amendment is to reduce the amount of fine from thirty rupees to ten rupees only so that the poor victims of this punishment should be saved from the wrath of the Unionists to some extent. I say, Mr. Deputy Speaker, that it is a sheer waste of the time of this House that we make detailed criticism of the clauses of the Bill but the Honourable

Minister of Development does not care to reply and sits tight in his seat like the proverbial Gul Muhammad who is referred to in the following Persian saying—

زین جنید نہ جنید گل محمد

We waste our energy, we waste our brains, we waste our arguments and we waste the valuable time of the House for nothing. (*A voice from the Treasury benches*: That is what we say.) Sir, if this remark truly mirrors the mentality of the Unionists then I should be forgiven for saying that it is a matter of shame and not of credit to them. How can they claim to be the upholders of the standard of democracy in face of such flagrant disregard of the wishes and arguments of the Opposition? If the Honourable Minister of Development wishes to persist in this attitude, he would be well advised to go home and make merry with his family and not waste the time of the House. With these words, I move my amendment.

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

That in line 8, for the word "thirty" the word "ten" be substituted.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): In order to appease the anger of my honourable friend I would say just a few words by way of reply. I think it is quite clear to everybody that this figure relating to penalties is the maximum figure. This does not bind the trying magistrate to impose the maximum penalty. But there may be cases in which a maximum that has been proposed by my friend may not serve the ends of justice. Therefore no harm is done if the maximum is placed at a high figure so as to cover all possible cases. The maximum fixed in the first portion is Rs. 500 and in the latter to which the present amendment relates, the maximum is Rs. 30. That does not necessarily mean that the magistrate will in every case impose the maximum fine of Rs. 30. He may impose a fine of only Rs. 10 or Rs. 5, or even less. But there may be cases in which a fine of Rs. 30 may become necessary and it is in order to cover these cases that the maximum has been fixed at Rs. 30. I may also inform the honourable mover of this amendment that the maximum figure of Rs. 500 has been taken from existing laws which are in force in other provinces and the maximum of Rs. 30 is much lower than the maximum in other provinces.

Lala Duni Chand (Ambala and Simla, General, Rural): The arguments of the Honourable Minister for Development that after all the sum of fine mentioned in the clause is the maximum hardly gives any consolation. If instead of Rs. 50 he fixed the sum of Rs. 5,000, is it any argument to say that this is only the maximum figure? It will be up to the magistrate to fine the maximum. The question is whether in proportion to the nature of the offence, there should not be a moderate amount which can be imposed as a fine? I want to say one word more regarding the attitude that has been taken up by my honourable friend, Chaudhri Krishna Gopal Dutt. He is labouring under a misapprehension that his arguments or his eloquence can produce any impression upon the Government or any member of the Government.

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

Lala Duni Chand : The attitude that we on this side should take up should be that this Government is beyond redemption and that this Government is incorrigible and that the Government will not listen to any reasonable thing. Therefore we should raise our voice, the voice of truth and righteousness from time to time.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : There is an amendment standing in my name also, amendment No. 26, in which I have proposed that for the word 'thirty' the word 'five' be substituted. It may be said that I have fixed the penalty too low. But it should be remembered that this is a daily fine and not a fine which is to be imposed once for all. If the default continues for one reason or another the defaulter would be liable to a daily fine of Rs. 80, if the clause as proposed is passed. Taking into consideration this fact, my honourable friend proposed that it should be ten and I have proposed that it should be five rupees. My honourable friend's complaint, if not the rebuke, had some effect and the Honourable Minister in charge condescended to get up for once and did say a few words in reply. He in the course of his short speeches said that this was only the maximum and it was open to the magistrate to inflict a smaller fine, say Rs. 10 or Rs. 15, to meet various offences which might be committed. I felt that the honourable mover of the amendment was also under the same impression which really was not correct taking into consideration clause 4 of the Bill. But it seems that the Honourable Minister also was under the same misunderstanding with respect to the offences against which this clause is intended to provide. There cannot be any question of various offences there. In clause 4 there are only two kinds of offences which are mentioned. One is the keeping of a market in the notified area and the second is what was added by the select committee, that is buying and selling without a licence. These are the only two offences. There is no question of gradation of offences, various kinds of offences and so on. Then the Honourable Minister has overlooked one important point and that is this, that if the maximum is very high, the discretion is to be exercised naturally in accordance with the maximum. If the maximum is Rs. 100, the magistrate may say, all right, I shall inflict a fine of Rs. 10 or 20, but if the maximum is Rs. 500, he will never think of imposing a fine of Rs. 10 or Rs. 20, as the Honourable Minister seems to think. He will say 'the maximum fine is Rs. 500', it means that the Government attaches very great importance to the offence of the nature and therefore the fine should be very substantial. No question, therefore, of small fine would arise. Arguing on the lines on which the Honourable Minister has argued, one might say, any one who commits any offence under section 84 of the Police Act which offences are committed by thousands every day, the punishment would be Rs. 500. He might say, well the maximum punishment would be Rs. 500. I was familiar with one kind of reply that he used and his colleagues used to give and which he has happily now given up and that was, where is the harm? If you do not commit the offence you would not be punished. So, it does not matter if the maximum is Rs. 500 or even a sentence of death. One might argue pursuing that line, unless you commit that offence, you are not afraid of either being hanged or fined Rs. 500. But as I have pointed out

so many times in this House, the punishment should be commensurate with the nature and gravity of the offence. Therefore it is no reply to the objection to say 'Oh! this is only the maximum. If you do not commit the offence, you will not be, in the first place, punished and if you commit the offence, then the magistrate has discretion.' You may have as well fixed Rs. 5,000 and then argued that the magistrate might inflict a fine of Rs. 10 or Rs. 20. Certainly not. He is influenced in his judgment by the maximum which is prescribed in any particular statute. My honourable friend on my left has just pointed out to me and this House knows what an experienced criminal lawyer he is—he has spent forty years in criminal practice—and he says this happens every day where the maximum punishment is high the magistrates are naturally inclined to inflict higher sentences even when they have their discretion. Therefore the matter is not so simple as to be brushed aside in this cursory manner by the Honourable Minister. Therefore we were perfectly justified in saying that even the maximum should be reduced. If he is not prepared to accept Rs. 5, I think there should be no objection to the acceptance of my honourable friend's amendment which says Rs. 10 a day. After all, a daily fine of Rs. 10 is sufficiently substantial and in fact heavy.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I think there is one point that has not been emphasised properly and that is this, that the fine that is going to be levied will be in respect of not one offence but two offences. If my honourable friend will turn to section 4 he will find that the offences that a man is likely to commit are of a dual nature. He may be fined if he is doing the business of buying and selling agricultural produce which is notified, if he buys and sells by setting up a place or continues setting up a place or allows a place to be set up for the sale and purchase of agricultural produce. If, having set up a place in the morning, let us say, he in the afternoon purchases any commodity which is so notified under the Act. he is committing the second offence and under this clause my honourable friend will note that this particular individual doing this business at a particular shop will be liable to two fines of five hundred rupees each ; one fine for the purpose of setting up business without licence, the second fine for purchasing commodity at the place which is set up, so that my honourable friend's objection is perfectly valid that you are imposing not one fine but two fines upon the individual in respect of one transaction. The transaction may be only one but in respect of that transaction this individual is liable to be fined five hundred rupees for being found in possession of a place where agricultural produce is bought and sold and secondly, for actually buying and selling agricultural produce. Then we go a step further. Having been fined five hundred rupees for each offence he is then liable to be fined a maximum of Rs. 30 per day for each of those offences. The maximum, therefore, comes to Rs. 60 a day and I do not know how anybody can get out of the difficulty created by the honourable friend's clause. The position is perfectly clear. I am certain my honourable friend does not intend that the maximum fine should be Rs. 60 in actual practice. My honourable friend intended the maximum to be Rs. 30. Therefore, if my honourable friend accepts the amendment moved by Chaudhri Krishna Gopal Dutt, he will be coming very near his own proposition. The maximum in that case would be Rs. 20. His amendment is that the fine should not exceed Rs. 10. My honourable friend would

[Diwan Chaman Lall.]

realise from the illustration that I have given that the maximum fine, in that case would be only Rs. 20 but the maximum fine, if this clause remained as it is, will be Rs. 60. I doubt very much if there will be many magistrates who will be so lenient as to condemn a man to a lesser fine than the maximum allowed under the provisions of the Act. It is not my honourable friend's intention that the maximum should be Rs. 60. His intention, as evidenced by the clause, is that Rs. 30 should be the limit and I submit that my honourable friend would be meeting the argument if he were to concede the point made by my honourable friend behind me.

Chaudhri Krishna Gopal Dutt : I have got up to say a few words by way of reply to the speech delivered by the Honourable Minister for Development. I am thankful to the Honourable Minister that at long last he condescended to disturb his own knee-chest posture to get up on his legs and reply to some of the arguments. The answer that the Honourable Minister gave was that the clause provided only for maximum punishment and that did not necessarily mean that in every case the maximum punishment would be given. I would have accepted this assurance if there had been a separation of the judiciary from the executive in this province. We have had bitter experience of criminal courts also in this province. Without casting any aspersion on any particular court in this province, I am tempted to make a general remark that criminal courts in this province have also behaved disgracefully along with the Government. Criminal courts are prone to administer the full dose wherever they can. It is, therefore, that we feel apprehensive and want to place restrictions on the powers of criminal courts. The Honourable Minister for Development said that there may be cases in which the full dose is required. But I am sorry to say that he did not give a single instance of such cases. I can believe that a maximum punishment should have been provided for if there was the question of intensity or otherwise of the offence. Supposing there is a crime and there can be a mild sort of crime or there can be a more intense form of crime. There are certain crimes which are intense and there are other crimes which are not very serious. In that case the question can arise whether or not the full dose should be given. But in this case the only offence is that the weighman or the surveyor or the warehouseman may set up a business without a licence. I do not think there can be any question of the intensity of the crime in this case and, therefore, the question of a full dose in certain cases and milder punishment in certain other cases does not arise. The other point that I want to draw your attention to is this. I was under the impression that this punishment is provided for one offence only but now a doubt has been cast by my honourable friend, Diwan Chaman Lall, that it will be for two offences. I really do not claim to understand what he said. I was under the impression that it was for one offence. If the contention of Diwan Chaman Lall is correct that the punishment will be for two offences, then I would say that I would much rather accept the amendment providing for five rupees a day rather than ten rupees a day which I have moved. But I would certainly like to hear from the Honourable Minister for Development whether it is really a fact that clause 4, as read by Diwan Chaman Lall together with clause 26 under discussion, provides for punishment for two offences.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I may be allowed to say a few words in order to remove a certain misunderstanding which seems to exist in the mind of Dr. Sir Gokul Chand Narang. He says that this provision deals with only one type of offence and, therefore, there is no reason why such a large maximum should be fixed as a penalty. There being no occasion for any graduation so far as the quality or character of the offence is concerned. But he has forgotten one thing. Suppose a man sets up business or transacts business in a *mandi*, but the scope of his business does not go beyond, say, a couple of hundred rupees worth of purchases and sales a day. If he commits an offence, he will have to be punished lightly. But suppose there is another man who sets up business and his daily turnover of business runs into thousands, he will have to be punished more severely. Therefore, there is room for graduation between the biggest offender and the smallest offender.

Another point to which I would draw the attention of the House is that there are marketing laws in existence in three other provinces—Bombay, Madras and Central Provinces—and in all these three provinces the maximum is five hundred for the first offence while the daily maximum in the case of continuing breaches is one hundred rupees. I have adopted five hundred rupees as a maximum in one case and thirty rupees as a maximum in the other case. Why do my honourable friends belonging to the Punjab fight shy of what exists in other provinces ?

Dr. Sir Gokul Chand Narang : With your permission, may I answer this question as to why we fight shy ? The Minister tries to throw dust in the eyes of the House.

4 P.M.

Mr. Deputy Speaker : Order, order.

Dr. Sir Gokul Chand Narang : The Honourable Minister has put the question and he has given way. Do you not allow me to answer his question ?

Mr. Deputy Speaker : The honourable member is making another speech.

Dr. Sir Gokul Chand Narang : The difference is that there the offence is setting up a market and not buying and selling. He has apparently ignored it.

Mr. Deputy Speaker : The question is—

That in line 8, the word "thirty" stand part of the clause.

The Assembly divided : Ayes 79, Noes 38.

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.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.

Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captait.
Badr Mohy-ud-Din Qadri, Mian.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.

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| Faqir Husain Khan, Chaudhri. | Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed. |
| Fateh Jang Singh, 2nd-Lieutenant Bhai. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Fateh Khan, Khan Sahib Raja. | Muhammad Sadiq, Shaikh. |
| Fateh Muhammad, Mian. | Muhammad Sarfraz Khan, Chau- dhri. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Fazal Din, Khan Sahib Chaudhri. | Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed. |
| Fazal Karim Bakhsh, Mian. | Muhammad Yasin Khan, Chaudhri. |
| Ghazanfar Ali Khan, Raja. | Muhammad Yusaf Khan, Khan. |
| Ghulam Qadir Khan, Khan Baha- dur. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Gopal Singh (American), Sardar. | Muzaffar Khan, Khan Bahadur Cap- tain Malik. |
| Gurbachan Singh, Sardar Sahib Sardar. | Muzaffar Khan, Khan Bahadur Nawab. |
| Habib Ullah Khan, Malik. | Nasrullah Khan, Rana. |
| Hans Raj, Bhagat. | Naunihal Singh Mann, Lieutenant Sardar. |
| Hari Chand, Rai Sahib Rai. | Nawazish Ali Shah, Sayed. |
| Harnam Singh, Captain Sodhi. | Pir Muhammad, Khan Sahib Chau- dhri. |
| Het Ram, Rai Sahib Chaudhri. | Pohop Singh, Rao. |
| Indar Singh, Sardar. | Pritam Singh Sidhu, Sardar. |
| Jafar Ali Khan, M. | Rashida Latif Baji, Begum. |
| Jagjit Singh Man, Sardar. | Roberts, Sir William. |
| Jalal-ud-Din Amber, Chaudhri. | Sahib Dad Khan, Khan Sahib Chau- dhri. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Shahadat Khan, Khan Sahib Rai. |
| Manohar Lal, The Honourable Mr. | Shah Nawaz, Mrs. J. A. |
| Maqbool Mahmood, Mir. | Shah Nawaz Khan, Nawab Sir. |
| Mubarik Ali Shah, Sayed. | Sikander Hyat-Khan, The Honour- able Major Sir. |
| Muhammad Amin, Khan Sahib Shaikh. | Sumer Singh, Chaudhri. |
| Muhammad Ashraf, Chaudhri. | Suraj Mal, Chaudhri. |
| Muhammad Azam Khan, Sardar. | Talib Hussain Khan, Khan. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Tara Singh, Sardar. |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | Tikka Ram, Chaudhri. |
| Muhammad Hussain, Chaudhri. | |
| Muhammad Hussain, Sardar. | |
| Muhammad Jamal Khan Leghari, Nawab Sir. | |
| Muhammad Nurullah, Mian. | |
| Muhammad Qasim, Chaudhri. | |

NOES.

| | |
|----------------------------|-------------------------|
| Abdul Aziz, Mian. | Chaman Lall, Diwan. |
| Bhagat Ram Choda, Lala. | Deshbandhu Gupta, Lala. |
| Bhagat Ram Sharma, Pandit. | Dev Raj Sethi, Mr. |
| Binda Saran, Rai Bahadur. | Duni Chand, Lala. |

Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Dass, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Hari 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.
 Muhammad Hassan, Chaudhri.

Muhammad Iftikhar-ud-Din, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Prem Singh, Chaudhri.
 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.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I beg to move—

That the following further sub-clause be added :—

- (2) Whoever contravenes the provisions of sub-section (3) of section 9, shall, on conviction, be punishable with fine which may extend to fifty rupees, and, in the case of continuing contravention with a fine which, in addition, to such fine as aforesaid may extend to two rupees for every day after the date of first conviction during which the contravention is continued.
- (3) Whoever contravenes the provisions of section 22 shall, on conviction, be punishable with fine which may extend to one hundred rupees.

Sir, the House has accepted under clause 9 to appoint market committees and these market committees after appointment will have certain duties to discharge. For instance sub-clause (2) of clause 9 reads:—

Subject to such rules as the Government may make in this behalf it shall be the duty of the market committee to issue licences to brokers, weighmen, measurers, surveyors and warehousemen for carrying on their occupation in that market area and to renew, suspend or cancel such licences.

Then sub-clause (3) reads—

- (3) No broker, weighman, measurer, surveyor or warehouseman shall, unless duly authorised by licence, carry on his occupation in a notified market area.

After accepting these provisions it is necessary for the House now to provide for powers to enforce these provisions. For that penalties must be provided. So long as the breaches of the provisions are not penalised the enforcement of those provisions is impossible. Everybody will understand that. In the same way the House has agreed not to allow trade allowances except under certain conditions provided in clause 22. The legislature must give certain powers to the Government, therefore, to enable it to enforce the provisions embodied in clause 22 as well. With these words, Sir, I move my amendment.

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

That the following further sub-clauses be added :—

- (2) Whoever contravenes the provisions of sub-section (3) of section 9, shall, on conviction, be punishable with fine which may extend to fifty rupees, and, in the case of continuing contravention with a fine which, in addition to such fine as aforesaid, may extend to two rupees for every day after the date of first conviction during which the contravention is continued.
- (3) Whoever contravenes the provisions of section 22 shall, on conviction, be punishable with fine which may extend to one hundred rupees.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I rise to oppose this clause. As we all know, this clause will apply to a class of persons who are really very poor. Their earnings in the market, as honourable members will bear me out, do not exceed 8 or 10 annas a day and specially in the case of weighmen, measurers, surveyors or warehousemen. It is just possible that they may not be having any work for days together and may not earn even this much. At the same time this class of people are more illiterate and more simple than the growers and it was, perhaps for this reason that no punishment was provided either in the original Bill or in the Bill as it emerged from the select committee. The Parliamentary Secretary was pleased to say that no punishment was provided simply because clause 9 was not then passed. This argument is absurd. In many other clauses you have provided punishment when the clauses were not passed just as this clause. So I can understand that no punishment was provided in this case because it was thought that they were poor people and that as the Bill was passed into law they would take out licences in due course. It is on this ground alone that I can understand that no punishment was originally provided and it is an afterthought that even these poor people, whose earnings are so very small indeed, are going to be penalised with a maximum fine of Rs. 50, which is a very heavy amount for a man of this capacity. I will not make a long speech but content myself by saying that there should be, in the first place, no punishment for these people, and if one is to be provided, it must be very lenient and it should not exceed, in any case, Rs. 5. With these words I oppose this amendment.

Lala Sita Ram (Trade Union, Labour) (*Urdu*): Sir, the new clauses just moved by my honourable friend, the Parliamentary Secretary, did not find any place in the original Bill nor were they included when it emerged from the select committee. I think the poor labourers as intended in the original Bill should not be now penalized. I wonder why a provision of this sort is now being incorporated in it. I have drawn the attention of the Government on various occasions that the daily income of the members of the labouring classes is awfully inadequate and meagre. The Honourable Minister is fully aware of their sad plight and yet he is not sharing it with them. I have not been able to fathom any reason for this change except that he does not consider them to be agriculturists. I hope that if the Government will bear in mind at least the daily income of the poor labourers, it will desist from fixing penalties for them if they happen to make a mistake. Justice, equity and fair play demand at the hands of the Government that these poor men at least should not be made to suffer in this way. They should be exempt from the operation of the penal clauses. I have repeated this fact several times on the floor of this House that the labouring classes used to think before the inauguration of the provincial autonomy that their lot would be improved when the chosen representatives of the people would form a Government in the Punjab. It was hoped that with the establishment of the 'Government of the people for the people' a new heaven and a new earth would be created or at least arrangement would be made for fair wages of the poor working classes. But I am sorry to see that nothing of the kind has happened in the Punjab. The condition of the labourers has not improved at all. Their rights are still trampled over and they are still

denied fair wages. Sir, these expressions from the opposite side show the sincerity of their love and regard for the poor labourer. Instead of any benefit accruing to the labouring classes, new and uncalled for punishments are being proposed for them in this province. Far from bringing forward any measure with a view to ameliorating their conditions, the Government is proposing new penalties for the poor labouring classes. In this connection I may point out that the Punjab being mainly an agricultural land, the only means of livelihood that is generally open to the working people is to labour in the farm or in the *mandis*. But the Government have taken it into their head to place obstacles in their way in the *mandis* by providing various forms of punishments under the Markets Bill. In the absence of any industrial activities at an extensive scale in the province, the poor labouring classes could find an avenue for their employment in *mandis*. But with the provisions under consideration even these places will be shut to them with the result that either they will have to leave the profession or pay, in the form of fines and penalties, almost all that they earn for their unintentional breaches of the drastic provisions. With these words, Sir, I oppose the clause now under consideration.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*): Sir, the position taken up by the Honourable Minister of Development is unworthy of any member of a responsible Government. It is unbecoming of an autonomous province that such persons be at the helm of its affairs as would not care for the reasonable susceptibilities of the Opposition and would like to be vindictive in passing any piece of legislation. As I have already repeated several times on the floor of the House, the penalty proposed under clause 26 read with clause 4 is too severe and appears to be vindictive in character. At first a fine of one hundred rupees was proposed for each day of continuing contravention of clause 4 but the select committee reduced it to thirty rupees per day. Even this is too severe. We have made appeals to the Government not to pass such a vindictive legislation but our appeals have fallen on deaf ears. Let me make it clear that we hold no brief for the defaulters and delinquents. The law-breakers ought to be punished. But the penalties proposed should not speak of old barbarous times, when the dawn of modern civilisation had not lighted the path of the criminologists. One thing at least I must expect from the Honourable Minister of Development, that is, he should either try to understand legislations passed by other provinces of India or should not misinterpret them. He has observed that the fine of five hundred rupees that he is proposing has also been proposed in the Bombay Act. I may point out that he was either wilfully mis-stating or was labouring under a misconception. I would not charge him of wilful misstatement but would hold that he has not correctly understood the Bombay Act, the following quotation from which will clarify the position :—

18. Whoever in contravention of this Act sets up, establishes, continues or allows to be continued, any market.....

Mr. Deputy Speaker, you will kindly mark the words, "sets up, establishes, continues or allows to be continued, any market." What is proposed to be punished here is the act of setting up a market and not "selling or purchasing." But the Punjab Government is out to punish even ordinary

[Chaudhri Krishna Gopal Dutt.]

selling and purchasing as well. That is what we object to. I am not aware of any such punishment in the Bombay Act or the Berar Act. The relevant section of the Bombay Act reads as follows :—

18. Whoever in contravention of this Act sets up, establishes, continues or allows to be continued, any market for the purpose of the purchase and sale of cotton, or violates the conditions under which he has been allowed to set up, establish or continue any such market shall on conviction by a Magistrate be punished with fines which may extend to five hundred rupees and in case of a continuing breach of section 70 with fine which may extend to rupees one hundred for each day after the first conviction during which the breach continues.

That is, Sir, what the Bombay Act provides. Now let us compare with it clause 4 of the Punjab Markets Bill contravention of which is sought to be punished under clause 26. Clause 4 (second paragraph) reads as follows :—

“ From the date of issue of such notification or from such later date as may be specified therein no person unless exempted by rules framed under this Act shall, within the notified market area set up, establish, or continue or allow to be continued any place for the purchase and sale of the agricultural produce so notified, or purchase or sell such agricultural produce except under a licence in accordance with the provisions of this Act, the rules and bye-laws made thereunder and the conditions specified in the licence ; ”

It is clear from this quotation that the Punjab Government want to punish not only the person who will set up a market in contravention of the Bill but also the person who without setting up a market will merely purchase or sell any agricultural commodity within the notified market area. These words have been italicised in the Bill by the select committee. If a person will establish a market in defiance of this Bill he will be fined five hundred rupees. But if a person even otherwise purchases or sells an agricultural produce within the notified market area without setting up a market for the purpose, he will nevertheless be fined five hundred rupees. Similarly, a fine of thirty rupees is proposed for every day after the first conviction during which the breach is continued. These punishments, as I have already said, nowhere exist in the Bombay Act or the Berar Act. These ugly features are peculiar to the Punjab Markets Bill. We appeal to the Government to reconsider this clause, but they remain adamant and obstinate. But we are duty bound to repeat these arguments irrespective of the fact whether they are accepted or not.

With these words, Sir, I oppose the clause which is sought to be passed now.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : You have heard three speeches from this side of the House opposing this clause which Government has brought forward at this stage. The two speeches which have been delivered are to the effect that poor people should not be punished. One was a speech from my honourable friend the leader of the Independent Party who thinks that the punishment is deserved, but that it should not be so high as is adumbrated in this clause. The issue is very simple. If a person commits an offence—and we have according to this Bill laid down certain doings as offences—should he be allowed to go without any penalty or punishment even if he is a poor man or a labourer? My honourable friend who I am very happy to say is rich and who has the honour of representing labour classes says ‘yes’. But,

why should any distinction be made between a rich man and a poor man in the matter of punishment? If an offence is committed both by a rich man and a poor man, the punishment should be alike in the case of both.

Another argument advanced by the Leader of the Independent Party is that these punishments are too severe. May I commend to him one fact which may appeal to him? Is it not a fact that a deterrent punishment like this will have the desired effect of stopping all such offences on the part of the poor classes whom he wants to commend to the notice of Government? This amendment is therefore in the interests of the very poor classes whom he wants to defend. With these words I support the amendment.

Lala Duni Chand (Ambala and Simla, General, Rural): I am prepared to give credit to the Parliamentary Secretary (Chaudhri Tikka Ram) for putting this halter round the neck of these poor people. He has very cleverly done that. We have already got a provision that if these people who cannot earn even eight or ten annas a day are guilty of any breach of the conditions of licence, that licence can be taken away. It did not occur to the Minister for Development to provide a punishment like the one now proposed by his Parliamentary Secretary. An argument has just been advanced that when there is an offence, then there must be some punishment for that offence. But the question is whether there is any justification for creating one offence after another.

(At this stage attention of the Chair was drawn to the fact that there was no quorum, but on a count being taken it was found that there was quorum).

I was submitting to the House whether there was any justification for creating new offences. If the Government proposes to make anything and everything an offence, it is quite welcome to provide punishment for the same. But the point is, that it did not occur previously to Government that this act should be treated as an offence. Only now it has struck them that they should add to the already existing list of offences. My submission is that action of this kind should not be treated as an offence. If it is to be treated as an offence at all, then only a nominal punishment should be provided. I do not see why punishment after punishment is being provided and they too of so severe a nature. With these words I oppose the amendment.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): The object of the Bill is to check certain irregularities. In order to check those irregularities we have to impose licences. In order to enforce the conditions of the licences, it is necessary to impose penalties for the breach of any of those conditions. If such punishments are not to be provided, we may as well not have this Bill at all. It has been argued, why have such heavy punishments? You can impose heavy punishments on a broker but not on the weighmen and others. To that my reply is that the courts will take into consideration the position of the offender and the punishment will be proportionate to the nature of the offence and the ability of the offender to pay the fine. They will not impose drastic punishment on a poor man. Therefore, unless the object of my friends on this side is to defeat the purpose of this Bill, I do not see the validity of their argument. It has been argued that the Government did not even in the first instance provide for these punishments. True. But it is only to

[Sbaikh Muhammad Sadiq]

make up for this lacuna that this amendment has been moved. In order to enforce this Bill some sort of punishment is necessary, otherwise this Bill when it becomes an Act will be a farce.

Diwan Chaman Lall (East Punjab, Non-Union, Labour): The propositions that I have to place before my honourable friend are these. First of all, there should be no necessity for imposing a licence upon this particular class of persons. Having unnecessarily imposed a licence, I submit that there is no necessity for further imposing an unnecessary penalty upon these persons who are mostly working class people. If you look at the nature of the penalty, you will find that a small worker in a small *mandi* earning no more than six or eight annas a day is liable to a penalty of Rs. 50. He may be an illiterate man, he may be ignorant even of the provisions of this law; yet he may have to incur a penalty which may amount to Rs. 50 with an additional penalty to the extent of Rs. 2 for every day after the date of his first conviction. I do submit that whatever may be said of the latter portion by which a person shall not be able to continue his job until he gets his licence, I ask, what about the first proposition? A man may not even know that he is committing an offence. Yet, you make him liable to a fine of Rs. 50. It is no argument to say, as the honourable member did who just left the House, that when you impose a licence you must also necessarily impose a penalty. Well, do not impose any licence then. After all these are ordinary working class people. Why do you want to licence the profession of labourers? When you have already licensed the people who would be originally responsible, who would be finally responsible, in fact who would for all time be responsible for any breaches of the provisions of this Act, when you have roped them in, who do you want to go beyond that and shift the burden on to the shoulders of those who are not able to earn more than eight annas a day? My honourable friend over there says that his heart bleeds for these working class people. Similarly, I hope his heart will bleed a little in the direction of this particular class of people on whom he wants to impose these penalties. I hope his heart will bleed in sympathy for them and that he will not impose this heavy penalty upon those people. There can be no justification for the imposition of this penalty. If you turn to clause 27 (2) (*viii*) you will observe that the market committee has the authority to issue licences to these people including brokers, weighmen, measurers, etc., and further it is open to them to issue the licences in such form and on such conditions which the market committee may consider right and proper. They can renew those licences under any of the conditions. Surely, is not the market committee competent to renew a licence, to confiscate a licence and is not that enough punishment for these people? And if a person in spite of holding the license is acting in breach of the terms, then the market committee can lay down the necessary conditions. You have the power. You have given the power to the market committee to lay down the necessary conditions which may also include the penalty to be imposed for a breach of the conditions laid down in the licence and when you have taken upon yourself the power under section 27 (8) giving authority to the market committee, why does my honourable friend as an after-thought wish to go beyond that and empower the law courts to haul up this man, this indigent poor man and subject him to fines

which may extend to Rs. 50 in the first instance and to Rs. 2 a day thereafter? Imagine the position of a man who has an income of 8 annas a day. I do not know to which ministry he will apply for assistance when he is asked to pay a fine of Rs. 50. If he cannot pay the Rs. 50, what happens? What will he do? Suppose he cannot pay the sum of Rs. 50. Where are you then? Where is my honourable friend then? I do not know if there is any provision that he has made which would enable him to send a man to jail in lieu of paying fine and if there is no such provision and an indigent person has not got Rs. 50, then the provision that you are making is nugatory, is nullified, the effect of it does not exist. You fine a man Rs. 50. You cannot collect the Rs. 50 and you leave the matter just where it was. If that is going to be the position, why not do the thing in a graceful manner? Take away the power or authority that you are vesting in the magistracy to fine these poor indigent people to this extent and be content with what you have done, and I submit, unnecessarily done, namely giving authority to this market committee to issue licences to these people and giving the market committee authority to issue these licences under such conditions which may be of any kind. I submit there is no limit to the conditions that a market committee may impose upon the licence holders who may be warehousemen, weighmen, surveyors and people of that class and when you have already got the power under section 27 (8), you have given that power to the market committees to impose the necessary conditions which may also include a penalty for any breach of those conditions, for anything that is done against those conditions laid down in the licence, I submit why do you want to go beyond that? Remember that you are not dealing now with what are known as *kacha arhtis* and *pacca arhtis*. You are dealing with an entirely different class of persons, a class of persons which is unable to protect itself being unorganised but on whose shoulders the burden of all these penalties might fall and it is quite conceivable that the richer man may escape and transfer the penalties to this poor man for him to bear the burden of these penalties. Now let us take a proposition like this. Suppose there is something done in contravention of the Act and the penalty is imposed upon this particular warehouseman or surveyor or weighman. It is possible that the original fault may not be the fault of these people. But it is established that the fault is there and the connection of this particular person is also established, although the origin of that action is traceable to somebody who is behind the scenes, namely the bigger *arhti* and since you cannot establish that there was any motive behind what was done by the *arhti*, the penalty will be imposed upon this poor man. I go back to the illustration which my honourable friend gave, a very apt illustration and described in a most picturesque manner—he described it as the twisting of the thumb. May be that the penalty would then be attached to this particular weighman. I submit that it should not attach to him. The fault may be higher up. It may be the fault of *arhtis* and in my opinion, as I have submitted, it is quite enough, Mr. Deputy Speaker, this penalty which is inherent in sub-section (8) of section 27. It should be quite sufficient for the purposes of enforcing this measure. I want to ask once again my honourable friend if he thinks that he should impose a penalty in respect of the breach of any of the terms of this licence or in respect of things that he has enumerated. Suppose that penalty according to this amendment, if it is accepted, is the maximum fine of Rs. 50 and it is

[Diwan Chaman Lall.]

impossible to collect it, what happens then? Will you forego the fine and let the matter rest there? Or, will you just merely fall back upon the provision of forfeiting the licence and not renewing the licence? And if you fall back upon it, that power, I submit, you have already got. Under section 27 (8) you have got that power and you are back again in the same position. I do submit that my honourable friend should at least reconsider this position *qua* this particular class of persons, the position that was apparent in the original measure, the position that was apparent when the measure went to the select committee, the position that was apparent when the measure came out of the select committee. Now a fourth position has been adopted, as I said, as an after-thought, and this penalty is sought to be imposed upon people who do not deserve such a penalty. I do submit once again that there is no necessity for this provision and it is an unnecessary burden on a class of people that will be unable to bear this and my honourable friend will be well advised to withdraw this proposition.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I have been accused by my honourable friend, Chaudhri Krishna Gopal Dutt, of proposing by means of these amendments to introduce matters which did not exist in the Bill as it was originally framed. He further says that nothing of this kind exists in any of the Acts which are in force in other provinces. He blames me for doing this without giving careful consideration to the question and without going through the corresponding provisions in the Acts of other provinces. But he is entirely wrong in his view. All that I have done is this. Instead of leaving these things to the rules, I have brought them before the House in the shape of substantive clauses, so that the House may have an opportunity of discussing them here. Instead of appreciating my desire to consult the House, he has proceeded unnecessarily to blame me, and bring accusations against me. My honourable friend suggested that nothing of this kind existed in the legislation of other provinces. I will just draw the attention of honourable members to the corresponding provisions which exist in the legislation of other provinces. I take the case of the Central Provinces first. Here the matter has been left to rules. Sub-section (7) of section 5 of the Central Provinces Act which deals with the subjects on which rules can be framed runs as follows:—

“The grant by a market committee of a licence to traders, brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market and fixing the fees leviable by them, the form in which and the conditions under which such licences shall be granted and the fees to be charged for such licences.”

Sub-section (8) of the same section lays down—

“Any such rules may when necessary provide that a contravention there of or of any of the conditions of a licence issued thereunder shall be punishable on conviction by a competent magistrate with fine which may extend to Rs. 500.”

Diwan Chaman Lall: That is for the purposes of setting up a market. It is not for any other purpose, not buying or selling purposes.

Minister: Whatever the purpose may be the provisions are clear. (Interruption). I do not want to be interrupted like that.

Diwan Chaman Lall: Provision for what?

Minister : Provision for licensing brokers, warehousemen, measurers and surveyors and for punishing breaches of rules upon the subject.

Diwan Chaman Lall : Punishment is not for them.

Minister : I will now draw the attention of the House to the provision that has been made on the same subject by the Bombay legislation. Paragraph 5 of sub-section (2) of section 6 of the Bombay Act runs as follows :—

“ The management of the cotton market and the prescribing of fees by the market committee and subject to the provisions of this Act, the election and disposal of such fees, the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the cotton market, the form in which and the conditions under which such licences shall be issued and fees to be charged for such licences.”

Further on, under sub-section (3), it has been laid down—

“ Any such rules may when necessary provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall on conviction by magistrate be punishable with fine which may extend to Rs. 500.”

Now take the instance of Madras. The corresponding section in the Madras Act is 18 and paragraph 5 of sub-section 2 of that section runs as follows—

“ The issue by a market committee of licences to brokers, weighmen, measurers, surveyors, the form in which and the conditions under which such licences shall be issued or renewed and the fees to be charged therefor.”

Lower down in sub-section (3) the same section provides—

“ Any rules made under this section may provide that any contravention thereof or of any of the conditions of any licences issued or renewed thereunder shall be punishable with fine which may extend to Rs. 200.”

Therefore my honourable friends will recognize that in Bombay, the Central Provinces, and Madras the existing legislation provides for punishment of breaches or contraventions of rules and conditions governing licences. I have done nothing more than this that instead of leaving that matter to rules, I have placed the corresponding provisions before the House for discussion and expression of its opinion.

Now, it has been suggested that the penalty provided by us is too heavy. I have just gone through the corresponding provisions of the existing legislation of other provinces. There the lowest figure which has been mentioned is in the Bombay Act which stands as high as Rs. 200. Here in our own draft Bill, the proposal is much more modest. In the case of brokers, weighmen, measurers, etc., we provide a maximum fine of Rs. 50 and for continuing breaches Rs. 2 a day. In the case of contraventions of rules regulating trade allowances, we propose a fine which may extend to Rs. 100. Where is the hardship ?

Some of the honourable members have suggested that these poor people do not earn more than a few annas or at the most a couple of rupees a day. Why should we fine them Rs. 50 ? Why should they be subjected to a daily fine of Rs. 2 if they have already been convicted of and punished with a fine for a contravention ? Diwan Chaman Lall has conceded that a man if he has once been convicted of a breach of rules should not feel any hardship if he is fined Rs. 2 daily. Still he pleaded that a much more lenient punishment, if any punishment was to be provided at all, should be meted out to these poor people. May I draw the attention of my honourable friends, who have spoken of these poor people, to the fact that if a man who steals a goat belonging to another person and who may not be earning anything or may be earning Rs. 50 in a whole year, is liable to a certain

[Minister for Development]

amount of fine and is also liable to be sent to jail, is there any reason why a man who weighs less or more than 40 seers to a maund should not be subjected to a similar punishment? What justification is there that people who cheat others, who deliberately subject poor ignorant outsiders to an unmerited loss should go unpunished? I beg to submit very respectfully that the maximum that has been provided under our own law falls very very short of the maximum that has been laid down in the legislation of any other province, and even punishment for daily recurrence of a contravention once detected and punished is not at all high.

Mr. Deputy Speaker : Question is—

That the following further sub-clauses be added—

“(2) Whoever contravenes the provisions of sub-section (3) of section 9, shall, on conviction, be punishable with fine which may extend to fifty rupees, and, in the case of continuing contravention with a fine which, in addition to such fine, as aforesaid, may extend to two rupees for every day after the date of first conviction during which the contravention is continued.

5 P.M.

(3) Whoever contravenes the provisions of section 23 shall, on conviction, be punishable with fine which may extend to one hundred rupees.”

The Assembly divided : Ayes 70, Noes 33.

AYES.

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| Abdul Haye, The Honourable Mian. | Jafar Ali Khan, M. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Jagjit Singh Man, Sardar. |
| Afzaalali Hasnie, Sayed. | Karamat Ali, Shaikh. |
| Ahmad Yar Khan, Chaudhri. | Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. |
| Akbar Ali, Pir. | Manohar Lal, The Honourable Mr. |
| Ali Akbar, Chaudhri. | Maqbool Mahmood, Mir. |
| Amjad Ali Shah, Sayed. | Mubarik Ali Shah, Sayed. |
| Anant Ram, Chaudhri. | Muhammad Amin, Khan Sahib Shaikh. |
| Badar Mohy-ud-Din Qadri, Mian. | Muhammad Ashraf, Chaudhri. |
| Bhagwant Singh, Rai. | Muhammad Azam Khan, Sardar. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Faiz Muhammad, Shaikh. | Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar. |
| Fateh Jang Singh, 2nd-Lieut. Bhai. | Muhammad Hussain, Chaudhri. |
| Fateh Muhammad, Mian. | Muhammad Jamal Khan Leghari, Nawab Sir. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muhammad Qasim, Chaudhri. |
| Fazal Karim Bakhsh, Mian. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Ghazanfar Ali Khan, Raja. | Muhammad Sarfraz Khan, Chaudhri. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Gurbachan Singh, Sardar Sahib Sardar. | Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed. |
| Habib Ullah Khan, Malik. | |
| Hari Chand, Rai Sahib Rai. | |
| Harnam Singh, Captain Sodhi. | |
| Indar Singh, Sardar. | |

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.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Riasat Ali, Khan Bahadur Chaudhri.

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.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Binda Saran, Rai Bahadur.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.

Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalia, Pandit.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 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.

Mr. Deputy Speaker : Does any member wish to oppose clause 26 as amended ?

Diwan Chaman Lall (East Punjab, Non-Union Labour) : This clause which we are now considering is a clause which refers to penalties.

(At this stage Mr. Deputy Speaker left the chair and it was occupied by Sardar Sahib Sardar Gurbachan Singh of the Panel of Chairman.)

It refers to penalties to be imposed under this Act and to those penalties which are already to be found in clause 26 and have now, by passing of this last amendment, been added and which will cover, as I stated, the working classes. My honourable friend, when it suits him, is ready enough to quote scriptures for his own purpose, that is, he is ready enough to refer to the Bombay Act, to the Berar Act and to the Madras Act, but when it does not

[Diwan Chaman Lall.]

suit him he remains discreetly silent about those Acts. My honourable friend ought to know that the one thing that is penalised under the provisions of those various Acts is not what is being penalised here. There the prohibition exists regarding the setting up of a market. Nobody is allowed after the passing of the Act, subject to the penalties imposed under the Act, to set up a place known as a market under the Act. The setting up of such a place is penalised under these Acts. There is no such penalty as is being imposed under this measure, no such penalty as the penalty for buying and selling. There is no question of penalty for buying and selling. My honourable friend, if he had considered the provisions of those various Acts which he has quoted on the floor of this House in the proper light, would have realised why it is that those Acts do not speak of penalising selling and buying as such. They only penalise the particular act of setting up a market. My honourable friend has gone beyond it and he has imposed these penalties—penalties not merely for setting up a market. Mr. Chairman, if you would refer to clause 4 you would find therein—

From the date of issue of such notification or from such later date as may be specified therein, no person unless exempted by rules framed under this Act shall, within the notified market area set up, establish or continue or allow to be continued any place for the purchase and sale of the agricultural produce so notified, or purchase or sell such agricultural produce except under a licence granted in accordance with the provisions of this Act, the rules and bye-laws made thereunder and the conditions specified in the licence.

This provision is to be found in the other Acts but my honourable friend has gone a little beyond that and he has added the words—you will find them italicized—'or purchase or sell such agricultural produce except under a licence granted in accordance with the provisions of this Act.' Is it my honourable friend's contention that these other Acts also provide for a penalty and provide that a licence be taken up by people for buying and selling? Is it my honourable friend's contention? I do not know if it is his contention that these Acts also contain a provision of this nature. I submit that those Acts did not contain a provision of this nature: they did contain a provision to the effect that the setting up of markets under the Act shall henceforth not be done except according to the provisions of the Act. I do submit that in view of the extensive character of this measure I do not think this House ought to have given him the authority that he is seeking to take of imposing this penalty. You will also recall, Mr. Chairman, when I drew my honourable friend's attention to the fact that this double penalty was being imposed for what practically amounts to a single act. My honourable friend although he got up to give a reply did not very conveniently touch on the point at all. Not one word did we hear from my honourable friend either in justification of the position taken up by him under clause 4 with regard to the penalty to be imposed, nor did we hear a single word from him in contradiction of the statement I made on the floor of the House that my honourable friend has probably not quite followed the position that will arise in the Punjab where one solitary act will result in double penalty. How will it result in double penalty? If I am a businessman and I set up a shop for the purchase and sale of agricultural produce merely by doing so without complying with the provisions of this Act, the very fact of doing would immediately call forth a penalty against me. What do I open this place for? Not to entertain my honourable friend when he

visits the *mandi*: No, but for the purpose of buying and selling and the moment I do buying and selling, it may be one single transaction, at the place which I have opened for the purpose of buying and selling, I commit a second offence also. I opened the place for the purpose of buying and selling and yet by the very fact of buying and selling at this place, a double penalty is imposed on me by my honourable friend. Now, I do submit that my honourable friend ought to have, when this point was raised and brought to his notice, enlightened the House and told us whether that position was correct or incorrect. Obviously one must take the position to be correct since my honourable friend did not refer even to the argument that was made, not even referred in the slightest manner possible and did not say even one single word in reference to this argument; and yet he asked this House and the House gave that authority to impose a double penalty. I submit that this is a glaring defect which arises out of blind following of a measure which has been adopted in another province adding something more to it without realising the implications from it. In regard to this my honourable friend has got into difficulty and he will not be doing justice to the class which is going to be touched by the measure if he allows that penalty to stand. I submit that my honourable friend should have carefully considered the position which arises now as a result of his penalising the purchase and sale of commodities, and since this position is going to affect a very large number of people in business throughout the *mandis* I think my honourable friend should not be given the power which he is seeking under this clause, namely the penalty he is seeking to impose on this particular class of persons under clause 26. I do not think this House ought to give him these powers. I think this House has not sufficiently realised the onerous nature of the penalty which is going to be imposed; and if this House had properly realised the nature of the penalty it would not have given him those powers. My honourable friend said in reference to the second portion of the penalty that these are the provisions which are to be found in other legislations. You must note that my honourable friend did not refer to any other measure of any other province in reference to the matter I have just referred to, that is to say, the imposition of penalty for the sale or purchase of the commodities because such provisions do not exist in other legislations. Therefore my honourable friend cannot derive any solace or comfort by referring to legislations in other provinces. But he did refer to legislations in other provinces in reference to penalty imposed against weighmen, surveyors and such like people when the amendment moved by my honourable friend, the Parliamentary Secretary, was being discussed on the floor of the House, and he said such provisions exist in other legislations and that he has not done anything more than merely followed those provisions. There is no necessity to have a separate provision in the shape of the amendment moved by my honourable friend, there is no necessity to have this separate provision of another penalty when you have already got the power in your hands under clause 27, sub-clause (viii) and you will note, Mr. Chairman, that the terms of sub-clause (viii) of clause 27 are identical, apart from fixing the penalty, with the words employed in the legislation referred to by my honourable friend in the other provinces. If I may draw your attention, the terms are to this effect—

The issue by a market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which and the conditions under which, such licences shall be issued or renewed, and the fees to be charged therefor.

[Diwan Chaman Lall.]

The actual words are the words taken from other legislations. The only part that is missing is the part of the Act relating to the imposition of the penalty. I submit that there is no necessity for the simple reason that you can in the conditions of the licence lay down the imposition of the necessary penalty. When you are giving the authority, you are giving the authority to the market committee to impose necessary conditions under which licences are to be issued. Those conditions can necessarily include the penalty that may be imposed in case there is violation of the conditions. Is there anything to prevent a market committee from imposing those conditions. I think there is no difficulty for a market committee when it issues a licence. I submit that it should not be necessary to take out a licence, but granting that licences are issued, every market committee which issues licences would be in a position to impose a condition about the penalty for the contravention of the terms of the licence.

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

There is no doubt about it. For instance, let us take a warehouseman. He wants to take out a licence. He goes before a market committee and the market committee says, 'We are quite willing to give you a licence but these are the conditions. If you violate any of these conditions, then there are further conditions and the violation of these conditions would result in such and such punishment.' Is there any difficulty if that power is there? After all, by whom is that power to be exercised? It is to be exercised by the market committee, whereas the market committee is the only body authorised which could consider whether the terms of the licence have been contravened or not. But my honourable friend, in proposing another method of levying the penalty, has gone beyond that and has taken the authority or given the authority to the department concerned or given the authority to the police, it may be, or given the authority to the magistracy, it may be, for the purpose of imposing this penalty. Instead of leaving the matter to the market committees, my honourable friend again takes the power out of the hands of the market committees and lays it down in the Act that the contravention of the conditions of the licence will result in such and such penalties, namely, Rs. 50 as fine and Rs. 2 a day after the first conviction, that is to say, it is no longer the people, who have issued the licence and who have made out the terms and conditions under which that licence is to be operated, who will be the sole judges of whether those conditions have been violated or not, but the people, who will be the sole judges of violation, will be my honourable friend's department or the Premier's department or the Police department. They will be the persons who will consider whether the terms of the licence, taken out by any ordinary workman, have been broken or not. I do not know if honourable members of this House have sufficiently understood the significance of the change that my honourable friend is seeking to bring into this measure. That is the penalty which can be operated by the market committees, but now that penalty is no longer operated by the market committees, but by some other authority, that is, the police or any other department of my honourable friend, which will take no notice of these things. In view of these very important changes, in view of the fact that it is unnecessary, in the first instance, that these people should be called upon even to take out licences,

in the second instance, that penalties of this nature should be inflicted upon them and further in view of the fact that the market committee alone should be the body authorised for the purpose of deciding whether a certain condition has been broken or not, in view of all these facts, I submit that my honourable friend should not be given the power which he is seeking by the provision of clause 26 as amended now.

Mr. Deputy Speaker : Question is—

That clause 26 as amended stand part of the Bill.

The Assembly divided : Ayes 73, Noes 31.

AYES.

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| Abdul Hamid Khan, Sufi. | Maqbool Mahmood, Mir. |
| Abdul Haye, The Honourable Mian. | Mubarik Ali Shah, Sayed. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Muhammad Amin, Khan Sahib-Shaikh. |
| Afzaalali Hasnie, Sayed. | Muhammad Ashraf, Chaudhri. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Azam Khan, Sardar. |
| Ali Akbar, Chaudhri. | Muhammad Faiyaz Ali Khan, Nawabzada. |
| Amjad Ali Shah, Sayed. | Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar. |
| Anant Ram, Chaudhri. | Muhammad Hussain, Chaudhri. |
| Badar Mohy-ud-Din Qadri, Mian. | Muhammad Jamal Khan Leghari, Nawab Sir. |
| Balwant Singh, Sardar. | Muhammad Nawaz Khan, Major Sardar. |
| Bhagwant Singh, Rai. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Faiz Muhammad, Shaikh. | Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed. |
| Faqir Hussain Khan, Chaudhri. | Muhammad Yasin Khan, Chaudhri. |
| Fateh Jang Singh 2nd-Lieutenant Bhai. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Fazal Din, Khan Sahib Chaudhri. | Muzaffar Khan, Khan Bahadur Nawab. |
| Fzal Karim Bakhsb, Mian. | Nasir-ud-Din, Chaudhri. |
| Few, Mr. E. | Nasir-ud-Din Shah, Pir. |
| Ghazanfar Ali Khan, Raja. | Nasrullah Khan, Rana. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Nawazish Ali Shah, Sayed. |
| Gopal Singh (American), Sardar. | Nur Ahmad Khan, Khan Sahib Mian. |
| Gurbachan Singh, Sardar Sahib Sardar. | Pir Muhammad, Khan Sahib Chaudhri. |
| Hans Raj, Bhagat. | Pohop Singh, Rao. |
| Hari Chand, Rai Sahib Rai. | Ram Sarup, Chaudhri. |
| Het Ram, Rai Sahib Chaudhri. | |
| Indar Singh, Sardar. | |
| Jagjit Singh Mar, Sardar. | |
| Karamat Ali, Shaikh. | |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | |
| Kishan Das, Seth. | |
| Manohar Lal, The Honourable Mr. | |

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|---|-------------------------------------|
| Ranpat Singh, Chaudhri. | Singha, Diwan Bahadur S. P. |
| Riasat Ali, Khan Bahadur Chaudhri. | Sohan Lal, Rai Sahib Lala. |
| Roberts, Sir William. | Sultan Mahmood Hotiana, Mian. |
| Shahadat Khan, Khan Sahib Rai. | Sumer Singh, Chaudhri. |
| Shah Nawaz, Mrs. J. A. | Suraj Mal, Chaudhri. |
| Shah Nawaz Khan, Nawab Sir. | Talib Hussain Khan, Khan. |
| Sikander Hyat-Khan, The Honourable Major Sir. | Tara Singh, Sardar. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES.

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| Baldev Singh, Sardar. | Mazhar Ali Azhar, Maulvi. |
| Bhagat Ram Choda, Lala. | Muhammad Hassan, Chaudhri. |
| Bhagat Ram Sharma, Pandit. | Mukand Lal Puri, Rai Bahadur Mr. |
| Chaman Lall, Diwan. | Mula Singh, Sardar. |
| Dev Raj Sethi, Mr. | Muni Lal Kalia, Pandit. |
| Duni Chand, Lala. | Prem Singh, Mahant. |
| Gokul Chand Narang, Dr. Sir. | Rur Singh, Sardar. |
| Gopal Das, Rai Bahadur Lala. | Sahib Ram, Chaudhri. |
| Gopi Chand Bhargava, Dr. | Sampuran Singh, Sardar. |
| Hari Singh, Sardar. | Santokh Singh, Sardar Sahib Sardar. |
| Harjab Singh, Sardar. | Shri Ram Sharma, Pandit. |
| Harnam Das, Lala. | Sohan Singh Josh, Sardar. |
| Kabul Singh, Master. | Sudarshan, Seth. |
| Kapoor Singh, Sardar. | Uttam Singh Dugal, Sardar. |
| Kartar Singh, Chaudhri. | |
| Krishna Gopal Dutt, Chaudhri. | |
| Lal Singh, Sardar. | |

Clause 27.

Mr. Deputy Speaker : ¹Amendments Nos. 1 to 3 do not fit in here. These amendments are relevant to sub-clause (4) and, in fact, these are covered by amendments Nos. 68 to 71. Therefore, these three amendments cannot be moved here.

Lala Duni Chand : I suggest that this clause should be taken up after clause 8 has been considered. Some of the amendments relate to the question of nomination, and unless the question of nomination is decided this clause cannot be discussed.

¹1. BY PANDIT SHRI RAM SHARMA : That in sub-clause (1), line 5, between the words "Act" and "for" the words "with the consent of the Assembly wherever provided hereafter" be inserted.

2. BY DIWAN CHAMAN LALL : That in sub-clause (1), at the end, the following be added:—

"but these rules shall not be valid unless they have been placed in the form of a motion before the Punjab Legislative Assembly and duly passed, provided the motion is made one month after the publication of the Rules in the *Government Gazette, Punjab.*"

3. BY CHAUDHRI KRISHNA GOPAL DUTT : That to sub-clause (1) the following proviso be added:—

"Provided that these rules shall not come into force unless they have been duly passed by the Punjab Legislative Assembly."

Minister for Development (The Honourable Chaudhri Sir Chhota Ram) : I agree that the clause should be postponed. I accordingly move—

That the consideration of clause 27 be postponed.

The motion was carried.

Clause 28.

Diwan Chaman Lall : May I suggest that clause 28 may also be postponed? It has a reference to clause 27.

Minister for Development : That clause is not in any way affected by clause 8.

Mr. Deputy Speaker : The question is—

That clause 28 stand part of the Bill.

The motion was carried.

Clause 29.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That in sub-clause (1), line 2, for the words 'section 26 of this Act, the words 'this Act or any rule or by-law made thereunder' be substituted.

Mr. Deputy Speaker : The question is—

That the words 'section 26 of this Act' stand part of the sub-clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), line 2, in place of the deleted words, the words 'this Act or any rule or by-law made thereunder' be inserted.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 29 as amended stand part of the Bill.

The motion was carried.

Clause 30.

Parliamentary Secretary (Chaudhri Tikka Ram) (*Urdu*) : Sir, I beg to move—

That after clause 29 the following new clause be added and the present clause 30 be renumbered as clause 31 :—

“ 30. In all cases in which power under section 6 has been exercised by a gazetted officer specially empowered in this behalf an appeal shall lie to Government in the manner prescribed.”

Sir, this new clause is being moved to meet the wishes of certain honourable members opposite. They wish that there should be some authority in whom appellate powers be vested. And so in deference to their desire I have moved this new clause. I hope the House would be disposed to accept it.

Mr. Deputy Speaker : Motion moved is—

That after clause 29 the following new clause be added and the present clause 30 be renumbered as clause 31 :—

“ 30. In all cases in which power under section 6 has been exercised by a gazetted officer specially empowered in this behalf an appeal shall lie to Government in the manner prescribed.”

Diwan Chaman Lall : May I know what is meant by ‘ the manner prescribed ’ ?

Chaudhri Tikka Ram : It means ‘ prescribed by rules.’

Diwan Chaman Lall : The honourable member might have given an indication as to what sort of manner it will be under the rules. True, that it will be prescribed by the rules. But the honourable member might have enlightened the House as to what method he intends to pursue. If he has not yet thought about the method he may say that it is intended to leave it to the discretion of the department of Government when framing the rules. I should have no objection if the manner to be prescribed will facilitate the appeal that will go to Government. But I want to know exactly how this appeal will go, who will be the authority to hear this appeal, what will be the time limit within which appeal should be filed, what will be the method adopted for dealing with the appeal, all these matters the House has a right to be enlightened upon. I am prepared to give way even now if he is prepared to enlighten the House on all these matters. But if he proposes to enlighten us when he exercises his right of reply, then I should reserve my right to comment on the manner he proposes to adopt when I rise to speak in opposition to the clause, because that is the only procedure open to me to criticise the manner he proposes to prescribe as I have no right of reply on this amendment.

Minister for Development : I do not think my honourable friend has a right to speak again on this motion.

Diwan Chaman Lall : I understand the Honourable Minister to mean that because this is a new clause and not an amendment it will be impossible for me to speak again on this motion. There he is quite right. I submit that I have got nothing to say in regard to this matter, because I am absolutely in the dark. But if the Minister in charge enlightens the House on the points I have raised it will be open to some other honourable member on this side to comment on it even though I may be precluded from speaking again on this motion. I do hope that the Minister will take the earliest opportunity of enlightening the House on the points I have raised.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : When it is proposed on behalf of Government that a particular matter should be left to rules, the Opposition puts forward the objection that everything is being left to rules. When a proposal is made that the matter should be placed before the House and not left to rules, then some honourable members of the Opposition suggest that this had better be left to rules. It is extremely difficult, if not impossible, to satisfy the Opposition. So far as the present clause is concerned, the procedure under which an appeal shall be filed, the time within which the appeal should be filed and the papers which should accompany the appeal, the manner in which a hearing, if any, will be given to the appellant—all these matters will be provided for in the rules to be framed under this clause.

Mr. Deputy Speaker : The question is—

That after clause 29 the following new clause be added and the present clause 30 be renumbered as clause 31 :—

“ 30. In all cases in which power under section 6 has been exercised by a gazetted officer specially empowered in this behalf an appeal shall lie to Government in the manner prescribed.”

The motion was carried.

Diwan Chaman Lall : I have got two new clauses* 21-A and 21-B. May I move them ?

Mr. Deputy Speaker : Both these new clauses are out of order because this Bill regulates only markets and not the prices, whereas these clauses deal with the prices. They are beyond the scope of the Bill and, therefore, out of order.

— — —
Clause 31.

Mr. Deputy Speaker : The question is—

That clause 30, now renumbered 31, stand part of the Bill.

The motion was carried.

Mr. Deputy Speaker : The new clauses 31—36 which stand in the name of Captain Sodhi Harnam Singh are all out of order.

— — —
Clause 8.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in sub-clause (2), line 1, for the words “ not more than two ”, the word “ one ” be substituted.

According to the clause, as it is, the market committee is to consist of some nominated persons and two official members. My objection is to the number of these official members. In my present amendment I suggest that there may be only one official member and I also suggest that he should belong to the Agriculture Department. So far we do not know whether there would be elected members or not. But there shall be two officials. I know from my experience in the district boards what havoc these officials play. When in a local body there is an official member he would always have his voice heard by nominated members. These nominated members in the present case shall be either zaildars or lambardars or safed-poshes or such persons who are the creatures of the Government. When the official members are sitting in the market committees, what would be the result ? These nominated members will be cowed down by the officials and they will be made to do as the official members desire.

*1. BY DIWAN CHAMAN LALL : That after clause 21, the following new clause be added :—

“ 21-A. Apart from the purposes detailed in section 21, the market committee shall guarantee a minimum price of rupees three annas eight per maund for every maund of wheat sold by a grower in the notified area and rupees ten per maund for American 4-F cotton and rupees eight per maund for Desi Kapas.”

2. BY DIWAN CHAMAN LALL : That after clause 21, the following new clause be added :—

“ 21-B. Further this market committee in each area shall fix and guarantee minimum prices for various commodities sold by growers in the notified area in order to assure for them a just and equitable price for their produce.”

[S. Kapoor Singh.]

In a way this official of the Government shall be the instrument of the Government and shall instead of being of any good, would help the party in power and will do party propaganda. It is for this reason that I want that in such nominated committees there shall not be more than one official. I want this official element to be eliminated altogether, but if the Government is keen on having some official element, it would be better that they appoint somebody who is an expert in marketing or agriculture. If this clause is passed as it is, then the Government may appoint either a tahsildar or anybody else, because the word is 'may.' The Government 'may' appoint any officer. The Government has not clearly defined what official it shall be. So according to the present clause, some tahsildar may be appointed or some sub-inspector may be appointed or even a doctor may be appointed and it is possible that even a district engineer may be appointed. So if the present clause is passed, the Government may think that they should only appoint that person who would serve the purpose of the party most and who would be only a tool in the hands of the party in power. Instead of giving an undefined discretion to the Government it would be better under the circumstances, if it is defined and only one person who is an expert in marketing and agriculture shall be appointed by the Government and not more than one person. If the Government is not prepared to accept this amendment it would mean that the Government's intention in appointing these officers is not to get expert advice but to have its own propaganda. Therefore I move my amendment and submit that it should be accepted.

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

That in sub-clause (2), line 1, for the words 'not more than two', the word 'one' be substituted.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): I rise to support the amendment moved by my honourable friend, Sardar Kapoor Singh. While supporting the amendment I want to make it clear that I do not agree with my honourable friend, Sardar Kapoor Singh, that there should be no need of any nominated member on the committees. There is no doubt that the system of nomination has been abused on many occasions in this province and before this in other provinces also, but the system of nomination has an advantage. What was the original idea to have certain members nominated by the Government on committees? It was that when certain interests could not be represented there through election, then it was up to the Government to make arrangements for their representation. After all, sometimes democracy does not behave well. It behaves like mobocracy and certain people who ought to be on the committees do not succeed in getting themselves elected. It is not only in this country that democracy sometimes has behaved in an improper way, but even in a country like England, which is one of the best democratic countries, a man like Mr. H. G. Wells could not enter the Parliament. So far as I know he stood thrice for the House of Commons and thrice he failed. He could not get himself elected and therefore the question arises that the Government should have some power to nominate certain people who are scientists or experts. Therefore in my opinion this question does not arise at all. The

Government should have the power to nominate some gentlemen in the circumstances that this Bill is going to be in an experimental stage. We are going to have this Bill for the first time in the province and some of the people will not be conversant with the methods with which the market committees should be successful. It is, therefore, that the Government should be empowered to nominate some gentlemen. But I do not appreciate as to why the market committee should be encumbered with two persons instead of one. I really do not understand it. If the apprehensions of my honourable friend, Sardar Kapoor Singh, are justified that the Government wants to have its own men on the market committees, then of course the healthy system of nomination becomes a curse, but I hope that the Government will not abuse this power. Therefore I am in favour of Government being allowed to nominate one person. Mr. Deputy Speaker, the question of marketing is not an easy question. It is a difficult question and I doubt if in all cases the market committees will be competent to understand some of the difficulties of the question connected with marketing. It is, therefore, necessary that some expert who understands this question and who is conversant with this subject or who has studied this subject thoroughly should be appointed. If the question is only of appointing an expert to guide the market committee particularly in the beginning, why have two? I think it will be waste of money. The Government after all is going to lend the services of some Government servants for this purpose. I say that it would be an encumbrance not only on the market committee, but also on the revenues of the province to nominate two persons instead of one. In this connection I would ask the honourable mover not to press his own amendment. There is another amendment in my name which expressly states that that one gentleman whom the Government is going to appoint should be an expert and it should be expressly mentioned in the Act. My amendment is like this—

That in sub-clause (2), line 1, for the words 'not more than two', the words 'or preferably an expert' be substituted.

I think this amendment is better than that of Sardar Kapoor Singh. I, therefore, think that two nominated members are uncalled for and excessive and one would be quite enough. With these words I, in the first instance, would like to move my amendment and in the second, support the amendment moved by Sardar Kapoor Singh.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, a similar amendment stands in my name also. I also want figure one to be substituted for figure two. If the market committees are to be nominated in every case, I am of the opinion that the presence of one high Government officer will have a corrective influence. In that case I am strongly of the opinion that one Government officer should be put on the market committees. If the market committees are going to be elected in that case it is not necessary to have even one, unless an expert is going to be appointed. I know that if two Government officers are appointed on the committees, there will be a constant rivalry between them. Some members of the market committee will co-operate with one and the others will co-operate with the other and there will be a clash of interest between the two Government officers and a lot of trouble will arise.

[Lala Duni Chand.]

So, really, the decision of this question depends upon the decision of the question as to whether the marketing committees are going to be nominated bodies or elected bodies. If they are going to be nominated bodies, then it is necessary that a Government officer—at least one Government officer of a fairly high standing and position—should be on the marketing committee in order to guide the new marketing committee. With these words I support the amendment that has been moved by Sardar Kapoor Singh and is under discussion.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): It is the same amendment as mine. I support the amendment and in supporting this I may be allowed to make a little arithmetical analysis for the benefit of the Honourable Minister. I think he should be satisfied with a majority of his own men on the market committees. More than that, he should not desire in equity. If there are sixteen members and there are two Government servants, that would leave fourteen seats for distribution among the zamindars and *mandi* people. $14 \times \frac{2}{3} = 28/3$; in other words 10; 10 zamindars plus 2 Government servants, i.e., 12 would leave 4 seats for the *mandi* people—*arhtis* and all sorts of workers in the *mandis*. If there is only one Government servant then there would be 15 seats which will have to be divided between the *mandi* people and the growers. $15 \times \frac{2}{3}$ means 10 and $10 \text{ plus } 1 = 11$ would be the representatives of the ministry out of 16. That would leave 5 seats for the *mandi* people as against 11 of the Government members. I think even then the Honourable Minister will have an overwhelming majority of his own men on the committees and he should not grudge if the poor *mandi* people consisting of six different classes at least *arhtis*, weighmen, measurers, surveyors, warehousemen and brokers get 5 seats. This would not find representation for each class. We shall be coming to the share that shall be allotted to the growers when the next sub-clause comes up for discussion but assuming that that clause is to stand part of the Bill, then I would submit that the Honourable Minister should not grudge, if in one instance, that is, in case the total strength is 16, one additional seat goes to the *mandi* people. Eleven to 5 is surely a very great majority. That will perhaps be a bigger majority or about the same majority as the Honourable Minister's party just now, for the time being, has in this House and there has been no trouble to the Honourable Minister in carrying out anything that he likes and there would be no trouble for him to have anything that he likes to be passed in the market committee with eleven of his own men against five poor *baniyas* carrying on various kinds of business in the *mandis*. It is only in case there are 16 that this little advantage will go to the *mandi* people, otherwise if the total strength is 8 and there are 2 officers, then it would mean that out of 8 only 2 seats will go to the *mandi* people. If there is one Government officer, even then the *mandi* people will have two seats because the advantage of a fraction will go in favour of the growers. Supposing there are 12, even then it makes no difference. It leaves only 3 seats. I need not give further figures, for the Honourable Minister can calculate if he wants to. Even then there will be three seats left with the *mandi* people. It is only in case of committees consisting of 16 members that the *mandi* people will have a little more than 25 per cent. representation and surely the Honourable Minister for Development should not and would not think

that 25 or 30 per cent. representation to the *mandi* people, who have also some stake in the *mandis*, is excessive. I would, therefore, support this amendment—very poor, moderate and trivial as it is.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, one or two amendments stand in my name with respect to the clause that is being now considered by the House but I merely want to support the one which has been moved by my honourable friend, Sardar Kapoor Singh. My argument, briefly put, is this that in the first place all of the members of the market committee would be nominated by the Government and the proportion of the elected element would be zero. Now, if more than one Government officers are appointed on these committees, the number of even nominated non-official members would be reduced further still. That is very unfair. Supposing the number of members of the committees is 8 or 10 or 16, the number of those representing the growers and *mandis* would be reduced. If two Government officers are appointed, even the nominated representation would become ineffective. This reminds me of an Urdu proverb—

ایک کڑوا دوسرے نیم چڑھ

In this connection I may point out that the executive in the Punjab have always been notorious for their highhandedness but with the inauguration of the provincial autonomy or the party Government the tahsildars and the naib-tahsildars and other executive officers have become still worse and pay no heed to the reasonable demands of the people. They have made it a habit to dance to the tune of the higher authorities and trample upon the rights of the people. When the adjournment motion was moved—

Mr. Deputy Speaker : The honourable member is irrelevant.

Pandit Shri Ram Sharma : I will not say a word which may be irrelevant to the motion before the House. It has been said more than once on the floor of this House that Government officers do not generally behave impartially in the discharge of their duties. If they are appointed to serve on these committees and are given more representation than what is absolutely necessary the matters will go from bad to worse. But if the Government insist upon giving them some representation in these committees, let only one officer be appointed. That officer whether he belongs to the Co-operative Department or that of Agriculture, should be well conversant with *mandi* affairs. You may appoint a senior expert officer who must have some experience of *mandis*, but for God's sake do not appoint tahsildars, revenue assistants or naib-tahsildars, for by their appointment things will go wrong. With these words I resume my seat.

Rai Bahadur Mr. Mukand Lal Puri : May I draw your attention to the fact that amendments Nos. 26 to 30 although printed before amendment 35 relate to a different subject altogether.* There seems to be a misprint and these amendments should be called after amendment No. 36. They deal with the next sub-clause and not with the sub-clause under discussion.

Mr. Deputy Speaker : These amendments will be taken up under sub-clause (3).

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am afraid my honourable friends opposite seem to be labouring under some misapprehension. If you will kindly read the words of sub-clause (2) it would be obvious that it is not the intention of Government to appoint two Government officers to every committee. The words of the sub-clause are these—

Of these members *not more than two* may be appointed by Government from among salaried servants of the Crown by virtue of their office.

Now, it is obvious from this wording that it is not necessary that every committee should have two salaried officials. It is, however, also necessary that Government should retain that power so that in the case of bigger *mandi* towns it may be necessary to appoint two officers, one an administrative officer who knows something about administration; and, as my honourable friend, Lala Duni Chand, so wisely pointed out sometimes it is useful to have officials on the committees as a corrective. Again my friend, Dr. Sir Gokul Chand Narang, said if one officer is appointed it would be quite ample: you do not want more than one officer because that might lead to an abuse or perhaps give additional weight to the party opposing the representatives of licence holders. I am afraid he is already assuming that licence holders must necessarily be opposed to the other section of the committee. Why should he assume that at all because after all it would be to the interest of harmonious working. He knows perfectly well through experience, as we all do know, that even in the municipalities and in other elected bodies sometimes harmonious working cannot be secured because of certain factions, personal antagonism or that kind of petty things and there it is useful to have an official as a corrective. As I have pointed out, my honourable friends were merely wasting, if I may say so, their breath and the time of the House by stressing this point. I can assure them that Government have no intention to use the clause, as is alleged by Dr. Sir Gokul Chand Narang, in any way to pillory the non-agricultural classes by having a majority which according to him is going to be used against the interests of the *mandi* people.

Dr. Sir Gokul Chand Narang: Then, why do you want it?

Premier: I am coming to that point. There may be small *mandi*s where it is quite possible that it may not be necessary even to appoint a single official if you can get suitable men from the licence holders, shopkeepers, growers and the traders. There might be good and reliable people unprejudiced and unbiased who may be appointed as chairmen of the market committees and who may be able to supervise the working of the committees. There may be other committees where it may be necessary to appoint a Government officer to see that the work is carried on smoothly. In a small committee I am almost certain that it may not be necessary to appoint even one officer; but there are bigger markets. For instance, take the *mandi* of Amritsar. If that is declared as a market area surely my honourable friend will agree with me that we will need an administrative officer who will use his influence more or less in keeping all the members together and do that work in the interests of the market as a whole. I may assure my honourable friend, Sardar Kapoor Singh, who said that it may be used as an instrument of Government, that if it is going to be used as an instrument of Government, it will be used beneficially for the good of the people concerned. But if

may be necessary to appoint one senior administrative officer for a big market like Amritsar or Lyallpur. Naturally that would involve a certain amount of additional burden on the exchequer, but Government would naturally like to avoid any unnecessary expense and that alone should be a sufficient guarantee against their haphazardly and unnecessarily appointing more than one officer to a committee. Now in a big committee at Amritsar there may be an administrative officer and it may also be necessary to help the committee with an expert, either a market officer or some other expert in the interest of the working of the committee itself. Therefore Government has retained the power to appoint two people where necessary. I can assure my honourable friends that in smaller *mandi* towns it may not be necessary to appoint more than one officer, if at all it is decided to appoint any. I think it will not be necessary for my honourable friend to press his amendment.

At this stage the Assembly adjourned till 2-30 p.m. on Friday, 20th January, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE
ASSEMBLY.

Friday, 20th January, 1939.

The Assembly met at the Assembly Chamber, Lahore, at 2-30 p.m. of the clock. The Secretary informed the House of the unavoidable absence of Mr. Speaker due to illness. Thereupon, Mr. Deputy Speaker occupied the Chair.

STARRED QUESTIONS AND ANSWERS.

TAN RIDES ALONG THE LAHORE CANAL.

***3844. Sardar Hari Singh :** With reference to his reply to part (d) of question No. 17¹ put on 17th June, 1937, will the Honourable Minister of Revenue be pleased to state how the Canal Department is interested in maintaining these tan rides and what justification is there for the Government to incur expenditure for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : In 1918 Government decided to provide certain facilities on the Lahore Branch for the citizens of Lahore and consequently a metalled road on the right bank, flowering plants on the berms, shady avenue on the right side and the tan ride on the left bank are being maintained for the benefit of the public of Lahore.

The metalled road and tan ride were originally maintained by Buildings and Roads Branch, but were taken over by the Canal Department who being in charge of the Lahore Branch can maintain them conveniently.

Diwan Chaman Lall : May I know the exact number of people who utilize this tan ride ?

Parliamentary Secretary : I am afraid I cannot give the exact number.

Sardar Hari Singh : May I ask my honourable friend to state the type of people who use this tan ride ?

Parliamentary Secretary : Citizens of Lahore who are fond of riding.

Diwan Chaman Lall : Does my honourable friend include the chap-rasis of the Legislative Chamber in that category ?

Sardar Hari Singh : May I ask the honourable Parliamentary Secretary whether it is a fact that this tan ride was originally laid at the instance of the then Lieutenant-Governor of the Punjab ?

Parliamentary Secretary : I have no information.

¹Assembly Debates, Vol. I, page 277.

Diwan Chaman Lall : Is the expense commensurate with the provision of these facilities for a limited class ? Is my honourable friend aware that the expenses are very great whereas the number of persons who use this tan ride is very limited indeed ?

Mr. Deputy Speaker : Next question.

ANTI-CORRUPTION DEPARTMENT FOR POLICE.

*3396. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the Government has decided to set up a new department known as Anti-Corruption Department to eradicate corruption from the police department ;
- (b) if answer to (a) above be in the affirmative, details of the scheme on which the said department is to be founded and how it is proposed to work it out ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): It has been decided to form a staff of trained investigators to assist heads of departments in dealing with complaints of corruption. Orders have not yet been issued and I do not think it advisable to go into details at this stage ; but it should be made clear at once that the scheme relates to corruption in the services generally, and not particularly in the Police department.

Lala Deshbandhu Gupta : What type of investigators does my honourable friend mean ?

Parliamentary Secretary : Reliable persons who are trained in the work of investigating corruption.

Lala Deshbandhu Gupta : Does not the honourable Parliamentary Secretary realise that the Police Department needs the special attention of the Government in view of the fact that corruption is rampant in the department ?

Parliamentary Secretary : There is no question of having a separate department. The evil of corruption requires to be eradicated wherever it exists. I have stated that the whole scheme is under consideration.

Lala Duni Chand : Has the Government prepared any list of reliable persons ?

Lala Deshbandhu Gupta : Is the Government satisfied that there is no necessity of taking some special measures to eradicate the evil of corruption so far as the Police department is concerned ?

Parliamentary Secretary : There is a necessity of eradicating corruption in every department where it exists and not particularly in the Police department.

Lala Deshbandhu Gupta : May I know if the Police department particularly is an offender in that respect and the Government has received a number of complaints of corruption from various places ?

Parliamentary Secretary : I am not prepared to admit that proposition of my honourable friend.

Sardar Hari Singh : May I ask my honourable friend to let us know the qualifications of the members of the proposed staff ?

Parliamentary Secretary : I have already said that it is not possible to disclose the details of the whole scheme at this stage.

Sardar Hari Singh : May I take it that the details of the scheme have already matured ?

Parliamentary Secretary : Not completely.

Lala Duni Chand : May I know whether really any scheme has been prepared ?

Sardar Hari Singh : May I ask my honourable friend whether it is not in public interest to disclose the details of the scheme ?

Premier : The details have not been completed yet.

Sardar Hari Singh : May I know whether the Government will lay them before the House when they are complete ?

Premier : When the scheme is complete the details will be published.

Lala Deshbandhu Gupta : How long will it take to complete the scheme?

Premier : The scheme is nearly complete now.

Lala Duni Chand : What are the broad or main features of that scheme which is under consideration ?

Mr. Deputy Speaker : Next question.

MILITARY TRAINING SCHOOLS AND COLLEGES.

*3985. **Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state whether or not the Government intends to introduce military training in the schools and colleges of the Punjab ?

The Honourable Mian Abdul Haye : No, not at present in schools. There is already a U. T. Corps in Lahore and Lyallpur for college students.

Lala Deshbandhu Gupta : What particular steps have Government taken ever since taking office to encourage the idea of military training amongst our young men?

Minister : If the honourable member makes his position clear it would be some encouragement to the Government. Does my honourable friend now maintain that we must introduce military training in schools and colleges with a view to encourage the students for enlisting in the Indian Army ?

Lala Deshbandhu Gupta : Certainly. I want that every young man of our country should be so trained as to be able to defend our country in time of necessity but is Government not alive to that necessity ? What steps has the Government taken to give military training to our young men ?

Minister : Some time back we had heard something to the contrary and I am very glad that the honourable member's position is not that now. I have been in communication with various other provinces and I understand that compulsory military training has not been introduced in any other province so far.

Dr. Gopi Chand Bhargava : Am I to understand that the only action the Government wants to take or has taken is that they are pleased at the suggestion made by my honourable friend ?

INSTRUCTIONS REGARDING PROHIBITING THE USE OF KHADDAR AND GANDHI
CAP IN SCHOOLS AND COLLEGES.

***3986. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether or not any instructions have so far been issued by the Education department prohibiting or discouraging the use of *khaddar* or Gandhi cap by students in the Government schools and colleges in the Punjab ;
- (b) if not so far, whether the question of issuing such instructions is under the consideration of the Government ?

The Honourable Mian Abdul Haye : (a) No.

(b) No.

HOSPITALS SPECIALLY MEANT FOR WOMEN AND CHILDREN IN THE
PROVINCE.

***3987. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether there are any hospitals in the Punjab specially meant for the treatment of the diseases of women and children ;
- (b) if the answer to (a) above be in the affirmative, their number and the places where they are located ?

The Honourable Mian Abdul Haye : (a) and (b) There are in this province 51 separate hospitals for women, and an equal number of women's sections attached to general hospitals at district or tahsil headquarters. Lists are laid on the table.

Begum Rashida Latif Baji : May I enquire if it is a fact that the number of hospitals for women in the province is insufficient to meet their requirements and whether it is also a fact that women do not like to be treated by male doctors and that this is the reason that a large number of women prefer death to being treated by male doctors ?

Minister : The answer to all these questions is in the affirmative.

Begum Rashida Latif Baji : How long will it take for the Government to open hospitals in sufficient numbers ?

Minister : The honourable lady member may rest assured that Government will make every possible effort to do the needful.

Lala Deshbandhu Gupta : May I know if the Government have undertaken any step to open maternity hospitals in rural areas to provide maternity facilities there ?

Minister : That matter is being considered.

List showing the places where Women's Hospitals are located in the Punjab.

1. Women's Hospital, Rohtak.
2. Lady Hailey Women's Hospital, Bhiwani.
3. Farrer Hospital, Bhiwani.
4. Women's Hospital, Beri, District Rohtak.
5. Women's Hospital, Palwal.
6. Mission Hospital (Philadelphia), Ambala City.
7. Raj Sahib Benarsi Das Women's Hospital, Ambala Cantonment.
8. Lady Reading Hospital, Simla.
9. Women's Hospital, Dharamsala.
10. Women's Hospital, Garhi.
11. Women's Hospital, Pir Silohi.
12. Naple Leaf Hospital, Kangra.
13. Memorial Hospital, Ludhiana.
14. Francis Newton Hospital, Ferozepore Cantonment.
15. Lady Aitchison Hospital, Lahore.
16. Lady Willingdon Hospital, Lahore.
17. Women's Hospital, Lunda Bazar, Lahore.
18. C. M. S. Female Dispensary, Clarkabad, Lahore District.
19. Municipal Female Hospital, Amritsar.
20. Lady Emerson Chatarbhuj Maternity Home, Amritsar.
21. St. Catherine Women's Hospital, Amritsar.
22. Women's Hospital, Asrapur.
23. Henry Francis Wright Memorial Women's Hospital, Jandiala Guru.
24. Women's Hospital, Tarn Taran.
25. Memorial Hospital for Women and Children, Sialkot.
26. Women's Hospital, Batala.
27. C. E. Z. Mission Hospital, Narowal.
28. White Memorial Hospital for Women, Pasrur.
29. Women's Hospital, Gujranwala.
30. Women's Hospital, Sheikhpura.
31. Dow Memorial Hospital, Gujrat.
32. Women's Hospital, Sargodha.
33. Good Samaritan Mission Hospital, Jhelum.
34. Holy Family Hospital, Rawalpindi.
35. Hans Memorial Hospital, Rawalpindi.
36. Dayanand Mission Hospital for Women and Children, Rawalpindi.
37. Women's Hospital, Hazro.
38. Anant Ram Zanana Hospital, Talagang.
39. Victory Memorial Hospital, Mainwali.
40. Nancy Fullwood Mission Hospital, Montgomery.
41. Women's Hospital, Lyallpur.
42. Women's Hospital, Gojra.
43. Victoria Jubilee Hospital, Multan.
44. C. M. S. Hospital for Women and Children, Multan Cantonment.
45. Women's Hospital, Dera Ghazi Khan.
46. Hospital for Women, Palampur.
47. Women's Hospital, Bhaun.
48. Women's Dispensary, Pathankot.
49. Gulab Devi Tuberculosis Hospital for Women, Model Town, Lahore.
50. Sh. Janki Devi Jamiat Singh Free Hospital, Lahore.
51. Women's Hospital, Merinda, Ambala District.

List showing the places where Women's Sections are located in the Punjab.

| | | | |
|-----|------------------|-----------------------------------|-------------------------|
| 1. | Women's Section, | Civil Hospital, | Hissar. |
| 2. | Ditto | ditto | Fatehabad. |
| 3. | Ditto | ditto | Sirsa. |
| 4. | Ditto | ditto | Hausi. |
| 5. | Ditto | ditto | Sonepat. |
| 6. | Ditto | ditto | Gurgaon. |
| 7. | Ditto | King Edward Memorial Hospital, | Karnal. |
| 8. | Ditto | Civil Hospital, | Panipat. |
| 9. | Ditto | ditto | Shahabad. |
| 10. | Ditto | ditto | Ambala. |
| 11. | Ditto | ditto | Rupar. |
| 12. | Ditto | ditto | Gujarkhan. |
| 13. | Ditto | ditto | Nurpur. |
| 14. | Ditto | ditto | Hoshiarpur. |
| 15. | Ditto | ditto | Jullundur. |
| 16. | Ditto | ditto | Ludhiana. |
| 17. | Ditto | ditto | Ferozepore. |
| 18. | Ditto | ditto | Fazilka. |
| 19. | Ditto | ditto | Moga. |
| 20. | Ditto | ditto | Muktsar. |
| 21. | Ditto | ditto | Abohar. |
| 22. | Ditto | Civil Dispensary, | Kasur. |
| 23. | Ditto | Civil Hospital, | Gurdaspur. |
| 24. | Ditto | ditto | Sialkot. |
| 25. | Ditto | ditto | Hafizabad. |
| 26. | Ditto | ditto | Wazirabad. |
| 27. | Ditto | ditto | Nankana Sahib. |
| 28. | Ditto | ditto | Gujrat. |
| 29. | Ditto | ditto | Pind Dadan Khan. |
| 30. | Ditto | Mayo Salt Mines Hospital, | Khewra. |
| 31. | Ditto | Civil Hospital, | Campbellpur. |
| 32. | Ditto | ditto | Bhakkar. |
| 33. | Ditto | ditto | Montgomery. |
| 34. | Ditto | ditto | Dipalpur. |
| 35. | Ditto | ditto | Okara. |
| 36. | Ditto | ditto | Jaranwala. |
| 37. | Ditto | ditto | Jhang. |
| 38. | Ditto | ditto | Shorkot. |
| 39. | Ditto | ditto | Muzaffargarh. |
| 40. | Ditto | ditto | Khanewal. |
| 41. | Ditto | ditto | Mailsi. |
| 42. | Ditto | ditto | Shujabad. |
| 43. | Ditto | ditto] | Leiah. |
| 44. | Ditto | ditto | Taunsa. |
| 45. | Ditto | ditto | Murree. |
| 46. | Ditto | ditto | Rawalpindi. |
| 47. | Ditto | Mission Dispensary, | Jagraon. |
| 48. | Ditto | Municipal Committee Dispensary, | Mozang, Lahore. |
| 49. | Ditto | Municipal Committee's Dispensary, | Wachhowali, Lahore. |
| 50. | Ditto | Municipal Committee's Dispensary, | Kashmiri Bazar, Lahore. |
| 51. | Ditto | Sir Ganga Ram Hospital, | Lahore. |

INSTRUCTIONS ABOUT MALBA TO PATWARIS BY DEPUTY COMMISSIONER,
HOSHIARPUR.

***4060. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Deputy Commissioner, Hoshiarpur, has instructed the Patwaris not to show *malba* as a separate item in the preparation of land revenue and other dues payable by zamindars ; if so, reasons for the same ;
- (b) whether it is further a fact that the said official has instructed the lamboardars to realize *malba* without fail along with the land revenue ; if so, reasons for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b).
No.

COMRADE BHAGAT SINGH.

***3633. Sardar Kishan Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Comrade Bhagat Singh, resident of village Bilga, district Jullundur, has been interned in his village for one year, under the Criminal Law Amendment Act ; if so, the reason therefor ;
- (b) whether any monthly allowance has been granted to the said internee ; if so, what, if not, why not ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Yes, for having acted or being about to act in a manner prejudicial to the public safety and peace.

(b) No. Government consider that there are no good grounds for granting him any allowance.

SETTLEMENT OF THE LYALLPUR DISTRICT AND REMISSION IN
LAND REVENUE.

***3677. Master Kabul Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that there was a marked difference between the commutation prices fixed for the assessment of land revenue during the recent settlement in the Lyallpur district and the market prices at that time of different agricultural products ; if so, the amount of remission in the land revenue of *kharif* 1937 and *rabi* 1938 granted to the zamindars of the Lyallpur district according to the declaration made by the Government, and if no remission was granted, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) Yes.

Rs.

| | | | | |
|-------------------------|----|----|----|-----------|
| (ii) <i>Kharif</i> 1937 | .. | .. | .. | 15,11,144 |
| <i>Rabi</i> 1938 | .. | .. | .. | 22,81,849 |

COMMUTATION PRICES FOR ASSESSMENT OF LAND REVENUE.

***3678. Master Kabul Singh :** Will the Honourable Minister of Revenue be pleased to lay a statement on the table of the House showing the commutation prices fixed for the purpose of assessment of land revenue at the time of the last settlement in the various districts in the province with the statement indicating the market prices of grains prevailing in each district in the province in each year during the last ten years ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement¹ showing the commutation prices sanctioned for the settlements in force is placed on the table. For current prices for the last ten years, the honourable member is referred to the fortnightly statements of current wholesale prices published in the *Punjab Government Gazette Supplement*, Part I (Statistical).

DEFINITION OF AN AGRICULTURIST.

***3696. Rai Bahadur Lala Gopal Das :** Will the Honourable Premier be pleased to state whether according to the definition of agriculturists given out recently for the appointment in subordinate judicial posts, viz., agriculture being the main source of income and residence in rural areas, the definition of agriculturist for the purposes of employment in all departments of service ?

The Honourable Major Sir Sikander Hyat-Khan : The honourable member is referred to the reply given to question No. *2387² put by Pandit Shri Ram Sharma on the 11th November, 1938.

ASSISTANT SUPERINTENDENTS OF PUNJAB JAILS.

***3699. Mr. K. L. Gauba :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the members of a batch of assistant superintendents in the Punjab Jail Department trained out in February, 1934, and appointed in service in the first half of that year are being treated as senior to the members of a batch of assistant superintendents trained out in May, 1932, and appointed in service in the later part of the year (*vide* departmental gradation lists of 1st January, 1934, and 1st July, 1934);
- (b) whether it is a fact that members of the later (1934) batch with no or only a few months service to their credit were immediately on their first appointment to jail service graded as senior to the members of the former (1932) batch who had over a year's service to their credit at the time;
- (c) whether any special reports were received or requisitioned on the work of the later (1934) batch before the compilation of the gradation list and were these of such a nature as to warrant this preferential treatment;

¹Kept in the Assembly Library.

²Vol. VI, page 175.

- (d) if the reply to questions (a) and (b) be in the affirmative, the special circumstances under which this supersession was permitted and what action the Government now proposes to take in the matter?

The Honourable Mr. Manohar Lal : (a) and (b) It is not correct that all the candidates who completed their training in 1984 have been treated as senior to those who received training in 1982.

In May 1983, 25 candidates, out of those recommended by the Selection Boards held in 1981 and 1982, were selected as approved candidates for the post of Assistant Superintendent. Of these 15 were those who had already received the prescribed training in 1982. The others were trained in 1984. The candidates selected were not arranged in order of merit as it was decided that they would be selected for permanent appointments mainly on their record whilst under training or in officiating appointments. For the purpose of offering these candidates officiating appointments the Inspector-General of Prisons went through their records and after taking into consideration the marks allotted to them by the Selection Boards, and the marks obtained by them in the departmental examination held on the completion of their training period, prepared a list of candidates in 1984. This list was revised in February last on the basis of their work during the period of four years.

(c) Reports on the departmental examinations and the marks allotted by the Selection Board were taken into consideration for the purpose of fixing the candidates' provisional positions on the list for officiating appointments. No special reports were requisitioned.

(d) No question of supersession arises. The list mentioned is a provisional one for the purpose of offering officiating and not permanent appointments.

Diwan Chaman Lal : Will he look into this matter and see if at the time these lists were prepared, some people were put in the senior graded list who at that time were not actually in service?

Minister : For this specific question, I think it will be desirable to have notice.

ASSISTANT SUPERINTENDENTS OF JAILS.

***3700. Mr. K. L. Gauba :** Will the Honourable Minister of Finance be pleased to state—

- (a) the permanent strength of the cadre of assistant superintendents in the Punjab Jail Department ;
- (b) the number of permanent posts held by different communities, i.e., Muslims, Hindus, Sikhs, Christians and others ;
- (c) whether this distribution of services in this department shows any communal disparity ; if so, which are the communities which are inadequately represented therein and to what extent ;
- (d) whether there are any vacancies in the cadre at present ;
- (e) if the answer to part (c) and (d) above be in the affirmative, will the Honourable Minister please state what action Government proposes to take in the matter ?

The Honourable Mr. Manohar Lal : (a) and (d) The permanent strength of the cadre of Assistant Superintendents is 73, and there are at present no vacancies.

(b) (c) and (e) I must decline, with regret, to answer questions which savour of communalism on the floor of the House. I am very sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of disproportionate representation, which honourable members may bring to my notice in a more informal way.

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CRITICISM OF LAND REVENUE POLICY BY PROFESSOR BRIJ
NARAIN.

***3705. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) if the view and criticism of the well-known economist of the Punjab, Professor Brij Narain, expressed by him on the public platform and in the press as to the net 'assets' on the basis of which land revenue is assessed and levied have come to the notice of the Government and been considered by them ;

(b) if so, what action has been taken by the Government in the matter ;

(c) whether Professor Brij Narain has recently challenged the Government through the press to answer the 25 questions formulated by him on the subject of the net profits and other allied matters pertaining to the revenue policy of the Government ; and, if so, whether the Government has taken them into consideration ; and, if so, with what result ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) and (c) Professor Brij Narain was examined at length by the Land Revenue Committee, and it is understood that the Committee in their report, have dealt in detail with his views and come to certain conclusions on the subject. These conclusions will in due course receive the careful consideration of Government.

Lala Duni Chand : Is he in a position to tell the House how far the Government has agreed with the view propounded by him ?

Parliamentary Secretary : Government has not arrived at any conclusion on the report of the Land Revenue Committee.

Diwan Chaman Lal : How long will it take before the report is made public ?

Parliamentary Secretary : Government are considering that report and when they have finished the consideration of the report, they will publish it.

Diwan Chaman Lal : Is it possible that it will be published before the next Budget session ?

Parliamentary Secretary : I cannot say.

Dr. Gopi Chand Bhargava : Is it under the consideration of Government or is it still in the press ?

Parliamentary Secretary : It is with Government.

Lala Duni Chand : May I know if the Government considers it very urgent, and has it realised that it is for the welfare of the agriculturist ?

Parliamentary Secretary : Government knows it too well.

Lala Duni Chand : Will the report that will be published be exactly the same that has been made by the Land Revenue Committee ?

Parliamentary Secretary : There is nothing to think to the contrary.

Lala Duni Chand : If Government considers this report as calculated to be beneficial to the agriculturist, why does it not expedite its publication ?

Parliamentary Secretary : Government is expediting it.

REMOVAL OF FOUR MEMBERS OF MUNICIPAL COMMITTEE, BUNGA.

*3707. **Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the removal of four members of the Municipal Committee, Bunga, district Jullundur, belonging to the Congress party from membership of the said committee has been recommended by the Deputy Commissioner, Jullundur, to the Government ; if so, the reasons for the same ;

(b) the action taken thereon by the Government ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : It is not the practice of Government to disclose the recommendations of its subordinate officers.

Lala Duni Chand : May I know whether the resignations of these four gentlemen have been accepted or not ?

Minister : There is no mention of resignations in the question.

Lala Duni Chand : May I know if the recommendations made regarding these gentlemen have been considered and what has become of them ?

Minister : The reply is clear. It is not the practice of Government to disclose the recommendations of its subordinate officers.

Lala Duni Chand : I would like to read out the question again.

Mr. Deputy Speaker : The answer has already been given. It may not be clear, but it is not in the power of the chair to have a better answer. The next question.

Lala Duni Chand : I want to put further questions arising out of the reply that is given.

Mr. Deputy Speaker : The honourable member may put another supplementary question which has not already been put.

Lala Duni Chand : It is perfectly clear from the question that the information sought is regarding the action that the Government has taken on certain recommendations about the removal of four members of the Bunga municipal committee. What information has the Government in its possession to give us regarding this matter ?

Minister : I am unable to add to the reply already given.

PROVINCIALIZED SCHOOLS AND DISPENSARIES IN ILAQA DOONA.

***3760. Master Kabul Singh :** Will the Honourable Minister of Education be pleased to state the number of provincialized schools and dispensaries in *ilaqa* Doona, district Jullundur ?

The Honourable Mian Abdul Haye : I am not sure what *ilaqa* the honourable member refers to. There are three Doona assessment circles in Jullundur district, viz., Doona, Doona Chardha and Doona Lehnda. The information which I have as regards each of the above is as follows :—

Doona.—This circle contains no provincialised school or hospital.

Doona Chardha.—There are rural dispensaries at Jamsher and Kala Bakra in this circle. I understand that the circle also includes Jullundur city with its civil hospital. I have no information at hand as regards provincialised schools in this *ilaqa*, but there are, of course, Government schools in Jullundur city.

Doona Lehnda.—I understand that there is no provincialised dispensary in this *ilaqa*. I have no information at hand regarding provincialised schools.

REFUSAL TO RECOGNIZE KHALSA SCHOOL (GURU NANAK), MONTGOMERY.

***3772. 2nd-Lieutenant Bhai Fatehjang Singh :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the Government has refused to recognise the Khalsa School (Guru Nanak), Montgomery, with the reasons for this refusal ?

The Honourable Mian Abdul Haye : Yes. The educational necessity for another school was not established.

2nd-Lieutenant Bhai Fatehjang Singh : How many other schools have been refused Government grants on that ground ?

Minister : There is no question of grant involved.

Tikka Jagjit Singh Bedi : May I know when the refusal was made ?

Minister : Some months back.

Tikka Jagjit Singh Bedi : Is it a fact that this question is again being considered ?

Minister : Another representation has been received and is engaging the attention of Government.

EXAMINATION OF PATIENTS BY STUDENTS OF MEDICAL COLLEGE,
LAHORE.

***3781. 2nd-Lieutenant Bhai Fatehjang Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Medical College students are only permitted to examine patients in the general wards of the Mayo Hospital and not those in the Albert Victor Ward of the said hospital ;
- (b) if the answer to (a) above be in the affirmative, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The general principle observed hereto has been that students are permitted to examine, and to assist the medical officers in the care of free patients only. I should explain in this connection that the general wards of the Mayo Hospital are free while those of the Albert Victor Hospital are not. Government are considering whether in the general wards of the Mayo Hospital fees should not in future be levied from all except the indigent, and if a decision is taken in that sense they will probably fix in the case of both hospitals a limit of charges above which beds will be regarded as private, and patients will not be open to examination by students.

NURSES IN WARDS.

***3782. 2nd-Lieutenant Bhai Fatehjang Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of nurses employed in the general wards and in the Albert Victor Ward of the Mayo Hospital, separately ;
- (b) the total number of beds in the general wards and in the Albert Victor wards of the said hospital, separately ;
- (c) the rules governing admission to these wards separately ;
- (d) the number of nurses employed in the Albert Victor Ward on night duty and day duty ;
- (e) the number of nurses employed in the general wards of the Mayo Hospital on night duty and day duty ?

The Honourable Mian Abdul Haye : (a) (i) General wards of the Mayo Hospital 49.

(ii) There is a combined nursing staff of twelve for the private and general wards of the Albert Victor Hospital.

(b) (i) General wards of the Mayo Hospital—499.

(ii) Albert Victor Wing—89.

(c) The rule is that the general wards of the Mayo Hospital are for Indians while the Albert Victor wing is for Europeans and Anglo-Indians.

(d) (i) Albert Victor wards night duty—3.

(ii) Albert Victor wards day duty—9.

(e) (i) General wards of the Mayo Hospital night duty—9.

(ii) General wards of the Mayo Hospital day duty—40.

Lala Bhim Sen Sachar : May I know the reasons which have led to the distinction being observed between Indians and Europeans with regard to the Albert Victor Ward of the Hospital ?

Minister : I am not in a position to answer that question at present. If the honourable member will give notice, I shall supply him the necessary information.

Lala Bhim Sen Sachar : Has not the Honourable Minister had an opportunity of looking into the question of this distinction already ?

Minister : My answer assumes that.

2nd-Lieutenant Bhai Fatehjang Singh : I understand that for 439 beds in the General Ward there are 49 nurses whereas for 39 beds in the Albert Victor Ward there are 12 nurses. There is a great difference in proportion.

Minister : Yes, there is.

2nd-Lieutenant Bhai Fatehjang Singh : Does the Honourable Minister propose to remove this disparity in the proportions ?

Minister : I will consider.

Begum Rashida Latif Baji : May I know the reasons for the distinction between Indian and European wards in the hospital ?

Minister : I have already answered that question.

RESTITUTION OF LAND UNDER THE RESTITUTION OF MORTGAGED LANDS ACT.

*3786. **Lala Deshbandhu Gupta :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total acreage of land which is estimated to be restituted under the Restitution of Mortgaged Lands Act ;
- (b) the figures, separately relating to the area of land which the non-agriculturist and the statutory agriculturist mortgagees are estimated to restitute under the said Act ;
- (c) the area of land which is estimated to be restituted to the statutory agriculturist and non-agriculturist mortgagors ;
- (d) the area of the land which is estimated to be restituted community-wise ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a), (b) and (c) Enquiries have been made from all deputy commissioners and their replies are still awaited.

(d) It is against the policy of Government to answer communal questions on the floor of the House ; but if the honourable member will give notice of an unstarred question, information will be supplied.

Lala Deshbandhu Gupta : May I know whether the Parliamentary Secretary is aware of the fact that a statement has been published by the Government giving figures of persons affected by the said Bill community-wise ? I do not know whether those figures are correct or only misleading figures ? My object in putting this question is to get a correct statement from the Government.

Parliamentary Secretary : If my honourable friend wants correct information he must await the replies of the deputy commissioners. As regards part (d) it is not the policy of Government to answer communal questions on the floor of the House.

Lala Deshbandhu Gupta : Is it also the policy of Government to give wrong figures to mislead the public ?

Mr. Deputy Speaker : Order, please.

Premier : I suggest that the honourable member should not be so hasty in coming to conclusions.

Lala Deshbandhu Gupta : I fear I have not been correctly understood. A statement has been published by the Director of Information Bureau giving figures community-wise as to the number of persons affected adversely by the Restitution of Mortgaged Lands Bill. What I want the Government to also let us know is the area so affected so that we may know the correct position. The Government has given only the number of people affected which may be misleading. I want to know the area also affected community-wise.

Premier : The area has been given, not each individual area, but of the whole province and that not community-wise. This information is being collected.

Lala Deshbandhu Gupta : The Honourable Premier has not followed my point. Here is a statement issued by the Director of Information Bureau which gives incomplete information. If the Government disowns that statement I have no quarrel. But if the Government upholds that, then I want to say that if Government could give the correct number of persons who are affected, certainly it can also get the requisite information as to the area possessed by each such member so affected. It is merely a question of totaling the area owned by these persons class and community-wise.

Premier : My honourable friend's information is not correct. The statement to which he refers merely gives the area of agriculturists and non-agriculturists. If my honourable friend wants information with regard to the area of each community mortgaged to the other community and *vice versa*, that information is being collected, but it will not be answered in reply to a starred question in accordance with the policy which the Government is pursuing. If the honourable member gives notice of an unstarred question, the information will be communicated to him.

Lala Deshbandhu Gupta : First of all I take exception to the remark of the Honourable Premier that this is a communal question. This question arises out of the statement published by the Government. Therefore Government should not take shelter behind this excuse of its so-called policy of not answering communal questions on the floor of the House. I want to know whether the Parliamentary Secretary is aware of the fact that notice of this question was given about two months ago. The question still remains unreplyed. How long will he take to collect the figures asked for in the questions ?

Parliamentary Secretary : Let me inform the honourable member that collection of statistics of this kind involves great deal of labour. The

[Raja Ghazanfar Ali Khan.]

patwaris who have been called upon to collect the figures have other important revenue work to attend to as well. Notice of this question was received on the 11th December and the letter to the deputy commissioners is dated 14th December asking them to send the required particulars. I am afraid it will take some months more before the information can become available.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary aware that this information should have been available to members of this House long before the Bill was brought before the House? Is the Parliamentary Secretary aware that there is a strong feeling in the province that this information is being purposely withheld from the members of this House?

Parliamentary Secretary : What information?

Lala Deshbandhu Gupta : The information sought in this question, that is, the area of the agriculturists to be restituted to non-agriculturists and *vice versa* and other particulars asked for in the question.

Premier : That has been published.

Lala Duni Chand : When does the Government intend to enforce the Restitution of Mortgaged Lands Act?

Premier : As soon as possible.

Lala Duni Chand : Is the Government afraid of enforcing it?

Premier : Not at all.

Lala Duni Chand : Have the Government made a survey of the forces arrayed against them?

Premier : I have been doing it for the last 22 months.

Lala Deshbandhu Gupta : May I draw the attention of the Parliamentary Secretary to part (a) of my question which seeks to find out the total acreage which is affected by this Act? The honourable Parliamentary Secretary has also referred me to a subsequent statement upon this point.

Premier : Yes, it was published in that particular statement to which my honourable friend referred that was issued by the Director of Information Bureau.

Lala Deshbandhu Gupta : Is the Honourable Premier not in a position to give that information on the floor of this House?

Premier : The honourable member can by a mere requisition get that information if he wants to have it.

DISTRICT BOARD HIGH SCHOOLS, RAIKOT AND SAMRALA.

*3792. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Education be pleased to state—

- (a) why the District Board High Schools, Raikot and Samrala, have not been provincialized so far;
- (b) the condition requisite for the provincialization of a school;
- (c) the number of boys in each of the above-mentioned schools and the amount of monthly fees of each of them;

- (d) the annual expenditure incurred on the maintenance of each of these schools ;
 (e) the number of teachers in each of these schools and their educational qualifications and salaries ?

The Honourable Mian Abdul Haye : (a) The position of Government in regard to the provincialization of schools was explained by Sir Firoz Khan Noon in 1934 in his reply to Council question No. 742¹. This is also the present position.

(b) Does not arise.

| (c) | | | <i>Baikot.</i> | <i>Samrala.</i> |
|-----|---------------------------|----|----------------|-----------------|
| | Number of boys .. | -- | 255 | 250 |
| | | | Rs. | Rs. |
| | Amount of monthly fees .. | -- | 608 | 607 |
| (d) | .. | .. | 12,692 | 13,473 |

(e) A statement giving the information is laid on the table.

Chaudhri Muhammad Hassan : Is it within the knowledge of the Honourable Minister that it is the duty of the Government to impart higher and secondary education to the rural classes in the province ?

Minister : What does the honourable member mean by being within my knowledge and being my duty ?

Chaudhri Muhammad Hassan : Has any action been taken ?

Minister : Action for what ?

Chaudhri Muhammad Hassan : Action for provincialisation and imparting higher education to the rural classes of the province.

Minister : I have already stated that the decision of the Government was that after 1935 they would not provincialise any new schools.

Chaudhri Muhammad Hassan : Even if the rural classes want it, even if there is dire necessity ?

Minister : That dire necessity is mass education and primary education and as soon as I have done my duty in that direction I shall certainly consider the next question raised by my honourable friend.

Chaudhri Muhammad Hassan : Is it a fact that these two schools are distantly situated and there is no school within a radius of ten miles from these schools ?

Minister : The honourable member knows it better than anybody else.

Chaudhri Muhammad Hassan : Does he know it or not ?

Minister : I know it perfectly. Both of us come from the same district.

Staff Statement of the K. R. S. D. B. High School, Raikot.

| Serial No. | Name of teacher. | Educational qualifications. | Salary. |
|------------|----------------------------------|------------------------------------|---------|
| 1 | 2 | 3 | 4 |
| | | | Rs. |
| 1 | Pandit Amar Nath Sahajpal | B. A., S. A. V. | 200 |
| 2 | Lala Daulat Ram | B.A., B.T. | 140 |
| 3 | Lala Amolak Ram | B.A., S.A.V. | 100 |
| 4 | Bhai Chand Singh | F.A., J.A.V. | 70 |
| 5 | M. Muhammad Abdullah | Matric., J.-A. V. | 60 |
| 6 | Pandit Ram Murti | F.A., J.-A. V. | 30 |
| 7 | Pandit Nand Lal | Shastri, O. T. | 55 |
| 8 | Molvi Muhammad | H.A., H.P. & O.T. | 45 |
| 9 | M. Sibti-i-Hassan | H.P., O.T. | 45 |
| 10 | Bhai Harnam Singh | Drawing Master's certificate | 60 |
| 11 | Bhai Lachman Singh | Matric., Gayani | 55 |
| 12 | Bhai Arjan Singh | Vernacular Middle, S. V. | 45 |
| 13 | Chandhri Ata Muhammad Khan | Ditto | 45 |
| 14 | Bhai Arjan Singh Grewal | Ditto | 35 |
| 15 | Bhai Madan Singh | Matric., S. V. | 35 |

Staff Statement of the K. R. S. D. B. High School, Samrala.

| Serial No. | Name of teacher. | Educational qualifications. | Salary. |
|------------|-----------------------------|-----------------------------|---------|
| 1 | 2 | 3 | 4 |
| | | | Rs. |
| 1 | Sardar Ranjit Singh | B.A., B.T. | 200 |
| 2 | Sardar Naranjan Singh | B.A., S. A.-V. | 140 |
| 3 | Pandit Shiv Lal | Ditto | 135 |
| 4 | Lala Besu Dev | Ditto | 100 |
| 5 | Lala Murli Dhar | F.A., J. A.-V. | 70 |
| 6 | Pandit Hari Ram | Ditto | 70 |
| 7 | M. Lal Muhammad | Drawing Certificate | 60 |
| 8 | Pandit Chuni Lal | Shastri, O. T. | 45 |
| 9 | Lala Indar Das | H. P., H. U. & O. T. | 45 |
| 10 | Bhai Dhandara Singh | Gayani trained | 35 |
| 11 | Pandit Jiwa Ram | Drill Certificate | 41 |
| 12 | Lala Ohhanga Ram | S. V. | 45 |
| 13 | Pandit Brahma Nand | Do. | 45 |
| 14 | M. Ghulam Hussain | Do. | 34 |
| 15 | M. Rahmat Ullah | Do. | 34 |

JAGRAON AND SAMRALA DISPENSARIES.

*3793. **Chaudhri Muhammad Hassan** : Will the Honourable Minister of Education be pleased to state —

- (a) the reasons for not provincialising the Jagraon tahsil headquarters dispensary ;
 (b) the annual expenditure of the dispensary at Samrala as well as that of Jagraon ?

The Honourable Mian Abdul Haye : (a) Government have not considered the matter, the local body concerned not having asked for provincialisation.

(b) The expenditure incurred on the maintenance of the tahsil headquarters hospitals at Samrala and Jagraon during the year 1937-38 was :—

| | | | | Rs. |
|---------|----|----|----|-------|
| Samrala | .. | .. | .. | 8,040 |
| Jagraon | .. | .. | .. | 8,690 |

Chaudhri Muhammad Hassan : Is it a fact that from these two dispensaries the people of the villages benefit most ?

Minister : I must assume that.

Chaudhri Muhammad Hassan : Does the Honourable Minister then think that they should be provincialised ?

Minister : I have already stated that the Government is not in a position to take any action unless the request is made by the local body concerned.

Chaudhri Muhammad Hassan : Has the local body not made any request so far in this behalf ?

Minister : I have already answered it in reply to part (a).

Chaudhri Muhammad Hassan : Has no representation been made to the Honourable Minister by the residents of these two tahsils ?

Minister : I have not seen any representation myself.

Sardar Kapoor Singh : Is not the Honourable Minister aware that representation was made regarding the Samrala dispensary ?

Minister : I must make the position further clear. When we provincialise a hospital or a dispensary, we require the local body concerned to make a contribution on the basis of two or three years' expenditure previously incurred by the local body. That being so, it is not possible for the Government to entertain any request or to come to any decision unless the local body concerned moves in the matter and expresses its willingness to make that contribution.

Sardar Kapoor Singh : Is the Honourable Minister aware that the District Board of Ludhiana was prepared to give its proper quota for the provincialisation of the Samrala dispensary ?

Minister : My present information is that the local body has not moved in the matter.

Sardar Kapoor Singh : Has the Honourable Minister seen the previous papers ? Does he mean that within the last two years the District Board had not moved the Government ?

Minister : This is the present information. If the honourable member means to say that ten years back the District Board moved the Government, it is high time for him, he being a member of the District Board, to revive that request.

[RATES CHARGED BY PETITION-WRITERS.

***3800. Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of petition-writers of 1st grade in the Punjab ;
- (b) whether the attention of the Honourable Minister has been drawn to the fact that petition-writers charge very heavy and exorbitant fees for writing appeals and petitions to be filed in appellate courts ;
- (c) whether the Government has already recommended or intends to recommend to the High Court to remedy this evil in public interest ?

The Honourable Mr. Manohar Lal : (a) 109, on 1st December, 1937.

- (b) No.
- (c) Does not arise.

ARRESTS OF ABSCONDERS BY THE MOUNTED POLICE AT RAIKOT IN LUDHIANA DISTRICT.

***3806. Chaudhri Muhammad Hassan :** Will the Honourable Premier be pleased to state the number, names and addresses of the absconders wanted in a number of murder cases and dacoity cases who have been so far arrested by the mounted police specially requisitioned by the Superintendent of Police, Ludhiana, and posted to patrol the vicinity of Raikot, Jagraon and Sidwan Beit police stations to arrest those absconders ?

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

Statement showing absconders wanted for murder or who have been arrested by the mounted police detailed to patrol the Raikot, Jagraon and Sidwan Beit Police Station areas.

| 1 | 2 | 3 | 4 |
|------------|---|--|--|
| Serial No. | Name. | Address. | REMARKS. |
| 1 | Santa Singh, son of Narain Singh, Jat. | Village Bhaini Baringan, Police Station Raikot, District Ludhiana. | Arrested on 15th September, 1938. |
| 2 | Bhan Singh, son of Chanda Singh, Tarkhan. | Ditto .. | He was killed in an encounter with the police on 15th September, 1938. |
| 3 | Sadhu, son of Gurditta, Jat | Village Man, Police Station Jagraon, District Ludhiana. | Arrested on 26th September, 1938. |
| 4 | Amru, son of Naraina, Jat | Ditto .. | Ditto. |

ERADICATION OF CORRUPTION.

***3820. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state what action is being taken by the Government to eradicate corruption among the Government officials in all Government Departments ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : This is a large question, which cannot be adequately dealt with in a reply to a question. I may mention, however, that the whole problem of corruption in the services was examined last summer in Simla in a conference and several suggestions made at the conference are under examination with a view to their adoption at an early date. A *communiqué* or statement will be issued in due course.

REPRESENTATION FROM THE PRESIDENT, INSADAD NIKAIS GREY CANAL,
FEROZEPURE, FOR INTERVIEW WITH HONOURABLE
MINISTER OF REVENUE.

***3821. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state if he has received a representation from the President, Insadad Nikais Grey Canal, Ferozepore, requesting for time to be granted to the members of the said committee to wait upon the Honourable Minister in a deputation to bring their grievances to his notice and to request for their remedies ; if so, when was it received and what action has been taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The representation was sent to Financial Commissioner, Revenue's office for necessary enquiry—the result of which is contained in the reply to honourable member's question No. *3822 (below).

REPRESENTATION BY INSADAD NIKAIS GREY CANAL COMMITTEE,
FEROZEPURE.

***3822. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Committee named Insadad Nikais Grey Canal Committee, Ferozepore, has been sending copies of representations, resolutions and pamphlets containing the grievances of the zamindars to the Honourable Minister, Financial Commissioner, Government Punjab, and Commissioner, Jullundur division, in the year 1938, with a view to bringing these grievances to their notice, if so, the action that was taken on these representations and resolutions ?

The Honourable Dr. Sir Sundar Singh Majithia : Yes. The matter was referred to the local officers for report and it has been ascertained that the grievances have been found to be wholly without foundation.

ALLOWANCE TO PATWARIS IN KULU SUB-DIVISION FOR CARRIAGE OF OFFICE RECORDS.

***3831. Rai Bhagwant Singh :** Will the Honourable Minister of Revenue be pleased to state whether any action has so far been taken on the joint application submitted lately to the Punjab Government through proper channel by the patwaris for the grant of fixed allowance for carriage of their office records, etc., while out on tour within their jurisdiction in the Kulu sub-division ?

The Honourable Dr. Sir Sundar Singh Majithia : No. The application has not yet been received by Government.

WOMEN VACCINATORS.

***3842. Begum Rashida Latif Baji :** Will the Honourable Minister of Education be pleased to state the number at present of women vaccinators in each district, separately, in the province ?

The Honourable Mian Abdul Haye : Women vaccinators are employed during the vaccination seasons only. During the 1937-38 season ten of them were employed as under :—

| | | | | | |
|-----------------|----|----|----|----|---|
| Ferozepore city | .. | .. | .. | .. | 7 |
| Sialkot town .. | .. | .. | .. | .. | 1 |
| Jullundur city | .. | .. | .. | .. | 1 |
| Multan city .. | .. | .. | .. | .. | 1 |
| Lahore city .. | .. | .. | .. | .. | 2 |
| Amritsar city | .. | .. | .. | .. | 2 |
| Jhelum district | .. | .. | .. | .. | 1 |
| Attock district | .. | .. | .. | .. | 1 |

In addition lady health visitors and nurse dais perform vaccination as part of their routine duties.

Begum Rashida Latif Baji : Is the Honourable Minister aware that smallpox attacks generally women and children and in view of his statement that only a few women vaccinators were working at present, will he consider the advisability of adding to their numbers ?

Minister : If women offer themselves to be trained as vaccinators in sufficient number, I shall be only too glad to encourage them.

Benami TRANSACTIONS.

***3843. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state—

(a) how many officers have been deputed in the province to examine transactions alleged to be *benami* ?

(b) how many such transactions have been brought to light up to this time by them and the action taken in each case ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Five.

(b) The work on which the officers are engaged has not yet been completed, being of a complicated nature and would take a long time to finish.

Lala Duni Chand : Is the Parliamentary Secretary aware that many genuine cases of transfers are being brought up before the revenue officers as *benami* transactions ?

Parliamentary Secretary : No.

Lala Duni Chand : Is the Parliamentary Secretary quite sure that no case has come to his notice ?

RESULT OF ELECTION OF THE PRESIDENT, PALWAL MUNICIPALITY.

***3874. Mian Sultan Mahmood Hotiana :** Will the Honourable Minister of Public Works be pleased to state the reasons for the delay in notifying the result of the election of the President, Municipal Committee, Palwal, who, as a result of the election held recently, was duly declared by the Sub-Divisional Officer, Palwal, to have been duly elected ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Towana : Certain allegations were made against the President-elect which, if substantiated, might have led the Commissioner to refuse to approve his election. These have been inquired into and, as the Commissioner has decided that there is no adequate reason for him to withhold his approval, the election has since been notified.

GIRLS' BOARDING HOUSE AT AMBALA.

***3875. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the monthly rent of the office of Inspector of Schools, Ambala division ;
- (b) the monthly rent which was demanded by a proprietor of a house who offered his house on rent for the Girls' Boarding House at Ambala ;
- (c) whether any railway crossing occurs in the way to the present boarding house ;
- (d) whether he is aware that girl students who observe purdah have sometimes to wait for a long time on this crossing owing to closure of the railway gate ;
- (e) what is the distance of this boarding house from the Girls' High School and the city ?

The Honourable Mian Abdul Haye : (a) A privately owned building has been rented for use as office and residence of the Inspector of Schools, Ambala division, at a monthly rental of Rs. 125. The rent is shared by Government and the Inspector as detailed below :—

- (1) Rs. 70-1-0 per mensem is paid by Government for the portion used as office.
 - (2) Rs. 54-15-0 per mensem is paid by the Inspector for the portion used as his residence.
- (b) Rs. 100 per mensem.
(c) Yes.

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(d) No.

(e) About one furlong from the school by the short cut and about one and a half furlong by the road. The school is on the edge of the city.

VILLAGES IN KARNAL DISTRICT IRRIGATED BY SARUSTI CANAL.

*3876. **Khawaja Ghulam Samad** : Will the Honourable Minister of Revenue be pleased to state—

(a) the names of the villages in Karnal district irrigated by Sarusti canal ;

(b) the total area irrigated by it ;

(c) the irrigated area in possession of each community in each village ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (c) The required information has not been collected as the labour involved is not commensurate with the object of the enquiry.

(b) The total area irrigated in 1937-38 was 39,261 acres.

Khawaja Ghulam Samad : Is there any chance of extension of this canal ?

Parliamentary Secretary : I want notice.

MARKS OBTAINED BY CANDIDATES IN THE EXAMINATION OF SUB-JUDGES.

*3882. **Rai Bahadur Mr. Mukand Lal Puri** : Will the Honourable Premier be pleased to lay on the table of the House a statement showing the marks obtained by the various candidates in various subjects in the last examination of the Sub-Judges along with the marks obtained by the various candidates in the *viva voce* examination ?

The Honourable Major Sir Sikander Hyat-Khan : A notification showing the marks obtained in the written examination appeared in part III of the *Punjab Gazette*, dated the 9th December, 1938. It has not been thought necessary to publish the marks awarded for the oral test, which is not part of the regular examination.

RELIEF TO ZAMINDARS OF HOSHIARPUR DISTRICT.

*3892. **Rana Nasrullah Khan** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that owing to the failure of rains in the Hoshiarpur district this year the *kharif* crops have been damaged and wheat has not been sown even in one-tenth of the total area of land under cultivation in the said district ;

(b) if the answer to part (a) above be in the affirmative, the steps that the Government is taking to afford relief to the zamindars concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Owing to deficient rains, *kharif* crops were damaged to the extent of 20 per cent. Information with regard to wheat sowings is not yet available.

(b) The question of granting relief is under consideration.

Rana Nasrullah Khan: How long will it remain under consideration?

Parliamentary Secretary: It will be decided very early.

Rana Nasrullah Khan: Will the Parliamentary Secretary please state whether it is a fact that *girdawari* took place after the crops had been removed?

Parliamentary Secretary: Reports are received about the 15th of December and the Government is considering the question.

MR. C. T. ALLEN OF THE LAHORE IMPROVEMENT TRUST.

***3910. Lala Sita Ram:** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that Mr. C. T. Allen, a member of the Lahore Improvement Trust, has not been attending the meetings of the Trust for about five months;

(b) whether Mr. C. T. Allen was granted any leave of absence; if so, for how long;

(c) whether it is a fact that Mr. Allen has gone abroad and there is no likelihood of his returning to India in the near future;

(d) in view of his continued and prolonged absence, the steps Government intend to take in the matter?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) and (b) Mr. Allen went to Europe at the beginning of April, and Government have intimated that they have no objection to his not attending meetings of the Improvement Trust till his return at the beginning of December.

(c) and (d) Mr. Allen is no longer a member of the Trust, his term of office having expired on the 2nd January, 1939.

Rai Bahadur Lala Gopal Das: Who has been appointed in his place?

Minister: Nobody so far.

Rai Bahadur Lala Gopal Das: When is a substitute to be appointed?

Minister: As soon as possible.

INQUIRY INTO LOSSES SUSTAINED BY CHAMARS OF SAILA KALAN.

***3935. Sardar Mula Singh:** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that as a result of the heavy rains and consequent floods during this rainy season the Chamars of village Saila Kalan, thana Garhshankar, district Hoshiarpur,

[Sardar Mula Singh.]

suffered losses inasmuch as their houses and goods were washed away by the floods; if so, whether any inquiry was made by the Government to ascertain these losses, and if so, the result of the inquiry and the action, if any, taken in the matter?

The Honourable Dr. Sir Sundar Singh Majithia: Yes. The enquiries showed that the damage was caused by the action of *cho* flood. A *bund* has been put up and the direction of the *cho* has been diverted as desired by the villagers.

SALARY AND ALLOWANCE PAID TO ADMINISTRATOR, LAHORE MUNICIPALITY.

*3936. **Begum Rashida Latif Baji:** Will the Honourable Minister of Public Works be pleased to state the monthly salary of the Administrator, Lahore Municipality, giving separately the amount of allowance that he is paid every month?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: The Administrator's salary is Rs. 8,000 per mensem, which is paid half by the Municipality and half by the Lahore Improvement Trust. In addition the Administrator receives a conveyance allowance of Rs. 100 per mensem from municipal funds.

Begum Rashida Latif Baji: The pay of how many municipal employees has been reduced and how many of them have been dismissed in order to meet the demand of the high salary of the Administrator on the municipal funds?

Minister: Not a single one for this purpose.

Begum Rashida Latif Baji: Did the money then fall from the heavens like *mannoo salva*?

Minister: It is paid from the municipal fund and not charged from the municipal employees.

Begum Rashida Latif Baji: To which head was this money charged previously?

Minister: There is no ear-marked fund for the purpose.

Begum Rashida Latif Baji: Could not the Government employ some junior officer whose pay may have been lower than that of the present Administrator?

Minister: Apparently not. We wanted to find a very efficient man for this important city.

Begum Rashida Latif Baji: Was Mr. Jones, the previous Administrator a failure, because his salary was smaller than that of the present one?

Minister: No. He proceeded on leave.

Dr. Gopi Chand Bhargava: May I know whether the Administrator was paid any hill allowance, when he was in Simla?

Minister: It does not arise out of this question.

Mian Muhammad Iftikhar-ud-Din: Is it a fact that the pay of lower officials has been reduced in order to make allowance for the Administrator's pay?

Minister : No. But if you want to find out any particular case, please give notice.

Mian Muhammad Iftikhar-ud-Din : Has the pay of the lower officials been reduced or not ?

Minister : That does not arise.

Lala Sita Ram : Was the previous municipal committee superseded because of its excess of expenditure ?

Premier : No, because of the inefficiency of its members.

Minister : Inefficiency of administration and many other things which the honourable member would not like me to repeat here.

Begum Rashida Latif Baji : How many public pipes have been closed in order to effect some saving to pay off the high salary of the Administrator ?

Mr. Deputy Speaker : That does not arise out of the question.

Begum Rashida Latif Baji : It is relevant, since it is by these means that the municipality is providing funds for the huge salary of the Administrator.

UNAUTHORISED BUND PUT IN THE RAJBAB OF ROHTAK
DIVISION.

***3938. Lala Deshbandhu Gupta :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that in connection with an unauthorised *bund* put in the Rajbah Butana of the Rohtak division, Western Jumna Canal at R. D. 26,292 by some zamindars of Butana Kundu in January 1935, the services of one Ram Singh, patwari, were dispensed with a month's notice under Article 1-6 of Irrigation Manual of Orders ; if so, whether any charges were properly framed and an opportunity afforded to the said patwari to answer the charges as required by the provisions in the said article before dispensing with his services ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The services of Ram Singh, patwari, were terminated with a month's notice. A charge-sheet was framed and opportunity given to the patwari to answer the charge.

Lala Deshbandhu Gupta : Is the honourable Parliamentary Secretary sure that the patwari's explanation had been taken ?

Parliamentary Secretary : Yes, I am sure.

Lala Deshbandhu Gupta : Is he in a position to lay on the table of the House the explanation submitted by the patwari himself ?

Parliamentary Secretary : No.

Lala Deshbandhu Gupta : What are the reasons for refusing that request ? I am asking an important question the reply to which I know is not correct. May I tell the honourable Parliamentary Secretary that it is not a fact that his explanation was taken and that Government has been misled.

Parliamentary Secretary : No, you are misinformed.

Lala Deshbandhu Gupta : What objection has the honourable Parliamentary Secretary to laying his explanation on the table of the House ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is the honourable member giving information or seeking information ?

Lala Deshbandhu Gupta : I am asking for information and I am also contradicting the information that is given. (*Interruption.*) I do not want to exceed the limits but may I ask if the honourable Parliamentary Secretary has himself seen the explanation given by the patwari concerned ?

Parliamentary Secretary : It is not necessary to go any further in this case. I have seen the file and the information given is based on what I found in the file. The explanation was given.

Lala Deshbandhu Gupta : May I know if the honourable Parliamentary Secretary is aware that there was some senior officer involved in the matter and the charge was really against him and that this man has been made a scapegoat ?

Premier : That is an insinuation.

Lala Deshbandhu Gupta : If the honourable Parliamentary Secretary has seen the file, then is he aware that there were certain complaints made against the officer concerned by this patwari and that is why this man has been driven out ?

Parliamentary Secretary : The original question was whether a charge sheet was framed and I said, " Yes ". His explanation was called and he was dismissed.

Lala Deshbandhu Gupta : Is the honourable Parliamentary Secretary prepared to take action against the officer concerned if I prove that no explanation was taken at all ?

Parliamentary Secretary : A hypothetical question.

BABA HARNAM SINGH'S APPLICATION *RE* MAINTENANCE ALLOWANCE.

*3940. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Baba Harnam Singh of village Kasel, district Amritsar, interned under orders of the Punjab Government has applied for grant of maintenance allowance ;
- (b) if the answer to (a) above be in the affirmative, decision of the Government in the matter ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Yes. (b) Government rejected the application as they were satisfied that Baba Harnam Singh has sufficient means of subsistence.

Sardar Hari Singh : May I ask the honourable member as to what was the basis for rejection of that application and will he also state whether the Government made enquiries through independent means ?

Parliamentary Secretary : I do not understand what the honourable member means by " independent means " but the Government did make enquiries and on the basis of the enquiries they rejected the application. I have already stated the result of the enquiry.

Sardar Hari Singh : Which officers made enquiries into the matter ?

Parliamentary Secretary : Local officers.

Sardar Hari Singh : What does he mean by local officers—the revenue officers or police officers ?

Parliamentary Secretary : I mean the district officers.

Sardar Hari Singh : Does he mean the Deputy Commissioner or the Superintendent of Police ?

Parliamentary Secretary : Deputy Commissioner.

Lala Deshbandhu Gupta : In view of the daily increasing number of internments, how does the Government justify the non-payment of any allowance to these persons ?

Parliamentary Secretary : It certainly does not arise out of this question.

Lala Deshbandhu Gupta : It does. You disable a man from earning his living and yet you do not give him any maintenance allowance. It is the worst type of tyranny which is being practised on those persons who are interned. (*Interruptions.*)

Sardar Hari Singh : May I ask the Honourable Premier to state the means of subsistence which the Government consider adequate for Baba Harnam Singh ?

Premier : It depends upon the merits of each case.

Sardar Hari Singh : My question is quite different. What means of subsistence do the Government consider sufficient for Baba Harnam Singh ?

Premier : You will have to give me notice of the question again if you want further information. I cannot give you more than what has already been stated. I have not got the figures with me now.

Sardar Hari Singh : If these figures are not with the Government, how is the Government satisfied that the means of livelihood of Baba Harnam Singh are adequate ?

Premier : All the information must be in the file.

Lala Duni Chand : Will the Honourable Premier be pleased to explain, in the first place, the reason why a man is interned and thereby deprived of earning his livelihood, and, in the second place, why he is refused any kind of maintenance ?

Mr. Deputy Speaker : This is no supplementary question. (*Uproar.*) I would request the honourable member to resume his seat.

FORFEITURE OF THE SECURITY OF NAMI PRESS.

*3941. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the reasons why the security of the Nami Press, Lahore, has been forfeited recently ;

(b) Contents of the article on the basis of which the said action has been taken ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): (a) Because the press printed an article that offended against sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, XXIII of 1931 read with section 16 of the Criminal Law (Amendment) Act, XXIII of 1932 and section 3 of the Indian States (Protection) Act, XI of 1934.

(b) The keeper of the press has been told what the offending article was. Government do not propose to give it further publicity by quoting the contents in this House.

Lala Deshbandhu Gupta: In what paper was this article published?

Parliamentary Secretary: It is given in the question.

Lala Deshbandhu Gupta: The honourable Parliamentary Secretary says that the press had printed a particular article. I want to know in which paper was this article printed?

Premier: Give a fresh notice.

MR. S. C. BOSE AT GUJRANWALA TOWN.

*3954. **Sardar Hari Singh**: Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Gujranwala Municipal Committee unanimously adopted a resolution on 25th November, 1938, to present a welcome address to Mr. S. C. Bose, President of the Indian National Congress, on his visit to Gujranwala;
- (b) whether a motion tabled by eleven of the members of the Municipal Committee to the effect that the National Flag be hoisted by the President of the Indian National Congress on the Town Hall was ruled out of order by the President of the Committee, S. B. Sardar Sundar Singh;
- (c) whether the Executive Officer of the Committee who is a P. C. S. lent officer, had the Municipal Office opened at 7 A.M. on the 26th November, 1938, when the address on behalf of the Municipal Committee was to be presented to Mr. Bose and did not allow the members of the staff to leave the office;
- (d) whether it is a fact that the usual office hours of the Municipal Committee are from 10 A.M.;
- (e) whether a posse of police was kept in readiness under the charge of a senior officer within the police lines and the police men were armed with *lathis*;
- (f) whether a senior magistrate was deputed with police to be present at a short distance from where the President of the Indian National Congress was to address the public;
- (g) whether the above instructions were issued and arrangements made at midnight on the 25th November;
- (h) if so, what was the occasion for the extraordinary *bandobast*?

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

(b) I understand that the motion referred to was proposed by Mr. Matti Ullah in the form of an amendment, being seconded by B. Kanhiya Lal and Sardar Antar Singh. It was, as stated, ruled out of order by the President.

(c) My information on this point is not complete, and I am making enquiries.

(d) I understand that the usual office hours are from 10 A. M. to 4 P. M.

(e) No.

(f) A magistrate was detailed to be in readiness in case of any disturbance of the peace.

(g) No.

(h) Does not arise.

TRAVELLING HOSPITALS FOR WOMEN IN THE PROVINCE.

***3988. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

(a) whether there are any 'travelling hospitals' exclusively meant for rendering medical aid to women in villages ;

(b) if not, whether the Government intend to introduce any such peripatetic system ?

The Honourable Mian Abdul Haye : (a) Yes, there is a peripatetic ambulance dispensary owned and managed by the Canadian Mission which functions in the Kangra district and the Kulu sub-division only.

(b) Not at present on account of financial stringency.

APPOINTMENT OF A FINANCIAL ADVISOR TO GOVERNMENT, PUNJAB AND ADVERTISEMENT FOR IT.

***3989. Munshi Hari Lal :** Will the Honourable Minister for Development be pleased to state whether it is a fact that a Financial Advisor to the Government, Punjab, is proposed to be appointed very shortly ; if so, whether the post has been advertised and applications invited ; if so, in which papers this advertisement has been made to appear ?

Parliamentary Secretary (Chaudhri Tikka Ram) : 1st part.—Yes.

2nd Part.—The Commission advertised the post twice in India and once abroad through the High Commissioner for India. The advertisement appeared in the following papers :—

The Civil and Military Gazette, Lahore.

The Tribune, Lahore.

The Eastern Times, Lahore.

The Frontier Mail, Peshawar.

The Statesman, Delhi.

The Leader, Allahabad.

The Bombay Chronicle.

Diwan Chaman Lall : It is impossible to hear my honourable friend in this uproar. May I ask my honourable friend to repeat his answer ?

Mr. Deputy Speaker : I would request the honourable members not to indulge in conversation.

Munshi Hari Lall : I have not heard the answer at all.

Lala Duni Chand : May I know why, in the presence of a great financier of the calibre of Mr. Manohar Lal, the necessity has been felt of employing a Financial Advisor ?

Premier : He is required for the Co-operative Societies and not for what my honourable friend appears to imagine.

Lala Duni Chand : I see.

ADJOURNMENT MOTIONS.

EXCHANGE RATIO.

Lala Deshbandhu Gupta (South-Eastern Town, General, Urban) : 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 views expressed by the Punjab Government in their demi-official communication to the Bombay Government conveying their inability to join in the representation made by the Bombay Government to the Central Government in the exchange ratio question, as divulged in the reply given to my short notice question on the 17th January, 1939.

I may, with your permission, add one or two words if you like.

Mr. Deputy Speaker : Is there any objection to the admissibility of the motion ?

Finance Minister (The Honourable Mr. Manohar Lal) : Sir, I wish to make a very brief submission. In the adjournment motion discussed yesterday and the motion put forward to-day there is just a change of words which might, on a narrow and strictly formal view, appear to bring the motion within the rule of admissibility, but there is no real or substantial difference in the two motions. The only opinion which the Punjab Government expressed was its inability to join the Bombay Government on a particular representation. No formal or official opinion by the Punjab Government on the ratio question was expressed, nor would there have been any occasion for an expression of any formal opinion. That, Sir, is my first submission *qua* this motion.

My second submission, as I stated yesterday, is that the propriety of discussing a question of this kind on an adjournment motion subject to all the many limitations and restrictions to which an adjournment motion is liable, is open to serious question. My own view is that it would not be proper to raise in the debate this issue on an adjournment motion ; and it will be within your recollection that even yesterday both sides of the House were agreed on this fact that no adequate debate can be had on an adjournment motion on this subject of this magnitude, and therefore we would be, if I may say so, wasting the time of the House in undertaking a discussion.

of this character. No useful purpose would be served either. Sir, in substance this is an effort to debate the currency question on which this Government is not competent to pronounce formally. In substance this is nothing but an effort to raise a discussion whether the Punjab Government were not in a position to pronounce on this important issue, and in this regard may I say that the Government of India which is the only competent body to pronounce on that question, has during the past six months had two occasions to express firmly their decision both on the question of policy and also as to what they consider the appropriate ratio of exchange between the Indian rupee and the sterling. Not only that, it is a fact that on two important occasions when the Government of India, the only competent body to pronounce on it, has formally expressed their decision on this question, an effort was made to raise a debate in the Assembly not very long ago and the Central Government was not prepared to allow a discussion in the Central Assembly. *A fortiori* that goes against any effort here to undertake a debate of this character. May I say further that you might have noticed in the press, I think it was yesterday or this morning, that a motion of this kind has already been tabled in the Legislative Assembly at the Centre? If that motion is allowed, that may be the appropriate occasion for expressing an opinion in a sufficiently adequate manner on this important question. Sir, yesterday I also made a statement that you could not admit a discussion on this motion on the position of the Punjab Government because the Punjab Government expressed its inability to join Bombay in a particular representation and you will remember that I said yesterday that it is not in my power to lay on the table of the House or make it available the particular representation which the Bombay Government said that we ought to support. Now it does not require much reflection to say that if the House has not got the particular representation before it on which to engage its attention, no proper debate can possibly arise. I think that is a fatal objection to a debate of this character. One might proceed further.

Lala Bhim Sen Sachar : On a point of order—

Minister : What is the object?

Lala Bhim Sen Sachar : Is it for the Honourable Speaker or for the Honourable Minister to enquire? Will the Honourable Minister please resume his seat when I am on a point of order? The point of order is whether what the Minister is now saying is at all relevant. The only question is whether the adjournment motion, of which notice has been given by my honourable friend Lala Deshbandhu Gupta, complies with the rules as they are. It is only with reference to those rules that an objection can be taken. It is not the desirability or undesirability, possibility or impossibility, feasibility or infeasibility of the motion that is to be discussed on the floor of the House. I want to draw your attention to this fact because you are often pleased to say that we should be relevant.

Mr. Deputy Speaker : The Honourable Minister is making his point against the admissibility of the motion.

Minister : I am not going into the merits of the motion. If a proper debate cannot be had we shall be wasting the time of the House in a futile discussion. That, Sir, is a very good reason for you to rule out the debate.

[Minister for Finance.]

Sir, in order to meet the difficulties that seem to arise in the minds of my honourable friends opposite I might say further that one of the requirements of a debate on an adjournment motion is that it must be a recent matter of urgent importance. Now it is undoubtedly a fact that my answer to a question the day before is a recent answer, but whether the matter which the House wishes to debate can be described as recent matter, and further whether it is an urgent matter, is open to question. Now it is well settled in parliamentary procedure that 'urgent' means urgent *prima facie*, that is, on the face of it the matter must be an urgent matter. Can the ratio question *qua* this House be described 'urgent' in that sense at all? It must be of urgency for the discussion which the House wishes to have. Can it be described as urgent and can the ratio policy of the Government be said to have happened this morning or recently and can it be canvassed here to secure any change?

Sir, as I said before, we are really having the same subject to-day in substance which failed yesterday. It would be against parliamentary practice to bring it up in the same session. May I say further that this is a matter, as I submitted yesterday, in which no manner of responsibility of the Punjab Government is involved. If the House wishes to criticise the Punjab Government for its inability to join Bombay, that will be a different proposition. At the most it can be said that the Punjab Government should have expressed itself differently in expressing its inability, etc., but the letters addressed by one province to another cannot be the subject of a discussion on an adjournment motion. For these reasons I submit, and most particularly because you cannot have a proper debate, that this is not a subject on which an adjournment motion should be permitted.

Lala Deshbandhu Gupta : Sir, my first and foremost reply to the objections raised by the Honourable Finance Minister is that the only ground on which you were pleased to rule out the adjournment motion yesterday was a technical one. All other grounds urged by the other side were also before you at that time. The Honourable Finance Minister has repeated almost the same grounds to-day. You were pleased to rule out my adjournment motion, not on the grounds urged by the Honourable Finance Minister, but on the ground of a mistake in drafting or, just as you said, merely on a technical ground. That technical objection has now been removed and does not hold good any longer. I, therefore, submit that you should not go into the arguments advanced by my honourable friend to-day; they did not appeal to you yesterday and they cannot appeal to you to-day.

Secondly, my honourable friend has tried to impress you with an argument that this question was disallowed in the Central Assembly. I may point out to you that it was not disallowed by the Honourable Speaker. It was the Governor-General who did not permit a discussion on that subject. So you should not attach any weight to this argument; the position is this that you are guided by certain rules and regulations of this House and you have to see whether my adjournment motion is admissible or not according to these rules. If His Excellency the Governor chooses to interfere he can do so and disallow discussion on the same. But so far as you are

concerned I think, you should confine your attention only to the rules and give your ruling on the basis of these rules. I submit that it does not offend against any rule.

Then, Sir, my honourable friend has said that it was an attempt on my part to discuss the exchange ratio question which this House is not competent to do. I admit that this House is not competent to alter the present rate of exchange. But may I point out to you that the Honourable Finance Minister did not consider this objection valid at that time of replying to my question? When the Bombay Government made a request to join the representation, to the Government of India he did not confine himself to a simple "no." If he had simply said that it was beyond our power and competence to consider this question, certainly I would have kept quiet and the occasion for this motion would not have arisen. At that time he thought it advisable to tell the whole world that a big economist like the Finance Minister, who is backed by the Punjab Government, is in favour of 18*d.* exchange ratio, and he tried to justify and make out a case in favour of 18*d.* Perhaps you know that the statement made by the Honourable Finance Minister here has already been commented upon in the Anglo-Indian press and the *Civil and Military Gazette* has written a leading article on it complimenting the Punjab Government for these views. If, as my friend now pleads, the Punjab Assembly is not competent to express an opinion on this question, then it should have occurred to my honourable friend at that time when he gave out that reply on the floor of the House, and made a statement of the views that he holds and the Punjab Government holds. He also said that the Punjab Government have formed this opinion after careful consideration.

As to the objection that there cannot be a proper debate, I again feel that it is very unfair on the part of the Honourable Finance Minister to take his stand on a flimsy ground like this, in order to justify the present exchange ratio. I assert that the Opposition and the whole province holds views contrary to the reactionary views held by the Punjab Government on this subject. When he chooses to give public expression to his views with the authority that he possesses at the moment, the Opposition also has a right to voice the feelings of the peasants of the province on the floor of the House on an important matter like this.

Again, he has said, there is no urgency for it. I am surprised that the Honourable Finance Minister and the Punjab Government should consider that this subject is not important enough to be considered urgent. Every one knows that as a result of the concerted efforts that are being made by all the Congress Governments, if we succeed in getting 16*d.* ratio, it is the Punjab that would benefit most and crores of rupees will go into the pockets of our poor peasants. Yet my honourable friend says that this matter is not important enough to merit a discussion through an adjournment motion. The question is of such great importance to the province that the Government should have set apart a day for its discussion and should have taken a lead in this matter, as the Punjab being an agricultural province produces and exports large quantities of produce, and as such would gain crores of rupees by the lowering of the exchange ratio. They should have taken a lead in this matter and shown the way to the whole country. But what do we find? While other provinces are taking concerted action

[Lala Deshbandhu Gupta.]

to get the ratio changed, my honourable friends are standing in their way. He thinks that this House should not even be given an opportunity to express its views on this important question. Then, my honourable friend had used another funny argument. He said that the Government of India had already declared its decision not to change the exchange ratio, and hence no useful purpose would be served by discussing it. This shows the mentality of the Punjab Government that they cannot raise their little finger against the views of the Government of India.

Mr. Deputy Speaker : The honourable member should only speak on the admissibility of the motion.

Lala Deshbandhu Gupta : I am only refuting the arguments given by my honourable friend, the Finance Minister. The Honourable Finance Minister has said that a debate on this subject would be futile because whatever views this House might express and whatever decision this House might take, it is not going to alter the exchange ratio. I want to tell my honourable friend that he is wrong in making that supposition. It is this defeatist mentality of the Punjab Government which is responsible for this decision and we want to oppose that decision. Let me assure my friends that there is nothing impossible in this world. If the Punjab Government joins the Congress Governments in getting 16d. ratio, we might succeed. I am almost sure that with the sincere efforts and backing of the Punjab Government we will succeed in getting 16d. ratio, and that will be the greatest service that we can do to the peasantry of this province. I ask the Honourable Premier, who has been the Deputy Chairman of the Reserve Bank, whether he also does not hold the view that 16d. ratio is to the best advantage of the country and particularly of the Punjab. If he holds that opinion, then, why should he not have the courage to express that view here on behalf of his Government and at least join in the representation of the Bombay Government as is being done by so many other provinces of the country? Sir, since you were pleased to rule out the motion yesterday only on a technical objection and that objection has been removed now, I once again urge upon you to hold this motion in order and give us an opportunity to express the popular mind on this all-important question.

(At this stage Mian Muhammad Nurullah rose in his seat.)

Mr. Deputy Speaker : Sufficient discussion has already taken place so far as the admissibility of this motion is concerned.

Diwan Chaman Lall : Mr. Deputy Speaker, I want to draw your attention—and I presume my honourable friend, Mian Nurullah, also wants to draw your attention—to the legality of the question. My honourable friend has raised an important issue. So far we have heard a great deal about the merits of the question. But I want to know whether it is admissible or not and I presume that you will take our views in regard to the legal aspect.

Mr. Deputy Speaker : So far as the admissibility of this motion is concerned, sufficient discussion has already taken place, but if the Leader of the Opposition wants to say anything he might enlighten the House.

Dr. Gopi Chand Bhargava : Sir, you have called upon me to express an opinion, but I would submit that I am neither a lawyer nor a constitutionalist, nor do I claim to have a better knowledge of parliamentary practice than my friend, Diwan Chaman Lall. Therefore, I would request you to permit him to speak on my behalf.

Diwan Chaman Lall : There is so much desire expressed on the floor of this House by a large number of honourable members who desire to have a say in this matter, that I think, it would be proper to allow honourable members to say whatever they want to say. You might give them time for short speeches provided they speak to the motion. I do submit that on an important issue like this you might extend your latitude to honourable members who are desirous of speaking on this question.

The question raised by my honourable friend, the Finance Minister, is of great importance. But I regret to find that my honourable friend, although he is a very able lawyer and an able economist, has not been able to confine himself within the four corners of the legality of this question. We are not, Mr. Deputy Speaker, concerned with what my honourable friend called the propriety of discussing the question. When we are discussing whether an adjournment motion is permissible or not and should be accepted or not, the question of propriety does not come in. And then who is going to be the judge of propriety? That is not one of the conditions of accepting an adjournment motion; nor is the second point raised by my honourable friend when he said that no useful purpose could be served by discussing that question. It may be that that is the opinion of the Honourable Minister, but it is the opinion of the Opposition that a very useful purpose can be served.

Mian Muhammad Nurullah : That is my opinion also. (*Opposition cheers.*)

Diwan Chaman Lall : Even then, Mr. Deputy Speaker, the question of usefulness of purpose is not one of the points to be considered by you in deciding whether an adjournment motion should or should not be accepted.

The third point that my honourable friend raised was that a debate is to take place in the Central Legislature and therefore we should not discuss it. Again, I submit, able lawyer that he is, he should know that even if the Central Legislature is in a position to discuss a particular matter, the very fact of the Central Legislature being in a position to discuss this matter does not debar us from taking cognizance of that matter.

Then my honourable friend raised the next point. He said that it was not in his power to lay before this House the particular document which gave rise to the statement made by my honourable friend on the floor of this House, and since he is not in a position to lay it on the floor of the House, or reveal the contents of that particular document, therefore this House should not discuss his views expressed by him on the floor of this House in the shape of an adjournment motion. This is a most extraordinary argument. We do not want to discuss the merits of that particular representation received from Bombay. We do not know what it is. We care less what that representation is. All that we are concerned with is the

[Diwan Chaman Lall.]

fact of certain opinions expressed by my honourable friend on the floor of this House. That is all we are concerned with. Have we not the right to discuss his views? May I remind him that this very House once discussed the question of Palestine? Foreign affairs is also a central subject, not a provincial subject, and yet we held some sort of a debate in regard to this matter and the matter was raised on the floor of this House.

The next question that my honourable friend raised was this, that it is not a recent matter. "Who will consider," with his finger pointing to these benches, "who will consider," he asked, "that this is a matter of recent importance?" My honourable friend should know that we may be ignorant, but not so ignorant as not to know that this matter is not of recent moment. We do know that in the Central Legislature this matter was raised in 1927, about twelve years ago, since when there has been this change in our exchange ratio. But we never said that we wanted to discuss the matter of ratio which is not of recent occurrence. We wanted to discuss the recent answer given by my honourable friend. That is what we are wanting to discuss and surely my honourable friend cannot confuse the issue by saying that this is not a matter of recent importance. You will admit, Mr. Deputy Speaker, that the views expressed by my honourable friend are very recent. The letter might have been written long ago but it had been made known to the House only two days ago. He may have held those views for twenty years but not as Finance Minister of the Punjab Government expressing those views on the floor of the House only two days ago in respect of the attitude of the Punjab Government. If the answer is recent, then we are within the four corners of the rules of urgency. If that is so there is not a single argument raised by my honourable friend under which we are debarred from discussing the views of my honourable friend, excepting one and that is this, that my honourable friend thinks that it would be difficult to hold an adequate debate. It may be my honourable friend's own personal view, but the view of this side of the House is that you can hold an adequate debate and my honourable friend will agree with me that although we both are long-winded, it is possible for a large number of members to say everything of any importance within a period of fifteen minutes, and I submit that we can discuss a matter of this moment. In other legislatures similar matters have been discussed on adjournment motions and it may be that a full complete debate cannot be had on this question. Is that a reason for ruling that the motion is out of order? I submit that even that would give my honourable friend no consolation. Therefore, I submit that you should hold that this adjournment motion is in order and can be discussed by this House.

Mian Muhammad Nurullah : Mr. Deputy Speaker, you are partial. You have given time to non-agriculturists to speak. I am an agriculturist. Please give me two minutes.

Mr. Deputy Speaker : We are only considering the question of admissibility.

Mian Muhammad Nurullah : I have specialised in Banking and Finance passing in Group A of B. Commerce from the University of London.

You gave opportunities to non-agriculturists to speak on this point. Will you please allow the agriculturist members also to have a say in the matter?

4 P.M.

Mr. Deputy Speaker : Very well, but the discussion must be confined to the question of admissibility of the motion.

Mian Muhammad Nurullah : When I entered this House I did not know what question was being discussed. Even now, I do not know what the issue is but—

Mr. Deputy Speaker : Then, the honourable member need not speak. Yesterday I ruled the motion on this subject out of order on a technical ground. But that does not mean that there was no other relevant and valid objection to the admissibility of the motion. Under the circumstances explained now, after having carefully listened to the arguments advanced by both sides, it is difficult for me to hold that the matter to be discussed involves the administrative responsibility of the Punjab Government.

Dr. Sir Gokul Chand Narang : Is the Chair reading his ruling?

Mr. Deputy Speaker : Order, please.

Dr. Sir Gokul Chand Narang : On such important matters I concede that written rulings should be given, but if my remarks have offended the Chair I am very sorry. It was not my intention to offend the Chair.

Mr. Deputy Speaker : I am also of the opinion that under the circumstances no useful purpose will be served by allowing a discussion on the subject in the form of an adjournment motion. Therefore I disallow the motion. (*Hear, hear.*)

Mian Muhammad Nurullah : As a protest against your partial ruling I must walk out. I did not expect this ruling from an agriculturist Deputy Speaker.

(*At this stage the honourable member walked out.*)

Premier : May I draw your attention to the disrespectful remarks of the honourable member? (*An honourable member :* Is it a point of order?) It is a point of order because his remarks are most disrespectful to the Chair. Mian Muhammad Nurullah said that since the agriculturist Deputy Speaker was not fair to the House, therefore, he must walk out. (*Cries of 'No, no.'*) He said that he did not expect from an agriculturist Deputy Speaker that this motion would be ruled out. That remark is most disrespectful to the Chair. (*Cries of 'No, no.'*) If my honourable friend does not consider it disrespectful he is welcome to hold that view. I am merely pointing out this fact because my party should not be considered responsible for those disrespectful remarks, because the honourable member was expelled from our party last night.

Dr. Gopi Chand Bhargava : I only want to say a few words about the point of order raised by the Honourable Premier. He began by saying that Mian Nurullah has made a remark which was against the dignity of the Chair.

Mr. Deputy Speaker : The honourable member may proceed with this adjournment motion.

Dr. Gopi Chand Bhargava : If you declare that the point of order raised by the Honourable Premier is no point of order and that he was not justified in passing strictures against an honourable colleague—

Mr. Deputy Speaker : It was no point of order.

Dr. Gopi Chand Bhargava : I rise to a point of order. The Honourable Premier has made a remark against an honourable member of this House and I think he is not justified in doing so. You have declared it irrelevant or rather that it was no point of order. I would therefore request that he may be asked to withdraw those remarks.

Mr. Deputy Speaker : The Honourable Premier simply gave me some information.

Diwan Chaman Lall : The question is not whether it is in order for you to hold that the Honourable Premier can give you some information which is not relevant. The point raised by my honourable friend is whether what the Honourable Premier said was on a point of order or not.

Mr. Deputy Speaker : The Honourable Premier simply drew my attention to the disrespectful remarks made by the honourable member. But I do not propose to take any notice of it or to take action on it.

Dr. Gopi Chand Bhargava : I submit that when I was called upon to move for leave for my adjournment motion, the Honourable Premier stood up and said that he rose on a point of order. When he raised this point of order I put it to you whether he raised a point of order. You were pleased to remark that his point of order was not a point of order. When it was not a point of order you either took cognisance of it or you did not take notice of it. If you took notice of it, then I am perfectly justified in raising this point of order that the remarks made by the Honourable Premier against an honourable member of this House are not justified and therefore they should be withdrawn. If you take no notice of it, then they should be expunged from the proceedings of to-day. They should not form part of the debate.

Premier : When one honourable member makes disrespectful remarks against the Chair, is it the contention of the honourable member opposite that I should not protest against it?

Mian Abdul Aziz : Will you please permit me to say one word? I want to know from the Chair whether he is the protector of himself or whether anybody else is the protector of the Chair. The Chair did not take notice of the remarks of Mian Nurullah. Is it for the Honourable Premier to draw the attention of the Chair to those remarks and suggest that some action should be taken against the honourable member?

(At this stage Mian Muhammad Nurullah re-entered the Chamber.)

Mian Muhammad Nurullah : I rise to offer a word of personal explanation.

Mr. Deputy Speaker : There is no question of personal explanation because I have taken no notice of the honourable member's remarks.

Mian Muhammad Nurullah : But all these form part of the proceedings.

Diwan Chaman Lall : You are perfectly right when you say that you do not take any notice of the remarks. But that is not the point now. There is the remark of the Honourable Premier that the honourable member has been expelled from his party. The honourable member wishes to get up and make a personal explanation. He has every right under the rules to offer a personal explanation when he has been attacked. It is only fair that you should permit him that word of explanation. I do not know what his explanation is going to be, but I think he ought to be permitted to offer his personal explanation.

Mr. Deputy Speaker : Order, please. Those words used by the Honourable Premier would not form part of the proceedings.

Chaudhri Krishna Gopal Dutt : They have probably already been put on the wires and sent out to the newspapers by some enterprising news agents.

Mian Muhammad Nurullah : They are absolutely false. (*Uproar.*) The Premier called me to come to his room and I said 'I have tendered my resignation, do not call me, please'. (*Uproar.*)

Diwan Chaman Lall : On a point of order, a very important point of order. A statement has been made by the Honourable Premier. The Honourable the Premier said that the honourable member, Mian Muhammad Nurullah had been expelled. The honourable member says that he was not expelled but he was called into the room of the Honourable Premier and that he refused to go because he had resigned. Which of the two statements is correct?

Chaudhri Krishna Gopal Dutt : Half an hour ago the Honourable Premier was vehement in saying that the honourable member was expelled from his party and you do not give the honourable member an opportunity to reply on the floor of the House.

Mian Muhammad Nurullah : I have just now received a letter — just now — (*The member held a letter in his hand*) from the party. I have received it in this very House just now, asking me to pay up Rs. 86 into party funds.

Dr. Sir Gokul Chand Narang : On a point of order. Do you think, Sir, that if a member of this House has uttered some remarks which are calculated to bring another member into disgrace with the public, the mere deletion of those remarks from the proceedings is sufficient amends and that that member who has been thus disgraced has no right to contradict the statement, the slanderous statement, made against him (*interruption*) and a false statement? (*Uproar.*)

Chaudhri Krishan Gopal Dutt : This is political immorality?

Lala Deshbandhu Gupta : The honourable Dr. Sir Gokul Chand Narang has sought your ruling on a definite point. Will you please give your ruling?

Mr. Deputy Speaker : Order, please. It was only a certain information that was given. (*Uproar.*)

Mian Muhammad Nurullah : There was no party meeting yesterday.

Mr. Deputy Speaker : No question of libellous statement or slanderous statement arises.

Dr. Sir Gokul Chand Narang : You have not answered my question. I just want to have your ruling on that point. This has happened to-day not with an ordinary member. But the head of the Government has made a statement against a member of this House which is on the face of it most slanderous, namely, that the honourable member concerned had been expelled from his party. I think for a politician there cannot be anything more serious than to be expelled from his party. The allegation is said to be false.

Mian Muhammad Nurullah : Absolutely false.

Dr. Sir Gokul Chand Narang : And the answer is that the honourable member concerned has resigned the party and that he had not been expelled from the party. Now the question is that this statement was made by the Premier. Objection is taken to it. You simply say that you rule that these words shall not form part of the proceedings. My question was whether that is sufficient amends and whether the Premier should not be called upon to withdraw those words and if he is not prepared to withdraw them, whether you will not give an opportunity to the honourable member concerned to give his explanation. This is the point. (*Honourable members :* We want your ruling on the point.)

Mr. Deputy Speaker : I would request the honourable members to proceed with the business that lies before us and if necessary I will give a considered ruling later.

RELIEF TO FAMINE-STRICKEN AREAS IN THE PROVINCE.

Dr. Gopi Chand Bhargava : 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 inadequacy of the Government in giving relief to the famine-stricken areas in the province, especially other than Ambala Division districts.

Mr. Deputy Speaker : Is there any objection to the leave being given ?

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Yes, I beg to object to this motion on two grounds. The first is that this is not a matter of recent occurrence and of urgent importance. The second is, my honourable friend has said or used the words "giving relief to the famine-stricken areas in the Province, specially other than Ambala Division districts". I am not aware whether my honourable friend has used that word 'famine' in a technical sense or in the ordinary sense.

I might for your information submit that before an area can be declared as a famine-stricken area, there are several intervening stages through which the district must pass, before it can be declared a famine-stricken area for the purposes of the Famine Code. The first is the condition of distress, the second is that it should be declared a scarcity area and then the famine-stricken area. So far as this province is concerned, only one district hitherto has been declared as a famine-stricken area and that district is the Hissar district. So far as the Hissar district is concerned, we

had a very prolonged debate on that subject here in this very House during the last session. So far as any other part of the province is concerned, it is not yet famine-stricken and I pray that it may not be famine-stricken. My honourable friend has already declared the whole of the province as famine-stricken area for the purpose of bringing in the adjournment motion. In answer to his short notice question a very elaborate reply was given which clearly indicated that the Government was watching vigilantly the conditions in other districts and that the condition undoubtedly was disquieting in some of the *barani* districts, but we have not come to that stage where that area can be declared as a famine-stricken area. Nevertheless the Government has already given relief, has decided to give further relief where necessary and by the time we meet for the budget session, we will be in a position to know what further relief can be given to these areas and what further relief may be necessary. Later on, if unfortunately the rains do not come within the next fortnight or so, I am afraid that the condition in some other districts also would be most disquieting, not only disquieting but there would be acute distress in these districts. But at the moment, the famine-stricken area is only the Hissar district and with regard to Hissar district, I have submitted that we had an adjournment motion during the last session and we discussed that and I do not think that my honourable friend wants to discuss that further because it relates to Ambala division. With regard to other districts our position is that these are not famine-stricken areas and, therefore, this adjournment motion would be premature and I hope it will remain premature. With these words I object to this motion.

Dr. Gopi Chand Bhargava (Urdu): Sir, the Honourable Premier has raised two objections to leave being granted to me to move my adjournment motion. His first objection is that the matter is not of urgent public importance. Secondly, he holds that since I have used a technical term, namely, "famine-stricken area" the motion, does not relate, according to the Famine Code, to any district other than Hissar. He further holds that so far as the famine of the Hissar district is concerned an adjournment motion on the subject has already been discussed during the last session, and so the Honourable Leader of the House maintains that leave should not be granted to discuss this matter.

Now, so far as the question of urgency is concerned, I would like to ask my honourable friend opposite as to why he does not consider this matter an urgent and important one, when scarcity and famine are playing havoc with the population of the famished districts. I ask the Government in all seriousness as to why it does not consider it necessary to adopt sufficient measures when people like us living in other districts find it practically impossible to keep their body and soul together. The Government should not treat a matter lightly which concerns the lives of hundreds and thousands of people. It should bear in mind that to-day the famished people badly stand in need of adequate relief. If the Government is not in a position to treat those districts as famine-stricken under the rules, it does not mean that there does not exist any famine there. Since the question of human lives is involved, it is a matter of serious and grave importance. It is incumbent on the Government, under the circumstances, to afford the maximum amount of relief to the famine-stricken people. If its

[Dr. Gopi Chand Bhargava.]

coffers are empty it should float loans for the purpose. The Government should strain every nerve to save the lives of those who are in the jaws of death at present. I think the rural population is the principal source of income to the Government and so even from the financial point of view it is highly essential to save them from entire annihilation. I think I have adequately dealt with the question of urgency and importance of the matter.

Now, I turn to the second objection that my honourable friend opposite has raised on technical grounds. His contention is that I have used the words "famine-stricken area" in my motion for adjournment. I admit that I was not aware of such technical terms. If ignorance of technicalities is an offence, I plead guilty. But the proposition is quite simple and plain. As far as my knowledge goes the expression "famine-stricken area" is not a technical term. Strictly speaking I have used the word famine in the same sense as is given in the dictionary. Had it been inserted within inverted commas it could have been taken for a technical term. Since the word has been used without resorting to the commas, it should be taken in its dictionary meaning. I am sure that there are certain areas where the famine, in the sense as used in the dictionary, is playing havoc with the population. In this connection I hope a reference to my short notice question would not be out of place here. It runs as follows:—

The steps taken by the Government to meet the situation created owing to lack of rains in all other districts which are not declared famine or scarcity area.

Here these words have not been used with inverted commas, and so it is only advisable to take them in the same sense as they are given in the dictionaries. However, my information is that there are certain areas where the famine is at its worst, but the reply that was given in connection with the question put by me yesterday is worth noting. It reads as follows:—

The Deputy Commissioners, Simla, Lahore, Amritsar, Gujranwala, Gujrat, Montgomery, Lyallpur, Jhang, Multan and Muzaffargarh proposed no suspension or remission. The Deputy Commissioner, Ferozepore, has not yet reported the suspension or remissions of his district.

If you were to go through the report appended to the reply, you would find to your amazement that only those districts have been mentioned therein for which no remission or suspension has been proposed. And there are several other districts of which no mention has been made in it. This shows that the Government is doing nothing for these famished districts. With these words, Sir, I very respectfully submit that my adjournment motion should be not be ruled out of order on mere technical grounds.

Premier (Urdu): Sir, the Leader of the Opposition has remarked that he had not used the words "famine-stricken area" in a technical sense. I would like to draw your attention to his motion where he says:—

The inadequacy of the Government in giving relief to the famine-stricken areas in the province specially other than Ambala Division districts.

However, even if he wants that these words should be taken in the same sense which one gathers from the dictionary meanings, I would refer him to the last part of my reply to his short notice question, *i.e.*,—

The Government is watching the conditions vigilantly in other districts.

I am perfectly aware of the pitiable conditions prevailing in the districts of Mianwali, Jhelum and the Thal *ilaga*. I know the people of those areas are in a miserable plight. But I would like to say that the Government is not indifferent and apathetic to the gravity of the situation. The local authorities have been asked to furnish the Government with full facts and detailed information about the scarcity and famine prevailing in their areas. At present only a few reports have reached the Government. As soon as the official report is completed it would be made available for the use of the honourable members of the House. I might say here that the Budget session is not far off. They should have a little patience as the next session of the Assembly would afford them ample opportunity to discuss the matter thoroughly.

Dr. Gopi Chand Bhargava (Urdu): Sir, the Honourable Premier has advanced another argument by saying that he had remarked in reply to my question that—

The Government is watching the conditions vigilently in other districts.

I have thrice gone through the report submitted by the Government, but I am sorry to say that I have not been able to find those words therein. However, what I have read therein is this :—

It will thus be observed that Government has done and is doing all that is possible to afford relief to zamindars on account of the situation which has arisen through deficient rainfall.

But I have not come across the words “the Government is watching the conditions vigilently.”

Premier: My honourable friend should mark the words “is doing all”.

Dr. Gopi Chand Bhargava: I admit, Sir, that I do not know much of English. I read English only up to the standard of Intermediate classes and then took to medical studies. But my honourable friend opposite should rest assured that I can read and understand English. My contention is that I could not find in the report those particular words which the Honourable Premier has used in the course of his speech. He takes pride in saying that the Government is doing all. But what do these words denote? The idea underlying these words is that the Government is doing as much as it possibly can on the basis of the recommendations made by the local authorities. But what I want to say is that whatever has been done by the Government is hopelessly inadequate and insufficient. In view of the extent and possibility of relief work we can safely and easily assert that there is still a great scope for the Government to do even much more than it has already done. I have read the report many a time and I again affirm that the words uttered by the Premier are nowhere to be found in it. It was up to him to say why the words ‘famine-stricken area’ should not be taken in the same sense in which they are generally used. Let me read out my adjournment motion—

The inadequacy of the Government in giving relief to the famine-stricken areas the province, specially other than Ambala Division districts.

[Dr. Gopi Chand Bhargava.]

Here I have already excluded the famine stricken area of the Ambala Division. I only want to raise discussion on the famine and scarcity prevailing in the districts other than the Ambala Division districts. My submission is that whatever the Government has so far done in the other districts is absolutely inadequate, and there is a great possibility for increasing the volume of relief work in those areas.

Furthermore, we gave notices of several adjournment motions to this effect. I interviewed the Premier and the Minister concerned as well. I suggested to them that if they were to give reply to a short notice question to be put by me and then give time for discussion, we will not move adjournment motions. They said that in the first instance I should put a question, and if the answer to it was unsatisfactory I might be given sufficient time to discuss the matter thoroughly. I was to put the question yesterday but the parliamentary secretary was pleased to state that reports from the local authorities were still awaited and so full information could not be made available. And to-day when I ask leave for moving an adjournment motion the Honourable Premier remarks that it should be put off till the Budget session. But my submission is that the matter is so important to us that we cannot afford to postpone it. We want to discuss it to-day. We want time during the current session. In this connection I had sent a letter to the Government, but its reply is still awaited. Under these circumstances I am constrained to request you to permit me to move the motion.

Mr. Deputy Speaker : It is clear from the statement of the Honourable Premier that a district has to be declared famine-stricken before any famine relief measures can be introduced into that district. (*Lala Duni Chand :* Will you allow me to say one word? I can convince you. Kindly answer one question.) (*Uproar.*) Only Hissar district has been declared famine-stricken hitherto and the question of the adequacy or inadequacy of relief given arises only concerning Hissar district and, so far as the Hissar district is concerned, the question was discussed during the last session by an adjournment motion. Thus, the question of adequacy or inadequacy of famine relief in other districts does not arise. I, therefore, disallow the adjournment motion.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 8.

Mr. Deputy Speaker : The Assembly will now take up the consideration of the Punjab Agricultural Produce Markets Bill. The amendment under discussion is—

That in sub-clause (2), line 1, for the words 'not more than two', the word 'one' be substituted.

Sardar Kapoor Singh (Ludhiana, East, Sikh, Rural) : The Honourable Premier stated yesterday that he was keen to retain the sub-clause in order to have smooth working in the committee and he tried to assure the House that it shall be only in exceptional cases that more than one official member shall be appointed to it. I would have taken him on his word if we had not got the sad experience of the last two

years. We have seen that the Government has made many promises and has given many assurances but all those promises and assurances have always been ignored. It is for this reason that I am not prepared to withdraw that amendment and I still press for my amendment. If the Government is really keen, if the Government is really anxious that one official should be appointed, who would introduce an experienced element in these committees, then there can be no objection and there should be no objection from the Government side to accept my amendment. But to me it seems that the Government is not prepared to accept this amendment and there is an ulterior motive — some party interest — that is forcing them to press for the clause. I am not only keen as to the number of these officials but I am particular also as to the kind of officials who will enter these committees as members. The Honourable Premier has not said a word as to why officials should be appointed to these committees. If he had given an assurance that they were to be appointed because of their experience and knowledge in the markets or to give advice and help to the committees then it would have been quite different ; but I find that no such assurance has been given from the Government side. There is always the possibility that instead of appointing an expert official they might appoint some tahsildar or revenue assistant to the committees. We know it that when any Government official, such as a tahsildar or a revenue assistant, is appointed on the committees, all those persons who have been in the local bodies or district boards know it that such officials always dominate the will of the members. I would not be irrelevant if I tell you of what happened in our own district board only a few days ago. There was the question regarding the appointment of the chairman of a sub-committee. It so happened that at the appointed time the Revenue Assistant who was the member of the sub-committee did not turn up. The other members elected one of themselves as the chairman. After the election of that chairman the Revenue Assistant came and he instigated one of the zaildar members on the sub-committee and said that it was better that he should be elected as chairman of that sub-committee. What was the result? The result was that the zaildar member of the committee was compelled to move for Revenue Assistant to be the chairman in spite of the fact that the chairman of the sub-committee had already been elected. Then another zaildar member supported him with the result that there was much row in the committee.

Mr. Deputy Speaker : The honourable member is exceeding the limit.

Sardar Kapoor Singh : You can guess when any revenue assistant or zaildar is appointed to such a committee what the result would be. Instead of smooth working those members will not be able to exercise their will and will say ditto to what the revenue assistant or the tahsildar says. With these remarks I hope that my amendment will be supported and that Government will be prepared to accept it.

Mr. Deputy Speaker : The question is—

That the words " not more than two " stand part of sub-clause (2).

The Assembly divided : Ayes 80 ; Noes 26.

AYES.

- | | |
|---|--|
| Abdul Haye, The Honourable Mian. | Muhammad Jamal Khan Leghari, Nawab Sir. |
| Abdul Rahim, Chaudhri (Gurdaspur). | Muhammad Nawaz Khan, Major Sardar. |
| Abdul Rahim, Chaudhri (Gurgaon). | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Afzaalali Hasnie, Sayed. | Muhammad Sarfraz Khan, Chaudhri. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Akbar Ali, Pir. | Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed. |
| Ali Akbar, Chaudhri. | Muhammad Yasin Khan, Chaudhri. |
| Amjad Ali Shah, Sayed. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Anant Ram, Chaudhri. | Muzaffar Khan, Khan Bahadur Captain Malik. |
| Badar Mohy-ud-Din Qadri, Mian. | Muzaffar Khan, Khan Bahadur Nawab. |
| Bhagwant Singh, Rai. | Nasir-ud-Din, Chaudhri. |
| Chhotu Ram, The Honourable Chaudhri Sir. | Nasir-ud-Din Shah, Pir. |
| Faiz Muhammad Khan, Rai. | Nasrullah Khan, Rana. |
| Faiz Muhammad, Shaikh. | Naunihal Singh Mann, Lieutenant Sardar. |
| Fateh Jang Singh, 2nd-Lieutenant Bhai. | Nawazish Ali Shah, Sayed. |
| Fateh Khan, Khan Sahib Raja. | Nur Ahmad Khan, Khan Sahib Mian. |
| Fateh Sher Khan, Malik. | Pir Muhammad, Khan Sahib Chaudhri. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Pohop Singh, Rao. |
| Fazal Din, Khan Sahib Chaudhri. | Pritam Singh Siddhu, Sardar. |
| Fazal Karim Bakhsb, Mian. | Ram Sarup, Chaudhri. |
| Ghazanfar Ali Khan, Raja. | Ranpat Singh, Chaudhri. |
| Ghulam Mohy-ud-Din, Khan Bahadur Maulvi. | Riasat Ali, Khan Bahadur Chaudhri. |
| Ghulam Qadir Khan, Khan Bahadur. | Ripudaman Singh, Thakur. |
| Ghulam Rasul, Chaudhri. | Roberts, Sir William. |
| Ghulam Samad, Khawaja. | Sahib Dad Khan, Khan Sahib Chaudhri. |
| Gopal Singh (American), Sardar. | Shahadat Khan, Khan Sahib Rai. |
| Gurbachan Singh, Sardar Sahib Sardar. | Shah Nawaz, Mrs. J. A. |
| Hans Raj, Bhagat. | Shah Nawaz Khan, Nawab Sir. |
| Hari Chand, Rai Sahib Rai. | Sham Lal, Rai Bahadur Chaudhri. |
| Harnam Singh, Captain Sodhi. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Het Ram, Rai Sahib Chaudhri. | Singha, Diwan Bahadur S. P. |
| Indar Singh, Sardar. | Sultan Mahmood Hotiana, Mian. |
| Jafar Ali Khan, M. | Sumer Singh, Chaudhri. |
| Jagjit Singh Man, Sardar. | Suraj Mal, Chaudhri. |
| Jalal-ud-Din Amber, Chaudhri. | 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. | |
| Muhammad Azam Khan, Sardar. | |
| Muhammad Faiyaz Ali Khan, Nawabzada. | |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | |

NOES.

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Dev Raj Sethi, Mr.
 Girdhari Das, Mahant.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mazhar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan,
 Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

Sardar Ajit Singh : Sir, I beg to move—

That in sub-clause (2), line 3, between the words "salaried" and "servant" the word "civil" be inserted.

The motion was lost.

Sardar Kapoor Singh : Sir, I beg to move—

That in sub-clause (2), line 3, between the words "Crown" and "by" the words "belonging to Agricultural Department and not below the rank of an Agricultural Assistant" be inserted.

The motion was lost.

Chaudhri Krishna Gopal Dutt : Will you put to the vote of the House amendment No. 25 first?

Mr. Deputy Speaker : Amendment No. 25¹ cannot be moved now.

Chaudhri Krishna Gopal Dutt : Will you please allow me to move my amendment No. 24.

Mr. Deputy Speaker : Yes, you can move it.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : Sir, I beg to move—

That to sub-clause (2), the following proviso be added:—

"Provided that this servant of the Crown will have no right to vote in the market committee."

Mr. Deputy Speaker : I am afraid it is difficult for me to allow a discussion, because all these amendments were discussed together.

Chaudhri Krishna Gopal Dutt : It is up to you to reconsider what you said yesterday, because I was under the impression and all the members on this side of the House were under the impression that this particular proviso or amendment was not being discussed along with other amendments. This amendment is absolutely different from other amendments which you are putting together. The underlying principle of taking amendments together is that all those amendments should be of similar nature. The question that we discussed yesterday was whether we should have one nominated member or two nominated members on the market committees. That was the only question or the only principle that we were discussing.

¹That for sub-clause (2), the following be substituted.—

"Of these members not more than one may be appointed by Government provided that he is required as an expert."

Mr. Deputy Speaker : The honourable member may have a few minutes and may discuss his amendment.

Chaudhri Krishna Gopal Dutt : Mr. Deputy Speaker, we conceded yesterday that under the circumstances as obtain to-day in the province, the Government should be authorised to nominate one member on the market committee. But now, as the House has decided, the Government is authorised to nominate two members on the market committee. Yesterday, while accepting the principle of nominations, I conceded that, as the Marketing Bill was in experimental stage and the masses in this province were not properly educated, the question of providing marketing facilities for the agricultural produce is a very difficult one and, therefore, the Government should have the power to nominate one gentleman or, as the case now is, two gentlemen on the market committees on behalf of the Government. The reason why I accepted the principle was that there may be some gentleman or gentlemen who will have an expert knowledge and therefore, will be able to guide the market committees on various intricate and difficult questions which will come up from time to time before the market committees. But while giving the right of nomination to the Government, we did not concede that that officer or expert should possess the right of vote. Why should the Government insist on this that that Government officer or expert should have a right of vote? What is the idea underlying the nomination? The idea underlying the nomination is that there should be some expert from the side of the Government to guide the market committees. When I said the other day that the apprehensions of my honourable friend, Sardar Kapoor Singh, with respect to the intentions of the Government, were rather justified and may be justified, on behalf of the Government the Honourable Premier got up and denied having any such intention and the Honourable Minister for Development has also from time to time denied such intentions. He has declared that the only intention of the Government in moving the Marketing Bill was genuinely to provide marketing facilities with a view to eliminate certain malpractices from the *mandis* and to guarantee a fair price to the growers of the province and beyond that there was no other intention. But it is suspected by respectable members on this side that the Government have got certain nefarious intentions in this matter. Here is a criterion before the House with which they can judge the Government. If the intentions of the Government are really genuine and sincere and are only limited to providing marketing facilities and guaranteeing a fair price to the growers, then the Government should have no hesitation in accepting this amendment. I am in favour of eliminating the official element altogether from the market committees. I maintain that, in spite of what I said yesterday when I supported the nomination, it was only with a view to provide an expert on the market committee, so that that expert who possesses the knowledge of marketing, should be able to give the benefit of his advice to the market committee. If this is the real object then, of course, the Government should not insist upon the fact that the Government officer or that expert should be treated as an ordinary member of the market committee. He should in no way and in no sense be treated an ordinary member of the market committee. The Government is going to have members of the market committees through a special method. Whether those members

are elected directly or whether they are appointed or elected indirectly, that is not under discussion. But there is going to be a particular machinery through which the member of the market committee will come and he will certainly represent a certain interest. But what is the interest which this Government officer will be representing there? In my opinion, that Government officer should not represent any interest whatsoever. He should not even represent the Government interest or political interest or party interest on the market committee, because I am afraid that if the Government officer is given any power he is likely to abuse it. In this province, to-day the Government cannot be considered to represent all classes. The Government is merely a group or a party in a very limited sense and there are large interests in the province which the Government cannot claim to represent. My other view is that a market committee should be independent of Government control, whether that Government is the Congress Government or the Unionist Government or any other Government, liberal or conservative, in the province. My main point is this that the market committees should be purely business committees and their activities should be confined to the question of buying and selling of agricultural produce and their marketing. Beyond that the market committees should have no function and therefore I believe that the market committees should be immune from all political influence. In the Central Government, when they moved the Reserve Bank Bill — it is an analogy that I am giving — it was said that the Reserve Bank should be free from political influence and that banking was such a matter that it should not depend upon any changing, vascillating, political democracy. There should be absolutely no political control over the market committees in this province, they should be absolutely

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independent of Government control or of Government interference or of political interference or political influence. I have already stated that the Government have abused the power of nomination. That was our apprehension but in spite of that we are prepared to give the Government a chance in constituting these market committees provided the Government behaves properly. I would ask, why is Government anxious that these committees should be under the control of Government? After all why should Government try to interfere in the market committees, when Government has got the power of superseding market committees in case they prove to be incompetent? That is a point which the Honourable Minister for Development should consider. The only question can be that Government has appointed a nominated member simply to see that the work of the market committee is carried on very satisfactorily and very properly. Beyond that there should be no object. But the Government says, we have appointed these members to see that the market committee does not prove itself absolutely incapable of carrying on that work. In that case the government officer or the expert will not help, and then the Government will see what the remedy is before Government, what is the weapon before Government which it can wield and set matters right. I should say that the Government has got the biggest weapon in its hands — the weapon of supersession. If the market committee in the opinion of Government has proved incompetent, then Government has the right to supersede that committee and appoint some other

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authority and if that person proves incompetent, to appoint a new committee. In view of that I do not see any reason why Government-nominated officers should have any right to vote. In my opinion that would be abusing the principle of nomination. As I said the other day, the principle of nomination is a healthy one and it is required only under such circumstances when certain experts are required to give guidance to a particular local body, either the municipality or the district board or the market committee or some such committee, so that the committee may be benefited by the advice of that expert. But that does not mean that the expert should have the right of manipulating the affairs of that committee. There is no justification for giving a vote to the nominated officer. With these words I move my amendment in the hope that Government will accept it.

Mr. Deputy Speaker : The question is—

That to sub-clause (2) the following proviso be added :—

Provided that this servant of the Crown will have no right to vote in the market committee.

The motion was lost.

Mr. Deputy Speaker : Does any honourable member wish to oppose sub-clause (2) ?

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, during all the discussion that we have had on the previous amendment not a word has been said from the Treasury benches as to why they consider the nomination of officials as necessary to the market committees. I for one have not been able to understand the usefulness of this step. Market committees are to be absolutely and entirely business committees. Growers who have to sell goods, *arhtis* through whom they are to be sold and buyers who are to buy them, should alone be represented on these committees. Whether they will be there by nomination or election remains to be decided, but I have not been able to see why an official should be there unless the idea is to make these market committees something like municipal committees and district boards and bring therein red tapism and official influence. The Honourable Minister will probably tell us that in other provinces where similar Acts are in force an official is nominated, but let me tell him that in the other provinces the measure is not so wide or complicated as it is in this province. In Madras the Commercial Markets Act, passed in 1939, so far as I have been able to find, applies only to one municipality and the fact that after 1939 the Government have not thought it fit to extend it to any other area goes to show that it is not working very satisfactorily there. Regarding the Bombay Act, one finds that the towns of Bombay and Karachi have been expressly excluded from the purview of that Act. Here in the Punjab the Act is to apply to the whole province and to all agricultural commodities. Yesterday in his speech the Honourable Premier was pleased to say that in big markets there will be two officials. He is not content even with one simply because the market has the misfortune of being a big one. The very same amendment proposed by my honourable friend, Chaudhri Krishna Gopal Dutt, was contemptuously

rejected by the Government even without the courtesy of a word against the amendment on its merits. I do not mean to say that I am in favour of an official being nominated, but if at all he is to be nominated he may at least be denied the right of vote. The Government should have at least said a word as to why this is impracticable or what the Government expect these salaried servants of the Crown to do on the market committees. What can be the conclusion? The only conclusion is that the Government does not want these market committees to run on business lines. It wants to gain some political power through these market committees. The officials will be there to act as "spies" over other members and to influence their decisions. Most of the other members will be *sufedposhes*, *zaildars* and *lambardars*. Now the fortunes of the urban people amounting to lakhs of rupees are there in this business. This business will henceforward not be controlled by the growers or the *arhtis* or the buyers, but by the officials. I have yet to learn that an official simply because he happens to be a deputy commissioner or a revenue assistant or a tahsildar becomes also an expert in matters of trade. I put it to you in all seriousness whether you think such a step will be conducive to the betterment of business. In what respects shall we be better off than before? The position that you will reduce us to, will be that the growers and *arhtis* and buyers will have to bow down to the deputy commissioners or tahsildars and accept what they in their wisdom think fit to do. In this way you will be playing ducks and drakes with the money of the poor people who do business in these markets. This reminds me of a case in my own place, i.e., Amritsar. Some years ago when famine prices prevailed there, when wheat was selling at Rs. 8 or 9 a maund, the Deputy Commissioner, in his anxiety to control the prices and to bring about a reduction, sent for some of the merchants and brokers of Amritsar and asked them to bring down the prices. Of course he did this with an honesty of purpose. I do not allege any motives. He did not, however, realise that these prices were not the prices of a particular *mandi*, but were governed by all-India prices if not by world prices. In that year there was not much wheat produced in the country. Consequently the prices had gone very high. Prices would not or could not go down simply because the Deputy Commissioner desired it. Eventually he sent for me and I explained to him all about the position. He said something must be done to bring down the prices. I said, the only thing we could do was to stop all transactions if he so desired. 'Very well, do so,' he said. We did stop business for several days, but the prices did not go down. He sent for me again and suggested that we must re-start our business. Similar will be our experiences again if these officials were allowed to control our market committees. So, I submit that by having officials in these market committees you will not be helping the committees which will consist of *sufedposhes*, *lambardars* and *zaildars*. It will be the height of absurdity to bring in officials there. If your intention is to do any good to the poor zamindars, please abstain from nominating officials to these committees. Do let the committees even make mistakes and profit by them without any interference whatsoever from any outside authority. Let it not be said of this province that it is the Government or its officials, whether they know anything of business or not, who control the business over here, not so much for the benefit of the grower but to the detriment of *arhtis* and traders. With these words I oppose the clause.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, if the other side is not open to conviction and is bent upon speaking for the sake of speaking or if what I have to say is to prove a cry in the wilderness, I had better not open my lips. The conspiracy of silence on the opposite benches is too apparent to be mistaken. But it is a new kind of silence. You know, that ordinarily silence is taken for half consent. *التاموشی نیم رش!* is a well known saying. But here the silence of the Government is indicative of its disagreement.

As regards this sub-clause my honourable friend has adduced very sound and cogent reasons for its deletion. I have no desire to repeat any one of them, and, therefore, I shall advance two more arguments in favour of the deletion of the sub-clause. First of all I should like to ask the Government whether these market committees are even more important than this House that the Government is anxious to retain the system of nomination in their case? Why should any officer of the Government be nominated a member of a market committee when under the Government of India Act 1935, even this House has no Government official as its member? When the Parliament has done away with the system of nominating official members to provincial legislatures there is no earthly reason why the Government should insist on nominating two officials to the market committees.

The other point is about the proposal of another honourable friend that these officials should not be given a right to vote. The honourable members opposite kept silent on this amendment too. Perhaps they were sleeping or day-dreaming. But I submit that in this very House we have an instance of such a procedure too. I am, of course, referring to the learned Advocate-General. He can sit in the House and even make speeches, but he has no right to cast his vote on any question. Thus, if the Government are not prepared to accept the amendment of my honourable friend, Chaudhri Krishna Gopal Dutt, we cannot but vote for the deletion of the sub-clause in question.

It is clear that the Government wants that the market committees should remain under the thumb of these two officials. But let me make it clear to the House that in that case the members of the committee, that is, the representatives of both growers and licensees will have no voice. It is a matter of common knowledge that very often sub-inspectors of police, revenue officers and deputy commissioners go so far as to exert their influence, even on the zamindar members of this House to vote with a particular party. Thus the desire of the Government to nominate two officers on the market committees shows that it wants to keep the administration of the markets in their hands.

Now, as I have said, these two instances, namely, the absence of any official in this House and the withholding of the right of vote from the Advocate-General show that the Government should have no hesitation in accepting the amendment. But if the Government thinks otherwise, let it come forward with its arguments and try to convince us so that we may be able to understand its point of view and change our opinion, if necessary. But the Government is doing nothing of the sort. It persists in its present objectionable attitude of silence and under the circumstances I must support the amendment.

Chaudhri Krishna Gopal Dutt (Urdu): Sir, I took upon myself the responsibility of advising my friends to accept the system of nomination and to agree to the nomination by the Government of one official on the market committee. But to-day the most undemocratic and unconstitutional attitude of the Government makes me feel that this clause must be opposed and rejected. The objectionable attitude of the Government is evident from the fact that while we are moving amendments and making speeches on them the Honourable Minister of Development is enjoying a friendly chat with the Advocate-General. Our Speaker, the Honourable Sir Shahab-ud-Din, was on a certain occasion pleased to rule that when a Bill is under discussion the Minister in charge should remain in the House. This does not mean that only his body is required in the House, but that he should attend to what various honourable members have to say and make replies to their speeches and arguments so that there may be a useful exchange of views between the Minister and the members who have spent so much time and labour on the various amendments. I need hardly lay stress on the point that the Government and the Opposition are two wheels of the chariot of democracy. The Government should, therefore, try to understand the point of view of the Opposition and then take necessary decisions. But what do we find here? While we are moving our amendments and explaining our point of view the Minister in charge is having the Advocate-General in his lap and a friendly conversation is going on in whispers. Sir, I request you to assert yourself and stop whisperings which go on at the time when members speak from this side of the House. We have seen that whenever there are whisperings on these benches you try to stop them. We expect and hope that you will control that side of the House as well. We assure you that when we come to this Chamber we are open to conviction. We do not come with the attitude of my honourable friends of the Government. They start from their places with firm prejudices. They know before coming here that they have to oppose or support such and such amendments or proposals. This frame of mind, I daresay, is nothing short of an affront to the Chair and also an affront to the House.

Mr. Deputy Speaker : Please speak to the whole clause now under discussion.

Chaudhri Krishna Gopal Dutt : I submitted yesterday that there should be nominated members on a market committee. I said that with good intentions. The Honourable Premier was pleased to appreciate that suggestion. But the attitude which the Government has adopted to-day is very disappointing. They do not seem to be in a mood to agree to any reasonable suggestion put forward from this part of the House. We put forward an amendment that only one and not two members should be nominated. This has not been accepted. Then we moved an amendment to the effect that if two members were nominated their position should be that of advisory members and that they should not be allowed to vote. That too has not been accepted. I suspect that the Government aims at filling the market committees with its own men. It wants to use its powers under this Bill for that purpose. The constitution, procedure and the personnel of the committees which have been foreshadowed on account of the various provisions incorporated by the Government in the

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Bill go to confirm that suspicion. There is an impression in our mind that the Government wishes to control all the constituencies in the province through these committees. And the impression is gaining ground gradually in the country. When this Bill came up before our party in a party meeting I pointed out to my friends that it was desirable to pass such a legislation. But after seeing how every day amendments moved from this side of the House are thrown out contemptuously I am inclined to agree with my friends who said and are saying it even to-day that the Bill was meant to be used as a political weapon. I think, Mr. Deputy Speaker, you must have had the bitter experience of seeing how the nominated members behave in the district boards. They are totally at the beck and call of the deputy commissioner and completely under his thumb. They vote whichever way he asks them to vote. The reason why the Government controls the district board is that its machinery is of a reactionary type. The Government nominates members of its own choice. It is a pity that while Governments in other provinces are trying to do away with the nominated element in district boards, and some Governments have actually succeeded in rooting out the nominated element from the local bodies, our Government has done nothing of the sort. Our Government is, on the other hand, trying to create another body where it will be in a position to introduce the nominated element. This is the year 1939 and it is generally agreed that the time has now come to make democracy the order of the day. But the Unionist party although it claims to be faithful to the principles of democracy is supporting an anti-democratic principle by introducing nominated element in the market committees. Nominated members, Mr. Deputy Speaker, are mercenaries of the Government and they behave in a most undignified way. I will, therefore, submit that there is no objection to their being nominated members in the market committees only in an advisory capacity. Beyond that there should be no sanction for introducing the accursed nominated element in the market committees. We have grave fears that the Government will make political use of this power. Mr. Deputy Speaker, when we have seen that no amendment, howsoever reasonable it may be, finds favour with the Government, is there any other alternative left with us than rising and opposing the entire clause? You have seen that the amendment seeking to appoint one nominated member in place of two and another amendment recommending that the nominated element should be there only to advise and not to vote, have been rejected one after another. Why should we, therefore, not oppose the whole clause? The Government thinks that it can pass such measures with the help of the majority at its back. But it should take the fact into consideration that the atmosphere outside this Chamber is different from that in this House. If the Government had known what the atmosphere outside this House was, it would not have brought forward such measures as it has thought it proper to introduce in this House. It would have at least accepted our amendments. The Government is under the impression that no harm is likely to come to the province, its business and commerce if these measures are passed. But if after a Bill like the Markets Bill is enacted into law and is enforced in the province and it is vehemently opposed by the people of the province, who will be to blame? Who will be responsible? I will, therefore, repeat that we have a strong suspicion that the Bill will be made political

use of. I am merely making a personal explanation as yesterday I agreed to the principle of appointing some nominated members on the market committees. But to-day when I find that the Government is not prepared to agree to a single amendment moved on behalf of the Opposition, I see no other alternative but to oppose the entire clause which is about to be put to the vote of the House. We feel that all the members nominated on the market committee will vote whichever way my honourable friend, Sir Chhotu Ram, will ask them to vote. I will, therefore, oppose the whole clause.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) : Sir, I was a member of the committee which drafted this Bill. It was not then even in the knowledge of the Honourable Minister who is now in charge of this Bill.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the sub-clause.

Mian Muhammad Nurullah : That is only a preliminary remark to my opposition to the sub-clause. I was submitting that I was the first person to give this information to our friend the Honourable Chaudhri Sir Chhotu Ram that this Bill had been through our committee and would be coming up to him. Then, of course, I did not have any discussion with him, but I say that this clause is very reactionary, because it goes against the very sense of the reforms. It is against the Government of India Act. We know that in every place, in every province, and even somewhere in our province nominations have been eliminated and are being increasingly eliminated. But this clause is putting an official and not even a nominated member on top of the committee. I would have welcomed if the number of officials were to be decreased, or otherwise would it not be better to have the whole committee composed of officials? My own suggestion, if I had been in charge of this Bill, would have been to have officials not as members of that committee, but only as *ex-officio* members or I would have allowed them to attend on invitation, so that whenever necessary they could be consulted on important points concerning Government. Thus you could have got both the view points, the official as well as the non-official view point. Although I am in favour of the Bill as a whole, I oppose this clause. Why do I do so? I am very keen about the Bill that it should be passed, but I am afraid I cannot support this clause, because I find that this clause would bring us into ruts similar to those in which our district boards are running. Our Government unfortunately has done nothing to replace the non-official chairmen (*hear, hear*).

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the sub-clause.

Mian Muhammad Nurullah : I am within my rights to discuss the question of nomination *versus* election.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the sub-clause under discussion.

Mian Muhammad Nurullah : I am discussing nomination *versus* election. That is an analogy to show that this is very anti-democratic (*hear, hear*) and I may just tell you my own experience of the district board where we used to have an official and once I had to pitch a camp on one

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side and he had to put up battle on the other side. Although he won at the end I put in a strong opposition because I thought that his attitude was reactionary and retrograde. I may tell you that this clause is most reactionary and most retrograde and the idea of how anti-democratic our leaders are could be gathered from what we had this morning. I am sure Chaudhri Sir Chhotu Ram was more democratic then than now when he is supporting this clause. I am sorry to find a change in him. But one thing is very important. This is a proposition that concerns the business of our country. On business depends the prosperity of the zamindars as well as non-zamindars and I find that non-zamindars may be in favour of this sort of Bill except a few sub-clauses of clause 8 and some other objectionable parts. To my mind sub-clause (2) of clause 8 is most objectionable. In business we have free discussions, we have free ideas, the man in charge is able to do what he likes but when an official comes in with a bloc of non-officials whom he has nominated, then those people must dance to the tune of those who appoint them. Then it is likely to create trouble and it becomes a serious thing, a worst sort of affair, a worst sort of red-tapism comes in. That is what I want to avoid. We do not want to introduce red-tapism. When I was studying in London school of economics, a teacher told me that one envelope came from Australia and there was a sur-charge on it to the extent of two-pence. The postal authorities took six months in the attempt to realise two pence and it cost the State £1 and some shillings in correspondence. This is the sort of thing that we daily see in officialdom in our Government and in all cases where officials are somehow concerned. There are many offices who are like the post office. One thing is made to pass through many stages while a businessman likes to put in ten rupees to-day in the hope of making it one hundred to-morrow. He avoids red-tapism. It will be ruinous to business and when business is ruined, we zamindars, who have to go to business people, will be the sufferers ultimately and I am afraid that the relationship that we unfortunately have at present in this country between the non-official zamindars and officials is deplorable and it should be avoided. Therefore, I would request and appeal to the Honourable Minister in charge either to repeal this clause or to make the whole committee an official. I, therefore, oppose it wholeheartedly. (*Cheers*).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din (Sheikhupura, Muhammadan, Rural) (*Urdu*): Sir, much has been said on both sides and several arguments have been advanced for and against the question as to whether we should have official element in the market committees or not. I would not have spoken at all if the position had been made too clear by this time to admit of any doubt or if the Opposition had truly appreciated the reasons which have led the Government to propose official element for the market committees. Let us not overlook the incontestable fact that the object of the Bill is to provide facilities to the growers in order to obtain fair and reasonable prices for the agricultural produce which they have to sell in the *mandis*. On this point the House is unanimous and the Opposition have, in fact, expressed their whole hearted agreement to this principle. Another undeniable fact is that the growers left to themselves would be unable to safeguard their own interests. That is why this Bill has been brought in by the Government. If the growers could safeguard their own rights

and interests, there would have been no need for the proposed measure. The whole point hinges on this important point. It should not, therefore, be lost sight of. Further, let us also bear in mind that enormous powers are arrayed against this Bill and it is feared that attempts will be made to render its working impossible or very difficult at least. It is with a view to ward off against that danger that Government feel the necessity of putting some official element into these committees. The arguments advanced against the principle of nomination are perfectly sound so far as they relate to municipal committees or district boards. After all the province has had an experience of their working extending over more than half a century. How can we feel sure of a successful working of the Bill in the absence of any experience of the market committees?

Dr. Gopi Chand Bhargava : The honourable member is suffering from the old inferiority complex !

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : In reply to the charge of inferiority complex, I may be permitted to say that had it not been for this inferiority complex, the zamindars should not have felt the necessity for such a Bill. That is the main spring of this Bill. Zamindars want protection of their rights through this measure and when they will be able to look after themselves there would be no need of official element in the market committees. To-day we find that all the members of this House are elected members unlike the previous Council in which there used to be an official bloc. As we have gained sufficient experience by now, the official element has wholly disappeared from this House. So let it be with the market committees. We have no experience of them at present. We have therefore to move with caution. For some time official element will have to be put in the market committees. It will be done away with in due course.

Another argument that has been advanced by the honourable members of the Opposition is, just as the Advocate General has a right to express his opinion but has no right to vote, similarly, the nominated members in the market committees should not have any vote but may express their opinion if and when need be. I may submit by way of reply that this is an erroneous and fallacious argument. Do the honourable members of the Opposition regard the would-be institution of the market committees similar to this Honourable House so far as the experience and training is concerned? If so, their argument may be valid, otherwise it is fallacious to take the analogy of this Honourable House which has a history behind it and has, therefore, become rich in experience, and apply this principle to the market committees which have yet to take their birth.

With these words, Mr. Deputy Speaker, I resume my seat.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban), (*Urdu*) : The Honourable Premier spoke on this sub-clause yesterday and my learned friend, a well known orator in the Punjab, **بلال پنجاب** has made a speech in support of it to-day. The sub-clause reads as follows :

“ Of these members not more than two may be appointed by Government from among salaried servants of the Crown by virtue of their office.”

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There are two things noticeable in this sub-clause. First that "not more than two" officials may be appointed. It means that Government may appoint at the most two salaried servants of the Crown to serve on a market committee. Secondly the word "may" is used which means that Government is not bound to appoint two officials. It may appoint one or two. It has been said that these officials will be appointed in view of their administrative ability so that the work of the market committee may be carried on smoothly and efficiently. We have not been able to know what kind of administrative ability is in view. But if administrative ability in matters of business is required, I may submit without any fear of contradiction that there is not a single Government officer available for that purpose. Government may have officials who may be experts in administration and agriculture, but they have no officials who may also be business experts. Besides, no reason has been given as to why Government insist upon giving these officials a right of vote also. If you want them, let them be there to guide and help the market committees in the discharge of their duties. But how is it necessary that they should have a right of vote also? It has been said that the poor growers are not competent to do this job. They do not understand what marketing means. That is why this Bill is brought before the House for their benefit. I wonder if the zamindar members of this House who are also growers in their own districts are incompetent to serve on these committees. So far as I can see the so-called incompetence of the poor growers is not so much in view as the idea of appointing members who may be sufficiently safe and docile. These two officials are intended to keep an eye on the activities of the committee. The Government by the appointment of these two guardian angels want to keep these committees well under control. To say that the zamindars are incompetent is absolutely wrong. My learned friend has to-day minimized their capabilities. I wonder when the zamindars can run a Government, how it is that they cannot successfully serve on a small committee (*hear, hear*). Or else, may I take it that the secretaries, the paid servants of Government, are running the whole administration and the zamindars who are ministers are there as mere figure heads? Even if you say that the zamindars are incompetent, you are not only insulting their intelligence, but you are also insulting this honourable House. If you want officials to serve on these committees, do appoint them, but for God's sake do not make the incompetence of the zamindars an excuse for that. With these words I oppose the sub-clause under consideration.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, there is an English word *decency* and there is also an Urdu word *haya*. I would like to ask the honourable members over there if the appointment of two salaried servants of the Crown with a right of vote is a matter of decency or that of political *haya*. It has been said that because the growers are generally incompetent, it is imperative that some officer should be appointed to help and guide the committees in the discharge of their duties. I ask, is this the compliment that you are paying to them, or are you insulting their intelligence? Just consider the Central Assembly or even this Assembly where capable persons like the Advocate-General participate in the deliberations of the House but have no right of vote under

the Government of India Act. This shows that the British Parliament had plenty of political *kaya*. When such eminent persons as the Advocate-General have been given no right of vote I am at a loss to understand why you insist upon giving this right to these officers. It cannot be denied that sometimes even eminent and highly qualified persons are not given the right of vote. Here in this very House we have an instance of a similar procedure too. The honourable Advocate-General can sit in the House. He can express his opinion on any matter. But it is not open to him to vote in favour of or against any matter. The system of nomination is a thing of the past. Even the Parliament itself did not consider it advisable to keep any official bloc in the legislatures. Then what earthly reason the Honourable Minister for Development can adduce in favour of the proposed introduction of the nomination system in the market committees? Does he think himself wiser than the learned framers of the Government of India Act of 1935?

It really gave me a terrible shock to hear a leading and learned advocate of the Punjab High Court, generally known as Bulbul-i-Hind or Tuti-i-Hind, pronouncing in favour of the clause under discussion and calling the nomination system the only reasonable and practicable procedure in the matter. If this is reasonable, I cannot see at all what on earth can be unreasonable. I am at a loss to understand as to how he has the courage to call it reasonable. Then another honourable member, who has been up till recently a prominent member of the Unionist party, stood up and vehemently protested against the introduction of the nomination system in the committees. He remarked that it would be rank injustice to the growers to deprive them of the right to vote. My submission is that the only difference between the Unionist party and the Opposition is this that whereas the former takes exception to every sensible and reasonable thing the latter represents a notable stand for sanity and common sense. It is a political indecency, I would say, on the part of the Government to deprive the growers of their right to vote. Sometimes even indecent and immodest people turn out to be otherwise, but we cannot expect such a healthy change in the case of the Government. We daily hear it from the Treasury benches that the *kisans* are now wise enough to discriminate between good and evil. They are politically awakened now. When the Government itself admits that the growers are now wise and politically awakened then what makes them withhold the right of vote? Even Mahatma Gandhai holds the view to the effect that every Indian *kisan* is politically sane. He can very well understand the intricacies of the Indian politics.

Mr Deputy Speaker : The honourable member is repeating the same argument over and over again and is irrelevant.

Lala Duni Chand : In the end I submit that in the absence of the elective system a great injustice will be done to the cause of the growers. I hope that for the sake of political decency the Government would be disposed to reconsider its decision.

(Voices : Question may now be put.)

Mr Deputy Speaker : Question is—

That the question be now put.

The Assembly divided : Ayes 69, Noes 33.

AYES

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| Abdul Hamid Khan, Sufi. | Muhammad Jamal Khan Leghari, Nawab Sir. |
| Abdul Haye, The Honourable Mian. | Muhammad Nawaz Khan, Major Sardar. |
| Abdul Rahim, Chaudhri (Gurdas- pur). | Muhammad Qasim, Chaudhri. |
| Afzaalali Hasnie, Sayed. | Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed. |
| Ahmad Yar Khan, Chaudhri. | Muhammad Saadat Ali Khan, Khan Bahadur Khan. |
| Akbar Ali, Pir. | Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. |
| Ali Akbar, Chaudhri. | Muhammad Wilayat Hussain Jee- lani, Makhdumzada Haji Sayed. |
| Amjad Ali Shah, Sayed. | Muhammad Yasin Khan, Chaudhri. |
| Anant Ram, Chaudhri. | Mushtaq Ahmad Gurmani, Khan Bahadur Mian. |
| Ashiq Hussain, Captain. | Muzaffar Ali Khan Qizilbash, Sardar. |
| Chhotu Ram, The Honourable Chau- dhri Sir. | Muzaffar Khan, Khan Bahadur Cap- tain Malik. |
| Faiz Muhammad, Shaikh. | Muzaffar Khan, Khan Bahadur Na- wab. |
| Faqir Hussain Khan, Chaudhri. | Nasir-ud-Din, Chaudhri. |
| Fateh Jang Singh, 2nd-Lieut. Bhai. | Nasir-ud-Din Shah, Pir. |
| Fazl Ali, Khan Bahadur Nawab Chaudhri. | Nasrullah Khan, Rana. |
| Fazal Din, Khan Sahib Chaudhri. | Naunihal Singh Mann, Lieutenant Sardar. |
| Fazal Karim Bakhsh, Mian. | Nawazish Ali Shah, Sayed. |
| Few, Mr. E. | Pohop Singh, Rao. |
| Ghazanfar Ali Khan, Raja. | Pritam Singh Siddhu, Sardar. |
| Ghulam Mohy-ud-Din, Khan Baha- dur Maulvi. | Ranpat Singh, Chaudhri. |
| Ghulam Qadir Khan, Khan Baha- dur. | Riasat Ali, Khan Bahadur Chaudhri. |
| Gopal Singh (American), Sardar. | Ripudaman Singh, Thakur. |
| Gurbachan Singh, Sardar Sahib Sardar. | Roberts, Sir William. |
| Habib Ullah Khan, Malik. | Shahadat Khan, Khan Sahib Rai. |
| Haibat Khan Daha, Khan. | Shah Nawaz Khan, Nawab Sir. |
| Hari Chand, Rai Sahib Rai. | Sham Lal, Rai Bahadur Chaudhri. |
| Indar Singh, Sardar. | Sikander Hyat-Khan, The Honour- able Major Sir. |
| Jafar Ali Khan, M. | Singha, Diwan Bahadur S. P. |
| Jogindar Singh Man, Sardar. | Sultan Mahmood Hotiana, Mian. |
| Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major. | Sumer Singh, Chaudhri. |
| Manohar Lal, The Honourable Mr. | Suraj Mal, Chaudhri. |
| Maqbool Mahmood, Mir. | Talib Hussain Khan, Khan. |
| Mubarik Ali Shah, Sayed. | Ujjal Singh, Sardar Bahadur Sardar. |
| Muhammad Ashraf, Chaudhri. | |
| Muhammad Faiyaz Ali Khan, Nawabzada. | |
| Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar. | |

NOES

Abdul Aziz, Mian.
 Baldev Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 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.
 Jugal Kishore, Chaudhri.
 Kapoor Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Shri Ram Sharma, Pandit.
 Sohan Lal, Rai Sahib Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

Mr. Deputy Speaker : The question is—

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

The Assembly divided : Ayes 70, Noes 33.

AYES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable
 Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Atzaalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 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 Baha-
 dur Maulvi.
 Ghulam Qadir Khan, Khan Baha-
 dur.

Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Sahib Sar-
 dar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hari Chand, Rai Sahib Rai.
 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.
 Muhammad Ashraf, Chaudhri.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.

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| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Pir Muhammad, Khan Sahib Chaudhri. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Pohop Singh, Rao. |
| Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed. | Pritam Singh Siddhu, Sardar. |
| Muhammad Yasin Khan, Chaudhri. | Riasat Ali, Khan Bahadur Chaudhri. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Ripudaman Singh, Thakur. |
| Muzaffar Ali Khan Qizilbash, Sardar. | Roberts, Sir William. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Shahadat Khan, Khan Sahib Rai. |
| 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. |
| Nawazish Ali Shah, Sayed. | Sultan Mahmood Hotiana, Mian. |
| | Sumer Singh, Chaudhri. |
| | Suraj Mal, Chaudhri. |
| | Talib Hussain Khan, Khan. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

NOES

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| Abdul Aziz, Mian. | Krishna Gopal Dutt, Chaudhri. |
| Baldev Singh, Sardar. | Lal Singh, Sardar. |
| Bhagat Ram Choda, Lala. | Muhammad Hussain, Sardar. |
| Bhagat Ram Sharma, Pandit. | Muhammad Iftikhar-ud-Din, Mian. |
| Bhim Sen Sachar, Lala. | Muhammad Nurullah, Mian. |
| Chaman Lall, Diwan. | Mula Singh, Sardar. |
| Deshbandhu Gupta, Lala. | Muni Lal Kalia, Pandit. |
| Duni Chand, Lala. | Prem Singh, Mahant. |
| Duni Chand, Mrs. | Rur Singh, Sardar. |
| Faqir Chand, Chaudhri. | Sahib Ram, Chaudhri. |
| Gokul Chand Narang, Dr. Sir. | Sampuran Singh, Sardar. |
| Gopi Chand Bhargava, Dr. | Santokh Singh, Sardar Sahib Sardar. |
| Hari Lal, Munshi. | Shri Ram Sharma, Pandit. |
| Hari Singh, Sardar. | Sohan Singh Josh, Sardar. |
| Harjab Singh, Sardar. | Sudarshan, Seth. |
| Jugal Kishore, Chaudhri. | Uttam Singh Dugal, Sardar. |
| Kapoor Singh, Sardar. | |

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

That for sub-clause (3), the following be substituted :—

“ Of the remaining members 3/5th will be representatives of the growers and 2/5th of the persons licensed under sections 6 and 9 of this Act.

The representatives of the growers will be elected by those growers whose names are entered in the voters list of the District Board and who belong to the tehsil in which the market is situated.

The representatives of licence-holders will be elected by licence-holders licensed under sections 6 and 9 of this Act.

Provided that if the election cannot be arranged early, a committee may be appointed for the first six months after the enforcement of the Act.

Sir, according to the clause now before us the membership of a market committee will be confined to 8 to 16 members who will be appointed by the Government. Out of these members one or two will be Government officials and two-thirds will be selected by Government out of the growers of the district where a market area is situated. This form of selecting the membership of the market committee may be changed after the expiry of five years. This is the proviso—

Provided that after the expiry of five years from the date on which this Act comes into force the constitution of the market committee and the method of appointment of its members may be modified in such manner as may be indicated in a resolution passed by the Provincial Assembly.

This means that the Assembly will be able to change the form of the constitution of the market committees after the expiry of the long period of five years. Then a small mercy has been shown to the *arhtis* by providing—

that in the meantime the Government shall confine its choice in regard to the election of the representatives of the persons licensed under section 6 of this Act to a panel of twice the number of vacancies to be filled if such a panel is submitted to the Government by such licensed persons.

This was up to the time that we decided to suspend the consideration of clause 8 for the time being. Now, my honourable friend the Parliamentary Secretary has come forward with an amendment which reads like this —

That for sub-clause (3) the following be substituted :—

“ The remaining members shall be comprised, as nearly as possible in the proportion of two to one respectively, of the representatives of the growers of the district and of the persons licensed under sections 6 and 9 of the Act in respect of the notified market area concerned and shall be selected by Government out of a panel of names equal in number to twice the number of vacancies to be filled and submitted to the Deputy Commissioner by the non-official members of the local District Board and the said licensed persons in accordance with such formalities and after such notice as may be prescribed.

Provided that if no panel is submitted as required above, Government shall appoint the remaining members of the market committee in the aforesaid proportion to represent the interests of growers and licensed persons.”

Another proposal was put before us in which it was said that panel elected by non-official members of District Board shall not contain more than half the number of this panel out of the members of District Board.

Does it require any labour or any very great amount of insight to say that the present proposal of the Parliamentary Secretary has some fundamental difference from that proposal?

(At this stage Mr. Deputy Speaker left the chair and it was occupied by Lala Duni Chand of the Panel of Chairmen.)

There are two or three things noteworthy in this clause. First, we have to determine as to what should be the proportion between the number of the growers' representatives and those of the *arhtis* and other licence-holders in a market committee. Secondly, the House has to see whether these members should be appointed, selected or elected by those whom they have to represent. Thirdly, we have to consider the Government's view that the committees should at present be appointed by the Government through some sort of indirect election-*cum*-nomination but after five years it should be determined again whether this method should be continued or all the members of a market committee should be elected by the growers and the licence-holders.

[Dr. Gopi Chand Bhargava.]

Now, I would like to discuss these three issues one by one. As to the ratio of the growers' representatives to those of the licence-holders, I entirely agree that more seats should be provided for the growers than the seats of the licence-holders. But the question is, what should be the exact proportion between the two? Should the growers be given a bare majority or an overwhelming majority? In order to consider this question dispassionately, we should take note of the duties and functions of the members of these committees. They will have to perform manifold duties. For instance, they will have to check the corruption that is at present going on in the *mandis* and will also have to administer the law including some executive duties. Then, they will have to keep in view the current prices and also to take note of the fluctuations expected in the future. I admit that majority of seats should be given to the growers, but, is it essential that they should be given an overwhelming majority? So far as the question of business is concerned, it is essential that brokers should be given sufficient representation, otherwise, if those persons who have no previous experience of business come at the helm of affairs in the *mandis*, I am afraid, business would be jeopardised. In a way, a bare majority of one vote to the growers should suffice. Even if they are given equality with the brokers, the Government officers who would be appointed members of the market committees would be there to serve the interests of the Government and the growers. In this way no majority is essential to the growers. But I would not recommend that. I do want to give some majority to the growers and propose that the ratio between the number of the growers and the licence-holders should be $\frac{3}{5}$ to $\frac{2}{5}$. In this way the growers will have a majority of one-fifth in the market committees. Supposing there are 15 members of a market committee, the growers would be 9 and the licence-holders 6. This will give the zamindars a majority of 3 in a committee of 15 selected members. Add to it one Government officer and the representation of the growers will reach 10 in a committee of 16 members. Now, can there be any valid reason against accepting this amendment which is quite moderate in nature? Of course, if the Government choose to be obstinate and are not prepared to move even an inch from their previous position simply because of the support of a convenient majority, then they can shut their eyes to reason and moderation. They will not be content without a nominated committee. At first that was the proposal. In the select committee, they agreed to get the representatives of the licence-holders on the market committees through election. But the election would be indirect. Why? The Unionist Government want to have their own nominees in the market committees. The licence-holders and the non-official members of district boards will submit to the deputy commissioners a panel of names equal to twice the number of vacancies to be filled in the market committees. Then the persons whose names have been so forwarded to the deputy commissioner, will have to flatter the said officer in order to be recommended, just as people roam about for the nomination of their names for other posts like nominated members and honorary magistrates. The whole story of begging and flattery will be repeated here. I will read again the amendment which Government have proposed—

“The remaining members shall be comprised, as nearly as possible in the proportion of two to one respectively of the representatives of the growers of the district

and of the persons licensed under sections 6 and 9 of the Act in respect of the notified market area concerned and shall be selected by the Government out of a panel of names equal in number to twice the number of vacancies to be filled submitted to the deputy commissioner by the non-official members of the local District Board and the said licensed persons in accordance with such formalities and after such notice as may be prescribed....."

It is not clear from the wording of this amendment whether the members of the district board and the licensed persons will jointly select a panel or they will select separately. My knowledge of English is not perfect, but whatever little I can understand from these words, I gather that if they had to select separately, the word "respectively" should have been put in after the words "licensed persons." But this is not done which leaves some scope for understanding that the licensed persons and the members of the district board will jointly select the panel of names to be submitted to the deputy commissioners.

Mr. Chairman (Lala Duni Chand): The honourable member can condone the imperfect English of the Government.

Dr. Gopi Chand Bhargava: My submission is that if the panel is to be jointly selected by the licensed persons as well as the members of district boards, then the method is highly objectionable. But if they will separately select names, even then the objection would remain to the indirect election. Why should not the required number of candidates equal to the number of vacancies be selected by the growers as well as the licensed persons? Why are the Government anxious to reserve the right to nominate out of the panel of names submitted to the deputy commissioner of the district? This method is highly objectionable. In fact this is no method of election at all? All members should be elected or selected by the licensed persons and the growers. No option should be given to the Government who would like to convert the market committees into their party offices. I for one cannot understand why you are so enamoured of the indirect election. Why should not the representatives of the growers be elected by the growers whose names are entered in the lists of the voters of the district boards? In clause 6 as it stands in the original Bill you provided for the selection of members of these committees from the growers and licence-holders. But in the Bill as amended by the select committee besides making provision for the selection of members from among the growers and licence-holders you permit the latter to submit a panel twice the number of vacancies to be filled to which the Government shall confine its choice. This indirect method of election is in my opinion even worse than nomination. In the first place in order to justify the indirect method of election it may be said that because the number of growers will be very large and because the Honourable Minister for Development desires that the yields of the standing crops should be brought to *mandis* and sold under this law, it would be impossible for Government to constitute the market committees and hence they are not prepared to give the growers the right of vote. It may be urged in the second place that the number of growers is so large that if all of them are enfranchised, the election would become unwieldy and uncontrollable. So far as I can see no other plausible reason can be advanced in favour of indirect method of election.

The amendment now moved by me aims at giving some substantial right to the growers. It is to avoid delay and to check its becoming unwieldy. I have suggested that growers whose names are entered in the

[Dr. Gopi Chand Bhargava,]

voters lists of the district boards and who belong to the tahsil in which the *mandi* is situated should be given the right of vote. The argument that because direct election is not possible, it being unwieldy or that the indirect method of election is not so bad as nomination, does not satisfy me. When it is suggested that only those growers should be given the right of vote who actually bring their commodities to the *mandi*, it is argued in reply that they would not represent the interests of all growers. The district board elections are not held on any party lines or on any political programme. There is also some nominated element in the district boards. Therefore the indirect method of election that you have suggested would be undemocratic and that is why we object to it. You say that the growers are very poor and helpless people. I ask, is it owing to these reasons that you do not give them the right of vote so that they may be able to send in representatives of their own choice, and keep out those whom they consider to be dishonest? It appears that by resorting to indirect method of election you want to select not the real representatives of the growers but others who may play a second fiddle to the official members of these committees. After all why do you insist upon indirect election? Only because you know that the members elected by district boards will be easily influenced. The deputy commissioner is not only the district magistrate but he is also the collector of the district. And in that capacity he is the head of the *lambar-dars* and *zaidars* and other agriculturists. Do you think that these *lambar-dars* and *zaidars* can ever dare to go against the will of the collector? The indirect method of election that you have suggested cannot be a good substitute for a direct election and in practice I am sure it would prove as bad as nomination. I cannot therefore approve of the indirect method of election. You say that you do not want direct election because the number of growers would be too large to hold election satisfactorily. But what do you say about the licence-holders? Their number, I believe, cannot exceed two or three or at the most four hundred. Would it be difficult to hold elections where the number of voters is only four hundred? Further, it has been contended that elections would require large expenditure to be incurred by Government. Suppose that is true. But those who possess money should spend it. It is an open secret that in the Assembly elections candidates spend thousands of rupees. But how much expenditure is likely to be incurred in connection with an election to be held in the case of four hundred persons? The constituency of Chamber of Commerce consists of not more than 121 voters and the Government proposes to fix one thousand rupees for this constituency as expenditure on elections. Now, I would draw your attention to the fact that the voters of this constituency are scattered over the whole of the Punjab and some of them belong to Delhi. Not only that, but some of them were in Europe at the time of elections. Still the Government thinks that the expenditure on that constituency cannot exceed one thousand rupees. This shows that the expenditure on the election of the representatives of the licensees of a market who are all of them at one and the same place will be much less than that. In fact it will be only a nominal expenditure. Then there is another point. The licensees will be in a minority and it is not unusual with the minorities to arrive at some compromise and return their representatives without any contest. Thus the argument about expenditure does not hold good in the

case of licensees and, therefore, there is no reason why they should be forced to submit a panel instead of returning their representatives by direct elections. But if you still insist that you do not want to incur any expenditure you can require the candidates to pay some fee. I am sure that in reply to this argument the Government will raise a hue and cry that it does not want those poor people to deposit any such amount. Very well, if you are so full of love and sympathies for these poor people then why did you not agree to our proposal that the licences should be issued without any fee? If you think the *arhtis* are not so poor you could exempt the weighmen, the measurers and the warehousemen. But since the Government is not sincere it is always advancing contradictory arguments. When we say these people should not be made to pay any fees for their licences the Government says they are not poor, but when it is suggested that they may be allowed to return their representatives by direct elections and the Government may avoid unnecessary burden on the exchequer by levying a fee on the candidates, there is a sudden and unexpected *volta face* on the part of the Government. These people at once become too poor to bear any such burden and the Government is all sympathy and solicitude for those very people whom it is never tired of calling robbers and badmashes.

Now let me tell you, Sir, that this selection of representatives out of a panel amounts to depriving these people not only of direct election but of the elective system itself. The Government may come forward with the argument that election contests will create rivalries and bickerings among these people. But in that case I would submit that the election of the panels will be as conducive to the rise of bickerings and rivalries as the contests on direct elections. Thus the real object of the Government in adopting this method is to bring on the market committees only such persons as would be prepared to place their votes as well as their conscience at its disposal.

We know that there are Market Acts in force in some other provinces. Not only that. Such measures existed in certain provinces even before the advent of provincial autonomy. And what do we find? The committees constituted under all of them are constituted by direct election. In the United Provinces also Thakar Charanjit Singh has given notice of such a Bill. I have a got a copy of this Bill and one copy was sent by one of my friends to the Honourable Minister of Development also. Here again the market committees are proposed to be elected by direct elections. When all these Governments have given the right of direct election in their respective provinces, why should our Government fight shy of adopting this democratic method? You may say that the representatives elected by direct election would not let the committees function properly. But then you have got the remedy with yourself. You can always get rid of such undesirable persons by superseding the committee. But I do not think it will be necessary. I have with me the report on the working of a similar measure in a certain province. Their Act related to cotton markets and they say that the elected committees are working quite satisfactorily. Then there is no reason why they should not function properly in our province.

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

Now, this Bill is not a creation of the Punjab Government. Its various clauses have been taken from measures already in force in other provinces.

[Dr. Gopi Chand Bhargava.]

Still the Government has felt the necessity of moving amendments to make the measure suitable for their own purpose. The present amendment is an instance in point. The original proposal was for nomination pure and simple, but now finding that the same purpose can be served by means of indirect election they have come forward with this amendment.

As regards the election of the panel I cannot for the life of me understand why the right to elect it should be given to members of district boards when they have no mandate from and sanction of the electorate for the purpose. It may be said from the other side that it is only an experiment and that if it does not prove successful, the Government will be prepared to introduce elective system by means of an amending Bill. For this I have already suggested a better alternative, that is, you can appoint committees for the first six months and then introduce the elective system. By the expiry of that time the growers will be free from harvesting, and for the prospective candidates also six months will be ample time for necessary canvassing. I cannot understand this House which wholly consists of elected members being asked to deprive people of their right of direct elections.

Once again, reverting to the question of expenditure may I ask why the Government is not prepared to spend money on elections from the funds of the committee, when it is so ready to allow those funds to be utilized for conservancy and sanitation purposes? It may be said that it is the duty of the market committee to attend to the sanitation of the market. But may I ask why? When the municipalities realize terminal tax on the produce brought to the markets why should they not meet the sanitation expenses?

Then comes the most important question of the representation to be given to the different interests. The Government have proposed that the proportion should be two to one. But there also you have the words "as nearly as possible." May one ask why this reservation? There is an accepted principle that if the fraction is more than one half it is to be added on one side and if less than one half then on the other side. Supposing there are 14 members of a committee and the proportion is 3 to 2. Now as 14 cannot be equally divided by 5 and the remainder is 4, obviously the fraction $4 : 5$ will be rounded as one member on the side which has 3 as its proportion. I say, why not adopt this well established principle and try to thrust in your "as nearly as possible"? To me the reason appears to be this that the Government wants to keep this fraction in its hands so that it may be able to use it to serve its own ends. Let me tell my honourable friends opposite that it is such attempts on their part which go to confirm the suspicion that the measure is a political and not an economic one. If they accept my amendment it will remove at least some of the political tinge from the Bill. Now if they insist on their own amendment then, may I ask as to who is going to fulfill the condition contained in the expression "as nearly as possible," and how?

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

That for sub-clause (3), the following be substituted :—

"Of the remaining members $3/5$ th will be representatives of the growers and $2/5$ th of the persons licensed under sections 6 and 9 of this Act."

The representatives of the growers will be elected by those growers whose names are entered in the voters list of the District Board and who belong to the tahsil in which the market is situated.

The representatives of licence-holders will be elected by licence-holders licensed under sections 6 and 9 of this Act.

Provided that if the election cannot be arranged early, a committee may be appointed for the first six months after the enforcement of the Act."

Chaudhri Krishna Gopal Dutt (North-eastern Towns, General, Urban) (*Urdu*): Mr. Deputy Speaker, I rise to support the amendment moved by the honourable Leader of the Opposition. The Marketing Bill has passed through several stages and at every stage we tried our level best to express our opinions according to our own lights. But it is much to be regretted that all this has proved a cry in the wilderness.

Now, clause 8 is under discussion. It is the most important clause in the Bill as it relates to the constitution of the proposed market committees. I, therefore, request the Honourable Premier to lend a patient hearing to our humble submissions in this respect as any mistake committed by the Assembly at this stage may have serious consequences. The attitude that the Government has adopted shows that it has decided not to accept any of our amendments, howsoever important they might be. It is up to the Premier who is to-day in charge of the Bill to consider the merits of this amendment which is of vital importance irrespective of the consideration whether it is moved by the Unionist party or the Opposition. I hope, but perhaps I am hoping against hope, that he would patiently hear my humble submissions in the matter.

Before I proceed, I consider it desirable to narrate a brief history of the clause under discussion. When the Marketing Bill was at first introduced in this House at Simla, clause 8 was not in its present form. Before committing it to the select committee the Government had proposed therein that every member on the committee would be nominated by it. And so the Government had reserved to itself the right of nominating the representatives of the growers and *arhtis*. In the select committee our congress members strained every nerve to convince the Government by advancing sound and weighty arguments urging the desirability of introducing elective system in the market committees. They earnestly advised the Government to the effect that if the latter wanted to obtain a speedy enactment of the Bill without facing any opposition from this side of the House, they should better bid farewell to the nomination system and introduce the system of popular elections in the committees. But the Honourable Minister for Development turned a deaf ear to the suggestion put forward by us. I do not propose to divulge any secret but it is a fact that when members of our party had private talks with other members of the select committee they expressed their agreement with the opinion that it is necessary for the successful working of the Marketing Bill that things which are not to be found in the Marketing Bills of Bombay and Berar should not be included in it. Many of these honourable members were of the opinion that the principle of nomination should be given up, so that the growers and *arhtis* may be able to elect representatives of their own choice. I know that a responsible Minister held out a threat to such members and said that that was a party question. Otherwise these members were willing to support the Opposition on this issue.

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They felt that party questions should be regarded as such within the four walls of the House. The select committee was in a way a committee of experts. Its duty was to discuss this measure in a free atmosphere. But the doors against a free discussion were banged. The Honourable Minister for Development did not agree to a single proposal put forward by us. Only one change was made and that was that the *arhtis* should select a panel and the Government might make its choice out of that panel. But so far as the representation of growers was concerned our proposals were completely turned down. There was large scale agitation throughout the length and breadth of the province on the question of providing elected element in the committees. Two proposals were urged. First that the Marketing Bill be dropped altogether and if that was not agreed to, the constitution of the market committees should not be dependent on the sweet will of Government. The people whose interests are affected by this measure, namely, the growers and the *arhtis* should be allowed to elect members of their own choice to work on the committees. Even some newspapers who ordinarily support the Government raised the voice that satisfactory changes must necessarily be made in the Bill so far as the constitution and the procedure of the committees were concerned.

But I want to make it clear that the Congress party has nothing to do with the school of thought which wants to kill the Bill in its entirety. The Congress does not say that there should be no Marketing Bill. The Congress wants the Marketing Bill to be enacted so that the growers may be able to get better prices for their produce in the *mandis* but the Bill should be like that passed in Bombay. I have purposely refrained from making a reference to the Berar Act because the Report of the Commission on Agriculture says that the Bombay Bill is better than the Berar Act. But here both the Bombay and Berar Acts have been deliberately ignored. A novel provision has been introduced in this Bill which one has not come across anywhere else. Other provinces apart, such a measure cannot find a parallel in any other part of the world. South Africa perhaps tried to follow in the footsteps of India in this respect, but there is no such measure to be found in countries like England. Nowhere is such a medley of representatives of growers and *arhtis* to be seen. In Madras such a principle was tried in the case of cotton trade. But that has gone only so far as an experiment could go. No such provision has been made about commodities like wheat. All other countries, for instance England, Italy and France, provide certain facilities to the growers for the marketing of their produce. Nothing is done more than that. It has been complained against the Congress in the Punjab that it is out to oppose everything done in other parts of the world. We have not lost our heads that we should be opposing every good action of other people. So far as the provision of facilities for the marketing of agricultural produce is concerned we are at one with my honourable friends on those benches. If you want to do that through market committees you are welcome to do that. But I will submit to the Honourable Minister for Development and the Honourable Premier that if they want to make a success of the Bill they should provide for such a control of the market committees that they are allowed to function without any outside political influence. Mr. Deputy Speaker, we should forget for the time being which is the party in power, the Unionist party or the Congress. No party should

have any influence on the market committees. We should keep the market committees above party politics.

Lala Duni Chand : Sir, I rise on a point of order. When the Honourable Deputy Speaker is in the Chair he should be addressed as " Mr. Speaker " and not as " Mr. Deputy Speaker." His position is of a Speaker and not that of a Deputy Speaker.

Premier : And also when the Chairman is in the Chair he should be addressed as " Mr. Speaker." (*Laughter*).

Chaudhri Krishna Gopal Dutt : I am sorry to note that when our attention is concentrated on serious topics such interruptions are made. This is not desirable. I was reminded of an instance in this case. When the Reserve Bank Bill was on the anvil of the Central Legislature the matter came up before the Central Assembly whether it should be a State Bank or a Share-holders' Bank and if it was going to be of the latter type whether the Central Assembly should have any control over it. It was suggested at that time—and I am in perfect agreement with that suggestion—that the question of banking should be immune from political influences and party politics. A question like banking should not be thrown into the rising and falling currents in the troubled waters of the sea of politics. I have the same opinion about the market committees.

Market committees should be kept free from the influence of political parties whether it is the Unionist or the Congress who seek to influence them. Business should be above politics, and I would like to sound a note of warning to the Honourable Premier that if he would attempt to mix an element of politics into the constitution of the market committees, the whole administration of *mandis* will be jeopardised and business will, consequently suffer to an enormous extent. I would draw his serious attention to this impending disaster and appeal to him in right earnest that the first and foremost thing that he should do is to abandon the futile attempt to introduce official and political element in the market committees. Let the growers elect their own representatives and allow the *arhtis* to choose their representatives. The immediate effect of this step would be that the great hue and cry which is being raised against the Government would subside at once. People will no longer think that the Unionists are trying to strengthen their own constituencies. At present a storm of protest is being raised against the Government saying that they are out to crush all nationalist activities in the Punjab and that they are bent on encouraging reactionary forces in the province. The masses are strengthened in their belief by the wording of clause 8 which is now under consideration. Our only aim is that somehow a compromise should be effected between the Government and the Congress party on this issue. If a reasonable compromise is arrived at, I assure the Government even now, that the Opposition so far as it consists of the Congress Party will have absolutely no objection to the passage of the whole Bill. Let the Government avail of this chance even now. But the new amendment proposed by the Government is that the non-official members of the local district boards and the licensed persons should submit to the deputy commissioner a panel of names equal in number to twice the number of vacancies to be filled in a market committee. The Government will appoint the requisite number

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out of this panel and they claim this to be an indirect election. In fact it is not so. Any person who knows the A, B, C, of politics, with understand that the method proposed in that amendment by the Government does not constitute what is known as an indirect election. It is a pity that the honourable Leader of the Opposition could not see through it. May be he had little time to devote to the study of this amendment which has been moved at the fag end of the day. Moreover, he remained overwhelmingly busy in trying to arrive at some compromise with the Government. That is why he could not realise the true significance of the Government amendment. It will do more harm than good to the people. If the Honourable Premier wants to prove it to be an indirect method of election, I am prepared to accept his challenge and shatter his arguments in this connection. You must have an electoral college for an election to be held. What is an indirect election? There should first be the large body of primary voters. These primary voters elect a body of persons which you may call the electoral college. This electoral college will then proceed to elect members of the market committees. Some such method will be called an indirect election. Where is that electoral college for the election of members of the market committees? It is said that the non-official members of the local district boards will elect them. But I ask, how? Will these members of district boards themselves be elected on this issue? It is essential that if the members of the district boards have to elect members of the market committees, they should themselves be first elected on the issue of the market committees and not on other various political issues as at present.

Mr. Deputy Speaker : I request the honourable member to be brief. Eighty-seven or 88 amendments are being discussed together and time shall have to be given to the honourable movers of those amendments. I would request him to be brief, because it is only a sub-clause which is under discussion.

Chaudhri Krishna Gopal Dutt : I bow to your ruling but the difficulty is that if you allow only 5 or 10 minutes to a speaker, we will not be able to express our opinions fully.

Mr. Deputy Speaker : Please confine your remarks to the motion.

Chaudhri Krishna Gopal Dutt : This amendment is very important. To-morrow the Government may claim that they have provided for indirect election but I would refute this argument right now. The point at issue is, how will those growers be defined or from which list will the members of the local district boards select a panel of names? There should be a list of the growers from which names could be selected.

Need I remind the House in this connection that the members of the district boards seek election on various political issues so that some of them are supported by the Congress and others are supported by the Unionists. It is, therefore, clear that persons elected on political considerations would not be suitable for electing members of the market committees which should be above politics and non-political in outlook. But if I were to accept the amendment proposed by my honourable friend Chaudhri Tikka Ram, I am afraid politics would creep into the market committees and prove ruinous to trade and commerce in this province. That is why I am opposed

to his amendment. Why should the members of district boards who are not returned to the board on the issue of markets, be given the right to submit a panel of names for the market committees? Their interests have no direct or indirect connection with the problems that the market committees would be called upon to solve. I, therefore, submit with all the force at my command that it would be uneconomic, undemocratic and impolitic to give this power to the district boards. The next point that I would like to adduce is that the district boards are not democratic institutions at all. Do you think that the members of the district boards as they are now constituted can in any way feel independently? Could they dare say 'no' to the deputy commissioner or to the Honourable Minister? The Government have already got political influence in the district boards and as such they now want to take undue advantage of it, because in accordance with the amendment of Chaudhri Tikka Ram the members of the district boards shall be eligible to become members of the market committees, provided their number does not exceed half of the total number of members of these committees. There are no marketing issues before the district boards and they have no concern with the economic problems. When you try to bring the market committees on par with the district boards you are confusing the issues. If this House accepts the Government amendment the market committees will become the hot-bed of the same intrigues as are the order of the day in the district boards. I know it will be contended with some force by Government that they are not against election, they do not want to deprive the growers of the right of vote, but that they are mostly anxious for the satisfactory working of these committees without incurring much expenditure on them. I do not say that this will be the only argument that will be advanced by Government. They may say some other minor things in support of their contention, but I would like to reply to their main contention beforehand and that is that by making this contention they will stand self-condemned. In other countries crores of rupees are being spent on providing marketing facilities to the *kisans*. But this Government when they come to the question of expenditure, get perplexed. If they do not want to incur expenditure or if they have nothing to spend on providing marketing facilities to the *kisans* I ask, why have they brought this Bill before the House? In Bombay, direct election has been resorted to as the only method of constituting market committees. There the Markets Act is working quite satisfactorily and the *kisans* are getting reasonable prices for their produce. Nobody has complained there that the election is a cumbersome method of constituting marketing committees. Do you want to resort to a method adopted by Hitler and Mussolini in Germany and Italy respectively? You do not want to give the masses the right of vote or else you consider them unfit to use this right. All Muhammdan Anjumans and other political bodies in this country are in favour of adult franchise. The Congress wants nothing but adult suffrage. An average man in this country is considered fit by them to be given franchise. The people in general can very well understand the political and economic problems of their country. But the wheel of this Government instead of going forwards, is moving backwards. If you give franchise to the people it would be a sort of schooling in democracy. They would learn how to look after their own affairs and how to run the administration of their own country.

[Premier.]

Premier: May I suggest one thing to the honourable members opposite? No doubt both sides want to save the time of the House. My honourable friend is speaking not only on this amendment before the House but also on other amendments. My suggestion is that we concentrate on three amendments only, namely, that of Dr. Gopi Chand Bhargava, that of Dr. Gokul Chand Narang and that of the Government. Why should we waste the time of the House in discussing the other amendments? I understand that the Congress party is agreed on the amendment of the Leader of the Opposition. I think it would save the time of the House if we concentrate our debate on these three amendments only instead of going through the whole host of amendments on the order paper, which will serve no useful purpose.

Dr. Sir Gokul Chand Narang: How will it save the time of the House? There will still be debate on these amendments.

Premier: We can concentrate the discussion on these amendments only instead of making irrelevant remarks if the other amendments are not considered.

Chaudhri Krishna Gopal Dutt: I was discussing the question of adult franchise. It is possible that the Government may urge that if the market committees are constituted on democratic lines, there will be created a chaos and disorder beyond our control. In my opinion the Government will stultify itself by taking protection under this plea. The point which I was stressing upon was that the Government were afraid of incurring expenditure on affording facilities to the *kisans* in the matter of sale and purchase of their produce. When you are so afraid of incurring expenditure on democratic institutions, why do you not do away with all municipal committees and district boards in the province? You should better bid adieu to all democratic institutions in the country on that score. I may also submit that the Government may charge some fee from the candidates and then its coffers will not be touched at all. Thus the objection that direct election will involve extra burden on the exchequer does not hold good and I have a lurking suspicion in my mind that the Government is using such arguments merely in order to stifle democracy in the province.

This much for the amendments of the honourable Leader of the Opposition and of my honourable friend Chaudhri Tikka Ram. Then comes the amendment of Dr. Sir Gokul Chand Narang to the effect that neither the representatives of the growers nor of the *mandivalas* should be in a majority but both sides should be given equal representation on the market committee. Sir, I have considered this question very carefully and, therefore, I am in a position to pronounce an opinion on it. My honourable friend Dr. Narang may cite the example of Bombay in support of his amendment. But I would submit that in market the grower plays the most important part and has the greatest stake. I am, therefore, of the opinion that although there are many other interests that have a play in a market, yet his is the most important one and it is but meet and just that he should enjoy a little more representation on the committee than others. Even in Bombay there is often a good deal of grumbling on this score and the

Agricultural Commission also complained that sometimes the growers would not secure a majority in such committees. That is the reason why my party has proposed that three-fifths of the members should be representatives of the growers. We want to give the growers a bare majority in the market committees. For these reasons I support my Leader's amendment.

Now I come to the amendment that stands in my name.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Chaudhri Krishna Gopal Dutt : Sir, it is a very important matter and, therefore, I would request you to allow an adequate discussion on it. I would draw the attention of the Honourable Premier to my amendment if he would kindly desist for a few minutes from whispering and chatting and lend an ear to me. I want his attention because the fate of the amendment depends on his will. If he is convinced of the reasonableness of my amendment and is prepared to accept it his party will agree to its acceptance *ipso facto*.

This amendment draws the attention of the House to an interest in the markets which no one has so far cared even to mention. It is the interest of the consumers. In my opinion and in the opinion of every person who is conversant with economic problems the interest of the consumer is a very important one. In the course of a communication to the Bombay Government on the exchange ratio question the Punjab Government said that the proposed change in exchange ratio would adversely affect the interest of the consumers. Although I do not subscribe to that view, yet, I draw your attention to the fact that even the Government has had to recognise that there is such a thing as the interest of the consumers. The part played by the consumers in connection with the marketing of agricultural produce is by no means a mean one and, therefore, there is no reason why they should not be given any representation on the market committee. There is no such measure as the Marketing Act nor such committee as the market committee in any other country, but I assure you that if there had been any such committee in any foreign country the consumers simply could not go unrepresented. In this connection I wish to draw your attention to a sentence in this book which I have got with me. It is entitled "The Discovery of the Consumer" and the author is Mrs. Sydney Webb. She says :—

"It was in recognised utility of specific demand that lay the dominating and delimiting factor of exchange value."

Thus she says that it is the demand for a thing that is responsible for its production and, therefore, according to her, the interest of the consumer should be given the greatest importance. (*An honourable member :* Are the growers not consumers?) No, they are not consumers in this case in the real sense of the word. I am referring to those consumers who purchase grain and cotton worth hundreds of thousands of rupees for their mills and factories and for foreign export. Anyway, the Government can decide at the

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proper time as to who is to be considered a consumer, but you cannot say that he has no interest in the markets. I would request my honourable friends opposite to refrain from making it a class or communal question. What my amendment aims at is that like the growers and *arhtis*, the consumers should also be given representation on the market committees. In the end I would sum up my speech by asking the Government to resist the temptation of thrusting on the province their own amendment simply because they command a majority in this House. With these words I support the amendment moved by the Leader of the Opposition.

Mrs. Duni Chand (Lahore, Woman, General) (*Urdu*): Sir, I rise to support the amendment that has been moved by the honourable Leader of the Opposition. I have very carefully and attentively listened to the speeches made from both sides of the House. I am at a loss to understand as to why the Government to-day is bent upon confiscating the right which was conceded to us some fifty years ago by Lord Ripon. Suffrage is one of our long-standing privileges. It would have been proper for the Government to try and secure more rights for the public. But on the contrary it is determined even in this age of democracy to deprive us of this important privilege. Everyone of us is aware of the fact that district boards and municipal committees depend largely on votes for representation and what is more, even this Government owes its existence to elective system. I cannot guess why the poor peasantry whose representatives can attain the position of ministers, should not be allowed to elect their own representatives on the market committees. It is absurd to think that the peasantry is incapable of returning the right persons to the committees. I can proudly emphasise that the endeavours of the Congress have afforded such training to the peasants that they are now in a position to distinguish between friend and foe. By now the voice of Mahatma Gandhi has reached every nook and corner of the country, for he alone is the true sympathiser and saviour of the peasants. The Punjab Government has had pretensions of its friendship with the peasants and the labourers. But those pretensions are shattered at last. Is it not an atrocity to have fixed a fine of Rs. 50 if a labourer fails to secure the necessary licence? The Government should know that the veil of hypocrisy is rent asunder at last, and that the poor know the Government too well to be taken in.

I would have appreciated if the Government had made bold to assert with simple frankness that its object in the passage of this Bill is to benefit its customary sycophants. The Treasury benches are enjoying a majority in the House and even after a frank avowal the Bill could be carried through. But the Government should not forget that thrilling speeches can no longer lead the public astray. The real features behind the mask have been revealed; nor have they failed to grasp that the Congress alone is their sincere well-wisher. The selfless sacrifices of the Congress have ever remained exemplary and unparalleled in the country. Its followers have turned paupers for the welfare of their brethren. Such noble selflessness I have not found existing in any other institution, and the public has grown fully conscious of this. In the Punjab only that Government is destined to take

root and flourish which like the Congress is an upholder of the cause of the poor. How beautifully some one has said—

مذاقت چھپ نہیں سکتی بغاوت کے اصولوں سے
کہ خوشبو آ نہیں سکتی کدھی کاغذ کے پھولوں سے

I should very much like to explain why I do not favour the proposal for the nomination of the members of the market committees. I shall explain my plea by an illustration. You know, Sir, that the lambardars and zaildars are nominated in the villages. Notwithstanding that they are selected from among the villagers, they cannot help trampling over the rights of their fellow brethren and that only in order to please the Government. Here I draw your attention to the fact that the Congress favours the policy of election regarding these offices in the villages. Another instance may be suggested. Our ministers to-day are elected members according to the democratic principles. As such, it is inevitable that they have occasionally to tour in the villages. If on the other hand these ministers were holding offices by virtue of nomination, they would never turn so much as to cast a glance on these very villages. In view of these facts I think that the nominated members of the market committees also would not take any active interest in the administration of the *mandis*.

At this stage the Assembly adjourned till 12-30 p.m. on Monday, 23rd January, 1939.

1917

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

Witness my hand and seal this 1st day of

January 1917

John J. [Signature]



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

PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 23rd January, 1939.

The Assembly met at the Assembly Chamber at 12-30 P. M. of the clock.
Mr. Speaker in the Chair. (There were cheers from all sides of the House when Mr. Speaker took the Chair.)

STARRED QUESTIONS AND ANSWERS.

WITHHOLDING OF BOOKS FROM COMRADE GURMUKH SINGH,
PRISONER.

*3990. **Munshi Hari Lal** : Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that books belonging to the Servants of People Society and meant for supply to Comrade Gurmukh Singh, a prisoner in New Central Jail, Lahore, were withheld ;
- (b) if so, what were the reasons for this withholding ;
- (c) whether it is a fact that there is restriction on the supply of books to Comrade Gurmukh Singh ?

The Honourable Mr. Manohar Lal : (a) Yes. Some books were withheld.

(b) These books were prohibited from entering India and were confiscated under section 8, read with section 167 (8) and section 182 of the Indian Sea Customs Act.

(c) Gurmukh Singh is allowed books within the limits provided for "B" class prisoners by the rules in paragraph 576-D of the Punjab Jail Manual.

STATISTICS OF CATTLE DIED IN HISSAR DISTRICT.

*3991. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Revenue be pleased to state whether they collected statistics of cattle in Hissar district in November last and, if so, in how many villages and also give the basis of their statement recently made through an official *communiqué* that 25 per cent of cattle have died in the said district ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes, in 672 *barani* villages.

Second part.—In no official statement has it been alleged that 25 per cent cattle have died.

PERSONS WORKING ON TEST WORKS IN HISSAR DISTRICT.

*3992. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Revenue be pleased to state the number of persons working at present on the

[Dr. Gopi Chand Bhargava.]

test works started as a measure of relief in the famine-stricken area of the Hissar district and also the number of those in the said district who are getting gratuitous relief ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information for the week ending the 7th January, 1939, is laid on the table :—

| | |
|--|--------|
| Daily average of labourers attending relief works.. | 71,907 |
| Daily average of dependents of labourers on relief works .. | 27,296 |
| Total number of persons receiving gratuitous relief on spinning centres .. | 29,834 |

(*Khan Sahib Chaudhri Sahib Dad Khan rose from his seat to put a supplementary question.*)

Mr. Speaker : When any honourable member wishes to ask a supplementary question he should rise and say, "a supplementary question." But he should not proceed to put his question unless he is permitted by the Chair to do so. The Chair shall allow supplementary questions to be asked by the various members turn by turn. (*Voices: Thank you.*) I may further add that unless a supplementary question is allowed by the Chair, it should not be answered by a Government member or a Parliamentary Secretary ; nor should such question and answer be noted down by the official reporters.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that since the famine relief work was taken in hand, prices of food stuffs have risen ? If so, will the Government grant further relief in the shape of opening cheap grain shops ?

Parliamentary Secretary : I would like to have notice of that question.

Dr. Gopi Chand Bhargava : May I know whether any gratuitous relief is given to the disabled or old relations of the spinners ?

Parliamentary Secretary : I require notice of that question too.

Dr. Gopi Chand Bhargava : May I enquire who are the people who got gratuitous relief as far as spinning centres are concerned ?

Parliamentary Secretary : I require notice for that question also.

TENANTS-AT-WILL AND OCCUPANCY TENANTS IN HISSAR DISTRICT
AND GRANT OF TACCARI LOANS.

*3993. **Dr. Gopi Chand Bhargava** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number at present of occupancy tenants in Hissar district ;
- (b) the total number of tenants-at-will at present in Hissar district ;
- (c) the number separately of occupancy tenants and tenants-at-will who have been given *taccari* loans during the last few months ;
- (d) whether any instructions have been issued by the Government for distribution of *taccari* loans only to tenants-at-will in the said district ; if so, whether he will be pleased to lay a copy of these instructions on the table of the House ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 41,918.

(b) 1,47,707.

(c) (1) Occupancy tenants 9,631.

(2) Tenants-at-will 16,858.

(d) No. Government have not issued any instructions for distribution of *taccavi* loans to tenants-at-will only in the Hissar district. Instructions have, however, been issued that in the case of a tenant-at-will, it is not necessary that either the landlord should stand surety or that the tenant should hypothecate immovable property before he can get *taccavi*. The grantee has only to produce some person or persons as surety.

ELECTION OF PANCHAYAT COMMITTEE OF VILLAGE KANG, DISTRICT
AMRITSAR.

*3997. **Sardar Partab Singh** : Will the Honourable Minister of Public Works be pleased to state—

(a) when the election of the panchayat committee of village Kang, district Amritsar, was held last and under whose supervision it was held ;

(b) the number and names of the candidates who contested the election ; and votes polled in each case ;

(c) whether those persons who secured majority of votes have been declared elected ; if not, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret the reply to this question is not yet ready.

Sardar Sohan Singh Josh : How long will it take to get the answer ready ?

Parliamentary Secretary : It is difficult for me to give the exact date, but immediately on receipt of notice of a question it is sent to district authorities, who naturally take some time to prepare the reply.

Sardar Sohan Singh Josh : How many elections took place in this connection ?

Parliamentary Secretary : I am aware of only one.

Sardar Partab Singh : On receipt of the reply from the officers, will the Government take steps to find out the veracity of the statement sent by the officers ?

Parliamentary Secretary : I have nothing to add to what I have already said.

REMISSION GRANTED BY GOVERNMENT ON *KHARIF* CROPS.

*3998. **Sardar Partab Singh** ; Will the Honourable Minister of Revenue be pleased to state the amount of remission given by the Government on the last *kharif* crops, like cotton, maize, paddy, fodder, etc., on account of the general *kharaba* for want of rain all over the province in general and in the Amritsar district in particular ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): It is regretted that the reply to this question is not yet ready.

SYSTEM OF ELECTION FOR MUNICIPAL COMMITTEE, ISAKHEL.

***3999. Lala Bhim Sen Sachar** : Will the Honourable Minister of Public Works be pleased to state whether the Government have so far decided to substitute the system of election for that of nomination of members for the Municipal Committee of Isakhel; if not, when Government may be expected to do so?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Not yet. The question will be taken up after the result of the experiment at Kalabagh is known.

MONOPOLY OF MOTOR TRANSPORT RIGHTS.

***4000. Lala Bhim Sen Sachar** : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Government received in the month of August, 1938, a representation from the residents of Bassoli and twenty-four neighbouring villages in Rawalpindi district complaining against the giving of monopoly of motor transport rights on the road from Rewat to Bassoli to a certain individual or firm; if so, the action, if any, taken on the representation?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The honourable member is asked to refer to the answer given in the last session to question No. 474¹ put by the honourable member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency and the answer given to question *3879² asked by the honourable member for Lahore city (Urban). It has now transpired that the arrangements with the person who at present has the monopoly are operative up to the 31st March next, and it may not be possible to make the intended change until then.

REMISSION OF LAND REVENUE IN JULLUNDUR DISTRICT.

***4002. Lala Bhagat Ram Choda** : Will the Honourable Minister of Revenue be pleased to state whether any concession in land revenue has been granted to the zamindars in the jurisdiction of *thanas* Adampur and Kartarpur, district Jullundur, in respect of the last *kharif* crop; if not, why not?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The question of granting relief in these areas is under consideration.

ALIENATION OF THE LANDS OF BRAHMINS OF CERTAIN VILLAGES IN JULLUNDUR DISTRICT.

***4003. Lala Bhagat Ram Choda** : Will the Honourable Minister of Revenue be pleased to state how much land owned by Brahmins of villages

¹ Volume VI, page 27.

² Volume VII, page 198.

Chopra, Khewa and Ladhewali, tahsil Nakodar, district Jullundur, has been transferred to money-lenders and others through auction, mortgage and sale, separately, during the period from 1901 to 1938 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : An enquiry has been made from the Deputy Commissioner, Jullundur, and his report is awaited.

SCHEDULE OF MINIMUM AREAS FOR HOUSES ON IMPORTANT ROADS IN
LAHORE.

***4004. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that some time back the Government appointed a committee to advise regarding the schedule of minimum areas for houses on important roads in Lahore ;
- (b) the number of meetings held by this committee since the date of its appointment ;
- (c) whether the committee submitted any report to the Government on the areas to be prescribed for buildings in Lahore ; if so, the date on which such report was submitted and whether he will be pleased to lay a copy of that report on the table of the House ;
- (d) whether it is a fact that no action has so far been taken by the Government on the recommendations of this committee ;
- (e) if the answer to (d) above be in the affirmative, the reasons for the delay ?

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

(b) Four.

(c), (d) and (e). The committee prepared no regular report. The proceedings of its meetings were however recorded by the secretary in the department concerned, who acted as secretary of the committee, and they are still under the consideration of the Government.

Mian Abdul Aziz : Will the honourable Parliamentary Secretary please state if it was a unanimous report of all the members and there was no dissenting note to that report ?

Parliamentary Secretary : I think it was a unanimous report.

Mian Abdul Aziz : Was the Honourable Minister in charge Chairman of that Committee ?

Parliamentary Secretary : Yes.

Mian Abdul Aziz : Is there any hitch now in accepting that report when it is conceded that it was a unanimous report ?

Parliamentary Secretary : The Honourable Minister, in reply to a similar question, stated day before yesterday that the report was referred to the Commissioner for his opinion and I think that it was necessary for the Government to do that.

Mian Abdul Aziz : When was that report made ? On what date ?

Parliamentary Secretary : I cannot give the exact date ?

Mian Abdul Aziz : How many months ago ?

Parliamentary Secretary : I cannot say.

Mian Abdul Aziz : How many years ago ? (*Laughter*).

RESTRICTIONS OVER SCHEDULES PRESCRIBED BY THE ADMINISTRATOR,
LAHORE MUNICIPALITY.

***4005. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that there is widespread resentment and discontent amongst the public of Lahore against the schedule prescribed by the Administrator, Lahore Municipality, and the restrictions laid down for building operations in Lahore being still in force ; if so, the action intended to be taken to remove that discontent ;
- (b) whether and when the recommendations of the committee appointed to advise regarding the schedule of minimum areas for houses in Lahore will be enforced ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Government heard certain criticisms as to some of existing restrictions on building operations in Lahore, and as the honourable member knows they appointed a committee to examine the matter.

(b) The report of the committee is still under consideration.

AMENDMENT OF THE FACTORIES ACT.

***4006. Rai Bahadur Binda Saran :** Will the Honourable Minister of Finance be pleased to state whether Government has recently received a representation from the Textile Manufacturers' Association, Amritsar, requesting it to issue instructions that in cases of prosecutions under the Factories Act, personal attendance by the defaulters be not considered necessary and that representation through a lawyer be deemed sufficient ; if so, the action taken by the Government on the said representation ?

The Honourable Mr. Manohar Lal : Yes. The main point in the representation was a suggestion that a process-server of the Amritsar district had made a false report on a summons issued by the District Magistrate against the proprietor of one of the local mills and had so led him unnecessarily to issue a bailable warrant against the persons concerned. Government have forwarded a copy of the representation to the District Magistrate suggesting that he should advise the writer that if he wishes action to be taken he should prefer a regular petition with an affidavit. If this is done the District Magistrate will consider the propriety of taking up the matter of the process-server's conduct with the District Judge.

The representation concluded with a request that the personal attendance of the accused should not be required in criminal cases under the Indian Factories Act, 1934. This is a matter for the discretion of the magistrate, under section 205 of Code of Criminal Procedure.

IMPOSITION OF TOLL TAX AT THE NURPIR SHAHAN ROAD BY DISTRICT BOARD, RAWALPINDI.

***4007. Khan Muhammad Yusuf Khan:** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the District Board, Rawalpindi, levy a toll tax at the Nurpir Shahan road during the days of a religious fair held at the tomb of a Muslim saint at Nurpir Shahan;
- (b) whether it is a fact that no such toll is levied by the board on any other occasion in the Rawalpindi district;
- (c) whether any representations have been received protesting against the imposition of the toll; if so, what action does Government propose to take?

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

(b) Yes.

(c) No.

LICENCES FOR REVOLVERS AND GUNS IN RAWALPINDI DISTRICT.

***4008. Khan Muhammad Yusuf Khan:** Will the Honourable Premier be pleased to state the number of revolver and gun licence-holders excluding the military pensioners in the Rawalpindi district?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

Holders of gun licences 1,537

Holders of revolver licences 909

Lala Deshbandhu Gupta: Has there been any increase or decrease in the number of licences since this Government came into power?

Parliamentary Secretary: I require notice for that.

Chaudhri Kartar Singh: Will the honourable Parliamentary Secretary please state if the Government is willing to consider the question of granting as many or a little less number of licences of guns and revolvers to residents of Hoshiarpur district as have been granted to residents of Rawalpindi district?

Mr. Speaker: Disallowed.

SURVEILLANCE BY POLICE OF SARDAR KULBIR SINGH.

***4009. Sardar Kishan Singh:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Sardar Kulbir Singh, member of the Lyallpur District Board, resident of Chak No. 105-G.B., Banga, district Lyallpur, is always kept under surveillance by the Punjab C. I. D.; if so, the reasons therefor;

[S. Kishan Singh.]

(b) whether the Government proposes to put an end to this surveillance of Sardar Kulbir Singh; if not, the reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): It is not in the public interest to answer this question.

ARREST OF SARDAR HAR BHAJAN SINGH OF BANGA.

*4010. **Sardar Kishan Singh**: Will the Honourable Premier be pleased to state whether it is a fact that Sardar Har Bhajan Singh, ex-president of the Banga Municipal Committee, district Jullundur, was arrested by the police for the alleged embezzlement of the municipal funds and other allegations against him and was released on personal security; if so, the stage at which the investigation by the police has reached by now?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Yes, for an alleged attempt to defraud the municipality of octroi dues. He was released on bail immediately after the arrest. The case was finally cancelled by an order passed by the District Magistrate on the 2nd September, 1938.

DIFFICULTIES IN PROMOTION OF PRIMARY EDUCATION AMONG GIRLS
IN RURAL AREAS.

*4016. **Mrs. Duni Chand**: Will the Honourable Minister of Education be pleased to state—

(a) the difficulties in the way of the Government to promote primary education among girls in rural areas and ways and means adopted to overcome these difficulties;

(b) whether the Punjab Government has considered the question of granting special scholarships every year in order to prepare female teachers for taking up the work of teaching in villages and if so, with what result?

The Honourable Mian Abdul Haye: (a) The main difficulty in the way of promoting education among girls in rural areas is that of finance. The local bodies have not enough money to finance and open more girls schools. Government, however, is trying its best to cope with the problem and is taking all possible measures towards the expansion of girls' education, e.g., by opening middle schools for girls in rural areas. It is also hoped that funds may be available in the near future for more girls' primary schools.

(b) There are 22 J. V. training classes attached to Government girls' schools in the province. Four hundred and seventy stipends are awarded annually to enable students to receive training in these classes. In addition to this 138 middle schools stipends are given to encourage likely primary passed students to join middle schools, so that after passing the middle school examination they may take junior vernacular training.

Lala Duni Chand : Is it true that there is not a single high school for girls in rural areas in the Punjab, and if so, whether Government will take any action in this direction ?

Minister : The question relates to primary schools.

Chaudhri Sumer Singh : Will the Honourable Minister please state whether more girls' middle schools provided for in the last budget were opened in the villages or in cities ?

Minister : Most of them were opened in villages.

Chaudhri Sumer Singh : What are the names of those villages ?

Minister : I want notice for that.

Chaudhri Sumer Singh : Is it not a fact that more schools were opened in towns ?

GENERAL HEALTH OF JATHEDAR UDHAM SINGH AND HIS SIX COMPANIONS.

*4020. **Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state the general health of Jathedar Udham Singh of Nagoke and S. Darshan Singh Phemman and five other persons convicted during the last Kisan Agitation of Amritsar ; their weight at the time of conviction and at the present time ?

The Honourable Mr. Manohar Lal : Their general health is excellent. Their weights are given below :—

| Date of admission into the jail. | Name of prisoner. | Weight on admission into the jail. | Present weight. |
|----------------------------------|---------------------|------------------------------------|-----------------|
| 5th September, 1938 .. | Karam Singh | Lbs. 120 | Lbs. 121 |
| Ditto .. | Baba Sohan Singh .. | 136 | 136 |
| 3rd November, 1938 .. | Hazara Singh | 136 | 148 |
| Ditto .. | Buta Singh | 147 | 148 |
| 12th September, 1938 .. | Bachan Singh | 144 | 138 |
| 15th September, 1938 .. | Shankar Singh | 115 | 108 |
| 5th September, 1938 .. | Darshan Singh | 150 | 132 |
| 6th September, 1938 .. | Udham Singh | 200 | 184 |
| 4th September, 1938 .. | Santa Singh | 146 | 142 |

Sardar Partab Singh : May I know whether the weight of Jathedar Udham Singh has gone down ?

Minister : Jathedar Udham Singh's weight has gone down.

Sardar Partab Singh : How much has it gone down ?

Minister : He was 200 lbs. and he has gone down to 184 lbs., which is probably more nearly the normal weight in his case.

Lala Deshbandhu Gupta : May I know what is the standard of weight recognised by the Finance Minister in calculating the normal weight of the prisoner ?

Minister : I think there is a standard laid down by which the jails judge the proper weight for a particular prisoner. If the honourable member wants further information on this matter I will secure it for him but I think the standard for determining the weight is fairly well-known.

Dr. Gopi Chand Bhargava : May I know his height and in how many months he lost 16 lbs. ?

Minister : I am not aware of his height. If a notice is given I will find it out.

Dr. Gopi Chand Bhargava : May I know when his weight was 200 lbs. and when it was 184 lbs. ?

Minister : I do not know the precise date but I think he was admitted in jail on the 6th September. The honourable member can judge from that.

Sardar Sohan Singh Josh : May I know the reasons for the decrease in his weight ?

Minister : I have an impression from papers that I had before me with regard to the weight of this particular prisoner that he showed an undue amount of weight ; when he entered the jail he was 200 lbs. I think he has become more healthy now.

Sardar Partab Singh : When the Honourable Minister is not aware of the height of Jathedar Udham Singh, how can he state that his weight of 200 lbs. is abnormal ?

Minister : If notice is given I will find out his height, etc.

Chaudhri Kartar Singh : May I know why Jathedar Udham Singh and Sardar Darshan Singh have been given C class ?

Mr. Speaker : That does not arise from this question.

Dr. Gopi Chand Bhargava : May I know whether the weight of Sardar Udham Singh is now stationary or is he still decreasing ?

Minister : I could not answer the question unless the honourable member specifies the period.

Lala Deshbandhu Gupta : In view of the fact that according to the Finance Minister the weight of the prisoner has gone down by 16 lbs., will Government for the benefit of the public advertise the remedy that has been discovered by the jail department so that it may replace the use of Kruschen Salts for slimming purposes ? (*Laughter.*)

Sardar Sohan Singh Josh : Is it a fact that the decrease in his weight is due to the mal-nutrition in the jail ?

Minister : I have no reason to think so.

Chaudhri Kartar Singh : In view of the loss in weight of Jathedar Udham Singh, will the Government kindly direct the Inspector-General of Prisons to transfer the said Jathedar from C to B class ?

Minister : That does not arise.

NON-AGRICULTURISTS AMONG THE DIVISIONAL INSPECTORS OF PANCHAYATS, PANCHAYAT OFFICERS AND ASSISTANT PANCHAYAT OFFICERS.

***4023. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister of Public Works be pleased to state the number of members of the non-agriculturist tribes amongst the recently employed Divisional Inspectors of Panchayats, Panchayat Officers and Assistant Panchayat Officers, excluding the one representative of the depressed classes and another of the Christian community ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No new appointments have yet been made.

Mian Muhammad Nurullah : May I know the reasons for it ?

Parliamentary Secretary : I require notice.

Mian Muhammad Nurullah : Was it not that a special supplementary grant was sanctioned by this House long ago ?

Parliamentary Secretary : Yes.

CONSTRUCTION OF A BUILDING FOR THE COLLEGE FOR WOMEN AT LAHORE.

***4035. Begum Rashida Latif Baji :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the building, in which the College for Women at Lahore is located, is quite insufficient to accommodate the girls studying there and that the boarding house attached to that college is also too small to meet the requirements ;

(b) whether it is also a fact that in the last session of the Assembly on this question being raised by me, an assurance was given by the Government that a new building for the said college would be constructed shortly ;

(c) whether it is a fact that the construction of the building has been postponed for some time and, if so, the reasons therefor ?

The Honourable Mian Abdul Haye : (a) Students have to be refused admission owing to lack of accommodation. But the accommodation is reasonably adequate for the number admitted.

No such question was put at the last session of the Assembly.

(c) No. Government is in search of a suitable site for constructing a new building for the Lahore College for Women, Lahore.

Begum Rashida Latif Baji : No question was put on this subject in the last session but the matter was raised by me in a speech and the Honourable Minister made a reference to it in his speech.

Minister : May be so.

KHUSH HASIYAT TAX.

***4037. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) on what Punjab irrigated areas the *Khush Hasiyat* tax is levied on zamindars and on what canal irrigated areas it is not levied ;
- (b) the causes of this differentiation ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member's attention is invited to paragraphs 445-46 of the Punjab Settlement Manual, which explain the different systems of assessment of canal irrigated areas in the Punjab, and the main canals on which each is in vogue.

In the Montgomery district, a canal water advantage rate was imposed in 1926-27 as proprietary lands which then received perennial irrigation from the Sutlej Valley Canals, because the settlement orders of the district contained no provision for the revision of the low land revenue rate in force and irrigation was extended on the condition that the zamindars agreed to pay an additional water advantage rate, which they did.

KAMBOH AGRICULTURIST TRIBE IN PAKPATTAN AND DIPALPUR TAHSILS.

***4038. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that there is a big population of Kamboh agriculturist tribe in Pakpattan and Dipalpur tahsils earning their livelihood by cultivating lands as tenants ;
- (b) whether it is a fact that under Nili Bar Colony rules many of them had *bona fide* claims to get land but their claims have not been considered ;
- (c) whether the Government proposes to make any inquiry into the matter ; if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) There are not a large number of agriculturist Kambohs earning their livelihood by cultivating land as tenants but a number of them are proprietors in the old Sohagpara Colony.

(b) No. All claims to allotment of land to persons who were deprived of their occupation as graziers and the like through the introduction of canal irrigation were carefully considered in the years 1925-26 and where claims were found to be genuine land has been allotted.

(c) As a thorough enquiry has already been held, it is not proposed to hold any further enquiry.

LAND RESERVED IN THE NILI BAR COLONY FOR CATTLE BREEDING.

***4039. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state whether there is any land reserved in the Nili

Bar Colony to be distributed for cattle breeding or for various farming purposes; if so, when and to which communities and for what purposes it is proposed to be distributed?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): 10,150 acres was reserved for a cattle farm; but the policy as regards such cattle farms has since been under reconsideration and there is no immediate intention of proceeding with the original proposals.

APPLICATION FOR OPENING A GOVERNMENT HIGH SCHOOL AT TIGAON,
TAHSIL BALLABGARH, DISTRICT GURGAON.

***4047. Chaudhri Sumer Singh:** Will the Honourable Minister of Education be pleased to state what action do the Punjab Government propose to take on the application of Tigaon people for opening a Government High School at Tigaon, tahsil Ballabgarh, district Gurgaon?

The Honourable Mian Abdul Haye: It is regretted that Government cannot at present consider the opening of new high schools for boys. Moreover the need of a high school in the village has not been established.

CONSTRUCTION OF BRIDGE OVER NALA TAIR.

***4048. Chaudhri Sumer Singh:** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the residents of village Ghori, tahsil Palwal, district Gurgaon, have several times applied to the Deputy Commissioner, Gurgaon, for the construction of a bridge over Nala Tair near Ghori and that they have offered several thousands worth of standing trees as their contribution towards the expenditure on the proposed bridge; if so, the action taken by the Government in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): The residents of village Ghori, tahsil Palwal, district Gurgaon, sent one application to the Deputy Commissioner, Gurgaon, for the construction of a bridge over the Zair Nala, near Ghori. It is also a fact that they have offered trees standing on a certain piece of land as their contribution towards the expenditure on the proposed bridge. Action is being taken by the Deputy Commissioner, Gurgaon, to assess the value of the trees and to construct a bridge, if the cost is not prohibitive. The cost will depend on the kind of bridge constructed and this question is being investigated as it has first to be decided what type of bridge will be most suitable.

GRANT OF LANDS UNDER HAVELI PROJECT.

***4050. Chaudhri Jalal-ud-Din Amber:** Will the Honourable Minister of Revenue kindly state—

- (a) whether the Government is aware of the fact that thousands of tenants are applying for grant of land in the Jhang district in the areas to be commanded by the Haveli Project;
- (b) whether there are any Government lands which are likely to be colonized in the near future in the areas mentioned above; if so, whether the Government proposes to grant a portion of those lands to such agriculturists as do not own land, but whose hereditary profession is that of agriculture?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Applications of this kind are continually being received. I would refer the honourable member to the *communiqué* recently issued warning the public of the uselessness of presenting such applications.

(b) As the honourable member is no doubt, aware, the Haveli Project canals will command a substantial area of Crown waste land in the Jhang district. Government has not yet considered a scheme for colonizing this tract.

Press Communiqué.

It is announced for the information of the public that no scheme for the distribution of Crown land in any of the canal colonies in the Punjab is at present under the consideration of the Punjab Government because no land is immediately available. Hundreds of applications for grants of land continue, however, to be received daily both by Government and by the Financial Commissioners. In the past when allotments of land were made, they were made on the recommendations of district authorities. Consequently the procedure for some years past has been to return these petitions to the senders of them with instructions that they should be presented to the district authorities after being properly stamped; if that had not already been done.

Since, however, no grants of land are at present being made by Government, since too it is desired to avoid giving unnecessary trouble and raising false hopes, it has been decided that all such applications will be filed unless and until owing to land becoming available for allotment, applications are invited. Members of the public are advised, therefore, in their own interest, if only that they may avoid the incidental expenses of stamps and petition-writers' fees, to desist from sending such applications to Government, to the Financial Commissioners, or to local authorities.

REPRESENTATION OF CHRISTIANS AND SCHEDULED CASTES IN
EDUCATION AND SANITARY DEPARTMENTS.

*4051. **Chaudhri Jalal-ud-Din Amber** : Will the Honourable Minister for Education kindly state whether it is a fact that backward classes such as Christians and Scheduled castes are very meagerly represented in the Education and Sanitary departments specially in the male side of the administration; if so, the action Government propose to take in the matter at the time of fresh recruitments to these departments?

The Honourable Mian Abdul Haye : If the honourable member puts an unstarred question, I shall be glad to answer it.

Mr. Speaker : What does the Honourable Minister mean?

Minister : The policy is that we would not answer on the floor of the House any question that raises communal issues.

Dr. Sir Gokul Chand Narang : On a point of order, Sir. Does the Honourable Minister realise that by the adoption of this policy, the Government is shutting the members out from putting supplementary questions? Sometimes more valuable information is extracted by supplementary questions than the original question. It is really being felt by the people who feel aggrieved that the Government has adopted this policy in order to hide its excesses and irregularities and in some cases of nepotism by refusing to answer questions relating to communal matters on the floor of the House. I should like to know from the Honourable Minister what the Government has to say on this point and how supplementary questions can be put if they insist that unstarred questions should be put?

Minister : It is quite true that honourable members do not get an opportunity of putting supplementary questions. But I may assure my honourable friend that the Government is not going to hide anything. This

policy has been adopted lest any heat should be engendered on communal questions on the floor of the House.

Mr. Speaker : This is rather an important matter and ought to be decided outside this Chamber between the Leader of the Opposition and the Honourable Ministers. (*Hear, hear from the Opposition.*)

HIGHLY PAID RÉGIME OF THE LAHORE MUNICIPALITY.

*4052. **Lala Sita Ram :** Will the Honourable Minister of Public Works be pleased to state—

- (a) what was the monthly total amount which Mr. Jones was drawing as Administrator, Lahore Municipality, by way of salary and other allowances at the time when Mr. Macnabb succeeded him ;
- (b) whether the Government will be pleased to place on the table of the House a statement showing the names of all those persons whose services have been lent to the Lahore Municipality by the Government with the monthly amount which the Municipality pays to each one of them by way of salary, deputation allowance and other contribution to leave and allowance funds ;
- (c) whether the Government is aware of the strong feeling against the present highly paid regime of the Lahore Municipality ; if so, what does it propose to do in the matter ?

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

| | <i>Per mensem.</i> |
|----------------------|---|
| Salary | Rs. |
| .. .. . | 1,275 |
| | <i>plus £25 per mensem overseas pay).</i> |
| Special pay | 250 |
| Conveyance allowance | 100 |

A portion only of the charges was paid by the municipality, the remainder being met by the Lahore Improvement Trust.

(b) A statement is laid on the table.

(c) Government have heard criticisms. They have of course no wish to impose upon the municipality any unnecessary expenditure. Competent officials cannot however be obtained on very small salaries, and I would remind the honourable member of the inefficiency and waste of the taxpayer's money which occurred during the time of the municipal committee.

Mian Abdul Aziz : Is it a fact that the Administrator is getting monthly pay and allowance more than the Honourable Premier gets ?

1 P.M.

Parliamentary Secretary : The figures which I have given relate to the previous administrator. I do not know what the position now is. If the honourable member gives me notice, I will find out. I think some information on that point was given some two or three days ago.

Dr. Gopi Chand Bhargava : When did the time of the last municipal committee expire ?

Mr. Speaker : I wonder whether this supplementary question arises, because in the present question we are concerned merely with salary.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary has stated that because the municipal committee was inefficient, therefore the Administrator was appointed. That is the reply he has given to the objections raised in public about the appointment of the Administrator. I want to know whether the time of the inefficient municipality has expired or not. The same reasons cannot be given always because the new municipality which would have been elected was not elected. Therefore it cannot be said that the new municipality is inefficient.

Mr. Speaker : No doubt the points raised by the Leader of the Opposition are important, but they are inadmissible on the floor of the House for two reasons. In the first place, opinion on a matter of law is involved. In the second place, I understand, a suit is pending in a civil court for a declaration that after the expiration of the term of the old committee a new committee should have been elected.

Mian Abdul Aziz : There has been a suit lodged and it is pending.

Mr. Speaker : Under these circumstances, I disallow the question.

Dr. Gopi Chand Bhargava : My question was when the term of the last municipality expired ?

Mr. Speaker : That does not arise.

Statement of Government officials whose services are on loan to the Municipality of Lahore.

| Name. | Designation. | Salary and other allowances. | | | Contribution to leave, passage, and pensions funds paid to Government. | | |
|--------------------------------|---|------------------------------|-------|------|--|-----|------|
| | | Rs. A. P. | | | Rs. A. P. | | |
| A. C. Macnabb, Esquire, I.C.S. | Administrator, Lahore Municipality. | Pay .. | 1,588 | 14 0 | Passage .. | 25 | 0 0 |
| | | C. A. .. | 100 | 0 0 | Leave .. | 251 | 9 0 |
| Shaikh Muhammad Ariff, P.C.S. | Secretary | Pay .. | 800 | 0 0 | Pension .. | 156 | 11 0 |
| | | D. A. .. | 200 | 0 0 | Pension .. | 76 | 8 0 |
| | | C. A. .. | 50 | 0 0 | Leave .. | 125 | 0 0 |
| J. A. Gillon, Esquire. | Assistant Secretary | Pay .. | 350 | 0 0 | Pension .. | 24 | 8 0 |
| | | D. A. .. | 87 | 8 0 | Leave .. | 54 | 11 0 |
| | | H. Rent .. | 60 | 0 0 | | | |
| | | C. A. .. | 37 | 8 0 | | | |
| Dr. Balmokand .. | Medical Officer of Health. | Pay .. | 625 | 0 0 | | | |
| | | S. Pay .. | 100 | 0 0 | | | |
| | | C. A. .. | 100 | 0 0 | | | |
| Mr. D. A. Howell.. | Consulting Engineer (Water Works and Drainage). | Pay .. | 400 | 0 0 | | | |
| | | C. A. .. | 50 | 0 0 | | | |
| Mr. B. A. Haris .. | Consulting Engineer (B. & R.). | Pay .. | 300 | 0 0 | | | |
| | | C. A. .. | 25 | 0 0 | | | |
| Malak Nazar Mohd. Khan. | Assessment Officer.. | Pay .. | 850 | 0 0 | | | |
| | | D. A. .. | 212 | 8 0 | | | |
| | | C. A. .. | 60 | 0 0 | | | |
| Lala Hira Lal .. | Engineering Assistant and Draftsman | Pay .. | 112 | 0 0 | Leave .. | 14 | 0 0 |
| | | | | | P. F. Cont. | 7 | 0 0 |

REVISION OF THE SCALES OF PAY OF THE EMPLOYEES OF THE
LAHORE MUNICIPALITY.

*4053. **Lala Sita Ram** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the Administrator, Lahore Municipality, lately revised and reduced the grades and scales of pay of various posts held by the Municipal staff including the school teachers, and the incumbents thereof were given either to accept the reduced scale and grade or retire from service regardless of the period of service put in by them ;
- (b) if so, whether the Government will be pleased to place on the table of the House a statement showing the names of the persons affected by such revision of salaries with the former grades or scale of their pay and the revised ones ;
- (c) whether before revising these scales of pay, the Administrator, Lahore Municipality, either consulted the Punjab Government or the Accountant-General, Punjab, himself or through the Punjab Government ; if so, the view expressed by the Accountant-General in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I am afraid the question is pre-mature ; the whole matter is still under consideration.

ARREST OF LALA SANT RAM BY NABHA POLICE.

*4094. **Lala Duni Chand** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that about a month ago Lala Sant Ram, President, Riasti Praja Mandal, Punjab, was arrested by the Nabha Police from within the railway station boundary of Bhatinda ;
- (b) for what offence he was so arrested ;
- (c) his present place of detention ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) No.

(b) and (c) Do not arise.

Lala Duni Chand : May I know if the Punjab Police and particularly the Ferozepore District Police was aware of the fact that Lala Sant Ram in order to avoid being arrested by the Nabha police had taken asylum in Ferozepore district and he had been living there for some time ?

Parliamentary Secretary : I have no information on that point, but if the honourable member wants that information he may give notice.

Lala Duni Chand : Was the police posted at the Bhatinda railway station aware of the fact that a lorry belonging to the Nabha State was standing outside the railway station, so that when Lala Sant Ram was arrested he might be put into the lorry and taken away ?

Parliamentary Secretary : I have no information on that point either.

Lala Duni Chand : Has the Government made any inquiry as to whether Lala Sant Ram was arrested inside the premises of the Bhatinda railway station or outside ?

Parliamentary Secretary : My reply is perfectly clear. I said : (a) No. (b) and (c) Do not arise.

Lala Duni Chand : My question is whether the Government has made enquiries whether he was arrested inside the British territory or outside it ?

Mr. Speaker : The answer to part (a) covers the whole ground. The question reads : whether it is a fact that about a month ago Lala Sant Ram, President, Riasti Praja Mandal, Punjab, was arrested by the Nabha Police within the boundary of the Railway Station, Bhatinda. The reply is in the negative. There the matter ends.

Lala Duni Chand : Has any report been made to the Government that Lala Sant Ram was taken forcibly away from the premises of the Bhatinda railway station ?

Parliamentary Secretary : I have no information on that point.

Lala Duni Chand : Will the Government make an inquiry into the question whether the right of asylum that this gentleman was enjoying was infringed ?

Mr. Speaker : That is a fit subject for a resolution.

Lala Duni Chand : Is the Government aware of the fact that within a few days of his having been taken away, he was tried in Nabha and sentenced to six years' imprisonment ?

Mr. Speaker : Is this matter within the cognizance of the Minister ?

SUPPLY OF WATER TO AMBALA CITY AND CANTONMENT.

*3708. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state whether the Government has considered His Excellency's suggestions regarding supply of water to Ambala City and Cantonment which he made in the course of a speech delivered on the occasion of his visit to the said city ; if so, with what result ?

The Honourable Mian Abdul Haye : The possibilities of the Ghaggar scheme are being considered by the Superintending Engineer, Public Health Circle, in consultation with the Sanitary Board. In the meantime further bores are proposed to be made at the existing water works.

Lala Deshbandhu Gupta : May I know as to how long that consideration will take to mature ?

Minister : Even if the officers concerned are able to put up their report, the question of finances would arise. The scheme costs about ten lakhs of rupees and as I have indicated on several occasions previously, it would be difficult for Government to finance the scheme unless some co-operation was offered by the citizens of Ambala and the local bodies concerned.

Lala Deshbandhu Gupta : Have Government taken any steps to invite the co-operation of the people of Ambala, with a view to remove their difficulties ?

Minister : I suggested it locally on more than one occasion when I visited Ambala and I have suggested it half a dozen times on the floor of this House.

Lala Duni Chand : May I know if since the suggestion was made by His Excellency the Governor of the Punjab to solve the water scarcity question, the Government has considered this question ? If so, what conclusions has the Government arrived at ?

Minister : Government was fully alive to the importance of this question when His Excellency delivered his speech.

Lala Duni Chand : I want to know if any steps have been taken since His Excellency the Governor made the suggestion.

Minister : All possible steps were taken even before that.

2nd-Lieutenant Bhai Fatehjang Singh : Is it not a fact that the Ambala municipality has always been getting a grant from Government ?

Minister : We have made substantial grants in the last two years.

Chaudhri Sumer Singh : Is the Government doing anything for those villages where potable water is not available within a radius of fifteen miles ?

Minister : The Government is doing everything possible for those villages as well as the city in question.

Lala Deshbandhu Gupta : Will the Government advance a loan of ten lakhs to these municipalities to enable them to improve their water works ?

Minister : This question will be considered.

J. V. TEACHERS' PAY.

*3709. **Lala Duni Chand** Will the Honourable Minister of Education be pleased to state—

- (a) the minimum and the maximum pay given at present to the Junior Vernacular teachers of Primary Government schools ;
- (b) grades of promotion, if any ;
- (c) whether Government is aware that there is a great dissatisfaction among such teachers against the present scale of their pay if so, what action the Government proposes to take ?

The Honourable Mian Abdul Haye : (a) Junior-Vernacular teachers are not recruited by Government.

(b) and (c) Do not arise.

Chaudhri Abdul Rahim : Is it a fact that the grades of the B.A., B.T. as well as B.A., S.A.-V. teachers have been reduced ?

Mr. Speaker : Disallowed.

Sardar Kapoor Singh : Do Government intend to introduce a uniform rate for the teachers in all the district boards in the Punjab ?

Mr. Speaker : The honourable member may move a resolution to that effect.

Lala Duni Chand : Can the Honourable Minister hold out hopes to these low paid teachers ?

Minister : If the honourable member will be satisfied with mere hopes, let us hope for the best.

Sardar Kapoor Singh : If the district boards increase the pay of their teachers, will the Government be prepared to increase the grant-in-aid correspondingly ?

Mr. Speaker : That question relates, if at all, distantly to the main question.

SUICIDE COMMITTED BY MR. ATTAR CHAND.

***3710. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact as reported in the press early in August, 1938, that a Rajput young man, Mr. Attar Chand, B.A., candidate for Naib-Tahsildarship of village Rangar within the jurisdiction of Sujampur Tirah Police station, district Kangra committed suicide by shooting himself ;

(b) the cause of suicide ;

(c) the steps the Government intends to take to prevent such tragic acts of suicide ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) The result of the investigation made under section 174 of the Code of Criminal Procedure was to find that the suicide was due to depression caused by unemployment. It may be observed, however, that the young man's case for appointment as a naib-tahsildar was still pending with the Commissioner. He had a fair hope of being taken shortly into Government service, and it is not easy to understand how he could have been induced by a supposed lack of prospects to take his life.

(c) A reference is invited to the reply given to question *2977,¹ put by the honourable member for the Amritsar North (Sikh) Rural Constituency in the last Simla session and the annexure thereto.

Lala Duni Chand : Does not the Government consider it most tragic that a young man should commit suicide because he could not get employment ?

Parliamentary Secretary : Certainly, the death is most tragic.

Lala Duni Chand : Is the Government doing anything in the direction of preventing such sad occurrences ?

Parliamentary Secretary : I have already answered this question in part (c).

ROADS IN ILAQA DOONA.

***3761. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state the number of roads maintained by the Public Works Department in *ilaqa* Doona, district Jullundur ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The Public Works Department does not maintain any roads in the Doona *ilaqa* of Jullundur district.

Master Kabul Singh : May I know the reason why the Government has not taken over the management of the roads in that *ilaqa* ?

Parliamentary Secretary : It is very difficult for me to give reasons for it at present. Probably there are more important localities to be served.

PROSECUTIONS AGAINST POLITICAL WORKERS.

***3762. Master Kabul Singh :** Will the Honourable Premier be pleased to state—

(a) the number of prosecutions lodged against the political workers of the Jullundur district, during 1987-88 ;

(b) how many of them proved false ;

(c) the action, if any taken against the officers concerned who lodged those reports ?

Parliamentary Secretary (Mir Maqbool Mahmood) : If the honourable member will let me know clearly what he means by the term " political workers," I will collect the necessary information.

Lala Deshbandhu Gupta : I am sure the Parliamentary Secretary must have some definition of his own for this expression " political workers." Will he please give a reply based on his own interpretation of the term " political workers " ?

Mr. Speaker : If I remember aright the question what is meant by " political workers " has been discussed on the floor of this House about half a dozen times without any result. If honourable members hope that they will come to any conclusion, I may allow discussion.

Lala Deshbandhu Gupta : The Parliamentary Secretary has stated that the honourable member who has given notice of the question must give a definition of the expression. My submission is, instead of asking the honourable member to give a definition, the Parliamentary Secretary may himself define that expression and give a reply based on that definition.

Parliamentary Secretary : According to my definition, no political worker has been prosecuted merely for political work.

Lala Deshbandhu Gupta : May we know the Parliamentary Secretary's own definition of the expression so that it will be helpful for us in the future ?

Parliamentary Secretary : I think it is for the honourable member to define exactly what information he desires. If he wants any assistance from me in drafting the question, I will give him that assistance if he comes to my room.

Lala Deshbandhu Gupta : I am not interested in going to the room of the Parliamentary Secretary. He has just stated that according to his definition of "political workers" no political worker has been prosecuted. Naturally he must have some definition of that term in his mind. I only want to know his definition of that term.

Mr. Speaker Instead of one going to another's room I would suggest that both the honourable members may meet outside this chamber and decide the question.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary replied that no political worker has been prosecuted for his political work. May I know whether any political worker has been prosecuted for any other reason?

Parliamentary Secretary : I submit that in collecting information on questions it is the policy of Government to try to meet the wishes of honourable members. But unless I am told definitely what my honourable friend opposite wants, it would not be fair to expect me to answer the question. When I answered the supplementary question I tried to meet the honourable member as far as possible. If the Leader of the Opposition wants any specific information, I shall be delighted to meet his wishes if he is in a position to explain what he means by 'political workers.'

Dr. Gopi Chand Bhargava : May I know, whether according to the definition he has put on that expression, any political workers were prosecuted in the year 1937-38?

Parliamentary Secretary : According to my definition no prosecution was launched against any political worker; because I feel that a political worker ceases to be one the moment he infringes the laws.

Lala Duni Chand : Is the Parliamentary Secretary in a position to state how many persons were prosecuted under sections 124-A, 153-A, 121 to 132 of the Indian Penal Code and section 108, Criminal Procedure Code?

Parliamentary Secretary : I require notice of the question.

Dr. Gopi Chand Bhargava : May I know whether the Parliamentary Secretary thinks that as soon as a person is arrested his guilt is proved and therefore he infers that the political worker ceases to be a political worker?

Parliamentary Secretary : If the Honourable Leader of the Opposition wants my personal opinion, I am prepared to give it. But I cannot commit the Government in any way.

Dr. Gopi Chand Bhargava : The Honourable Parliamentary Secretary has stated that a person ceases to be a political worker as soon as he is placed under arrest? Is it or is it not a fact that an arrested person must be considered innocent before he is convicted? In these circumstances, may I know from the learned Parliamentary Secretary why a political worker does not remain a political worker merely because he is placed under arrest?

Parliamentary Secretary : I am sorry I have not been able to make myself clear to the Honourable Leader of the Opposition. What I said was that when my personal opinion as to the definition of a political worker is asked, I as Maqbool Mahmood would submit that in my opinion a political worker ceases to be a political worker when he infringes the law.

Dr. Gopi Chand Bhargava : What is the personal capacity of the Parliamentary Secretary when he is replying to questions on behalf of the Premier? Whatever he says, how can he say that it is his personal opinion when he is replying on behalf of the Premier?

Diwan Chaman Lall : Since he agrees that there is a certain type of person called a political worker but that he ceases to be a political worker at the time when he is arrested, may I ask my honourable friend to give us a reply to part (a) of this question, namely, the number of prosecutions lodged against political workers of the Jullundur district during 1937-38? Now that my honourable friend has no difficulty in coming to a personal opinion regarding what a political worker is, will he be kind enough to give us the information required in part (a) of the question?

Parliamentary Secretary : If my honourable friend who put the question accepts my definition of a political worker as one who does not infringe the law, I would say that no political worker has been prosecuted.

Diwan Chaman Lall : May I put it to my honourable friend that up to the time when a prosecution is launched he is a political worker and therefore will my honourable friend tell us how many prosecutions have been launched against those people who were political workers up to the time the prosecution was launched?

Parliamentary Secretary : If my honourable friend defines again what he means by political worker or accepting my definition gives me notice, I shall try to reply.

Lala Duni Chand : May I know if the Parliamentary Secretary is aware whether there are any sections in the Indian Penal Code which deal with political offences, and if he is aware whether he will be able to state how many persons have been dealt with under those sections which he considers deal with political offences?

Parliamentary Secretary : I am not aware of many things which my honourable friend probably does know as an experienced lawyer. But if he would give me specific notice of the information which he desires, I will try to meet it as far as I possibly can.

Lala Duni Chand : May I know if the Honourable Parliamentary Secretary who is an able lawyer is aware of the fact that there is a chapter in the Indian Penal Code which deals with state offences and whether state offences are political offences or not?

Parliamentary Secretary : Sir, my honourable friend who put that question doubtless knows that those offences include counterfeiting of coins and similar other offences, which presumably the honourable member who put this question would not like to be included in the activities of the so-called 'political workers'.

Lala Deshbandhu Gupta : So the Honourable Parliamentary Secretary does know the definition of a political worker as understood by the members of the Opposition?

Parliamentary Secretary : I am afraid I have no access to the hearts of the honourable members of the Opposition and therefore I say I do not and cannot know it when they do not tell us what they mean.

Mr. Speaker : This question, I am afraid, is not going to be decided here. Quibbling only shall go on. The difficulty may be solved if any gentleman writes to me or the Honourable Premier to request the Honourable Advocate-General to state what offences, under the Indian Penal Code are political offences.

Lala Deshbandhu Gupta : It will save the time of the House if you would kindly give a lead in this matter.

Mr. Speaker : The honourable member may write a letter to the Premier and send a copy of the letter to me.

Master Kabul Singh : Is it a fact that one Jawala Singh of Bade Pind was arrested along with four or five others in connection with a bomb case ?

Parliamentary Secretary : I want notice of that question.

SHORT NOTICE QUESTIONS AND ANSWERS.

REPORT OF THE LAND REVENUE ENQUIRY COMMITTEE.

Sardar Hari Singh : Will the Honourable Minister for Revenue be pleased to state when the report of the Land Revenue Enquiry Committee appointed by the Government is expected to be published ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The report cannot be published until it has been considered by Government. As soon as this is done, endeavours will be made to publish it ; no definite date can, however, be fixed for publication at present.

Sardar Sohan Singh Josh : May I know if it is still in the press or if it has come out of the press.

Parliamentary Secretary : It is being considered by the Government.

Lala Deshbandhu Gupta : Do Government hope to consider it or form its decisions on that report before the budget session begins ?

Parliamentary Secretary : I am afraid I cannot give you any date.

Lala Deshbandhu Gupta : Do Government realise that it will be very unfair to this side of the House to withhold the publication of such an important document till the budget session ?

Parliamentary Secretary : Government is considering that report and it will come to conclusions as soon as possible.

Lala Deshbandhu Gupta : Can Government give any idea of the time it will take to consider that important report ?

Parliamentary Secretary : I am afraid I cannot give you any idea.

Sardar Hari Singh : May I know the reason why the report cannot be published before the Government has considered it ?

Parliamentary Secretary : On such an important report Government would like to come to certain conclusions before they publish it.

Sardar Hari Singh : May I take it that the Government wants to alter the report after consideration ?

Parliamentary Secretary : No, certainly not.

Sardar Sohan Singh Josh : May I know if the committee has recommended any reduction in land revenue ?

Parliamentary Secretary : I am afraid, unless the report is considered by the Government I cannot give any idea.

Sardar Partab Singh : Is the Parliamentary Secretary aware that, in view of the consideration of the resolution about the total remission of the *chahi* rates having been postponed on the ground that the recommendations of the Darling Committee were not available, the peasant of the Punjab is eagerly looking to the expeditious publication of the Report ?

Parliamentary Secretary : We are all eagerly looking forward to it.

RAILWAY CONCESSION RATES FOR TRANSPORT OF FODDER.

Sardar Lal Singh : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the railway concession rates for transport of fodder into Ludhiana district are restricted to that imported from Bahawalpur area or thereabouts ; if so, the reasons for imposing this restriction ;
- (b) whether the Government is aware of the fact that on account of this restriction the relatives of Ludhiana peasants, in districts like Lyallpur and Montgomery, are handicapped in the matter of helping their relatives and others in famine-stricken areas ; if so, whether Government intends to consider the question of removing this restriction ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. Besides the exporting stations in the Bahawalpur State, fourteen railway stations in the Ferozepore district, three in Montgomery district, one in Multan district and five in Lyallpur district have been declared as exporting stations for the Ludhiana district. The names of the twenty-three stations will be found in the list attached.

(b) Does not arise.

Names of stations in the Ferozepore, Montgomery, Multan and Lyallpur districts from which export of fodder at concession rates has been sanctioned for the Ludhiana district.

Ferozepore district.

- | | |
|---------------------------|-----------------|
| 1. Ferozepore city. | 8. Fazilka. |
| 2. Ferozepore Cantonment. | 9. Chananwala. |
| 3. Khai Phemeeki. | 10. Panj Kosi. |
| 4. Jhok Tahal Singh. | 11. Abohar. |
| 5. Guru Harasahi. | 12. Pakki. |
| 6. Jallalabad. | 13. Malout. |
| 7. Ladhuka. | 14. Giddarbaha. |

Montgomery district.

1. Arifwala.
2. Fatna.
3. Gaggio.

Multan district.

1. Mandi Burewali.

Lyallpur district.

- | | |
|--------------|---------------------|
| 1. Lyallpur. | 3. Sar Shamir Road. |
| 2. Abbaapur. | 4. Pakka Anna. |
| 5. Gojra. | |

BHAKRA DAM SCHEME.

2nd-Lieutenant Bhai Fatehjang Singh : Will the Honourable Minister of Revenue be pleased to state what agreements have recently been reached with the Bilaspore State in connection with the Bhakra Dam Scheme ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The negotiations with the Bilaspore State have not yet concluded and nothing further can be said at this stage.

2nd-Lieutenant Bhai Fatehjang Singh : May I know by when we can expect the negotiations to be completed ?

Parliamentary Secretary : I am afraid I cannot give you any idea.

Lala Deshbandhu Gupta : Are these negotiations making a satisfactory progress ?

Premier : I would request the honourable member not to press this supplementary question.

UNSTARRED QUESTIONS AND ANSWERS.

REDUCTION IN ENROLMENT FEE FOR ADVOCATES.

653. Mian Badar Moby-ud-Din Qadri : Will the Honourable Minister of Finance be pleased to state—

- (a) whether the enrolment fee for advocates has been reduced from Rs. 750 to Rs. 500 ;
- (b) whether it is a fact that the renewal fee for pleadership has not been reduced ; if not, why not ?

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

(b) No. The existing renewal fee is only Rs. 25 and there does not appear to be any reason for reducing it to any lower figure, nor would it appear desirable in the interests of the profession to take any such step.

NUMBER AND QUALIFICATIONS OF CANDIDATE PATWARIS WHO APPEARED BEFORE REVENUE ASSISTANT, GURDASPUR.

654. Chaudhri Ali Akbar : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of candidates who appeared before the Revenue Assistant, Gurdaspur, on the 4th January, 1939, for enrolment as patwaris with the number of vacancies that had to be filled ;
- (b) the educational qualifications of the said candidates, *i.e.*, how many of them were F.A., Matriculates and how many of them were non-matriculates ;
- (c) the number of candidates accepted and also the number of those who were rejected ?

The Honourable Dr. Sir Sundar Singh Majithia :

| | | | | |
|--|----|----|----|-----|
| (a) Number of candidates | .. | .. | .. | 150 |
| Number of vacancies to be filled in | .. | .. | .. | 15 |
| (b) F. A. | .. | .. | .. | 4 |
| Matriculates | .. | .. | .. | 60 |
| Non-matriculates | .. | .. | .. | 86 |
| (c) The case is still under consideration. | | | | |

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

ADJOURNMENT OF THE ASSEMBLY.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, we have only to-day and to-morrow to finish the business before us. I hope the House will agree with me that we should sit for longer hours to-day so that we may be able to finish the consideration of the Bill to-day and the third reading to-morrow. There is another Bill also notice of which has been given. Honourable members who, I believe, must have received copies, know that it is intended to provide for the services of a sergeant-at-arms and his deputies. With regard to that particular Bill I do not propose to make a motion for consideration at once. But in order to save time I propose to make a motion for reference to a select committee so that to-morrow there would be just a formal motion to refer that Bill to a select committee, and ask for its report by the beginning of the next session. But this Bill which we are now discussing is of importance and I hope that the House will kindly co-operate with me in seeing it through to-day. With that object in view, I move—

That the Speaker shall adjourn the Assembly to-day without question put at 8 o'clock or earlier if the consideration of the Punjab Agricultural Produce Markets Bill clause by clause is completed.

Mr. Deputy Speaker : Motion moved is—

That the Speaker shall adjourn the Assembly to-day without question put at 8 o'clock or earlier if the consideration of the Punjab Agricultural Produce Markets Bill clause by clause is completed.

Diwan Chaman Lall (East Punjab Non-Union, Labour): Sir, there is one misapprehension that I want to remove in reference to what my honourable friend the Premier has said. I understand that he stated that to-morrow he would be moving the reference of the Bill to provide for the appointment of a sergeant-at-arms to a select committee and I think that he said it would be a formal motion. I want to remove that misapprehension. I take it that according to Parliamentary practice acceptance of a motion for reference to a select committee means the acceptance of the principle underlying the particular measure and therefore those of us on these benches who are opposed to this particular measure would exercise their right of stating their point of view and refusing, if they so desire, to co-operate with the select committee, because that co-operation would mean the acceptance of the principle underlying this Bill. Therefore, it may not necessarily be a merely formal motion to-morrow, and a full

[Diwan Chaman Lal.]

dress debate may have to take place. As far as the other matter is concerned, my honourable friend wishes to sit till 8 o'clock this evening. As far as this side is concerned we have no objection.

Premier : May I add one word to the explanation which I have already given? If that motion which I thought would be considered and I hope will be considered as formal, turns out to be a motion on which the House wants to discuss the principles of the Bill, and if there is any opposition to the principle of the Bill, then naturally there would be a certain amount of discussion. In that case subject to the agreement of my honourable friend the Leader of the Opposition, who is not here now, we will make a similar motion to-morrow so that we can sit longer hours, if necessary, and finish the discussion.

Mr. Deputy Speaker : Question is that—

That the Speaker shall adjourn the Assembly to-day without question put at 8 o'clock or earlier if the consideration of the Punjab Agricultural Produce Markets Bill clause by clause is completed.

The motion was carried.

AGRICULTURAL PRODUCE MARKETS BILL.

Clause 8.

Mr. Deputy Speaker : The consideration of clause 8 will now be resumed. The amendment before the House is that of Dr. Gopi Chand Bhargava which is as follows:—

That for sub-clause (3), the following be substituted—

“Of the remaining members 3/5th will be representatives of the growers and 2/5th of the persons licensed under sections 6 and 9 of this Act.

The representatives of the growers will be elected by those growers whose names are entered in the voters list of the district board and who belong to the tehsil in which the market is situated.

The representatives of licence holders will be elected by licence holders licensed under sections 6 and 9 of this Act.

Provided that if the election cannot be arranged early, a committee may be appointed for the first six months after the enforcement of the Act.”

Mrs. Duni Chand (Lahore City, Women, General) (*Urdu*): Sir, I was submitting the other day that our experience in the past tells us that the nominated members whether they belong to rural or urban areas, do not care to protect the rights of the masses because they are always under the impression that their appointment or dismissal rests with the officers. It is very often seen that when an officer pays a visit to rural areas the lambar-dars enter the houses of the poor zamindars and take away milk and ghee for his use. Even the unfortunate sweepers are not spared and their hens are taken away in spite of their protests. I know it fully well that lambar-dars do these things willy-nilly and they must be feeling very sorry for them but they are compelled to do such things. If they abstain from doing these things they are likely to be deprived of their office. Our past experience points out that the nominated members will no doubt please the Government but they will not be of any use to the people. This Government is very kind to persons who fulfil the following two conditions:—In the first place, what services likely to keep India in bondage were performed by the person in question or his forefathers? In the second place, the

Government take care to see if the person in question or his forefathers have in any way helped the cause of the country. One who fulfils both of these conditions, is always taken to be a loyalist. Such people do stand to gain from Government, even if they are very corrupt and incapable otherwise. It is regrettable that Government do not care to look at this aspect of the question. On the other hand a person who does not fulfil these two conditions, even if he is an honest person or possesses a high character, does not find favour with Government. I think it is unfortunate that Government do not appreciate the good qualities of good and deserving people. I was saying that the view point of Government is very limited. They are kind to undeserving persons. I would like to give an instance on the point. Sometime back certain persons were granted jagirs. One of the grantees belongs to Ambala whom I know fully well. I would submit what sort of man he is and what services he had rendered to Government. At Ambala in 1921 when the Congress movement was in its full swing and jails were full of patriots, boys of tender age resorted to picketing at the fair of Charies with the object of discouraging people to attend the fair dressed in foreign clothes. Most of the people attended the fair after having dressed themselves in khaddar. But the Jagirdar referred to came to the spot along with a police officer. The boys with folded hands entreated him to do away with foreign clothes, but he turned a deaf ear to their requests. Consequently the boys laid themselves on the ground, but the said Jagirdar immediately walked on their bodies with his heavy shoes not once but twice. The result was that some of the boys swooned. The people in protest took out his mock funeral procession. The Government bestow jagirs on such persons. I ask, how can such persons be of use to people living in rural or urban areas? These people care more for money than for their religion. If Government are bent upon keeping India in bondage, let them at least give the people the right of vote so that they may be able to elect their own representatives. It is also regrettable that you have not allowed the people to go to a court of law. I would like to point out to the honourable members on the Unionist benches that governments exist and depend upon the confidence of the people. Let me tell them that there is a suspicion lurking in the minds of the people that the Government are bringing in such Bills only to serve their own ends or to provide some employment or allowances to their flatterers. It is possible that this suspicion may be unfounded but it is there in the minds of the people. But when you insist upon the principle of nomination, the suspicion is all the more confirmed. The Government will stand to gain if they accept the amendment and remove the suspicion. The next point that I would like to make is that for all the weaknesses and faults of the nominated members this Government will be responsible and consequently it will earn a bad name for nothing. When the nominated members do objectionable things the Government will have to defend them just as they defend the police. Your nominated members will suck the blood of the poor growers and will join hands with the *arhtis* in their nefarious activities. It would therefore certainly be beneficial for the peasants to give them the right to elect their own representatives, who, in their turn, would be particularly cautious and would keep always in view the benefits that should accrue to the peasants. On the other hand, if it were accepted that the elected members would be a group of capable and incapable individuals

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alike it inevitably implies that the incapable members, being conscious of their own deficiency, would every moment strive to compensate for their shortcomings. The dread of future failure in the next election contest would insistently impel them to desist from indulging in any corruption, and therefore, their primary purpose would be to watch the interests of their electors.

It is time that the Government should feel warned beforehand for I believe the consequences of this Bill would in no way lead to the welfare of the people concerned. As a result of this Bill a mere confiscation of a licence can in a moment utterly impoverish a millionaire. Thus I feel that such grave responsibility must be shifted on to the shoulders of the electors by introducing the system of elective representation. The members elected should be trustworthy and such that would not prove to be recalcitrant to their interests. My respectful submission is that this highly unpopular system of nomination must be dispensed with now. It arouses contemptuous convulsion as much in the rural as in the urban population. If the Government has any intention of giving up this system, then I do not understand why the present occasion should be neglected for the purpose. I see that my proposal entails definite advantage to the Government itself, inasmuch as the violation of the rules by the elected members would not remain attributable to the policy of the Government. The Government could very easily clarify its position by saying that whatever has been done is due to the follies of their own representatives. Similarly, any hue and cry against this House would prove futile because the honourable members here were elected by the public itself. When the public is prepared to take all responsibilities the denial of the same by the Government would not be intelligible at all.

Sir, the British rule in the Punjab has existed for the last 150 years and our own brethren have been at the helm of affairs for nearly two years and yet every day we hear from the Treasury benches that the villagers are very simple and credulous people and therefore unable to look after their own interests. I wonder what sort of training this is if for years the instructors have been endeavouring and the degrees are still denied to the pupils. I cannot but infer that the instructors themselves are inefficient. The province to-day is in need of such tutors as would enable us to obtain degrees after necessary training.

We must now see the world at large. It is of little use to be able like the purblind to behold only those things which lie nearer our circle. We must widen our perspective and see things both far and near. The Government must understand that the peasants of to-day have grown cleverer than the inhabitants of our cities. They are in a position to swim with the help of their own arms if they are permitted to enter into waters. I have carefully studied this Bill and am strongly of the opinion that no benefit can possibly accrue to the peasant by this measure. It may very aptly be called a sugar-coated pill of opium. The Congress party tried hard to take out the opium from inside but the Treasury benches, intoxicated with the sense of their majority, put in strong resistance against their effort. If the subversive element could be removed, I am sure, the Bill would prove

equally beneficial to the peasants and the *arkhis*. I submit, that it is the nature of opium to bring lingering death rather than any sudden cessation of human life, and this Bill is nothing short of the nature of opium. It would slowly but surely cause impoverishment and destruction among the peasants. It would be equally harmful to the mahajans, yet the more serious victims of its destruction would be the peasants.

Now, Sir, if the Government is neglectful of the interests of the poor we are not in the least amazed, for we do not at all harbour any expectations. At every step we draw the attention of the Government and no heed is paid. Previously the daily allowance of members was fixed at Rs. 12½ but now it has been raised to Rs. 22½ per diem. The poor peons at the doors attending all the day long may rot to what misery they would but the soul of the Government is bereft of all compunction. I say that the Government is apathetic to the poor.

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

Mrs. Duni Chand : I said that the present Government is apathetic to the interests of the poor.

Begum Rashida Latif Baji : What have you to do with the poor? You must quietly pocket your double allowance. (*Laughter.*)

Mrs. Duni Chand : Sir, my submission is that the Bill in question would prove beneficial only to the big zamindars. And it was in view of this that the Honourable Minister for Development remarked that the acceptance of the amendments moved by the Congress party would defeat the very purpose of the Bill. And the crux of the question is that the amendments tabled by the Congress party entailed benefits to the poor, whereas the real objective was to guard the interests of the big zamindars. It has been, therefore said that acceptance of the congressite amendments would "defeat its purpose." The paths of the present Government and the Congress are divergent and different. The Congress has in view the welfare of the poor, and the Government only their exploitation. The latter would willingly accept licence fee from the poor labourer who is hardly able to keep the wolf from the door by earning a four anna piece a day. A labourer failing to secure necessary licence would be punished with a fine of Rs. 50. If under these circumstances the honourable members occupying the Treasury benches claim that they have any sympathies for the poor I shall say that their claim is not genuine. What they call their sympathy has been sufficiently exposed to the public.

In the end, Sir, I advise the honourable members opposite as a sister to take pity on the poor zamindars and therefore not to be recalcitrant to these healthy amendments that have been proposed by this side of the House. This indifference on the part of the Government would entail grave dangers. Just now most of the members on the Treasury benches are such as have sympathies for the poor zamindars and they may not be able to remain steadfast under the circumstances. And especially my two honourable sisters sitting over there would not tolerate the cruel treatment meted out to the poor peasants, nor would they stand by and see the labourer being throttled to death.

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I admit, that in this House little importance is attached to the voice of lady members. Their rational arguments are pushed aside. Even proper seats are not allotted to them. But my plea is that women are in no way incapable of understanding the welfare of their motherland nor are they inferior to men in any respect. Women are rather more just than men. My submission is that if instead of *Chaudhris* there had been *Chaudhranis* on the opposite benches in the House, it would not have been possible to carry the Bill through without introducing any amendments; nor would it have been easy to usurp the rights of the public.

With these words, Sir, I support the amendment moved by the Honourable Leader of the Opposition.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*):

2 P. M. Sir, the present Bill was introduced in the House some six months ago at Simla, and I had the honour to be a member of the select committee appointed to report thereon. I and my friends strongly objected to resorting to the principle of nomination in the formation of the market committees. All the amendments that we proposed only related to the formation and constitution of the market committees. We had, as we have even now, serious doubts and apprehensions in our minds about the practicability of the measure. Here I would like to read out certain sentences from the note of dissent that we appended to the Bill—

Being a practically nominated body it will guard the interests neither of the growers nor of the dealers.

And then again—

It is understood to be neither a fiscal measure nor a political one.

We dwelt on the constitution of the proposed committees at length and suggested several practical schemes according to our humble lights. In this connection I interviewed the Honourable Minister for Development and consulted several other honourable members of the House. Moreover, I have very carefully studied the Marketing Acts of the other provinces and the economic conditions prevailing there. The only decision that I have arrived at is that in the case of the introduction of elective system in the committees the Government would not have to bear a large expenditure. And so it is but proper not to substitute nominations for elections in the formation of the committees merely on financial grounds. In the case of election there would be two kinds of expenditure, namely, the expenditure to be borne by the candidates and the one which will have to be incurred by the Government. Now, so far as the expenditure to be incurred by the candidates is concerned it may be suggested that the constituencies in the case of the market committees need not be bigger and therefore more than those of the district board of that district. Then in the case of the district boards a constituency is usually not bigger than two *zails* or one *thana*, and the number of voters therein seldom exceed 1,500. I may also draw your attention to the fact that 25 per cent. of these voters are not growers and this leaves us with something like 1,200 voters in a constituency for a market committee. Now this constituency with such a small area and a limited number of voters should not cost any candidate more than 200 or 250 rupees. In the case of the licensees the expenditure will be still less because all the voters will be at

one and the same place. Then again, you can extend the term of a committee from 3 to 5 years and then renew the same committee to save expenses. Another saving can be achieved by adopting the method of retiring one-third of the members after every 5 years. This shows that so far as the candidate is concerned the objection on the score of expenditure does not hold water.

Now let us take the question of the burden on the exchequer. In this case the main item is the preparation of the electoral rolls. I submit, Sir, that in the electoral rolls for the district boards a separate column has been provided for the scheduled castes to distinguish them from the rest of the Hindu community. Similarly another column can be added to show whether the voter is a grower or not. And this will eliminate this main item of expenditure. Thus even from the point of view of the Government the objection on the ground of expenditure is not tenable. It is, therefore that we smell a rat in the air and feel constrained to say that this is a political rather than an economic measure. The Government wants to use it to strengthen its party and distribute favours among its todies.

Our proposal is a quite simple one, but the Government insists that there should be panels elected by the members of the district boards from which the Government would choose the representatives of the growers. The panels are also required to consist of twice the number of the seats to be filled so that the Government may be able to choose only those persons who are best suited to serve its own ends. We should try to simplify the system. But what is being actually done? My honourable friends on the other side are introducing such provisions into the proposed Act which will certainly make it more complicated. For instance, if three representatives have to be selected to represent the interests of the licence holders, these people will have first to select as many as six men and the Government will select three members out of them. Naturally there will be more expenditure in such a procedure. The House has a right to know why the double number is asked to be selected? I think that the question is not merely of selecting the representatives of growers or licence holders. The real object is to give as much power of patronage to the Government as is possible to be given.

We are tired of hearing it proclaimed from that side every now and then that the Punjab is leading. But may we enquire in what respect the Punjab is leading the rest of the world? The market committees were not set up even in other provinces by any of the Congress Governments. The question of comparing Congress Governments with the Punjab Government simply does not arise. It was in the time of the bureaucratic Government that market committees were set up in some of the provinces now governed by the Congress. It was done as long ago as 1934. But this is being done by the Punjab Government in 1939. The Government is doing all this by dint of the majority at its back. Then, the Government is not prepared to accept any reasonable suggestions put forward by this side of the House with a view to improving the Bill. It was with great difficulty that we prevailed upon the Honourable Minister for Development to concede one point. He agreed so much as to suggest that the licence holders should nominate a panel of twice the number of members to be taken on the committee from among them. Now, so far as the representation of growers is

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concerned, he has agreed that the representatives of growers be selected by the members of the district boards who include among them both the elected and nominated element. Even these gentlemen will not be able to elect the representatives of growers directly. They will select double or treble the number of those who will actually be called upon to serve on the market committees. We want that the Government should come forward honestly before this House and should keep away all ulterior considerations from its mind. In that case it will find support of the whole House. There is no obstacle in the way of the Government in the nature of expenses if it is inclined to agree to our proposal of introducing elected element in the market committees. If 100 or 150 rupees have to be spent on elections after five years, that expense is worth our while to incur. The Government knows under the present conditions it will be possible for it to order the supersession of a committee for three years and then to renew the supersession for another three years. So they can have the whole power to themselves. With these words, Sir, I lend my support to the amendment moved by the Leader of the Opposition.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (*Urdu*): The discussion of this clause began day-before-yesterday and it is really a very important clause. Its interpretation and its working will show whether the present Bill is intended to help the grower and the *kisan* and to put to an end the malpractices prevailing in *mandis*. Further on, knowing how the Government interprets this clause we will be able to conclude that the real object of this Bill is to enable the grower to take better price for his produce. On the other hand if the interpretation put on this clause by the Government reveals their growing desire to control the *mandis* with a political object, all the misunderstandings which some people have at this time can be removed. It is obvious, if one goes through the history of this legislation, that the main object of the Government in putting forward this measure is not to end the malpractices prevalent in the *mandis* but to secure for itself the control of the markets for a political purpose. Under the present conditions the Government will be able to nominate for the market committees an element of its own choice. It has made a small concession in the select committee so far as the representation of licence holders is concerned. They will be able to nominate a panel equal to twice the number of vacancies to be filled and the Government will make its choice from among them. Now, if you look at the amendments moved both from the side of the Government and that of the Opposition they reveal a desire to come to a settlement. But there is a very great difficulty in the way of a settlement. The Government seems to be afraid of the system of direct election. It is afraid lest the people should be able to elect representatives of their own choice. But this is exactly what we want. We propose to introduce the element of election in the market committees. If the proposal that there should be cent. per cent. election does not seem to be acceptable to Government it should agree to 80 or even 60 per cent. of elected representatives. If the elected element is introduced the people will be able to express their opinions on matters of vital interest to them. But so far no common ground has been found where the conflicting views of the Government and the Opposition may be blended into a

workable scheme. The latest amendments which have been sent up by the Government show that so far as the representation of growers is concerned they are prepared to allow the non-official members of the district boards to select a panel of half of the representatives of the growers and half of the representatives of the traders. Then an attempt has been made to settle the ratio of the representation of both interests. It has been proposed that the ratio of the growers' and *arhtis'* representatives should be 2:1. The amendment moved by the Leader of the Opposition says that the proportion of the representation of growers and *arhtis* should be three-fifths to two-fifths. Keeping the question whether the proportion suggested from this side of the House is justifiable or that proposed by the Government apart, I would point out that we, on this side of the House, have no intention of standing in the way of this Bill being passed. Nor do we intend to shelve it. Following the case of Madras we have proposed that for the first six months of the enforcement of this Act there should be cent. per cent. nominations for the market committees. During this time preparations may be made for elections to the committees and the electoral rolls prepared. Then after a suitable time, the Government may choose what that time is going to be, the elected element may be introduced in place of the members nominated by Government to work as an *interim* committee.

But the Government are not prepared to accept this quite reasonable and moderate demand. Do they think that we, on this side of the House, are pressing it for obstructing the business of the Assembly or because we are obstinate and uncompromising? Far from it. We mean to co-operate with Government in all reasonable matters but we cannot be a party to such actions of theirs as would defame the fair name of the Punjab. After all we have about two years' experience of provincial autonomy like other provinces of India and can any one deny the value of this great experiment? But the Honourable Minister of Development had a brain wave the other day and was pleased to observe that the *kisans* in the Punjab are illiterate simpletons and prone to fall a prey to the evil propaganda of their enemies, and that they would not be able, therefore, to safeguard their interests if they were to elect their own representatives in the market committees. May I respectfully submit in reply to this remark of the Honourable Minister of Development that a little cool thinking on his part would convince him that those innocent and illiterate *kisans* who can be trusted to elect their representatives for this House, can also be trusted to choose their representatives in the market committees? It is nothing short of an insult to the framers of the Government of India Act to say that the *kisans* in the Punjab do not deserve to be given the right to elect their own representatives for the market committees where no foreign policy of highly legal questions arising out of that Act have to be discussed. I admit that the movement of enfranchisement is yet in its infancy in our country and particularly in the Punjab it is passing through its primary stage with all the evil or even worse consequences than other provinces are experiencing, but does it, therefore, follow that we should annihilate the basis of election and wipe off from our memories the experience that we have obtained so far? This House consists of 175 honourable members who have all been returned through elections to guide the destinies of the Punjab. Cannot the same electorate elect their representatives to run market committees, the duties of which would be far less important

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than those of this House? They will have to improve their own financial position and will much more easily see to their own economic gain or loss than the business of legislation here. In the *mandis* the *kisans* will be confronted with immediate financial loss and gain, and, would be better able to exercise the right of their opinions. But the Honourable Chaudhri Sir Chhotu Ram observed that the whole business in the *mandis* finishes with the twisting of the balance by the clever shopkeepers.

Premier : May I again repeat the request that I made the other day? Would it not be advisable to concentrate the discussion on the three amendments that I suggested the other day, namely, those of Dr. Gokul Chand Narang, Dr. Gopi Chand Bhargava and the Government? You have been calling every member who has given notice of amendments to this clause to speak. That will not allow us to finish the work at all in time. I once again request that the debate may be concentrated on the three amendments that I have just suggested.

Mr. Deputy Speaker : The honourable member may go on with his speech. But I would request him to be brief.

Pandit Muni Lal Kalia : I shall try to be brief. I am also looking at the clock as you have been doing. I was submitting that the Minister of Development had observed that he was out to serve this class or correct that class. He may do whatever he likes to do. But he should accept cent. per cent. election basis for the market committees. If at present he cannot agree to cent. per cent. election of members of the market committees he should at least begin with 90 or 80 per cent. election basis.

Mr. Deputy Speaker : I would request the honourable member not to repeat his arguments.

Pandit Muni Lal Kalia : Sir, do the Government think that the *kisans* of the Punjab have not been able to exercise the right to express their true opinions in the provincial elections? After all why are they afraid of the popular vote? We are not at present pressing for municipal or district board elections. We want people to improve their economic conditions by having a voice in the market committees and by electing their true well-wishers. They can be better judges of the appropriateness of the charges and commission fees. They know more than anybody else does what weights and measures and what weighmen and measurers should be employed in the *mandis*. They can tell what reform they really want, and with that point in view they should be given the right to choose their representatives for the market committees. Perhaps the Unionists are of the opinion that the British have committed a mistake in hastily granting provincial autonomy to the ignorant people of the Punjab. What else holds them back from granting the free election for the members of the market committees? Their proposal of a panel of names is only an indirect way of admitting the wholesome principle of elections. In fact they are trying to touch their nose from behind their neck and not straight off. Do they think that their prestige would suffer if election is made the basis of selecting members of the market committees?

Mr. Deputy Speaker : I would once more request the honourable member to be brief.

Pandit Muni Lal Kalia : One word more, Sir, and I have done. After all, this measure is not a novel one in the legislative history of India. Similar Acts are in force in Bombay, Berar, and the Central Provinces ; some of these were introduced as far back as 1892. But then, even the sun dried bureaucratic Government did not fear the election of members of market committees. How is it that our provincial Government which claims to be a popular government, is so much afraid of granting election to the market committees ? Government has all along been quoting the instances of Bombay, Madras, Berar and other provinces ; I am now doing the same and assert that other provinces do not make nominations in their market committees. The Punjab should also follow suit and discard the principle of nomination from the market committees. If they are unable to accept 100 per cent. election, let them start with 90 per cent. election and ultimately have 100 per cent. election. To begin with they may have nomination for some time.

With these words, Sir, I strongly support the amendment moved by the Honourable Leader of the Opposition.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, it has been rightly remarked that clause 8 which lays down the rules for the constitution of the committees is the pivot of the whole Bill, inasmuch as all the rules and regulations with respect to the rates and penalties will be laid down by these market committees. Therefore it is very necessary that the constitution of these market committees should be a fair and equitable one. These committees should consist of persons who will be able to perform their duties fearlessly and justly, who will be able to hold scales even between the conflicting claims of the growers and the merchants, sometimes of the conflicting claims of the merchants and brokers and at other times of the conflicting claims of the growers on the one side and the rest of the humanity consisting of brokers, weighmen, surveyors, godown keepers and even consumers on the other. The proposal of the Government is that the market committees shall consist of a certain number of persons of whom not less than two-thirds shall be growers and they propose not to give the right of election to the growers but the growers representatives shall be nominated by them. I have given notice of three amendments on this subject. One refers to the personnel of the committees, as to how the various interests which the market committees will have to control should be represented on these committees. My amendment is to the effect that for the words " not less than two-thirds " the word " half " be substituted. That figures as amendment No. 48 on the agenda paper. The other two amendments which stand in my name are Nos. 57 and 64 on the agenda paper. Amendment No. 57 proposes that for the words " shall be appointed by Government from among " the words " shall be elected by " be substituted. The effect of this amendment is to provide election from amongst the growers instead of nomination. Amendment No. 64 proposes that for the words " the growers of the district in which the notified market is situated ", the words " growers of the area which normally sends its produce to the notified market area in question " be substituted. The object of this amendment is to confine the representation of the growers to the particular area which serves the particular market town. It should not be

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possible for a grower who belongs to one area serving a particular market town to be a representative of the growers on a market committee of a different town. The object of this amendment is obvious and is intended to safeguard properly the interests of the market in question. It should not be possible for a person who is really interested in any market to get himself appointed in another market area. He will not be interested to safeguard the interests of the other market area. The main point, however, to which I wish to draw the attention of this House is with respect to the personnel of these committees. My amendment seeks to lay down that the market committees shall be so constituted that not less than half the members shall be representatives of the growers, the other half being the representatives of all the other interests including the *arhtis*, both *kacha* and *pacca*, brokers and other labouring classes and also the vast body of consumers who live within the municipal areas by which that market is served. If you have a constitution of that type you certainly protect the interests of the growers to as great an extent as is possible and legitimate. You give them an overwhelming majority against other interests in the market committees. They will have a very substantial, if not a heavy majority against the *arhtis* and other labourers. All that I want is that they should not have a majority of such a type that they become entirely oblivious to the interests of the other classes. For instance, if the growers representatives make an extortionate demand or an inequitable proposal it should be possible for all the other interests to combine and say, this shall not be. If it is offensive it will have a very unhealthy consequence. The growers should be prevented from putting forward an unnecessary and unreasonable demands and this can only be done, if it is possible for other interests to oppose it effectively on some occasions at least. So let the growers' representatives be one-half and let the other representatives be one-half and let an official be nominated so that in cases where there is a real conflict, that official may bring about a more reasonable frame of mind. It may possibly be argued by the other side that when that side is always insisting that the interests of the cultivators should be protected, how is it that you are asking that the representation of the growers should be reduced from two-third to one half? The answer is that the legislation should be a reasonable and sensible one. If you give an overwhelming majority to one side, the effect of that will be that they will not at all care for the interests of the other people and it is also necessary that the other people whose interests are going to be looked after by these people should have confidence that if they put forward a reasonable proposal and can secure the assistance of reasonable men which means the support of all the other classes and also of the official, that proposal will be accepted. Such a constitution is the constitution which is usually adopted in almost all the market committees which have been constituted under the various Market Acts in India. If you look at the provisions of the Madras Commercial Produce Markets Act XX of 1933 as amended by Acts I and XV of 1936, you would notice that section 6 provides for the constitution of market committees and makes the following provision :—

Every market committee shall consist of 12 members—

- (1) Five members shall be persons elected from among themselves by the growers of the commercial crop or crops in such area as the local Government may determine;
- (2) Two to be nominated by the local Government;

(3) One by the municipal committee of the town in which the market committee area is situated; and

(4) Four persons shall be elected by persons licenced under section 4.

Therefore you have in this Madras Act provision for not less than half of the members of the committee being elected from amongst the growers. You have equally another half, four persons to be elected by persons licenced under section 4 and another to be nominated by the municipal committee of the town in which the market is situated so that you have got five on the other side and you have two officials. It is only a committee of that type which can hold the scales even between the conflicting claims of the growers and other sections of the population of this province. And, Sir, it would be the primary duty of the market committee to arrive at a reasonable and equitable rules. If you overload the weight of one side, what justice can the other side expect? I put it to the Honourable Premier, why is he not following the constitution of the committee which is in this clause? After all the Madras people had these considerations in view before them, the identical considerations which I am placing before you. Again take the case of Bombay Committee. The Bombay Cotton Markets Act, section 5, lays down :—

That the market committee shall consist of not less than 12 and not more than 16 members. Of these not less than half shall be persons elected by the growers of cotton of the area, as the local Government may prescribe, one shall be nominated by Government and one shall be elected by the district board or the municipal committee and the remainder shall be elected by traders in cotton market in such manner as may be prescribed.

Thus, again in Bombay you have a similar provision, as I have suggested in my amendment that the representatives of the growers shall not be less than one-half. Why do you wish to give to the grower not less than two-thirds? Why? Is it the duty of the Government to adjust the conflicting claims of the various types of persons dealing with agricultural produce, or is it not? If it is, why give them a weightage which is not given in the other provinces and which is not likely to be used with advantage? The same provision exists in the Berar Act and there too, if the representation is worked out, you will find that the provision is the same that the growers shall be not less than one-half. Nowhere is any provision made for giving them more than one-half. I put it to the House, why should it be done here; specially when this representation of growers is not to be by election by the growers as provided both in the Bombay and the Madras Acts but by nomination? These representatives of the growers have to be elected by Government. In that case, the market committees instead of being left to decide things by themselves will practically be under the thumb of the Government. Now it is for the Government to decide whether they will have election or nomination. But certainly I submit that they have gone too far. Sir, a cry is raised as if the growers in this province are everything and all other sections of the population who may be contributing to the wealth of the community in various ways are absolutely to be ignored. Somehow the cry is raised and everybody seems to accept it as true and allows it to go unchallenged. For the sake of the sympathy with the growers you may secure to them a substantial representation, you may even secure to them a majority against one or the various interests combined or even the two or three interests combined together or even have a majority against all the interests combined together, but it is not likely to lead to the smooth working of the committees if you give them $\frac{2}{3}$ of the seats on the committee. I

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rise here to raise my voice against this inequitable constitution of market committees. After all, a grower whether he is a big landlord or a kisan or a petty landholder is not more deserving of our sympathy than the landless mass of humanity who crowd in towns and even in villages, and eke out a miserable existence by earning a daily wage. In deciding a dispute between a weighman or a labourer and a grower our sympathies would necessarily be with that class which is not the capitalist class and which is poor. You cannot say, look here, this man wants less representation for the grower. I want less than that offered by the Government. I offer one-half. Why are not the Government content with one-half to the grower? The Congress Party has also realised the force of this argument and has proposed that instead of two-thirds it be three-fifths. The Congress Party is also suffering from the same fear. Nothing fair and equitable should be mentioned because it might be pleaded against them in elections. Unfortunately voting power in this province has been given to the agricultural classes and therefore it is not considered politically advisable to put forward the claim for the class which does not enjoy that right. Why on earth should they ask for an overwhelming representation for the grower, not in the management of his own land, small or large fields of land, not in the management of his village, but the right to manage the details of places far away in towns and in which they need only be granted same fair and equitable representation, but should not be made masters. My third amendment on which I lay the greatest emphasis is that since the power of representation from amongst the growers on the market committees is kept by the Government with itself by means of nomination there is a real danger and a very real danger to the actual growers of the area not having the representation at all, but an influential member or a pushing member of a district board who has no connection with that area and who happens not to be a grower in that district getting the representation. I am afraid that even if one or two persons get representation on a particular market committee, they will so contrive that that market ceases to exist so that their own market should flourish. Therefore, I particularly wish to bring it to the notice of the honourable member in charge of the Bill that if the growers' representations have to be nominated they should be confined to the area which serves the particular market served by that area. It should not be possible for the grower from another tahsil to get representation to a market in another tahsil, if that market is not served by the area where he owns land.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I am sorry that I find myself unable to support the amendment moved by the Leader of the Opposition in its entirety. I support the amendment so far as the question of election is concerned. I am, however, entirely against the amendment which has been tabled on behalf of the Government. The Government proposes that the remaining members, that is, after the officials have been appointed, should be divided between the growers and the licensees in the proportion of 2 to 1, that is, the representation of the growers should be double of that of the licensees, while Dr. Gopi Chand. Bhargava proposes that it should be 50 per cent. more than the representation given to the licensees, i.e., $\frac{3}{5}$ and $\frac{2}{5}$. I do not see any reason

why the growers should be given such an overwhelmingly large representation. I have tabled an amendment which on the face of it is equitable. When there are two parties to a dispute and they have to refer to arbitration the dispute between them, the usual and equitable method is that each party is entitled to nominate one arbitrator. If they agree, well and good, otherwise the dispute is referred to an umpire who may be either appointed straight off or the arbitrators may be given the power to appoint the umpire if unluckily they cannot agree between themselves. In this case what I have proposed is in accordance with that well recognised principle. It is not a formal arbitration but in its spirit it is certainly a matter of arbitration between the two parties and the place of the umpire in this case is taken or ought to be taken by the official who may be nominated by the Government to act as a sort of neutral authority between the two parties represented on this committee. There may not be only one, there may be two Government officials so that in case of any serious disagreement they can be relied upon to bring about a compromise between the two sections of the committee. I have, therefore, proposed, as you would see from amendment No. 49, that in sub-clause (3), lines 1-2, for the words "less than two-thirds" the words "more than one half" be substituted, that is, the representatives of the growers shall not be more than half and I believe—and I am in fact convinced—that this distribution is much more equitable than the distribution proposed either on behalf of the Government or by the Leader of the Opposition. I would not follow the example of my friend just behind me and would not attribute motives to any one, either the Leader of the Opposition or the Government, but the apprehension which the Rai Bahadur has expressed is certainly there. In the first place, as I have pointed out, there is no reason why the growers should have such a large majority. Even if they ought to be given a majority, my submission is that if my amendment is accepted, even then they will have a virtual majority on their side because they will have half of the members of the committee, other than Government officials from among themselves and they will have one or two Government officials and as I have said more than once on the floor of this House those Government officials can certainly be relied upon to watch their interests. They will, in all probability, be selected out of the community of classes to which the growers generally belong, so that in any case they will have a majority and I do not see any reason why a majority of one or in some cases a majority of two should not satisfy all the legitimate claims of the growers. If the licensees have to be drowned, they may as well be drowned in seven feet of water, as in nine feet or eleven feet of water, they will be drowned all the same, so that the licensees even if they are given an equal share in the remaining class of members, would still be virtually in a minority and the growers will be in a majority and there will be no danger to the interests of the growers in any case whatsoever. I would not repeat what has been said by other members. I shall only remind the House that in other provinces, where similar measures are in force, this is the division—half and half—and that example should be followed in this province. I really do not understand why a departure should be made from the practice which has been followed in Bombay, in Madras, in Central Provinces and Berar where the Market Acts are in force. Does the Government mean and does the honourable Leader of the Opposition mean that the growers in this province are more helpless than growers in

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other provinces or they are less intelligent than growers in other provinces? From my own knowledge of other provinces, limited as it is, I can say that the growers particularly in the United Provinces with which I am fairly familiar are far more helpless than the growers in the Punjab and they are far more backward, so far as intelligence is concerned, than the growers in this province. The growers in this province are in fact very intelligent, they are very shrewd—I need not quote the Punjabi proverbs relating to the jats as some people might take offence, but the jats themselves know those proverbs and those proverbs really give them a certificate for intelligence and shrewdness. Therefore, it cannot be said that the jats and other zamindars and growers in this province require more help and a greater majority on these committees than the growers in other provinces. Then again, I cannot understand what has led the Congress party to depart from its previous decision. The honourable Leader of the Opposition has certainly departed from the case as was put up on behalf of the Congress by the three Congress members who happened to be members of the select committee. Referring to their note of dissent we find that their recommendation was—

The members being all elected, the Market Committee should be constituted as follows:—

- (a) One-half to be elected by the growers.
- (b) One member to be elected by the elected members of the municipality, if any, in which the market is situated, or to be elected by the elected members of the District Board in which the market is situated.
- (c) One expert or a salaried servant of the Crown.
- (d) Remaining members to be elected by the licensees.

So that up to the select committee stage the contention of the Congress was that half of the total members should be zamindars. But what they have proposed now is that three-fifths of the remaining members should go to the growers and two-fifths to the licensees. I remember my honourable friend, who is not in his seat just now, I mean the honourable member from Sialkot, having said, "Dr. Narang's amendment does not seem to be fair because it does not give more than one-half representation to the growers." I do not see any unfairness in this. I have given them equal share, full share and in addition to that they can surely rely on the sympathy and support of the official members. Therefore, there is no unfairness in it at all. In fact the onus lies on the Congress party to show why the growers should have more share than the licensees. This representation is not based upon population. It is based on the importance of the interests represented by the two sections and it cannot be said that the interests represented by the licensees and others, who are working in the mandis, are less important than the interests of the growers outside. In fact the position of the people who are working in the *mandis* is very important in the economy of a nation. If they were not there the produce of the grower would rot in villages and he would not know what to do with the surplus. It is the middle man who helps them in disposing of the surplus of their produce. Unless the growers organise themselves to dispose of their surplus they have to depend upon the existing agency and on the machinery to be found in the *mandis*. If the growers can organise themselves and form themselves into these middlemen then they will become *arhtis*, brokers, tolas, warehousemen, etc., so that though their caste may not change,

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their occupation would certainly change, and so far as the nature of the business is concerned they will be exactly in the same position as the present *arhtis* and brokers working in the *mandis*. So it cannot be said that the business or the duties which are being discharged by the *arhtis* and others in the *mandis* are of no importance. They are of equal importance to the duties of the grower outside the *mandis*. With these words I would support my amendment so far as the proportion of the members is concerned. A good deal more could be said but much of it has been said and I would not take the time of the House by repeating or even by referring to what has already been said by other members. I would, however, refer to two other amendments which I had tabled in connection with sub-clause (3). One is No. 68 and the other is No. 69. In amendment No. 68 I say—

That in sub-clause (3), lines 2-3, for the word "Government" the word "election" be substituted.

Amendment No. 69 is—

That in sub-clause (3), line 5, between the words "rest" and "from" the words "by election" be inserted.

These amendments simply mean that instead of appointment by Government the two classes of members of the committees should be elected. I did not devise or suggest any machinery for these elections. I left it to be settled by rules and relied on the good sense of the Government to make suitable rules for elections and for constituting the various constituencies for the two classes of members who will sit on these committees. I might be blamed for having relied on the good sense of the Government, but I do not think that that accusation would be fully justified, because whatever else might be said, it cannot be said that the Government, if the principle of election had been conceded, would not have made suitable rules. After all, if the principle of election is accepted they could not have said afterwards that the members of the district board should return or the licensees should suggest the panels from which members representing both these classes would be selected by Government. That would have been a travesty of election and certainly by no means election itself, so that, I could, with justification rely on the good sense of the Government so far as this matter was concerned. I am sure if the principle of election is accepted they will make rules which would carry out not only the letter of the amendment but also the spirit of the amendment. I had therefore not suggested any machinery. But just now turning to the machinery which the Government has suggested I would like to say that that really is as far from the principle of election as anything can be. The machinery suggested by Government is that so far as representatives of growers are concerned the non-official members of the district boards should suggest the panel provided that at least half of the members will be such as are not members of the district board. This is what is said in amendment No. 2 tabled by the Government—

A panel of the representatives of growers shall be submitted to the Deputy Commissioner by the non-official members of the local District Board and the panel of the representatives of persons licensed under sections 6 and 9 shall be submitted by the said licensed persons in such manner as may be prescribed.

Provided that the persons whose names are proposed in the panel of the representatives of growers are growers within the tahsil in which the notified market area is situate or within the notified market area if that area is larger than a tahsil and that at least half of the names proposed are of persons who are not members of the District Board.

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This is what has been said so far as the representatives of the growers are concerned. On the face of it you have two important defects in this amendment—in fact several defects. One is that the constituency or the electors are too circumscribed. The members of a district board may be 80 or 40 and I do not think in any district there are more than 50 and out of them official members are to be excluded so that the number of electors would be something like 30 or 35 or at the most may be 40; and these members will have to return to committee consisting, so far as growers are concerned, of at least 4 people and if the committee consists of 16 at least eleven people. So the number of electors is too inadequate and the spirit of election is entirely absent from this suggestion. Then the next objection is that the panel will have to be submitted to the deputy commissioner. It is again absolutely contrary to the spirit of election. We are all familiar with what happens so far as nomination to the district boards and municipal committees is concerned. People run to the deputy commissioner: they try to get his recommendation and when the recommendation is made by the deputy commissioner then they run to the commissioner and when the recommendations have been made and sent up by the commissioner then they run to the Minister. Three officers of the Government are bothered and worried by these candidates. The same will be the case here. When the district board non-official members send their list to the deputy commissioner, the deputy commissioner will be approached by various persons so that he may make some recommendations and then they will approach the Minister. I do not know why they are doing this. I considered it a most troublesome duty to discharge when nominations had to be made to municipal committees or to district boards. Hardly a day passed when I did not get half a dozen or a dozen visitors with their books of testimonials of the services they had rendered to Government and some had certificates of services which had better not be mentioned. So, in their own interest, I think, the Ministers should have got rid of this botheration and worry of having to nominate people out of the panel submitted by the district boards through the deputy commissioners. But, of course, if their intention is different then they are perfectly justified. If they want that even in the formation of these committees, they should be in a position to exercise patronage and should create additional agents in the countryside to help them and serve them at the time of election or on other occasions, then certainly they could not have chosen a better device. The members of the committees will be hundreds. I do not know the number of markets in the province, but they may be something like 500 and if the average is 10, it means that the number of the members of these committees may be 5,000. Their number would run into thousands and if they have to make a choice by nomination, then it means that they will have at least one half of those people who would be knocking at their doors for patronage. When patronage is shown to them, then it would mean that they will have 2,500 additional agents in the province who will have every regard for them and who may be relied upon in times of need for necessary help. In fact, that has actually been said by people who have given any thought to this Bill. They know, in the first place, that Government wants to place the *arhtis* and other independent people under their thumb and then they want to create a machinery for the formation of these committees, which machinery

will really be utilised by the Government for election purposes and for carrying on their propaganda in the countryside. Why should they lay themselves open to this charge by devising this system which would moreover entail botheration and worry? I would, therefore, respectfully submit that the method which has been suggested through this amendment, is defective. There is another defect. They were solicitous that these committees should not entirely consist of members of the district boards. After a good deal of thought they seem to have hit upon this device that at least half of the names proposed should be of persons who are not members of a district board. It has probably not occurred to them that, although on one committee not more than half will be members of the district board, yet they may be more market committees in one district, and all the members of the district board may find it impossible to have a seat on one committee or in some cases on more committees than one. I hope I have made myself clear. There is no restriction in this amendment against the members of a district board nominating themselves as members of the market committees. Supposing there are 40 members in a district board and they have to nominate some members as representatives of the growers, then, I am sure, they will pool their resources, and say, 'you nominate me on this committee and I or my friends will nominate you on another committee in the same district.' They may come from different tahsils and the committees may be in different tahsils, but the members are the members of the same district board. So, it may be possible for every member of the district board to be on one committee or another. It would mean that you may be giving additional powers to the members of the district board. Already they enjoy a great deal of power and in many cases too much power and it is well known that it is not rarely that they abuse those powers and use them against the non-agriculturists of the province in a manner which is open to serious objections. In this way they will have double influence over the *artis* and others who are working in *mandis*. If the Government really did not wish to give power to the members of district boards, they should have made it a rule that they would not nominate themselves on any committee. Then it would mean that they would act more justly and fairly and impartially. You will agree with me that the members of district boards are generally big zamindars. They are influential people. They are zaidars, honorary magistrates, big jagirdars and big landholders and so far as I am aware, not one poor man, the tiller of the soil, finds representation on these district boards. There may be some exceptions of which I am not aware, but I can certainly say with confidence that, as a rule, a tiller of the soil is not represented on these district boards. So that, if the members of a district board are to appropriate to themselves the seats on these committees, it would mean that the representative of the real tiller of the soil would not be on these committees. If the professions of the Government were genuine, well-founded and sincere that this Bill was being enacted for the benefit of poor zamindars, then they should know that the poor zamindar will not find any representation on these committees. They will be all big zamindars. Of course, it will be argued, as was argued the other day by the new member from Gurgaon, that the poor zamindars were their cousins, they were their uncles, they were their brothers and so on, and, therefore, they could represent their interests better. Well, other people can say that they are their countrymen, they belong to the same district, they belong to the same village and they are neighbours—cousins may fight but neighbours rarely fight and they have more consideration for one another than even the cousins have

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for themselves. I do not think that there is any force in what my honourable friend said. But it does not conclude the matter. So far as the poor growers are concerned, they will not find a direct representation on these committees. They will have to depend upon their cousins and other relations, who are placed in higher positions to represent their interests on those committees. Why not devise a machinery which would give these people a direct representation? So far as the machinery of election is concerned, I would certainly support the amendment of the Honourable Leader of the Opposition, because it is much more fair and it contains a spirit of election in it and it gives a representation to people who are directly concerned with the market committees. It might be said—and I know that my honourable friend used this argument and said that at one time I said that poor people would not come to the market at all and another time I said that poor people should be given representation. I am relying upon what the Government says that it is the poor people who come to the markets and it is in their interest that this Bill is enacted. If this is wrong then I have no quarrel with my honourable friend from Gurgaon. With these words I would commend my amendment to the acceptance of the House, but in case it is not accepted, then I would certainly support the amendment moved by the Leader of the Opposition and would strongly oppose the amendment which is going to be moved on behalf of the Government.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir I am reminded of a well known couplet which is as follows :—

بہت شور سنائے تے پہلو میں اسکا جو چورا تو اک قطرہ خون نکلا

For the last 6 or 7 months the Government have been making propaganda on a large scale to the effect that a Marketing Bill will be brought before the House for the sole benefit of the poor zamindars. It has been said that this Bill is intended to provide bread for the poor and to enable the poor zamindars to get fair prices for their produce. The *arhtis* were terribly frightened what the future had in store for them. This Bill was admired so much so that the strings of the Rebecks of propaganda used by Sir Chhotu Ram have been broken to pieces.

Mr. Deputy Speaker : Will the Honourable member please speak to the motion ?

Sardar Ajit Singh : I was submitting that it was given out by the Government party that this Bill would greatly benefit the poor zamindars. But when we come to clause 8 of this Bill we see otherwise. It appears that the Government are sticking to the old order of things. Their actions belie their professions. The Bill now before the House is similar to those passed in other provinces. But the material difference lies in clause No. 8. This shows that our Government is going backwards. In this connection I am reminded of a story of a spoiled woman whose husband was walking on the bank of a river in search of her. On being asked whither he was going he replied that since his wife was drowned he was going in search of her. Further on being asked why he was going upstream he replied that his wife used to act contrary to what he bade her to do. Similar is the case of our Government. In other provinces ministers draw only Rs. 500 a month and here—

Mr. Deputy Speaker : The honourable member will please speak to the motion.

Sardar Ajit Singh : I was saying that our Government is acting contrary to what other Governments in India are doing. We were tired of nominations and consequently we have moved several times that the offices of *lambardars* and *zaidars* should be filled by election. After all, why does the Government insist upon nomination? I think that they insist upon nomination only with a view to keep their party well intact and avoid disintegration in their ranks by distributing loaves and fishes among the members of this House and their relations. I wonder why Government have proposed to resort to indirect election in the appointment of members of these committees. Why should the district boards submit a panel from which the members of these committees may be appointed? I for one cannot understand why an indirect method of election is preferred to a direct one. So far as I can understand, the committees which will not be appointed by the zamindars themselves will prove a heavy burden on them. This Bill as has been said by the members over there, is intended to curtail the expenses of the zamindars, but by constituting such committees we will in a way increase their expenditure. We wanted that the number of members of these committees should be small but the Government did not agree to it. My amendment was to the effect that the number should not exceed ten but the Government have not accepted it. We wanted further that the present burden of the zamindars should be lightened. But nothing has been done so far in this respect. No doubt the principle of the Bill is sound and we believe that this Bill will keep the dishonest businessmen well under control and make it impossible for a dishonest shopkeeper to use false weights and to charge unfair fees on the produce of the zamindars. But if this clause is accepted it will lay an extra burden on them, and the market committees constituted by an indirect method of election as has been suggested by Government will do more harm than good to the zamindars. This Bill will not consequently relieve the poor zamindars of their distress inasmuch as the burden over the zamindars—

Mr. Deputy Speaker : Will the honourable member please confine his remarks to sub-clause (3)?

Sardar Ajit Singh : Well, Sir, I would submit that if the appointment of these committees is left to the sweet will of the deputy commissioner or the Minister in charge, I ask what useful purpose would they serve? If these committees have to represent the views of the deputy commissioner or the Minister in charge, why burden the poor zamindars with the expenditure that would be incurred in connection with these committees? Unless you constitute these committees according to the wishes of the zamindars, the Bill will not in any way benefit them. If the Bill as it stands, is passed into law it would defeat the real object underlying it. I, therefore, submit that lakhs of rupees that would be spent on the consideration of this Bill would be wasted. There is no need of appointing these committees and passing such Bills. Just ask the deputy commissioner to fix *arat* and *talai* rates and save the zamindars from the expenses of these committees. There will be no use of appointing these committees in the manner you have stated. Give the poor growers the right of vote so that they may be able to send in their real representatives to serve on these committees. We

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are prepared to accept the whole Bill provided you agree to accept only this amendment of ours. With these words I support the amendment moved by the Leader of the Opposition.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Mr. Speaker, the two important points underlying this discussion are (1) the ratio of growers *versus* non-growers on the market committee, and (2) the manner in which they are to be returned, that is, whether by election or by nomination. These are the two major points that are being discussed under these various amendments. A good deal has been said in the House from the Opposition benches in support of these amendments. Honourable members have told us that in Bombay the growers are represented on the market committees to the extent of one-half. It has also been stated that in Madras the proportion is fifty fifty. That however is wrong. In Madras out of 12 members there are only 5 growers while the remaining 7 are non-growers. Both in Bombay and Madras growers are elected. I want to add to this that even in the proposed Markets Bill of the North-West Frontier Province, the election of growers is provided and not nomination and their representation is proposed at 50 per cent.

There is an amendment standing in my name which says that the representation of the growers should be two-fifths. I want to give my reasons in justification of my amendment. I am not against growers as such. We have got to realise the situation as it exists in this province and also compare this Bill with the Bills that have been passed in other provinces. Probably it is not generally known that in the other provinces the Acts that are in force govern only transactions as between growers and dealers. In this unfortunate province of ours the Bill goes much further. The Honourable Member in charge of the Bill has made no secret of his intentions. He has told us several times on the floor of this House that he will not be content with controlling the transactions as between the zamindar and the *artia*, but he wants to rope in the transactions as between dealer and dealer also. That is the position that must be thoroughly understood, and that is my justification for demanding a greater share of representation for the *artias*. Under this Bill it is the *artia* and the trader who stand to lose unless adequate representation is given to them on the market committees. It is well-known that in most of the big cities we have got trade associations. These trade associations compare favourably with such big associations as the East India Cotton Association of Bombay and other associations of Calcutta. Under the present Bill these trade associations will have to play either the second fiddle to market committees, or they will have to close their doors.

Now, coming to the question of nomination *versus* election, we have advanced sufficient and cogent reasons from this side of the House in support of election. We are not aware of any special conditions existing in this province which make nominations necessary or indispensable for the Government. In the short discussion that some of us had with the Honourable Premier in the lobbies the other day he was not able to tell us why he was afraid of election. All that he did tell us was that the expense involved in the elections will be very great. We immediately pointed out that there

were elections to this Assembly, there were elections to municipal committees and district boards and also for the S. G. P. C. with adult franchise. Nobody has ever advanced any such argument that on the ground of expense those elections should be done away with and that nomination pure and simple should be resorted to.

Now, coming to the exact position of the province, what do we find? I shall here quote the opinion of one of the high officers of Government. This is the opinion of Mr. Calvert under whom the Board of Economic Enquiry was held :—

The marketing legislation on the lines of the Bombay Act if proposed would need to be adapted to the Punjab situation, namely, the creation of a distinction between *pucca* and *kacha artias* so as to include *kacha artias* amongst growers' representatives.

He further says—

Some representation for the village trader in markets where he is of some importance would appear to be necessary also since he too is vitally interested in the improvement of the market.

This report of Mr. Calvert says in unequivocal terms, that amongst the growers' representation *kutchha artias* and village traders must find a place. I do put it to the Parliamentary Secretary in the absence of the Honourable Minister in charge of the Bill, if he can tell us any reason for this disregard of the views of their own officers. So far not a word has been said on this point by the other side. On the contrary when the definition of grower was being discussed on the floor of this House the grower who happened to be a broker or trader was excluded from it and this against the express desire and protests of this side of the House. Considering the peculiar position of our province I advise you to give some representation to these *kutchha artias* and to these village traders who act entirely on behalf of the growers and not at all on behalf of traders.

The next point I want to discuss is about the electorate. Who forms the electoral college in the case of Bombay? As I read that Act, I find that only those men who are directly concerned with the markets find their representation on the committees. The Bombay Act provides—I want the Parliamentary Secretary to specially take note of this—that every person, who on his own account or on account of an undivided Hindu family of which he is the manager in the year immediately before the financial year in which election is held purchases or sells in the market not less than one hundred candies (in Bombay one candy is equal to $9\frac{1}{2}$ maunds) of ginned cotton or 300 candies of unginced cotton, can seek election to the market committee. This is the qualification that the representatives of growers should have under the Bombay Act. Likewise the *artias* or licensees also should have sold or bought a certain quantity of cotton before he can get the right of vote and representation on the market committees. In this connection I may remind the House that the Bombay Act applies only to cotton and not to all the various articles that have been roped in in our Bill.

My point is therefore this, that as our Bill relates to all transactions, not only those between zamindars and *artias* but also those between a dealer and dealer, and has a wider scope, touching mostly the *artias* and traders, it is only fair that greater representation is given to them than that proposed. I am afraid even the future transactions will be brought within the purview

[S. S. Santokh Singh.]

of this Bill. The Honourable Minister for Development has been pleased to say in so many words that if a lot is sold and changes hands once, twice, thrice or five times, it is going to be taxed every time. He is thus going to tax every transaction. This then is the situation and that will be further accentuated by the unfair and unsympathetic treatment that will likely be meted out to the traders by the Honourable Minister in charge of the Bill. I may just point out that the theory of management is a very simple matter and is very different from the actual practice thereof. When they come to the real management and control of the business the Government will find itself in difficulties out of which it will be helpless to extricate itself.

Now what is a *kacha artia* and what are his functions? I was just saying that the *kacha artia* works entirely on behalf of the grower and your own officers have recommended that these *kachha artias* should be treated as representatives of the growers and given some representation. On all these grounds I justify my amendment which proposes a little higher representation to the *artia*, trader and broker and which I have put at three-fifths.

I now come to the question of panel. This is really ununderstandable. I have given my serious thought to this question. But I have not been able to understand why the Government insist upon having a panel of names from which they want to choose the representatives themselves. Elections are made to the Legislative Assembly. There are no panels. Elections are made to the municipal committees. There are no panels. Elections are made to district boards. There are no panels. People may elect anybody they like. Government reserve to themselves the power of refusing to recognise the election of any one whom they consider politically undesirable in the case of municipalities and district boards. I would like to ask the Honourable Premier whether he wants to take this power in this case to oust "Business undersirables." What will be his criterion for this? Will it be to oust from the committees people who are vocal and who may not be expected to dance to the tune of the Government officers? What is the idea underlying this? Why should you have two names from which you want to choose one? In the first place you have reduced the representation of the traders and *artias* to one of impotency. Out of 16 members of the market committees, as was analysed by my honourable friend Sir Gokul Chand Narang the other day, you will have only four from among traders in a committee which is to regulate the business of the market. This committee has nothing to do with growing. This committee has nothing to do with the crops. If it had anything to do exclusively with growing or with crops as such, then I could have understood even if you had given 80 per cent representation to the growers. But this committee is to deal with trade and trade alone. This committee is to regularise markets for the purpose of business and in this committee those who are most concerned get a meagre representation of only 25 per cent. And you think that by so doing you will be able to eradicate corruption and loot, which according to your imagination has been existing for centuries. You can take it from me that in the first place there is no such loot or corruption that you think does exist in the *mandis*. My honourable friend, Sardar Ajit Singh, who is himself working as an *artia* as well as a trader, notwithstanding his great sympathies for the growers and for the *zamindars*, has had to admit in the course of his speech, that the only thing that might be saved by means of this Bill will be one or

1½ pies per maund. This comes from a gentleman who has the greatest sympathy with the zamindar and in his opinion a profit of not more than 1½ pies will accrue to the zamindar by the better marketing facilities that you intend to provide by means of these market committees. Even this is wrong, and I may tell you that you will be saddling the poor zamindar by means of these market committees, with another 8 or 4 pies per maund in the shape of fees and otherwise, and you may take it from me that the zamindar will not be the gainer in the least by this Marketing Bill of yours.

If you had only consulted your own officers and had carefully studied the situation, the worries, I mean the worries of the trading classes, for it is the trading classes who are most affected by this Bill, would not have been so great as they are now. I think the position would have been then quite different from what we find it here today. What you have done is simply, this, that you have taken out certain clauses from one Act and some from another without at all trying to understand what the peculiar difficulties of the Punjab in the matter are. I will just quote to you the opinion of your own Deputy Registrar of Co-operative Societies. What does he say? He told us in the meeting of the Joint Development Board,—when you had proposed only 50 per cent representation for the growers in your Bill which originally went to that Board for opinion, and which you now say was due to a clerical error—that he thought that the proposed constitution was such that traders would always be in minority, and he wanted to know whether they would be content to play the second fiddle. This is the opinion of one of your own officers who knows the people, who goes round and is in touch with them. He understands the difficulties of the traders just as well as he knows and appreciates the difficulties of the zamindars. This is what he said when you had proposed 50 per cent representation for the grower. He says, will the traders be content to play the second fiddle in a matter which is purely and simply their concern? Now, you have raised that representation to not less than two-thirds. Of course you have been merciful to concede in one of the Parliamentary Secretary's amendment that this representation will not exceed three-fourths. These are the mercies that we can expect from the present Government. As has already been said reforms should not be pushed too far. If you are really out for reforms, be benefited by the opinion of your officers. This is what your officer says in his book from which I have just quoted. To make any genuine improvements in methods one must always determine the character of those taking part in the trade and not push reforms beyond the support it finds in the bulk of the public opinion concerned. My position is that the public opinion in this case is the opinion of *artias* and traders who have for centuries carried on their business without any let or hinderance and it is their opinion that should matter. You can make some improvements only by co-operation with *artias* and traders. You cannot and, I dare say, you will not be making any improvements by the arbitrary measures that you are bringing up. You might be proud of your agrarian legislation, but let me tell you that it has not done any good to the poor zamindar whom you did want to help. On the contrary you have rudely shaken his credit. Absolutely nobody comes now to his rescue. Take the instance of Hissar famine.

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

Sardar Sahib Sardar Santokh Singh : I am speaking about this legislation and the consequences that will follow. In former famines wheat had been sold at Rs. 8 per maund and fodder had been sold at a much higher rate than now. But did you find that the misery of the poor zamindar was as great as it is today? Why? Because today the confidence and credit stand shaken. The poor fellow cannot get a loan of a single pie from anywhere and that is why he is compelled to sell his buffaloes and his cattle at one rupee or eight annas per head. I do want to warn you that you should take stock of the position as it exists today in the province and try to accommodate the opposition as much as possible.

(At this stage Mr. Deputy Speaker left the Chair and it was occupied by Sardar Sahib Sardar Gurbachan Singh of the panel of chairmen.)

If you really think that by having nominated committees and by giving to one side excessive representation you can improve matters, take it from me that the reverse will be the case. You cannot expect the *artias* and traders to take these things lying down and they will have to concert measures for their existence because they cannot be treated in their own province in the way in which the Jews are being treated in Germany.

Lala Sita Ram (Trade Union Labour) (*Urdu*): The clause under discussion is one of the most important clauses both in its far-reaching effects as well as for the success of the measure as a whole. It requires a careful and impartial consideration at the hands of the House. The most important consideration in this connection and which has been repeatedly stressed by many honourable members is the question of the constitution of the market committees. Should they be constituted on the basis of election or nomination and what should be the proportion of various interests? The answer is clear and does not require any elaborate arguments in its support.

All are agreed whatever views they hold that the true representation of the people's interests can only be secured through election and even the honourable members opposite have throughout been fighting for this principle. After untold hardships and sacrifices we find our House constituted wholly on election basis. Having found their way successfully to the House on election basis and having held the power and reins of Government for obvious reasons, I am simply surprised to find this sudden change in the mentality of the Government, who now support the wholesale rejected principle of nomination as opposed to that of election, a principle to which they have never subscribed as a general rule before.

Mr. Chairman, I can well understand that a few nominations may be justified to represent expert knowledge or to represent the minority interest with a view to safeguard it but it is totally inconceivable and repugnant that in the 20th century wholesale nomination is resorted to, a system thrown overboard long since and rejected everywhere even in this forsaken land of the five rivers. I am strongly opposed and adverse to it. I am one of those who believe that the constitution of all the representative bodies should be by election as a rule and in case where such bodies are found incompetent or inefficient, the fault is not with the principle of election at all but the method in which it is made to work. To be more precise it is entirely due to the system of giving separate representation on communal basis to different committees. Elected members of different committees elected on communal

tickets have entirely different outlook and interest. To substantiate this view of mine I may cite the instance of the Lahore Municipal Committee which has been superseded. Some people think that the reason of its supersession was the inefficiency of its members.

4 P. M.

Mr. Chairman (Sardar Sahib Sardar Gurbachan Singh): I would request the honourable member to speak to the motion and not discuss the Lahore Municipality here.

Lala Sita Ram: My only submission is that in clause 8 the Government are fixing some proportion for the growers and some for other interests. I want to point out the root cause of the troubles that often arise in our local bodies. I would like to say that we should learn from our past experience of the local bodies and should not repeat the mistakes already committed in respect to them. By introducing a wrong method of selecting representatives for the market committees I am afraid the same troubles would be caused in them as are doing harm in the local bodies and in this House even. Let us not give such an overwhelming majority to the growers as would defeat the very object of the Bill. Just as in this House, the Unionists who have a very convenient majority, do not listen to the voice of moderation of those who honestly do not see eye to eye with them, similarly the overwhelming majority of growers in the market committees would not listen to the feeble voice of the business people. The real cause of trouble is the system of separate electorates. Each elected member under this system is bound to have by the very inherent nature of it a very narrow and limited outlook inasmuch as he is only to represent his constituents consisting of one community alone and no other. I would therefore recommend a joint electorate for the *mandis*. Otherwise, I am afraid the statutory majority of growers in *mandis* would not even allow the opinions of the *arhtis* and others however sound they may be to be heard and given effect to in the market committees.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): Sir, I rise to support the amendment that has been moved by my honourable friend, the Leader of the Opposition. Some honourable members have expressed their opinions about the proposal of the Government which seeks to empower the non-official members of the local district boards to submit to the deputy commissioner a panel of names equal in number to twice the number of vacancies to be filled in a market committee. The Government will select out of this panel the requisite number according to their own free will. The representatives of the licence-holders will also be nominated by the Government in the same way. The Government have sought to justify their right to nominate members of the market committees by quoting the example of the Madras Government who had also reserved the right to nominate such members for the first year. But I would submit by way of reply that the old order has changed yielding place to new. The old regime which had committed that reactionary action, is no more now and the provincial autonomy has taken its place. But it is a thousand pities that our autonomous Government is even now prepared to follow the reactionary method of the old bureaucratic government inasmuch as it seeks to reserve the right to nominate members of the market committees just as

[Chaudhri Kartar Singh]

the old bureaucratic Governments used to nominate members to the municipalities and the district boards. It is very strange that whereas the old regime trusted its deputy commissioners, the present Unionist Ministry are not prepared to trust them and propose to reserve for themselves the right of nominating members to the market committees. I am here to expose the cleverness of Government in advancing their self-interest. They want the people and the potential members of the market committees to be completely under their thumb, and this is nothing but another snare closely akin to the institution of the panchayat officers with the intention of influencing things in favour of Sir Sikander and his supporters. The Government which cannot trust their own deputy commissioners expect us to entrust them with the task of guiding the destinies of the province. Sir Sikander and his supporters are promoting class war and the present sharp conflict between the agriculturists and the non-agriculturists is directly their creation. An attempt is being made to facilitate the process by transferring non-agriculturist deputy commissioners to the judicial side as sessions judges. It is therefore that we are not prepared to recognise the propriety of this Government's deciding the momentous issues facing the province today. The question as to how the market committees will work still remains to be answered. You are a member of the Imperial Agricultural Council and as such you know it fully well that it is not an easy job to do business. It requires brain to do it. The Honourable Minister has remarked that the members of the market committees will be nominated. You know what irregularities were committed in nominating the members of the debt conciliation boards. As a matter of fact Sir Sikander and Sir Chhotu Ram will nominate persons whom they can afford to rely upon. The other day the honourable member over there in a frothy speech assured us that the Government do not intend to interfere in elections. But in connection with the forthcoming Hoshiarpur District Board elections your officers have approached the people and asked them to set up candidates against the Congress nominees. When this is being done, how can we rely upon this Government? This Government is behaving like an agent of the English *bania* and as such how can we expect justice from them for the poor zamindars? May I say that Sir Sikander and his colleague Sir Chhotu Ram are taking the country back to fifty years.

Chaudhri Tikka Ram : Is the honourable member speaking on his own amendment?

Chaudhri Kartar Singh : I submit that this Government is taking the province back to fifty years. You are trying to undo a thing gained by us after being shot in the *Jalianwala bagh* and after the Britishers in this country were brought to their senses. You see that there is not a single nominated member in this Assembly.

Mr. Chairman (Sardar Sahib Sardar Gurbachan Singh): Will the honourable member please speak to the motion?

Chaudhri Kartar Singh : Since you have asked me to confine my speech to the motion before the House and since the Honourable Premier has said something inaudible I feel called upon to submit that whatever I say and speak on the floor of this House I say against the policy of the Honourable Premier and not against his person. The person who is now at

the helm of affairs in this province used to dream of the liberty of this country while he was in London but now he is trying to take his country back to fifty years.

Mr. Chairman : The honourable member should not be personal.

Chaudhri Kartar Singh : Very well, Sir. Our Government is trying to bring back the old days of nominations. If the Honourable Premier assures me that he would not nominate a grower who owns more than 6 acres of land I would readily permit him to do that. But I am sure that he would not nominate poor growers as members of these committees. He would rather appoint the members of this House or their relations as members of these committees. I thoroughly condemn the policy of the Government mainly intended to do benefit to the landlords.

(At this stage Mr. Deputy Speaker resumed the Chair.)

Under these circumstances no relief can be afforded to the poor zamindars. With these words I support the amendment moved by the learned Leader of the Opposition.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, I would not like to make a lengthy speech on the subject now before the House. Let us see if the Government amendment would benefit the growers to the extent to which it is intended to benefit them. For this purpose we will have to turn our attention to the constitution of district boards. The amendment referred to above aims at giving representation to growers and traders in the ratio of two to one. It has been said that from among the non-official members of the district boards the representatives of the growers will be selected. Let us see whether the representatives of the growers thus selected would fully represent them or not. There are members of district boards who being voters on the basis of land revenue are also representatives of the growers. But there are other members of the district boards who being themselves voters on the basis of professional tax are the representatives of the labouring classes. According to the new rules now in force the franchise has been extended. Consequently those voters who do not come under the definition of a grower and who have the right of vote on the basis of the professional tax will try their utmost to elect members who can best represent their interests. What would be its result? The result would be that the candidates for the membership of the district boards will have to seek the assistance of the voters who are non-growers. When the market committees will be constituted such members would not only look to the interests of the growers but they will have to look after the interests of the labouring classes as well. Thus he will not be able to devote his attention exclusively to the interests of the growers, but shall also have to keep the dealers in good humour. This shows that the proposal put forward by this side of the House is a sound one and the amendment of the Government is on the face of it defective and absurd. You cannot deny that some of the members of district boards are neither growers nor representatives of growers. I would, therefore, submit that the persons elected by such people too will not be true representatives of the growers. They would rather represent the grower-traders.

[Sardar Kapoor Singh]

Another objection to getting this panel elected by the members of district boards is that some of the members will be such as do not belong to the notified market area for which they are called upon to elect a panel. Why should you give them the right to choose representatives of growers of an area with which they have nothing to do? All these points require careful consideration. I would like to ask my honourable friend Pir Akbar Ali, as to what the amendment moved by the Government actually gives to the growers. He should pause to reflect whether our amendment is not better than the one moved by the Government. Then he will be able to realize that there is a world of difference between what the Government says and what it actually does. With these remarks I support the amendment moved from this side of the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I had expected that the honourable members would confine their remarks to the most important of the amendments moved to this sub-clause; I mean the amendment moved by the honourable Leader of the Opposition. But I think you realize that no more than one-tenth of what the various speakers have said related to the amendment in question and the remaining nine-tenths of their speeches were such as could have been more profitably reserved for the third reading of the Bill. This however gives me a hope that if you are pleased not to give those honourable members who have already spoken at length any more latitude than is absolutely necessary very little time of the House will be taken on the third reading of the Bill. Now, instead of discussing the arguments of a single member at a time I shall take all the points raised by the various speakers and discuss them in their proper sequence so that we may be able to decide as to which of the amendments moved by the Government, the leader of the Opposition and my honourable friend, Dr. Sir Gokul Chand Narang, is the best and most acceptable.

First of all, a good deal of stress has been laid on constituting the market committees by direct elections. Honourable members are aware that in the first instance the Government had proposed only nomination with a proviso to the effect that after the expiry of five years from the date on which this Act comes into force the constitution of the market committee and the method of appointment of its members may be modified in such manner as may be indicated in a resolution passed by the Provincial Assembly. You will mark, Sir, that the question of modification was left to this House and not in the hands of the Government. Anyway, my honourable friends said that there should be some sort of elective system instead of nomination and I requested my honourable colleague, Sir Chhotu Ram, to agree to the selection of the representatives of the growers out of a panel as had already been agreed to in the case of the licensees. Now what is the main objection to the method proposed by the Government? It is suggested that by this method the Government will bring on the committees men of its own choice and through them try to suppress the Congress movement. I must admit that I fail to see what the agricultural produce, its prices, market committees, their constitution, the interests of growers and *arhtis* have to do with the Congress movement and its suppression. Let me once again make it clear that this measure has nothing of this nature

about it. This Bill is not intended to annihilate the Congress but to save the growers from annihilation. The only object is to regulate the marketing of agricultural produce in the province. I may also submit that if we want to save the grower it does not mean that we want to do injustice to *arhtis* and brokers. This is the be-all and end-all of this measure.

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As regards franchise, I submit, that we have as much regard for democratic ideals and practices as the other side has. We are not averse to giving the right of vote to growers or licensees. What we want is that we should proceed step by step in the light of the experience gained at each stage. You know what happened in the case of district boards. I invite my friends to compare the conditions obtaining in the beginning and the present constitution of these bodies when there is not a single district board without 75 per cent elected members. All that the Government desires is that the market committees should be able to walk before they try to run so that their attempt may not end in a serious fall.

Then again, look at the various stages through which this House has passed. First we had the Minto-Morley Scheme, then came the Montford Scheme with elected majorities and now we have no nominated member in this House. I am not against elective system being introduced in the market committees, but I must draw your attention to the fact that while we have not as yet found it possible to introduce adult franchise in our own case it is not reasonable to demand its introduction in the case of market committees. As regards indirect elections I think my honourable friends belonging to the Congress party should not object to them because even among Congressmen there is a school of thought which, although it insists on adult franchise, is prepared to accept the principle of indirect elections.

The Leader of the Opposition was also pleased to ask as to why only one section of the members of the district board was allowed the right to elect the panel. My reply is that if he accepts the principle I am prepared to remove his objection. But I may also submit that the bottom has been knocked out of his objection by one of his own followers, namely, Sardar Kapoor Singh who is not satisfied even with the present proposal and says that this method will give the right to elect the panel for growers to some such persons who are not really the representatives of growers. I will, however, leave the Leader of the Opposition and his followers to fight it out between themselves. But they should know that the system of nomination is resorted to for giving representation to the minorities. Take for instance the case of the District Boards of Jhelum, Multan, Attock, Rawalpindi, etc. The Hindus and Sikhs are in such a hopeless minority in these districts that they cannot hope to get any representation by election, and, therefore, some members are nominated to represent and watch their interests. The same is the case with Muslims in the Eastern and Southern Punjab. In the central districts like Amritsar too, nomination has to be resorted to in order to remove any disproportion in the representation of the various communities. In this connection I may also inform my honourable friends that the Government intends to provide in the rules that the panels should be elected by the method of single transferable vote, so that even the smallest minority may have some representation.

[Premier]

Then the honourable member objected to the words "as nearly as possible" occurring in the amendment moved by the Government. He says, when there is already a well-established principle why not adopt it? The principle to which he refers is that if the fraction is less than one-half it need not be taken into account, but when it is more than one-half it should be counted as one. But may I submit, that this objection applies to his proposal of $\frac{3}{5}$ and $\frac{2}{5}$ also, because if a committee has 16 members that number is not equally divisible by 5 and my honourable friend will have to face a fraction there too. Anyway, I am prepared to assure the Leader of the Opposition that the Government have no objection to adopting the principle which he has referred to.

My honourable friend, Chaudhri Krishna Gopal Dutt, appears to be in agreement with us to the extent of 75 per cent because he agrees that such a Bill and such market committees are necessary so that the growers may get reasonable prices for their produce. But, he says, the Bill moved by the Government is very defective and, therefore, the Government should accept the amendments tabled by him and his friends. My only reply to him is that if we accept those amendments the measure will become impracticable.

My friends, Sardar Ajit Singh, who is an *arhti* himself, and Pandit Muni Lal Kalia, were pleased to remark that like the other agrarian Bills this measure is also designed to benefit the big landlords. He should have remembered what their attitude was towards the other agrarian Bills at Simla. They appreciated the principle of those Bills and, therefore, decided after careful consideration that they should not oppose them, but remain neutral at the time of voting on them. But now Sardar Ajit Singh says that the present measure is prejudicial to the interests of the agriculturists and that it is as bad as the other agrarian measures are. This is what they call

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Another objection raised by the Leader of the Opposition was that this is not a well-thought-out measure because the Government has taken different clauses from different measures in force in other provinces and put them together in a haphazard manner. May I ask whether this is really an objection? I should have expected that he would appreciate the desire of the Government to adopt all that is best in the various measures in force in other provinces and give us credit for labour as well as judgment. We examined the enactments of various provinces. We adapted their wholesome aspects and rejected those provisions which in our opinion were not useful or worth emulating. But my honourable friend has not commended our attitude. He says that we have not brought forward a well-thought-out measure. We have made our choice out of the provisions of the Bills moved in other provinces so that we may be able to present our own Bill in the best possible form. But this very action of ours is being condemned by our friends opposite. This is strange.

Chaudhri Krishna Gopal Dutt : It was the irresponsible Central Government that passed that Bill.

Premier : You are talking of the old Bill. I am referring to the Act which is now in force. Before the inauguration of provincial autonomy, it was the district magistrate who appointed members of a market committee. For the first two years after the enforcement of the Act there were nominations pure and simple.

Chaudhri Krishna Gopal Dutt : It has no bearing at all. We are living under different conditions.

Premier : This is why we have adapted the old Bills to the new conditions. We have assimilated their useful and workable provisions and left out others. In Bombay there is a marketing committee for cotton and for no other commodity. Even for that marketing committee the representatives are elected by those growers who pay Rs. 25 or more as land revenue. Now, do my friends on the opposite benches want that I should enfranchise only those growers in the province, so far as the election to the marketing committees is concerned, who pay Rs. 25 or more as land revenue and thus give no representation whatever to those 90 per cent. of the poor growers who deserve my greatest consideration and the sympathy of the Government that claims to be the representative Government of the poorer sections of the population of the province ?

Chaudhri Krishna Gopal Dutt : What about the Frontier Bill ?

Premier : They have copied our Bill word by word. My honourable friend perhaps is not aware of the fact that it is the same Bill copied from our Bill. Of course changes have been introduced into it now. In short this is the state of affairs in the other provinces the marketing Bills of which received such loud praise from my honourable friends.

Another honourable member complained that the nominated members will be corrupt. The honourable lady member, Mrs. Duni Chand, is not here. I hope Lala Duni Chand represents her (*laughter*). She said that the corruption of the nominated members will ultimately injure the interests of the zamindars. My honourable sister has not paid attention to this fact that the complaints of corruption are heard every day against even the elected members of district boards and municipal committees. Every day demands are made that the municipal committees be superseded. It is even felt that in the good old days when members were nominated in accordance with the pleasures of the Sahib Bahadur, things moved very smoothly. But this was because these nominated members danced to the tune of the nominating authority and things went on smoothly. But that system was not what we wanted it to be. It had to give way to a better system. We have placed before you a better system indeed. The members of market committees will be elected by the members of district boards who have to be returned on the vote of those poor people who pay one rupee as land revenue. I assure you these people will be elected in the real sense of the word. But if the members of the market committee will show the least inclination towards corruption, I assure the honourable lady member, we will be able to turn them out with the least difficulty.

Then my friend, the Leader of the Opposition, wanted to have the system of direct election for the membership of the market committees. May

[Premier]

I refer him to the instance of the Congress which claims to be the sole political body in India? How is it elected? I wonder why my honourable friends opposite are so much afraid of indirect election with regard to the market committees.

Lala Duni Chand : Do you maintain that the method proposed by you amounts to indirect election?

Premier : Obviously. My honourable friend is referring me to Political Science. I am not a student of Political Science. He knows perfectly well that I am one of those illiterates who knows nothing about these things. But I can assure him that this is an indirect election because the secondary franchise will be within the hands of this committee who had been returned by primary voters by a very low franchise.

Chaudhri Krishna Gopal Dutt : Ask him.

Premier : Why ask him? I can teach my honourable friend. Before my honourable friends of the Congress raised this objection, they should have cast a glance over the method employed by the Indian National Congress in order to choose their delegates to the annual session, like the Tripuri Congress that is coming now. Those delegates would elect their President who selects the Working Committee of the Congress. In this way, one man nominates his own cabinet which ultimately becomes the High Command in India. In the case of the Congress, my honourable friends approve of this indirect election, but when the same method is proposed by us a great hue and cry is raised from the Opposition benches. After all what is the harm if Government reserve the right to select members of the market committees from the panel of names submitted by the licence holders and the growers? We too have been returned by a very low franchise and are employing the same method that is employed by the greatest national party of the country. (*Loud applause.*) But if my honourable friends sitting on the opposite benches choose to oppose for the sake of opposition, then of course, I cannot reason with them. Do they want universal adult suffrage in this country with 35 crores of souls and do they regard this method practicable? If not, then my honourable friends should be pleased to see this method employed by us in the constitution of the market committees.

I have so many other things to say in reply to what my honourable friends, Chaudhri Kartar Singh, Sardar Santokh Singh and Lala Sita Ram, have said, and would have much pleasure in listening to the arguments of Diwan Chaman Lall who has not spoken this evening.

Dr. Gopi Chand Bhargava : So it grieves the Honourable Premier?

Premier : Not at all. On the contrary I would welcome if he sticks to this procedure of not speaking after the Honourable Leader of the Opposition.

My honourable friends, Chaudhri Kartar Singh and Sardar Ajit Singh, have made a few very unworthy and unfair allegations against the Government. For instance, the former has said that the Government are creating market committees in order to increase their hold on the population of the

Punjab. This is an allegation which no honourable member in this House should make and I would not like to stoop so low as to reply to it beyond saying—

فکر ہو کس بقدر ہمت اوست

Another charge that my honourable friend, Chaudhri Kartar Singh, made in his usual tone in his usual words was that we were encouraging class war in the Punjab. I wonder if my honourable friend knows what class war means. As a matter of fact class war is his own aim since he is a socialist. But let me inform him that I do not believe in that socialism which wants to pull down those who are above. I would like to raise the status of those who are below. (*Loud cheers.*) I may further inform him that such a form of socialism as I believe in was successfully introduced in the world some thirteen hundred years ago and the pages of history bear testimony to the fact that it proved an unprecedented success. (*Applause.*) I am confident that the world will once again turn to that form of democracy. However time at my disposal is too short to discuss all those side-issues which my honourable friend, Chaudhri Kartar Singh, raised along with very unbecoming and unfair allegations made against the Government. I need not worry about his wild remarks because there are men in this world whose nature it is to put up bold appearance before the public, but if need be, they are prepared to lick one's shoe in private in order to gain their objective.

Mrs. Duni Chand : Please name them.

Premier : I do not possess a list of them but they are numerous here as elsewhere.

Mrs. Duni Chand : Being a Minister, you should keep a list of them.

Premier : I do not like to keep a list of such people. Here is for instance another baseless allegation made by my honourable friend that the Unionist Government have sought to transfer all non-agriculturist deputy commissioners to the judicial branch as sessions judges. Now, if he had some knowledge of the administration, he would not have made this erroneous statement. No officer can be transferred to the judicial branch without the approval of the High Court to the effect that such an officer would be suitable. We cannot thrust any officer on them against their will. If however my honourable friend made this statement with a view to benefit any particular person, I wonder if he has chosen the right line of action. Such irresponsible statements can do more harm than good and go to prove the truth of the saying that "a wise enemy is better than a foolish friend." In fact all the amendments moved by the Opposition have sought to dilute the Bill and render it ineffective. They profess to be the real wellwishers of the poor growers of the Punjab but in actual practice their sympathy and concern for them have boiled down to this that growers' representation in the market committees should be reduced from two-thirds to three-fifths. As a matter of fact this is like giving iced water to drink to a man who is already down with pneumonia.

[Premier]

One word more and I have done. I would earnestly appeal to my honourable friends occupying the Opposition benches to pause and consider. If their aim is to ameliorate the conditions of the poor growers, and not simply to win cheap publicity through lip sympathy alone, they should not recommend direct elections to the market committees for they would add a heavy financial burden on the shoulders of the peasantry of the Punjab. The peasant here is half-naked and under-fed. What he needs is bread and not more debts to fight elections.

My honourable friend, Sardar Santokh Singh, has observed that there is no cause for anxiety for the growers. After all, when the prices were high and one maund of wheat would fetch Rs. 9 and one maund of cotton about Rs. 20, the zamindars had had a great chance of making money and none tried to snatch it from them. I may submit in reply to this that the zamindar is generous by nature. At the time of the harvest he freely gives away to the *mirassees*, *arhtis* and others whatever they demand and sometimes keeps nothing with him. When you call him chaudhri, he little minds the heavy gifts he has to pay in return. At the time of higher prices, you must have given him some higher title than chaudhri and thus fleeced him of all his riches. (*Cheers.*) The poor zamindar is on the verge of starvation. He is

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groaning under a good many burdens. The burden of land revenue is breaking his back. Is it not a burden also that for whatever he purchases, he pays more than reasonable price and for whatever he sells he gets low price? Is not the amount of interest that he is paying on his loans annually also a heavy burden on him? He is putting up with all these hardships manfully. The average holding of a zamindar in this province is five acres of land. In *barani* areas these five acres of land, if you make calculations, are hardly sufficient to provide for the bare necessities of his life. How he makes his both ends meet, is a matter which he knows himself or his God knows. But all the same he never gives up his self-respect. He never extends his hand to you or to me or for the matter of that to anybody else for help. He is putting up with all your tyranny and oppression. Being very much impressed with his miserable plight we brought before this House four Bills previously and this is the fifth Bill which has been sponsored by us with a view to ameliorating his condition.

Now let us see how much is usually spent on elections. Every honourable member of this House has fought elections and he must be aware of the fact that these elections do involve considerable expenditure. One will feel interested to know what has been the average expenditure per voter in the last Punjab elections. It was one and a half rupee per vote polled. The total number of growers in the various districts is about 17 lakhs. This expenditure of Rs. 17½ lakhs is borne by the voters themselves. (*A voice: Eight annas per voter.*) All right, take it as eight annas per voter. Even then it will come to 8½ lakhs of rupees. Do you want to put this extra burden of 8½ lakhs of rupees on the poor zamindar for whom you always pretend to feel so much? (*Voices: We did not spend anything on our elections.*) My friends know how my party came into power. Who can afford to pay for votes? I was saying that if election is resorted to much expenditure will have to be incurred by the poor growers. There are

joint electorates which will elect the members of these committees. But my friends over there desire that the growers should spend 8½ lakhs of rupees and develop a spirit of rivalry among themselves which may result in mutual warfare. But the indirect method of election that has been suggested by Government will prove a bulwark against these evils. These were the main things that I wanted to say. There are some minor things which are not quite relevant to the subject under consideration and which I can safely afford to ignore. With these words I request the House to lend their whole-hearted support to this Bill and if in practice it is found lacking in any respect an amending Bill will be brought in to complement it.

An honourable member : I move—

That the question be now put.

Lala Duni Chand : I rise to a point of order. A closure motion can be moved only with regard to any one amendment. There are a large number of amendments that, under your orders, are being discussed together. The precise amendment under discussion now is that of Dr. Gopi Chand and the motion can be moved only with regard to his amendment and not with regard to other amendments. If you want all the amendments to be discussed together then you must give the fullest opportunity to all members of the House and if you are not prepared to do so, then you should put the closure motion only with regard to Dr. Gopi Chand's amendment and then we shall take one by one the other amendments and debate on them.

Premier : According to my honourable friend's proposal we will go on debating the matter till Doomsday.

Lala Duni Chand : A closure motion cannot be moved with regard to all the amendments.

Diwan Chaman Lall : On a point of order. Do I take it that all honourable members who have given notice of amendments have been given an opportunity to speak on their motions?

Lala Duni Chand : They have not even been called upon.

Mr. Deputy Speaker : After I had called upon about half a dozen members, I gave all the members on this side a chance to stand up to show that they were willing to speak on this sub-clause, but only four members stood up and I gave all of them a chance to speak.

Question is—

That the question be now put.

The motion was carried.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, I have listened with rapt attention to the arguments that have been adduced by the Honourable Premier in favour of his own and against my amendment. In the course of his speech he had advised us not to deviate into irrelevancies, but while discussing his point he could not stick to his advice, but began to talk such things which he was expected to mention during the third reading of the Bill. He had also remarked that generally great things cannot be expected of little minds. I am fully at one with him in this respect but I cannot refrain from saying that it is unworthy of the Premier of the province to impute motives to any honourable member of this august House. I do not desire to pay him in his own coin, because

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when I know that I am working selflessly and sincerely I should not say that others are self-interested and insincere, and, therefore, are actuated by personal considerations. So I do not like to take a leaf out of his book.

Sir, volleys of objections were fired against my amendment from two sides. Firstly, Rai Bahadur Mr. Mukand Lal Puri and the honourable Dr. Sir Gokul Chand Narang have vehemently denounced my amendment, and secondly, the Honourable Premier has levelled objections against it. The contention of the first group was that the growers and the *arhtis* should be given equal share of representation on the market committees. They argued that the growers and the *arhtis* are equally engaged in the business of the agricultural produce and so none of them should be given a greater proportion of representation. They proposed that instead of a proportion of $\frac{3}{5}$ to $\frac{2}{5}$ the growers and the *arhtis* should have an equal share. My honourable friends insinuated that the Congress, being afraid of the growers, has proposed to confer a greater share on the latter than the *arhtis*. Moreover, my honourable friend, Dr. Narang, held the opinion that even in case of 50 per cent. share the growers will have a majority on the committees because the officer appointed by the Government would inevitably be inclined to cast his vote in favour of the growers. So far as the appointment of a Government official is concerned my honourable friend ought to know that the Government has as yet only made a request to the House for grant of powers for appointing any official to work on the committee. In case the Government enforces this proposal as a law it can easily be concluded that the growers will gain a majority. Personally I am of the opinion that the Government should not utilize its powers by appointing an officer. But in case the amendment moved by Dr. Narang is accepted, the appointment of an officer would become imperative. The learned Doctor was pleased to say that if the *arhti* is to be drowned it does not matter the least to him whether the water is 7 feet deep or 9 feet. Following the same analogy when the *arhtis* are going to have a minority of votes, one half of the share would be as good to them as two-fifths share in the representation. But if he is bent upon denying the growers any majority then he is free to raise any objection whatever.

Now, turning to the objections raised by the Honourable Premier I would like to say that if it is the intention of the Government to create class hatred between the growers and the *arhtis*, as it appears from the speeches of the Honourable Ministers made outside the House, then they are free to enact it in its present form. The Bill in its present form is bound to bring in a clash of interests of the parties concerned. By according preferential treatment to any one of the parties the administration of the markets is sure to suffer. It would be useless to move any amendment to a Bill the framers of which have a definite object in their view while framing it to favour one party and to disfavour the other. The reason is not far to seek as to why we have been favouring and supporting the cause of the growers. The plight of the growers to-day is miserable throughout the world. To-day there is a tremendous fall in the agricultural prices. If we fail to stabilize the prices the grower will cease to produce. The Punjab is generally known as the granary of Asia. If the labour of the

grower to-day is not remunerated, he would outright give up his profession. With this danger in view we desire to safeguard the interests of the grower and to give him a greater share of representation on the market committees. And so the charge made against us by Dr. Narang that we are afraid of the growers, is unfounded and baseless. I am prepared to admit, that we should not make the honest *mandiwala* suffer along with the dishonest *arhti*. If we require any marketing Bill at all it is for the better administration of markets and for helping honest businessmen to eke out a living fairly and properly. We have to see whether the grower is able to find a better disposal of his agricultural produce. If it fails to serve the purpose it is but proper for us to amend it so as to afford the maximum amount of benefit to all concerned. If we have proposed a greater share of representation for the growers it was because the latter should have a working majority in the notified market areas as compared to the number of the *arhtis*. Moreover, by proposing a smaller share of representation for the middlemen we seek to obtain a reduction in their overhead charges payable to them by the growers in the markets. In fact we want to give a greater representation to a party that enjoys a majority in number. We do not have any reason to fear anybody. We do not tell lies. It is the liar who fears. People have returned us because they have confidence in us. We do not intend to cling to these benches for ever. We would leave them as soon as our voters lose confidence in us. Now it appears from the movements of the Honourable Premier sitting over there, that he is not seriously opposing my amendment. If it is so, he should better express it on the floor of the House. Then I need not press my point.

He advanced an argument to the effect, that as we have not as yet introduced adult franchise in the elections even to this House, how can it be possible to allow such a franchise in case of the market committees? Our old masters, who are still the masters of the present Government, used to advise us to act on the policy of wait and see. Similarly, the Honourable Premier has remarked to-day that we should better proceed slowly and steadily, otherwise we are sure to fall headlong. He has told us that in the Central Provinces the nomination system was proposed for the first two years and it was later at the expiry of that period that the elective system was introduced. And so he held that we should also make an experiment of a similar nature here. A good scientist never makes all experiments by himself. He starts from the point where the others have left. We should not waste our time by making unnecessary experiments. The other provinces have decided in favour of the elective system after a long and tedious experiment. We should, therefore, make use of their experience and introduce the elective system in our market committees. The Honourable Premier has also remarked that in Bombay the right to vote has been given only to those who pay at least Rs. 25 as land revenue, and he does not desire to introduce it in the Punjab. But it is a matter of regret that unlike the Bombay Government the Punjab Government is giving this right to the members of district boards, who are usually elected for doing something else and with quite a different programme and mandate.

Again, the Honourable Premier was pleased to state that he included in the Bill every good point that he found in the Acts of the other provinces, and left their bad points untouched. Now since he has left their elective.

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system untouched it means that he thought it to be a bad point in those Acts. Perhaps he has referred to other provinces' Acts simply to defame the Congress governments of those provinces by saying that there are certain bad points in their Acts which he has left untouched. But my honourable friend opposite should bear in mind that these pieces of legislation were enacted several years before the advent of provincial autonomy when the Congress had no voice in the legislatures. But now these governments are making efforts to improve upon these enactments. In Bombay there is the Cotton Act. Bombay is a great sea port from where hundreds and thousands of bales of cotton are exported every month to foreign countries. The old Government of Bombay passed that Bill into law for the sake of the interests of the Englishmen. In that Act the interests of the growers were not safeguarded. But the present government cannot be held responsible for such bad points in the Act. Now the Government of Bombay is modifying and amending it to the best interests of the growers.

I have not much knowledge of foreign countries, but it is a fact that in India wherever there is a market committee its members are elected by direct elections rather than nominated by the district boards. In the Frontier Province at present there is a marketing Bill on the anvil. There too the learned framers of it have introduced elective system therein. There is no sense whatsoever in the argument that the Opposition party of the Frontier Assembly is strongly objecting to that Bill, and, therefore, it might be defective. On the same analogy, may I ask my honourable friend over there as to whether he is prepared to admit that his Bill is also a defective one because it has been subjected to serious opposition from this side of the House as well as the public at large?

Then it was said that there are 17 lakhs of growers in the Punjab, and supposing the election expenditure is 8 annas per head, the total cost would come to as much as 8½ lakhs and so this heavy burden in the case of direct election would fall on the growers. Can there be any more absurd argument than this? Why should the growers incur this expenditure? All of them will not contest elections. It is only the prospective candidates for the membership of the committee who will have to bear it. And if the Government is afraid of expenditure why does it not object to the elections to this legislature? The Government would be well advised to get the elective system discontinued in the case of this legislature as well. Here sometimes the candidates for the membership of the Assembly have to spend as much as Rs. 50,000. Moreover, they had better request the Governor to dissolve the Assembly as it often worries the Government too much. Then after dissolution they should appoint here somebody as a dictator like Hitler and administer the province to his dictates.

It was only by the way, Sir. And now I turn to the real proposition again. If the Government is seriously taking it upon itself to safeguard the interests of the growers it will have to admit that this object cannot be achieved without the introduction of the elective system in the market committees. The expenditure is inevitable. It cannot be avoided even in the case of elections to district boards. I do not like to impute motives to any body but here I find something wrong at the bottom. It is up to the Premier to clarify his position whether he is in favour of or against the elective

system in general. The Government should not denounce this system merely on financial grounds. It should first find out the number of markets in the Punjab, and then multiply it by 12. Thus approximately the total number of seats would be found and then an exact estimate of the total expenditure can easily be made. If it is found that the expenditure rises out of all proportion the Government should find out ways and means to effect reduction in it. But the Government should not lose sight of the fact that sometimes selfless and disinterested people also intend to seek election and they are in almost all cases returned unopposed. So the argument of expenditure does not hold good. If the honourable member could be returned on an expenditure only of two annas for his election, why should nobody else be able to secure an unopposed election? I am sure if the real servants of the people come forward to seek election to the market committees many of them will be able to secure unopposed election. The question of very great election expenses, therefore, does not arise. Then an allegation has been made that by proposing elections we wish to produce bad blood between growers. I wonder what may be a suitable answer to such an argument. If the very name of election means disputes and quarrels, why does my honourable friend the Premier talk about securing an election of the members of the market committees through members of district boards? After all these members of district boards are returned by election.

Next, my friend taunted us by referring to the instance of a ballot box being carried away from a Congress polling station. May I give an answer to him? May I tell him how these ballot boxes are carried away? May I remind him how the Government acts in such matters and how its principle of divide and rule comes to play in such matters? It is very easy for the Government to send its own men to pick up quarrels with others, and then to blame an organisation for lack of discipline exhibited by its adherents. But may I refer to some other elections? May I refer to the comparatively small election affairs which are witnessed on the floor of this House? May I, for instance, refer to the election of Parliamentary Secretaries and those of Private Parliamentary Secretaries? (*An honourable member*: That is done by selection and not by election.)

Then they say that there are defects in the Punjab Congress. But is it an argument? Does the fact that we are bad prove that the system of elections is bad? Then my honourable friend, the Premier, has referred to the High Command of the Congress. He has the power: he could go even further than this. He said that the Congress claims to be the sole political body and that it favours the system of indirect elections. But, Sir, that is a different matter. The delegates are elected by direct election. Then the delegates elect an executive committee. This is just as the governor invites the leader of the majority party and he selects his cabinet. It is nothing more than that. But does it show that this House is not an elected body? Then we here appoint small sub-committees in order to do business. This does not infringe the rule of direct system of election. Again, it has been said that there is a proposal awaiting the consideration of the Congress which sponsors the system of indirect election. I am aware of that. But the proposal has not yet been approved by the All-India Congress Committee.

[Dr. Gopi Chand Bhargava.]

I want to refer to another thing. The Honourable Premier has said that we want to raise a storm. I do not attack anybody's intentions. But I want to make one thing clear. If a person makes all sorts of declarations on solemn oath and persists in this method of convincing others, I begin to feel that there is something wrong with him. We do not want any assurance from that side. We know the value of such assurances. Every day an assurance is given that the answer to a question will be communicated as soon as it is ready, but it is never communicated. Then at the time of the framing of our rules of procedure a solemn assurance was given that a day would be allotted for non-official business, but so far no such day has been allotted. I will, therefore, emphasise that we will be convinced by actions and not by mere words.

Then it has been said in reply to my objection that the nominated element in the district boards is there to represent minority interests and therefore they will do well to elect members of the market committees by the method of single transferable vote. I shall urge with all the emphasis at my command that at least communalism should be kept away from the market committees. Then how will the system work? I should like to know. The members of a district board who may be 40 in number will be called upon to select 12 men if 6 members have to be sent to the market committee. In that case how will one candidate get votes from the 40 members by the system of single transferable vote? Will he be able to get the votes of three and a half persons? In this case how will my honourable friend secure the right of representation for the minorities? Then the minorities in the district boards are Hindus, Sikhs and Muslims. Will the Government be able to provide representation to the minorities by appointing Muslim, Hindu and Sikh members? The minority in this case is going to be not a communal minority but an economic minority. How, for instance, are you going to provide adequate representation to growers and licence holders communitywise? How can my honourable friends sitting on the Treasury benches say that a Hindu or a Muslim or a Sikh officer of the Government ceases to be Hindu, or Muslim or Sikh merely by joining Government service? At the time of voting, his religious feelings cannot evaporate at once simply because he is a Government officer. The Government will, therefore, try to appoint a second officer with a different religion in the market committee on the score of the previous officer belonging to a different religion. I am afraid that communal considerations will creep into these committees. In this connection it is no use saying that if I had suggested this earlier the Government would have accepted it. Why cannot the Government introduce what they themselves think fit and reasonable. As for me, I can only say what strikes me just and fair. I do not believe in being vague and uncertain like the Government who say in their amendment that "the remaining members shall be comprised, as nearly as possible in the proportion of two to one....." I do not want to allow the Government to take undue advantage of this uncertainty. It will be open to them in any case to say that they have tried to maintain the ratio as nearly as possible and the law will also favour them. I do not like this statutory latitude in their favour.

Another criticism that I had levelled against the Government was that it was not clear from the Government amendment as to whether the growers

and the licence holders would jointly select their panel of names or separately. The Honourable Premier has not met this objection in his speech. I object to this joint selection. That would not do. In view of these defects in the amendment proposed by the Government, I would appeal to the House to accept my amendment which is free from such defects and is based on the principles of justice and equity.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, my honourable friend, the Leader of the Opposition has taken 45 minutes in replying to my arguments but I would take only five minutes to dispose of his criticism.

One of the objections raised by him was that I had observed during my speech that we should first learn to walk before we tried to run. I agree with him that this argument was often used by the previous Government and I had always made nothing of it and had persisted in our demand for more responsible government in the country. I assure him I was second to none in scoffing at this argument at that time. But now we have really learnt by experience that there is much truth in this. Even my honourable friend, the Leader of the Opposition, is asking us to move with caution. In fact all the honourable friends sitting on the opposite benches say that the Government is rushing through this measure as it rushed through other agrarian Bills at Simla. They charge us of heading towards a catastrophe. In fact we are moving with caution in providing facilities to the poverty-stricken agriculturists of this province.

The other contentious point from the point of view of the Opposition is the indirect election to the market committees. I have already pointed out that this is the same method which the Indian National Congress employs in selecting the High Command in India. I wonder how it is objectionable here when it is praiseworthy there and is in fact successfully working. We have given the right to elect members to the market committees to the non-official members of district boards who are returned to the boards by a very low franchise. Any man who pays five rupees as land revenue or any non-agriculturist, who pays one rupee as *hasiat* tax, has a right to vote in the district boards. It is clear, therefore, that the chosen representatives of the primary voters and growers will select the panel of names. Our franchise here is lower than even in Bombay.

Another argument of my honourable friend the Leader of the Opposition was that direct elections to the market committees could not cost 17½ lakhs. I say there are 17 lakhs of voters for the district boards. If you calculate one rupee per vote the amount will be 17½ lakhs of rupees. After all who will bear the brunt? It will be the poor growers who will have to pay for these elections. Do my honourable friends sitting on the opposite benches desire to further impoverish the agriculturists of the Punjab who are already on the verge of starvation? True sympathy consists in alleviating the sufferings of the growers and not in adding to them.

Dr. Gopi Chand Bhargava: A poor man like myself was elected without spending any sum.

Premier: This humble servant of the Punjab was also returned to the legislature without spending more than a few annas. It is not a question of myself or yourself. It is a question of giving representation even to the

[Premier.]

smallest section of the people and that can be done by means of indirect method and not by direct method of election. My friend has also stated that he moved his amendment with a view to doing away with communal disparities and that otherwise nominations would be made on communal basis. The question is that of a grower whether he is a Muslim or a Hindu, he is a Sikh or a Christian or he belongs to a depressed class. Whoever comes on that panel is likely to be appointed as member of the market committee. This is the way in which we could provide for the representation of minorities. We do the same in case of municipalities. There is not a single municipality of note where there is a population of the depressed classes and a member representing their interests is not nominated. (*A voice* : What about Hissar and Shahabad ?)

Again my friend says, why have the words 'as nearly as possible' been used in the amendment moved by Government? The matter is quite simple. Very often you will come across these words inserted in legal enactments. These words are indispensable in some cases. Just calculate what will be $\frac{3}{5}$ th of 12? It will come to about 7.2. What will be done in the case of the fraction .2? My friend says that he has suggested $\frac{3}{5}$ th in good faith. Let me tell him that we have also suggested $\frac{2}{3}$ rd in good faith. My friend also said things which he ought not to have said. Man is not infallible. I do sometimes commit mistakes. My friend also objected to my reference to the Congress High Command. After all what is meant by High Command? It simply means the supreme power vested in one person, whether he is Mahatma Gandhi himself or the Congress President. The principle is the same everywhere. The Congress President nominates the members of the Congress Working Committee. Hitler acts as high command because of the power behind him, and Mahatma Gandhi or the Congress President acts likewise because of non-violence to fall back upon. (*Hear, hear and laughter.*) My friend also said something about Lahore elections which I could not dream of. I am not accustomed to swear, I can give assurances but they too often produce no effect upon my friends over there. He said that the Government was acting on the policy of divide and rule. My friend probably remembers of his old masters. I can say that so long as I am in power, if any one dares to do that, either he will be there or I will be there. I am not a politician of crooked type. I am a straightforward person. I believe two and two make four and that God is one. As a matter of fact my success is solely due to the people who take every act of mine as based on some great political move. Let me assure my friends once again that their idea is absolutely wrong and is nothing but a blame unfounded.

Mr. Deputy Speaker : The question is—

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

The motion was lost.

Mr. Deputy Speaker : The question is—

That place of the deleted sub-clause the following be inserted—

“Of the remaining members $\frac{3}{5}$ th will be representatives of the growers and $\frac{2}{5}$ th of the persons licensed under sections 6 and 9 of this Act.

The representatives of the growers will be elected by those growers whose names are entered in the voters list of the District Board and who belong to the Tehsil in which the market is situated.

The representatives of licence holders will be elected by licence holders licensed under sections 6 and 9 of this Act.

Provided that if the election cannot be arranged early, a committee may be appointed for the first six months after the enforcement of the Act."

The Assembly divided: Ayes 85; Noes 68.

AYES

Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Harnam Das, Lala.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.

Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hassan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 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 Sardar.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable
 Mian.
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daultana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Mian.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Jang Singh, 2nd-Lieut.
 Bhai.
 Fateh Khan, Khan Sahib Raja.
 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.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major.
 Manohar Lal, The Honourable Mr.
 Magbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Amin, Khan Sahib
 Shaikh.

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|---|---|
| Muhammad Ashraf, Chaudhri. | Muzaffar Khan, Khan Bahadur Nawab. |
| Muhammad Faiyaz Ali Khan, Nawabzada. | Nasir-ud-Din, Chaudhri. |
| Muhammad Hussain, Chaudhri. | Nasir-ud-Din Shah, Pir. |
| Muhammad Nawaz Khan, Major Sardar. | Pohop Singh, Rao. |
| Muhammad Qasim, Chaudhri. | Pritam Singh Siddhu, Sardar. |
| Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed. | Ram Sarup, Chaudhri. |
| Muhammad Saadat Ali Khan, Khan Bahadur Khan. | Riasat Ali, Khan Bahadur Chaudhri. |
| Muhammad Sarfraz Khan Chaudhri. | Ripudaman Singh, Thakur. |
| Muhammad Shafi Ali Khan, Khan Sahib Chaudhri. | Roberts, Sir William. |
| Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed. | Shahadat Khan, Khan Sahib Rai. |
| Muhammad Yasin Khan, Chaudhri. | Shah Nawaz Khan, Nawab Sir. |
| Muhammad Yusaf Khan, Khan. | Sham Lal, Rai Bahadur Chaudhri. |
| Mushtaq Ahmad Gurmani, Khan Bahadur Mian. | Sikander Hyat-Khan, The Honourable Major Sir. |
| Muzaffar Khan, Khan Bahadur Captain Malik. | Singha, Diwan Bahadur S. P. |
| | Sohan Lal, Rai Sahib Lala. |
| | Sultan Mahmood Hotiana, Mian. |
| | Sumer Singh, Chaudhri. |
| | Tara Singh, Sardar. |
| | Tikka Ram, Chaudhri. |
| | Ujjal Singh, Sardar Bahadur Sardar. |

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That for the deleted sub-clause (3) the following be substituted—

6 P. M.

“(3) (i) The remaining members shall be as nearly as possible in the proportion of two to one respectively, the representatives of the growers of the district and of the persons licensed under sections 6 and 9 of this Act, in respect of the notified market area concerned and shall be selected by Government out of a panel of names equal to twice the number of vacancies to be filled.

(ii) A panel of the representatives of growers shall be submitted to the Deputy Commissioner by the non-official members of the local district board and the panel of the representatives of persons licensed under sections 6 and 9 shall be submitted by the said licensed persons in such manner as may be prescribed.

Provided that the persons whose names are proposed in the panel of the representatives of growers are growers within the tahsil in which the notified market area is situate or within the notified market area if that area is larger than a tahsil and that at least half of the names proposed are of persons who are not members of the district board.

(iii) Whenever a panel as required by the preceding sub-clause is not submitted, the Government shall appoint the remaining members of the market committee.”

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 3 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Parliamentary Secretary (Mir Maqbool Mahmood) : I beg to move—

That at the beginning of the clause the following be added—
' Subject to clause 13'.

And

That in line 3 for the word ' nomination ' the word ' appointment ' be substituted.

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 10 as amended stand part of the Bill.

The motion was carried.

Clause 27.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That in sub-clause (2) (i), line 1, for the word ' nomination ' the word ' appointment ' be substituted.

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

That in sub-clause (2) (i), line 1, for the word ' nomination ' the word ' appointment ' be substituted.

Diwan Chaman Lall : May I ask my honourable friend to explain the difference between the words ' appointment ' and ' nomination ' in respect of this clause ?

Chaudhri Tikka Ram : The word ' appointment ' is more in consonance with the Bill.

Mr. Deputy Speaker : Question is—

That in sub-clause (2) (i), line 1, the word ' nomination ' stand part of the Bill.

The motion was lost.

Mr. Deputy Speaker : The question is—

That in place of the deleted word the word " appointment " be inserted.

The motion was carried.

Lala Duni Chand : I beg to move—

That sub-clause (2) (i) be deleted.

Mr. Deputy Speaker : The question is—

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

The motion was carried.

Parliamentary Secretary (Chaudhri Tikka Ram) : I beg to move—

That in sub-clause (2) (viii), line 7, between the words " fees " and " to " the words " if any " be inserted.

The motion was carried.

Mr. Deputy Speaker : Amendment No. 27¹ is out of order.

Lala Duni Chand : No, sir. It is not out of order.

Mr. Deputy Speaker : Sub-clause No. (2) (viii) is as under :—

" (viii) the issue by a market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which and the conditions under which, such licences shall be issued or renewed, and the fees to be charged therefor ; "

¹That sub-clause (2) (viii) be deleted.

Lala Duni Chand : I do not want to give power to make rules with regard to sub-clause (2) (viii).

Mr. Deputy Speaker : But the clauses that we have already adopted make this amendment out of order.

Lala Duni Chand : This relates to the rule-making power. The Government wants a particular kind of power for the purposes of making rules. I do not want to give that power. That is all.

Mr. Deputy Speaker : But this goes against the previous clauses. *(Interruptions.)*

Diwan Chaman Lall : I submit that my honourable friend is well within his right in moving his amendment. The position taken up by Lala Duni Chand is that although those powers are given to the authorities yet they contravene the rules. The power is there to give licences to them. This clause is more extensive and more definite, that is, that power is to be exercised by rules. My honourable friend says that he does not want this power to be given; that it is necessary for weighmen, etc., to receive licences, but my honourable friend says that that shall not be done by means of rules. I, therefore, submit that he is well within his right in moving his amendment.

Mr. Deputy Speaker : Clause 9 (2) reads thus :—

(2) Subject to such rules as the Government may make in this behalf it shall be the duty of the market committee to issue licences to brokers, weighmen, measurers, surveyors and warehousemen for carrying on their occupation in that market area and to renew, suspend or cancel such licences.

Lala Duni Chand : Then the Government wants to have powers for “the issue of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which and the conditions under which, such licences shall be issued or renewed, and the fees to be charged therefor.”

Mr. Deputy Speaker : The amendment is clearly out of order.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh Urban) : I move—

That in part (ix) of sub-clause (2), lines 1—3, the words “the place weighed”, be deleted.

I can quite understand the object of making rules in regard to the scales and measures but why about, ‘place or places’? I have yet to understand the utility of this. Once you declare an area as a market area, naturally a man may place goods anywhere in that prescribed area for weighing. If the Parliamentary Secretary is able to tell me anything about it to my satisfaction, then I am quite willing to withdraw my amendment but so far as I at present feel, I am unable to understand it. You declare a certain area as a market area and within that market area people should have the right to weigh goods anywhere. There seems to be no object behind this. Why need you make any rules regarding it?

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

That in part (ix) of sub-clause (2), lines 1—3, the words “the place weighed,” be deleted.

Chaudhri Tikka Ram : I would just say one word in reply to the question put by my honourable friend over there. I would invite his attention to clause 4, part (2) which has been passed. It is as follows:—

“ From the date of issue of such notification or from such later date as may be specified therein, no person unless exempted by rules framed under this Act shall, within the notified market area set up, establish or continue or allow to be continued any place for the purchase and sale of the agricultural produce so notified, or purchase or sell such agricultural produce except under a licence granted in accordance with the provisions of this Act, the rules and bye-laws made thereunder and the conditions specified in the licence;”

As the word ‘ place ’ has been used here, in order to make it more specific, the Government takes up the power to frame rules with regard to the place or places where agricultural produce could be weighed.

Mr. Deputy Speaker : The question is—

That in part (ix) of sub-clause (2), lines 1—3, the words “ the place weighed ’ stand part of the sub-clause.

The motion was carried.

Chaudhri Tikka Ram : Sir, I beg to move—

That in sub-clause (2) (xii), lines 1—3, for the words “ the provision of facilities by arbitration for the settlement of any dispute ”, the words “ the provision of facilities for the settlement, by arbitration or otherwise, of any dispute ” be substituted.

Mr. Deputy Speaker : The question is—

That the words ‘ the provision of facilities by arbitration for the settlement of any dispute ’ stand part of sub-clause (2) (xii).

The motion was lost.

Mr. Deputy Speaker : The question is—

That in place of the deleted words in sub-clause (2) (xii), the words ‘ the provision of facilities for the settlement, by arbitration or otherwise, of any dispute ’ be inserted.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri : I beg to move—

That sub-clause (2) (xiii) be omitted.

The brokers may not be prohibited from acting both for the grower and for the buyer as in small *mandis* the number of brokers may not be very large. Further no complaints have been heard or brought to the notice of this House in this respect. Therefore the Government should not be given any power debarring any person from acting in that way. I therefore commend my amendment.

Mr. Deputy Speaker : The question is—

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

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That in sub-clause (2) of clause 27 after part (xx), the following new parts be added and the subsequent parts be renumbered :—

“(xvi) Fixing the maximum annual fees which may be levied by the market committee in respect of licences granted to traders under section 4 and on the agricultural produce bought or sold by them in the notified area and the recovery of such fees;

(xvii) Exemption of persons or classes of persons from the obligation of obtaining licences under section 4;

[Ch. Tikka Ram.]

(xxiii) Specifying the authority to which applications for obtaining licences shall be made;”

The motion was carried.

Chaudhri Tikka Ram : I beg to move—

That in sub-clause (2), the following further parts be added :—

“(xxvi) The settlement of a question as to whether any person is a grower or not;

“(xxvii) Appointment of members of a marketing committee;

“(xxviii) Submission of a panel by persons licensed under section 4.”

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

That in sub-clause (2), the following further parts be added :—

“(xxvi) The settlement of a question as to whether any person is a grower or not;

“(xxvii) Appointment of members of a marketing committee;

“(xxviii) Submission of a panel by persons licensed under section 4.”

Diwan Chaman Lall (East Punjab, Non-union Labour) : Mr. Deputy Speaker, I cannot understand how this amendment fits in and how it cannot be considered to be out of order. You will notice that part (c) of clause 2 of the Bill defines the word “grower”, and having defined the word “grower”, how is it possible for my honourable friend now to try to define again the word “grower” by means of rules? The word “grower” has been defined as “a person who grows agricultural produce personally, through tenants or otherwise but shall not include a grower who works as a dealer or a broker or is otherwise engaged in the business of disposal or storage of agricultural produce.” Having defined substantively the word “grower” in clause 2 of the Bill, how does my honourable friend proceed further to create further restrictions by means of the rules? The definition is definite and no amount of rule-making power can destroy the validity of this definition. I submit, Mr. Deputy Speaker, having already agreed to this definition, anything that my honourable friend wishes to suggest now in further elucidation of this definition is out of order. Just as you have been holding all the other amendments to be out of order you should hold this also to be out of order because no amount of rule-making power can restrict or expand the definition of the word “grower.” What would be the effect if my honourable friend’s amendment is passed? It will mean that rules are to be made by the Government for the purpose of settling the question as to whether a person is or is not a grower.

Mir Maqbool Mahmood : On a point of order. Sir, I beg to invite attention to clause 4 under which certain persons can be exempted by rules framed under this Act. That being the position my honourable friend is out of order in attacking the validity of the present amendment; it has been definitely stated in clause 4—

From the date of issue of such notification or from such later date as may be specified therein, no person unless exempted by rules framed under this Act shall within the notified market area set up, establish or continue or allow to be continued any place for the purchase and sale of the agricultural produce—

That being so I submit that my honourable friend’s objection is out of order.

Diwan Chaman Lall : Mr. Deputy Speaker, I have not been able to follow my learned friend who probably has not been able to follow himself the argument that he has raised. We have already decided the question that my honourable friend has raised. We are not dealing with the question of exemption which has already been decided by this House. We are now dealing with the definition of 'grower,' that is, how the question as to who is or who is not a grower, is to be decided? Perhaps, my honourable friend did not pay attention to the debate or else he has just come in. This amendment now is out of order because the House has decided the question of exempting a particular class of growers and the rules must be made in regard to that exemption. I submit that we have already decided that matter. I am not objecting to any rules being made for the purpose of exempting any particular class of persons from the operation of this Act. What I am objecting to seriously is this. We have already a substantive definition in clause 2, as to what a grower is and what a grower is not. Having that clear and substantive definition, my honourable friend cannot now alter that definition by any rule-making power. Let me, first of all, draw my honourable friend's attention to this. What he is wanting is the settlement of the question as to whether any person is a grower or not. But I submit that that question has already been settled by the definition. If my honourable friend wishes that this matter should be referred to a particular tribunal then his amendment ought to have been worded in a different manner altogether. This may mean restriction or extension of the definition already accepted. If my honourable friend wishes to send this matter back to the drafting committee, then he had better bring in a complete and comprehensive amendment wherein the necessary rule is shown. The question as to whether a person is a grower or not will have to be referred to a law court or a tribunal. Supposing a man says that he is a grower and you rob him of that right, then he can go to a law court to assert his right. The rule-making power will not be of any use in the presence of section 2 which we have already passed.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I will say a word in reply to the arguments raised by Diwan Chaman Lall. If the question arises as to whether a person is a grower or not, then we have to provide certain procedure for the settlement of that question. We have to provide a certain machinery or certain tribunal or some sort of a substitute of a tribunal and it is only for that reason that I have moved this amendment.

Diwan Chaman Lall : I hope my honourable friend will withdraw this amendment and will bring it to-morrow after duly considering the matter. I submit that it is out of order.

Mr. Deputy Speaker : This will be a matter of drafting. This refers to the setting up of an authority to settle the question. There is no question of changing the definition or laying down another definition. Though the amendment is not clear enough, it will be set right by the drafting committee. Question is—

That in sub-clause (2), the following further parts be added :—

- “(xxvi) The settlement of a question as to whether any person is a grower or not;
- (xxvii) Appointment of members of a marketing committee;
- (xxviii) Submission of a panel by persons licensed under section 4.”

The motion was carried.

Chaudhri Krishna Gopal Dutt : Sir, I beg to move—

That in sub-clause (2) (xxii), line 1, the words "the remuneration and" be deleted.

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

That in sub-clause (2) (xxii), line 1, the words "the remuneration and" be deleted.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I accept the amendment on behalf of Government.

Mr. Deputy Speaker : Question is—

That in sub-clause (2) (xxii), line 1, the words "the remuneration and" stand part of the clause.

The motion was lost.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I beg to move—

That at the end of sub-clause (2) of clause 27, the following new part be added :—

"specifying quantities of agricultural produce which may be purchased for personal use".

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

That at the end of sub-clause (2) of clause 27, the following new part be added :—

"specifying quantities of agricultural produce which may be purchased for personal use."

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I think this is one of the amendments which cannot be described otherwise than as absurd—too mild a word for it. I may have as well used a word, which sometimes teachers use for their dullest students. What does it mean? Will you kindly read the amendment once more? It says—

"specifying quantities of agricultural produce which may be purchased for personal use."

Is it possible to do so? What is going to be the measure of the quantity which may be required for personal use by a person living in a notified market area? Will you take the census of the wives that a man has and of the number of children that he has and of the capacity of their stomachs and of their appetite and so on? Nothing could be more stupid than this amendment and I think that it has been moved without giving the slightest thought to what the honourable member wants to do by it. I have said that it is meaningless. If it is not meaningless and if it is moved seriously, it means that they want to perpetrate another tyranny on people who would be placed under their thumb if this stupid Bill becomes law. People living in the towns would certainly want something for their personal use and they want to make rules under which they want to prescribe that so and so will have ten seers of wheat for his family every month. If he purchases 10½ seers he is fined. That is the intention of the mover of the amendment. Supposing a man wants 5 seers of *gur* for his family which consists of five persons, but it will be Government which will prescribe how much *gur* he can have. Supposing he wants 20 seers of *kapas* which would give the family so much *khaddar* and supposing a child in the family tears his shirt or a piece of cloth, then either that child will have to go without it or else the man will have to apply

to the Minister so that he may get another shirt for the child. It may be that I am totally incapable of understanding what has been proposed in this amendment, and I have not understood it rightly, but if I have understood it rightly then with due deference to the honourable mover I can say that this is a piece of absurdity which he should not perpetrate in a legislative measure like this and I expect that he has seen reason by this time and the least he can do is to get up and say that he withdraws it.

Lala Deshbandhu Gupta : In giving his support to the amendment, does the Honourable Finance Member wish to apply the scale of jail diet in fixing the quantity of rations that are required by a family ? (*Laughter.*)

Parliamentary Secretary (Mir Maqbool Mahmood) : I am afraid there has been some misunderstanding of the intention of my honourable friend so far as this amendment is concerned. If the amendment were proposed to be worked as suggested by my friend, Dr. Gokul Chand Narang, it would obviously appear to be an unreasonable amendment, but I would beg of my friend, Dr. Narang, and others who agree with him to appreciate the reasons of this side of the House which prompted this amendment, and then decide whether in the interest of fairplay to all concerned this amendment is or is not necessary. They would find on reference to proviso to clause 4 that —

“ a licence shall not be required by a person who purchases any agricultural produce for his private use.”

I do not say that it is going to happen in every case, but unfortunately there are black sheep in all professions. I do not suggest that all those who come under this clause or even a majority of them are of that type, but there are people amongst the dealers who would like dishonestly to evade the provisions of this Bill and in such cases it is not impossible that they might purchase large quantities and say it is for their private use or they may come forward and say that they have purchased 100 maunds for their own use, whereas the fact is that they have actually purchased 500 maunds and have split it up among their various friends or members of the family, and in that way they might evade the law. With regard to the point raised by Dr. Gokul Chand Narang, he should in fairplay have confidence in those who draft the rules that they will provide the maximum requirements for the maximum number of members of a family. Provision could be made in the rules for marriages and other emergencies which may arise. In my opinion there is nothing unreasonable in our providing a clause under which any attempt at wholesale evasion of the Bill may be avoided. But if it is desired that for the present the clause may be tried as it stands and if necessary later an amendment as proposed could be moved, it is a matter for consideration.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi division, General, Rural) : Sir, I am very glad to find that the honourable Parliamentary Secretary has said that if the reasoning adopted by Dr. Gokul Chand Narang is correct then this amendment would be very unreasonable. He has tried to justify this amendment with reference to section 4. I respectfully submit that this amendment is much wider than could possibly be covered by section 4. He has sought to place before the House that this amendment is really intended to restrict the powers of a grower to purchase grain for personal use. (*Mir Maqbool Mahmood* : I said, any person.) Then if that was the

[R. B. Mr. Mukand Lal Puri.]

object, this amendment should have read : ' specifying quantities of agricultural produce which may be purchased for personal use by a grower.' Under the guise of this Markets Bill this Government has taken to itself powers over the liberty and property of a large number of non-agriculturists of this province. But I never thought that they wanted to introduce in this country conditions which in other countries like England are only taken during war time. Under this clause the Government would be entitled to fix that a particular family shall only purchase ten maunds of wheat, five maunds of gram, ten maunds of rice and no more. Is this the object? Is that not the effect of this amendment? Cannot Government, if they are framing this rule, lay down that no family in the town of Lahore shall keep with itself more than two bags of wheat or two bags of rice or two bags of any other agricultural produce? Is this a kind of power which this House wishes to place in the hands of any Government? I admire the courage of the Parliamentary Secretary who said that if this power is given to Government it is not unreasonable. It is only in times of extreme emergency that any people have consented to give this power to Government. He assumed that this Government will act in a most reasonable fashion in providing agricultural produce and the family can make provision for the maximum needs of a maximum family. Is not the House aware that people of this province do not merely budget for a month at the time of the agricultural produce? Almost every respectable family purchases the whole of wheat that is required for the whole year and similarly in respect of other grains. I respectfully submit that this power of rationing out the food of the people was not considered necessary when the original Bill was framed and has not been considered necessary in any other province. Why should this House under the guise of the Markets Bill part with the liberty of the people to store for their personal use any quantity of grain or any quantity of agricultural produce? What is the main purpose of the Bill? It is alleged to be to secure to the grower the maximum return for agricultural produce. What right has the Government to fix the limits of grain which the consumers can store for their own use? The fundamental

7 P. M. essence of all good legislation is that no House should part with any power to Government more than is absolutely necessary for carrying out the purpose of that law. How are the honourable members sitting on those benches entitled under the guise of the Marketing Bill to attempt a piece of legislation enabling the Government to curtail the liberty of the inhabitants of this province? With these words I oppose the amendment before the House.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : The point raised by Dr. Sir Gokul Chand Narang is an important one. It fully justifies the criticism from this side of the House that this Bill was hatched in haste and brought before this Assembly without due consideration by those persons who were in charge of the measure. Let me for a moment refer to the actual position which unfortunately both the Parliamentary Secretaries do not seem to have realised. If you turn to the old clause 4 of the original Bill as it went to the select committee you will find that there is an explanation. I should like to draw the attention of the Parliamentary Secretary to this explanation. He does not seem to be paying the slightest attention to what I am saying.

Chaudhri Tikka Ram (Parliamentary Secretary): I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): I beg to move—

That in sub-clause (3), line 6, for the words 'five hundred' the words 'fifty' be substituted.

You will see in sub-clause (3) of clause 27 a provision under which rules can be made providing that any contravention thereof or any of the conditions of any licence issued thereunder shall be punishable with a fine which may extend to Rs. 500. My amendment seeks to reduce the maximum of this fine to Rs. 50. You will probably remember that a good deal of discussion has already taken place on the question of the nature and severity of punishments for offences committed under this measure. It was pointed out that this sub-clause provided not double punishment but triple punishment. One punishment may be that the licence of the licence holder may be cancelled. The second punishment may be that the offender may be prosecuted under the Indian Penal Code. The third punishment is what is provided in this sub-clause. It was argued that it was not necessary to cancel the licence when we were discussing the question of cancellation of the licence because other punishments were provided for. But it appears that the Government did not consider the cancellation of the licence as a punishment at all. They were apparently under the impression that the cancellation of the licence was no punishment and it was only stopping the business for a particular period. In their opinion the only thing that can amount to a punishment is either imprisonment or fine. It was also pointed out that the offences referred to in this measure might come within the purview of the Indian Penal Code and that offenders might be convicted and sentenced to imprisonment of either description for a year. The Honourable Minister in charge of the Bill who is now conspicuous by his absence from the House asked me whether there had been any prosecutions under the Indian Penal Code for the offences mentioned here. He seems to be under the impression that the provisions of the Indian Penal Code were obsolete and were a dead letter on which nobody acted and under which nobody was convicted. I leave it to you to judge whether that impression is based on facts. I pointed out then and there that there have been prosecutions under the Indian Penal Code for the offences under sections 264 and 265. One may not know the number of prosecutions, but it cannot be said that those provisions of the Indian Penal Code are a dead letter. There has been no prohibition against the exercise of the powers given in those sections.

Now I come to the third punishment provided here. As usual no heed is paid to our arguments. When it is proposed that Government can make rules providing a fine of Rs. 500 for any person who may be guilty of the contravention of any rule or conditions of the licence, we have perfect justification to urge that this fine is much too excessive. Apart from any other kind of punishment, a fine of Rs. 500 for mere contravention of a condition of the licence or for any breach of the rules which the Government may be pleased to make would be excessive, but considering that this is a part of double punishment, it is certainly much too excessive.

[Dr. Sir Gokul Chand Narang]

A fine of Rs. 500 is not called for by the circumstances of the case. You will remember that the Honourable Minister urged some sort of argument which so far as we could follow amounted to this : that there was no provision in the rules for the issuing of a licence and therefore all that it provided was punishment for the contravention of a rule. But if you will turn to part (viii) of this clause, you will see that the rules may provide for—

the issue by a market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen, the form in which and the conditions under which, such licences shall be issued or renewed, and the fees to be charged therefor.

Therefore the licence can be issued under the rules to be framed by the Government and conditions can be laid down in the licence under these rules and this sub-clause says that a breach of any of these rules and any contravention of any of the conditions of the licence will be subject to a punishment of a fine of Rs. 500. So, that argument as we could see it, has no force in it. I would therefore submit that a fine of Rs. 50, if a fine has to be provided for at all, would be quite sufficient to meet the circumstances of the case and a fine of Rs. 500 is much too excessive. It may be argued that this is only the maximum, the fine may extend to Rs. 500 and it is not necessary that a magistrate or any authority to whom the power may be given to inflict the fine in these cases would inflict a fine of Rs. 500 or anything like that. I need not repeat that argument which I urged at that time, but I may simply refer to it : that the courts while inflicting the fine are guided by the maximum punishment provided for as the honourable Advocate-General who has been practising at the criminal courts for so many years would admit. Therefore my submission is that a fine of Rs. 50 should be provided for in place of Rs. 500.

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

That in sub-clause (3), line 6, for the words "five hundred" the word "fifty" be substituted.

Parliamentary Secretary (Chaudhri Tikka Ram) : Sir, I wish to say this much in reply to my learned friend, the Doctor Sahib, that in all other provinces, Bombay, the C. P. and Madras where Marketing Acts are in force the Government has rule-making powers and under those powers it has provided for penalties. In all those Acts the penalty has been provided as Rs. 500. I am obliged to the learned Doctor for having conceded the principle that there should be a penalty for breaches and evasions of rules. It is now for the House to decide whether the penalty should be Rs. 50 or Rs. 500. I have only to add that we are providing Rs. 500 as the maximum penalty. This does not mean that in every case the maximum penalty will be imposed. Every case shall be decided on its peculiar circumstances. We are not making any novel provision. It is found in all the enactments which have been passed elsewhere.

Mr. Deputy Speaker : The question is—

That in sub-clause (3), line 6, the words "five hundred" stand part of the sub-clause.

The Assembly divided: Ayes 64; Noes 27.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Afzaalali Hassnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Faiz Muhammad, Shaikh.
 Fateh Jang Singh, 2nd-Lieut. Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Sher Khan, Malik.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Gopal Singh (American), Sardar.
 Gurbaohan Singh, Sardar Sahib Sardar.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 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 Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar.
 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 Yusaf Khan, Khan.
 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.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Thakur.
 Shahadat Khan, Khan Sahib Bai.
 Shah Nawaz, Mrs. J.A.
 Shah Nawaz Khan, Nawab Sir.
 Sham Lal, Rai Bahadur Chaudhri.
 Sikandar Hayat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Sharma, Pandit.
 Bhis Sen Sachar, Lala.
 Binda Saran, Rai Bahadur.
 Chaman Ball, Diwan.
 Deebanshu Gupta, Lala.

Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Kabal Singh, Master.

Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.

Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sardar.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Diwan Chaman Lall (East Punjab, Non-Union Labour): Sir, I beg to move—

That sub-clause (4) (a) be deleted.

Sub-clause (4) (a) relates to the making of rules subject to the rules being made after previous publication. It has to be read in the light of my previous amendment where I have suggested this much difference between the suggestion made by the Treasury benches and the position which the Opposition desires to take. That is this that whereas according to the official programme these rules will be placed before the Assembly and by a motion thereafter will be capable of being amended or rescinded, I suggest that these rules themselves should come before the Assembly in the shape of a motion. The difference is this that in one case it would be almost impossible sometimes when urgency demands that a rule should be amended or rescinded, for the Opposition or any member of the Opposition to get the opportunity for a considerable time. We have noticed that Thursdays are already occupied. Therefore no member can have an opportunity to raise a non-official motion whereas if a motion has to be made by the Government and these rules are brought before the Assembly by way of a motion discussion can be had regarding the amendments or the rescinding of any particular rule. That is why I suggest that instead of the procedure to be followed by my honourable friend, the other procedure should be followed. Under that the rules should be placed on the table of the House and it should not be left to the honourable members to move a motion for rescinding or amending them, but that honourable members who are in charge of this particular Department should bring in a motion regarding these rules and this motion can then be discussed on the floor of the House.

Mr. Deputy Speaker: The question is—

That sub-clause (4) (a) stand part of the clause.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North-East Towns, General, Urban) (Urdu): I beg to move—

That for sub-clause (4) (b) the following be substituted:—

(b) All such rules shall be placed before the Punjab Assembly for approval before they are enforced.

Sir, the object of my amendment is that the rules and regulations that the Government will frame under this Bill should be placed before this House before it is sought by the Government to thrust them on the province against the will of the people. I think, that this is a very important matter and deserves the serious attention of the House. That is why we are so persistent in our demand in this behalf. We do not want to deprive the Assembly of the right of having a say in the matter. The rules framed

under this Bill, should be approved of by this House, before they are enforced in the province. Clause 27 seeks to give wide powers to the Government with regard to various matters, items and rules to be framed by the Government. It is not for nothing that we are raising a storm of protest against this point. In fact some salutary considerations prompt us to make this amendment.

With regard to the Bill now before the House there is a world of difference between our point of view and that of the Government. Similar differences do exist not only in this House but also in the whole province. We, therefore, desire that Government alone should not be given the rule-making power. We want to reserve it to ourselves. The Government commands a majority of this House and as such they should not object to it. We do not know what rules the Government may make. It appears that the Government have run bankrupt in the wisdom and soundness required in the matter of legislation. We have often noticed cases of bad drafting. Just a few minutes ago my friend, Chaudhri Tikka Ram, moved an amendment which was described by my friend Dr. Narang as the most absurd one. When once Government intend to move an amendment they give notice of it and never care to see if it is correct or otherwise. We, therefore, want to reserve the rule-making power to ourselves. Let me quote an instance on the point. In the Executive Officers Act, the then irresponsible Government provided that the rules in that behalf would be placed before the legislature. Let me read the proviso to section 11 of the Act. It is as follows :—

Provided that before making any rules under the provisions of this section, the Provincial Government shall, in addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, publish by notification a draft of the proposed rules for the information of persons likely to be affected thereby, at least, thirty days before a meeting of the Punjab Legislative Assembly. The Provincial Government, in order to give members of the Assembly an opportunity for moving a motion for discussing the draft shall defer final publication of the rules until after the expiry of the date fixed for consideration of a motion for such discussion, provided that notice of such motion has been given before the first meeting of the Assembly held after the expiry.

Minister for Education : (The Honourable Mian Abdul Haye) : May I interrupt the honourable member and give him an assurance on behalf of the Government? I am authorised to state that when these rules are framed and laid on the table, if a resolution is tabled suggesting some amendments or alterations, the Government undertakes that it will find time for the discussion of that resolution on an official day. I hope this will satisfy the honourable member. If this be the object of honourable members I am prepared to give this undertaking.

Chaudhri Krishna Gopal Dutt : Will time be given to move amendments?

Minister : Yes.

Chaudhri Krishna Gopal Dutt : Do I take it that you would give us time on an official day to move the amendments?

Minister : This is what I stated.

Mr. Deputy Speaker : The question is—

That clause 27, as amended, stand part of the Bill.

- The motion was carried.

Clause 25.

Parliamentary Secretary (Chaudhri Tikka Ram): I beg to move—
That in sub-clause (3) (b) (ii), lines 7—10, the words “provided:expedient” be deleted.

Dr. Sir Gokul Chand Narang: On a point of order. I take it that we have passed clause 25 already and these amendments are now going to be moved to clause 25 which has already become part of the Bill. The rule is that clauses should be taken in their sequence unless of course you allow a different procedure. Have you granted the honourable member permission or are you going to grant him permission now?

Mr. Deputy Speaker: I have allowed this amendment to be moved under Rule 101.

Dr. Sir Gokul Chand Narang: We know that.

Eala Deshbandhu Gupta: Is it not due to bad drafting?

(A voice: These are consequential amendments.)

Mr. Deputy Speaker: Question is—

That in sub-clause (3) (b) (ii), lines 7—10, the words “provided:expedient” stand part of the sub-clause.

The motion was lost.

Parliamentary Secretary (Chaudhri Tikka Ram): I beg to move—

That in sub-clause (3) (b) (iii), line 5, the words “authority or ” be deleted.

Mr. Deputy Speaker: Motion moved is—

That in sub-clause (3) (b) (iii), line 5, the words “authority or ” be deleted.

Dr. Sir Gokul Chand Narang: Will the Parliamentary Secretary please explain the amendments? They are brought forward at such a late stage after the clause has become part of the Bill. He should therefore explain the amendment. Let us understand what the Government means.

Mr. Deputy Speaker: That rests with the honourable member.

Dr. Sir Gokul Chand Narang: Yes, we can only make a suggestion.

Parliamentary Secretary (Chaudhri Tikka Ram): Sir, these words are unnecessary and therefore redundant. It is for this reason that I have moved that the words “authority or ” be deleted.

Mr. Deputy Speaker: The question is—

That in sub-clause (3) (b) (iii), line 5, the words “authority or ” stand part of the sub-clause.

The motion was lost.

Parliamentary Secretary: I beg to move—

That in sub-clause (3) (b) (iii), the words “appointed: be ” be deleted.

Mr. Deputy Speaker: The question is—

That in sub-clause (3) (b) (iii), the words “appointed: be ” stand part of the sub-clause.

The motion was lost.

Parliamentary Secretary (Chaudhri Tika Ram): I beg to move—

That for sub-clause (3) (c) the following be substituted, re-numbering it as sub-clause (4):—

“(4) Whenever the assets of a committee vest in the Government and no new committee or authority is appointed in its place the Government shall employ for any object of public utility the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said committee in the area specified in the notification issued under section 3.”

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

That for sub-clause (3) (c), the following be substituted, re-numbering it as sub-clause (4):—

“(4) Whenever the assets of a committee vest in the Government and a new committee or authority is appointed in its place the Government shall employ for any object of public utility the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said committee in the area specified in the notification issued under section 3.”

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu): Sir, the previous amendment was brought forward by the Government under the plea that certain words used in the original sub-clause were redundant and unnecessary. But I fail to understand as to why the Parliamentary Secretary has moved the present amendment. It amounts, as I think, to an entirely new sub-clause rather than an amendment of a minor nature. It is up to him to explain the position of the Government for bringing forward this substantial amendment.

Chaudhri Tikka Ram: Sir, I assure the Leader of the Opposition that it is not at all a substantial amendment that I have moved. The only object that is being sought is to re-number sub-clause 3 (c) as sub-clause (4).

Mr. Deputy Speaker: The question is—

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

The motion was lost.

Mr. Deputy Speaker: The question is—

That in place of the deleted sub-clause (3) (c), the following be inserted as sub-clause (4):—

“(4) Whenever the assets of a committee vest in the Government and no new committee or authority is appointed in its place the Government shall employ for any object of public utility the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said committee in the area specified in the notification issued under section 3.”

The motion was carried.

Mr. Deputy Speaker: The question is—

That clause 25 as amended stand part of the Bill.

The motion was carried.

Clause 1.

Mr. Deputy Speaker: The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Deputy Speaker : The question is—

That the Preamble be the preamble of the Bill.

The motion was carried.

Mr. Deputy Speaker : In accordance with Rule 103 (2) I direct that the Bill be examined by a committee consisting of the Honourable the Premier, the Advocate-General and Diwan Bahadur S. P. Singha, to report what amendments of a formal or consequential nature should be made in the Bill as a matter of drafting and such report shall be presented within such period as the Assembly may direct.

Premier : I move—

That the report be presented by to-morrow.

Mr. Deputy Speaker : The motion is—

That the report be presented by to-morrow.

Dr. Sir Gokul Chand Narang : May I know if an amendment could be made to the motion moved by the Premier ?

Premier : As a matter of fact that should have been contained in the original motion.

Dr. Sir Gokul Chand Narang : To-morrow or the date fixed by the Assembly. The Premier moved a motion, though it was rather moved inaudibly, that the report should be presented to-morrow. The question is whether an amendment can be made to this motion.

Rai Bahadur Mr. Mukand Lal Puri : I move—

That the report be presented by the first day of the meeting of the next session.

My reasons are these. Confusion has been worse confounded by the manner in which this legislation has been rushed through and by the method of dealing with the legislation. You should have taken the Bill clause by clause serially. But we took clause 8, then another clause and then we took clause 27. We do not now know the head or tail of this legislation. I wonder if the Minister of Development, who is responsible for this prodigy, would recognize his own child. He is unfortunately not here but his Parliamentary Secretary may be able to inform him about this matter. Another advantage would be that members would be able to go to their homes earlier and this, as the Premier has reminded the House often, would save a considerable amount of money. This could be taken up on the 1st day of the budget session. I see no reason why so much money of the tax-payers of the province should be wasted when this could be done on a day during the budget session.

Mr. Deputy Speaker : The question is—

That the report be presented by the first day of the meeting of the next session.

The motion was lost.

Mr. Deputy Speaker : The question is—

That the report be submitted by to-morrow.

The motion was carried.

The Assembly then adjourned till 12:30 P.M. on Tuesday, 24th January, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

5TH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 24th January, 1939.

*The Assembly met at the Assembly Chamber, at 12-30 P.M. of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

BRINGING OF POLITICAL ACCUSED PERSONS TO COURTS WITH HANDCUFFS
ON BOTH HANDS.

***3718. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that even in political cases the accused are brought into courts with handcuffs on both hands and sometimes more than one accused is tied to each other ;
- (b) whether it is a fact that in spite of requests made to magistrates on behalf of the accused the handcuffs are not removed while in court in a number of cases ;
- (c) what action, if any, the Government proposes to take in the matter.

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The main instructions on this subject will be found in rules 26·22 and 26·23 of the Punjab Police Rules. The basic principle is that handcuffs should only be used when they are necessary for safe custody. The honourable member will see that special provision is made in the rules for prisoners charged under section 124 -A or section 153-A, Indian Penal Code.

(b) The removal or retention of handcuffs in court is a matter for the discretion of the presiding officer.

(c) No new action is contemplated.

Lala Duni Chand : May I know whether it is a fact that the instructions referred to by the honourable Parliamentary Secretary are not complied with in many cases ?

Parliamentary Secretary : I take it that they are complied with, and if there are any cases in which they are not complied with, then it is open to my honourable friend to bring them to the notice of the authorities concerned.

INTERNMENT OF GURMUKH SINGH.

***3719. Lala Duni Chand :** Will the Honourable Premier be pleased to state the period for which one Gurmukh Singh of village Milkzukhi, district Ambala, has been interned in his village and whether the Government has, since his internment, considered the question of the removal of ban on him ?

Parliamentary Secretary : (Mir Maqbool Mahmood) : It is not in public interest to answer this question.

Lala Duni Chand : The honourable Parliamentary Secretary says that it is not in the public interest to answer this question—

Mr. Speaker : Which means that he declines to answer the question.

Sardar Sohan Singh Josh : How much period of his internment is still left ?

Mr. Speaker : When the honourable Parliamentary Secretary has said that he does not wish to answer the question, this statement of his cannot be taken as an answer to the question. Unless a question is answered, supplementary questions cannot be asked.

Lala Deshbandhu Gupta : We can certainly ask as to why it is not in the public interest.

Mr. Speaker : Certainly not. Supplementary questions can be asked for the elucidation or explanation of the answer that has been given to a question. The honourable members are referred to rule 31.

Lala Duni Chand : Can I not ask even this much ?—For how long has this gentleman been subjected to the order of internment ?

Mr. Speaker : I think not.

Lala Duni Chand : I do not want to put any strain on you to-day, so I leave the matter.

Mr. Speaker : Thank you. Unless an answer is given to a question, supplementary questions cannot be asked.

Lala Deshbandhu Gupta : With due respect, I would invite your attention to the convention of this House which you yourself have been upholding and according to which you have been allowing us—

Mr. Speaker : I understand what the honourable member means. He is right. On certain occasions this has been done, but that wrong practice cannot be allowed to be perpetuated.

 WATER BEARERS IN GOVERNMENT SCHOOLS.

***3720. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state whether whole time water bearers employed in government schools for supplying water have recently been reduced to part time servants of the schools ; if so, whether this new arrangement is of general application or is intended to apply to some of the government schools only, and if so, the names and the number of the schools exempted ?

The Honourable Mian Abdul Haye : The reply to the first part of the question is in the negative. The other parts of the questions do not arise.

CANDIDATES BROUGHT BY AN M. L. A. ON THE INVITATION OF
SUPERINTENDENT OF POLICE, LAHORE, FOR RECRUITMENT.

***3725. Chaudhri Faqir Chand :** Will the Honourable Premier be pleased to state whether he is aware of the fact that the Superintendent of Police, Lahore, wrote to me to bring some candidates from the depressed classes, for recruitment in the police, and whether he is further aware of the fact that none of the ten candidates that I brought to Lahore from the Ambala division was accepted by him ; if so, the reasons therefor, and the compensation, if any, that Government propose to pay to those candidates for the expenses of their journey from Ambala to Lahore and back ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : It does not appear to be correct that any letter was written to the honourable member by the Senior Superintendent of Police, Lahore, but I understand that letters were issued to him and a few other members of the House by the Deputy Inspector-General of Police, Central Range, informing them that a recruiting parade would be held in the District Police Lines in Lahore on the 29th September, when any candidates whom they might wish to put forward would be examined. A considerable number of candidates from the scheduled castes appeared on the date in question, of whom nine were selected for enlistment. (One of these was subsequently found medically unfit).

No travelling allowance is ever paid to candidates for enlistment in the police, and it is not possible to make an exception in favour of candidates from the scheduled castes. I understand, however, that in order to save expense for such candidates the Deputy Inspector-General of Police, Central Range, made arrangements two or three months ago to see such candidates in the course of his tours ; and that he has selected a number of men from the scheduled castes at Amritsar, Gujranwala, Montgomery and Lyallpur, in addition to those taken in the parade at Lahore.

Lala Deshbandhu Gupta : May I know as to how many of these persons were finally accepted by Government ?

Parliamentary Secretary : Nine were selected, one of whom has been declared unfit.

Lala Deshbandhu Gupta : How many candidates were selected altogether on the day in the parade when these nine schedule class candidates were selected ?

Parliamentary Secretary : I require notice for that.

Lala Deshbandhu Gupta : May I know if any of those nine to which the Parliamentary Secretary has referred include any person brought by Chaudhri Faqir Chand, belonging to the Ambala division ?

Parliamentary Secretary : Presumably none.

TAKING OF SWEEPER'S WORK FROM THE ACHHUT PRISONERS.

***3726. Chaudhri Faqir Chand :** Will the Honourable Minister of Finance be pleased to state the reasons why the Achhut prisoners are made to do sweeper's work in the Punjab Jails?

The Honourable Mr. Manohar Lal : The attention of the honourable member is invited to paragraph 701 of the Punjab Jail Manual. Though prisoners may volunteer for sweepers' duties, no one is required to do such work unless he has been classified as a sweeper by the convicting court. Government see no objection to requiring a convict to do labour of the type with which he is familiar outside jail.

Lala Deshbandhu Gupta : Is the Honourable Finance Minister aware that now-a-days due to awakening that has taken place among the depressed classes the sweepers by birth are not necessarily sweepers by profession? That being so, will Government consider the desirability of issuing some instructions to the effect that sweepers by birth as a rule should not be given sweepers' work in jail?

Minister : That is an elaborate kind of question that has been put to me. It is really a request for action. But if the honourable member would draw my attention to the fact that there is a large number of prisoners classified as sweepers who have been doing that work and that they desire that that work should not be assigned to them, the matter can be taken into consideration.

Dr. Gopi Chand Bhargava : May I know whether a person born in a sweeper family who lives in a village but does not carry on sweeping work, is given that work in jail?

Minister : I could not say at all.

Lala Duni Chand : Has the Government ever actually considered the question that the sweepers who refuse to work as sweepers in jail should not be forced to do that work?

Minister : I do not think there is any reason that anybody is forced to do the work.

TOTAL NUMBER OF ACHHUT PRISONERS.

***3727. Chaudhri Faqir Chand :** Will the Honourable Minister of Finance be pleased to state the total number of such Achhut prisoners who belong to the Punjab whether they be in the Punjab jails, jails of other provinces or in the Andamans?

The Honourable Mr. Manohar Lal : The number of Achhut prisoners confined in the Punjab jails is as follows :—

| | | | | | |
|-------------|----|----|-------|----|-----|
| Convicts | .. | .. | .. | .. | 631 |
| Undertrials | .. | .. | .. | .. | 64 |
| | | | | | 695 |
| | | | Total | .. | 695 |

It is regretted that the information regarding Achhut convicts confined in other provinces or in the Andamans is not available.

Lala Deshbandhu Gupta : May I know if the Honourable Minister for Finance is in a position to state as to how many of these persons who are in the Punjab jails are required to do sweepers work ?

Minister : I could not say. If he gives me notice, I may be able to collect the information.

ORDERING OF PATWARIS BY FIELD QANUNGOS, KARTARPUR, TO PARTICIPATE
IN KALA BAKRA CONFERENCE.

***3778. Master Kabul Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the field kanungo of Kartarpur, district Jullundur, ordered the patwaris working under him to go to the Conference held recently at Kala Bakra with the motto "Sir Sikander aur Sir Chhotu Ram *sinda bad*" ; if so, whether the aforesaid qanungo did so under the instructions of the Government or of his own accord ;
- (b) if the Government gave such instructions to him in contravention of the Government Servants' Conduct Rules, the reasons therefor ; if not, the action proposed to be taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- (a) No.
(b) Does not arise.

BALDEV KISHAN'S MURDER AT NAKODAR.

***3780. Master Kabul Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Baldev Kishan, a five years old grandson of one Lala Gujar Mal, son of Fateh Chand, goldsmith, resident of Nakodar, district Jullundur, suddenly disappeared on 22nd *Magh*, 1994, and his dead body was found on 3rd *Phagan*, 1994, with iron nails struck in the head ; if so, the names of the persons challaned in connection with this murder ; if no person has been challaned so far, the result of the police investigation ;
- (b) if murderers have not been traced so far, the steps the Government have taken to investigate the case ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) A report was made by Gujar Mal on the 4th February last that his grandson, who had left for school in the morning, had failed to return home. On this the police commenced inquiries, and on the 14th February the dead body of the missing child was found in a pond near the town. The *post mortem* examination showed that death was due to heart failure, not to drowning, and that death had probably occurred about 72 hours earlier. It is not correct that iron nails were found in the child's head. The case was investigated as one of murder, but without success. It was finally sent up by the police in November to be filed as untraced.

(b) The case has already been made the subject of a most careful investigation and no useful purpose would be served by further enquiries.

ADJUSTMENT OF DIFFERENCE IN ABIANA RATES IN AGRA CANAL.

***3797. Khawaja Ghulam Samad :** With reference to the answer to the short notice question put on 1st July, 1938, will the Honourable Minister of Revenue be pleased to state whether the United Provinces Government has agreed to adjust the difference in rates of *abiana* in force on Agra Canal which irrigates a portion of Palwal tahsil and to bring them in conformity with those obtaining on the Western Jumna Canal ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The United Provinces Government has not given any reply yet to the request made by the Punjab Government in June 1938.

PERFORMANCE OF RELIGIOUS DUTIES BY MUSLIMS IN RAJA JANG.

***3798. Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state whether the Muslims of Raja Jang of district Lahore, are allowed to perform their religious duties freely now without any interference ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of the honourable member is invited to the answer given to starred question 8795.¹

RELIEF TO FAMINE-STRICKEN AREA IN AMBALA DIVISION.

***3799. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state the nature of relief granted to the famine-stricken area of the Ambala division where the *kharif* crops have this year failed to a great extent ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is laid on the table. But let me inform the honourable member that the Government have so far made a provision of Rs. 64,29,770 out of which Rs. 18,01,544 have been spent and there is a balance of provision of Rs. 51, 28,226. Besides, an additional provision for 1938-39 of Rs. 70,000 has been made and provision for 1939-40 is Rs. 72,87,000. The total comes to roughly one crore and fifty lakhs.

Lala Duni Chand : Is the Government aware that severe famine conditions prevail in many parts of the Ambala district ? If so, what relief has been given or is proposed to be given to those parts of the Ambala district ?

Parliamentary Secretary : I would invite my honourable friend's attention to the detailed reply which was given the other day to a question put by the Leader of the Opposition.

Lala Duni Chand : Was there anything relating to Ambala ? So far as I know nothing was said about Ambala. I put a concrete question regarding Ambala.

¹Vide the debates of 10th January 1939.

Parliamentary Secretary: That answer related to all the districts in the province, but I may inform my honourable friend that famine prevails only in Hissar district.

Statement.

Scarcity in the south eastern districts of the Punjab.

Measures taken by the Punjab Government to afford relief to the peasantry and their cattle.

1. Land revenue and taccavi have been remitted and suspended as detailed below :—

LAND REVENUE.

Rabi 1938.

| Serial No. | Name of district. | Remitted. | Suspended. |
|------------|-------------------|-----------|------------|
| 1 | 2 | 3 | 4 |
| | | Rs. | Rs. |
| 1 | Hissar | 87,000 | 80,000 |
| 2 | Rohtak | 1,000 | 68,000 |
| 3 | Gurgaon | 4,72,000 | 2,63,000 |
| 4 | Karnal | 3,000 | 2,000 |
| | Total .. | 5,63,000 | 4,13,000 |

So far the local officers have proposed the suspension of the following amounts out of the fixed land revenue demand for *kharif* 1938 :—

| Serial No. | Name of district. | Demand. | Amount proposed for suspension. | Percentage of demand proposed for suspension. |
|------------|-------------------|-----------|---------------------------------|---|
| 1 | 2 | 3 | 4 | 5 |
| | | Rs. | Rs. | Rs. |
| 1 | Hissar | 8,01,259 | 7,83,943 | 97.8 |
| 2 | Rohtak | 9,13,968 | 4,95,662 | 54.2 |
| 3 | Gurgaon | 8,12,950 | 5,67,049 | 69.7 |
| 4 | Karnal | 7,07,100 | 2,26,664 | 32.6 |
| 5 | Ambala | 7,37,526 | 1,70,738 | 23.1 |
| | Total .. | 39,72,893 | 22,44,056 | |

TACCIVI.
(1938-39).

| Serial No. | Name of district. | Remitted. | Suspended. |
|------------|-------------------|-----------|------------|
| 1 | 2 | 3 | 4 |
| | | Rs. | Rs. |
| 1 | Hissar | 31,042 | 1,80,875 |
| 2 | Rohtak | 8,772 | 18,737 |
| 3 | Gurgaon | 32,655 | 1,65,562 |
| 4 | Karnal | .. | 1,113 |
| | Total .. | 72,469 | 3,66,287 |

2. Taccavi allotments to the following extent have already been made :—

| Name of district. | Rs. |
|--------------------|-----------|
| 1. Hissar | 15,85,000 |
| 2. Rohtak | 6,71,000 |
| 3. Gurgaon | 4,75,000 |
| 4. Karnal | 1,35,000 |
| Total .. | 28,66,000 |

This amount includes a sum of Rs. 9,75,000 allotted for fodder taccavi for milch cattle in the districts of Hissar, Rohtak, Gurgaon and Karnal.

3. *Fodder*.—A Fodder Adviser was appointed on the 5th September 1938 for the scarcity stricken districts to assist in the supply and distribution of fodder, which is being imported in large quantities by rail at concession rates. A special allotment of Rs. 1 lakh was made to the Fodder Adviser for the purchase and distribution of fodder in these four districts. He has been given a special staff consisting of one Assistant Fodder Adviser, naib-tahsildars, kanungos, mukadams, patwaris, etc., to control the issue of fodder from dumps which have been opened for the distribution of fodder in these districts.

Fodder is being imported both by official and non-official agencies from a large number of railway station on the North-Western Railway and some foreign lines, i.e. the Bombay-Baroda and Central India Railway, the East Indian Railway and the Great Indian Peninsula Railway. There are 33 importing stations for the Hissar district, 14 for Rohtak, 16 for Gurgaon and 14 for Karnal district.

By the end of December 1938 the following quantities of fodder were imported into the four districts :—

| Hissar. | Rohtak. | Gurgaon. | Karnal. |
|---------|---------|----------|---------|
| Mds. | Mds. | Mds. | Mds. |
| 662,466 | 134,084 | 32,853 | 10,459 |

The share of the freight chargeable to the Punjab Government, on account of the concession in freight granted to importers of fodder, amounted to Rs. 143,218 up to the 31st December 1938.

Fodder in the Hissar district is being imported without the production of a certificate with the exception of 8 importing railway stations.

Terminal tax has been reduced by the Gojra Municipal Committee in the Lyallpur district from Rs. 7-2-0 per wagon load of *bhusa* to Rs. 1-6-0 per wagon load, for consignments booked to the Hissar district for Messrs. Basheshar Nath Khanna and Sons of Lahore.

4. *Concentration camp for animals.*—A camp has been established for the maintenance of cows and young stock of good quality, including heifers and bulls, purchased from destitute owners subject to repurchase at their option. Sheds for the accommodation of cattle thus purchased are being constructed. Up to the 7th January 1939 some 4,224 animals had been selected and purchased for the camp, including 450 transferred to the Cattle Farm. This will entail an expenditure of Rs. 3,27,900 during the current financial year. On 7th January, 1939 there were 4,000 maunds of *bhusa* and 7,000 *karbi* in stock.

A similar camp has been started at Government Cattle Farm, Hissar, to provide for the maintenance of 2,000 heads of cattle. This according to the Director, Veterinary Services, is likely to cost Rs. 1,15,000 of which Rs. 68,000 will be required during the current year.

5. *Relief Works.*—By the declaration of famine in the Hissar district all test works automatically became relief works. By the end of the first week of January 1939, 77,000 workers were attending relief works. A sum of Rs. 10,70,000 has been allotted for relief works in this district during the current year.

A declaration of famine also necessitated the payment of the dependents' and rest-day allowances. These were allowed with effect from December 12th. A sum of Rs. 2,00,000 has been sanctioned for the purpose.

For Rohtak district, a sum of Rs. 60,000 has been allotted for test works for the present. Two such works are in progress in the Jhajjar tahsil. During the week ending 7th January 1939, 24,196 persons were employed giving an average of 3,456 persons per diem.

6. *Wages scale.*—The scale of wages prescribed in the Punjab Famine Code has been raised in the case of class one labourers from Re. 0-1-4 to 0-2-0 per diem, with a corresponding increase in the wages of other classes of labourers.

7. *Gratuitous relief.*—In the Hissar district a sum of Rs. 40,000 has been sanctioned for gratuitous relief.

8. *Stud bulls.*—A sum of Rs. 40,000 has been sanctioned for the maintenance of stud bulls, both for Hissar and Rohtak.

9. *Spinning centres.*—A sum of Rs. 1,95,000 has been allotted for the purpose of spinning centres at suitable places in the Hissar district to provide work for women including *pardah nashin* ladies. Twenty-two centres are functioning at present. Opening of more centres is under consideration. During the week ending 7th January 1939, 29,834 persons were on the books of the spinning centres.

A supervisor with technical experience in the Co-operative Department has been detailed for the supervision of these centres.

A sum of Rs. 10,000 has been allotted for similar relief in the Rohtak district, and a sum of Rs. 2,000 in the Gurgaon district.

10. *Appeals for charity etc.*—As a result of appeals made by the Commissioner, Ambala and His Excellency the Governor for charity, a Charitable Relief Fund has been opened. Up to the 3rd January 1939, subscriptions totalled Rs. 18,664-8-3. Allotments to the extent of Rs. 11,611 have been made to tahsil sub-committees for the preparation and distribution of *razais* and warm clothings. Up to 24th December 1938, 3,616 *razais*, 30 blankets, 317 padded waistcoats 769 shirts and 555 *chadars* had been prepared and distributed.

No tuition or hostel fee will be charged for six months from students belonging to the Hissar district and Rewari tahsil of the Gurgaon district studying in Government Industrial School or Institute in the Punjab.

Certain railway administrations have been requested to allow the transport and concession rates of grains and clothes donated by philanthropic persons. So far the East Indian Railway has allowed this concession.

The Board of Management of the Indian Peoples Famine Trust has given a grant of Rs. 40,000 which has been allotted to the districts as follows:—

| | | | | | | Rs. |
|---------|----|----|----|----|----|--------|
| Hissar | .. | .. | .. | .. | .. | 27,500 |
| Rohtak | .. | .. | .. | .. | .. | 7,500 |
| Gurgaon | .. | .. | .. | .. | .. | 2,500 |
| Karnal | .. | .. | .. | .. | .. | 2,500 |

11. *Supply of drinking water.*—In some of the villages where there is scarcity of drinking water for cattle, the village ponds have been filled with canal water. Sixty such ponds have been filled in the Hissar district and eleven in the Rohak district. Water has been obtained from the Sirhind canal, British and Patiala State water-courses and from the Western Jumna Canal. The Patiala Government has been most sympathetic and their officers have done all in their power to help the Punjab Government in getting water to the ponds for which the Punjab Government is extremely grateful to His Highness the Maharaja of Patiala.

Some people objected to canal water passing through their channels for these ponds. Orders have been issued to tahsildars asking them to persuade these people in the canal irrigated areas to allow the use of their water-courses for filling these ponds in *barani* villages so as to supply water for the use of cattle etc.

12. *Seed taccavi.*—The Agricultural Department is arranging for seed taccavi.

13. *Abiana remissions.*—Besides full remission on fodder crops in the district of Hissar, Rohtak and Karnal, including Delhi Province which are served by the Western Jumna Canal, Government have sanctioned full remission on cotton in the Hissar district and half remission where necessary, in the Rohtak and Karnal districts. The Government have further reduced by one half (from Rs. 2-8-0 to Rs. 1-4-0) the *abiana* rate for the fodder crops (*rabi* 1938-39) which has been or is now being sown. This is intended to encourage the sowing of fodder crops. Moreover, Government have sanctioned as a special case, the assessment of oats sown during *rabi* 1938-39 on the whole of the Western Jumna Canal including Delhi province, at the reduced fodder rates of Re. 1-4-0 per acre. Apart from this it has been decided by Government that half the remission of *abiana* be allowed on cotton crop on the non-perennial channels of the Sirhind canal, Bhatinda division in the Hissar district. The United Provinces Government have agreed to a joint field to field inspection of crops on the Agra Canal in the Gurgaon district in order to estimate damage done, with a view to granting *kharaba* remission. Besides this the United Provinces Government have agreed to reduce the *abiana* rates for the fodder sown in the Gurgaon district and irrigated by the Agra canal in *rabi* 1938-39 (*viz.* the charge will be Re. 1-4-0 instead of Re. 1-8-0 per acre for flow irrigation and Re. 0-8-0 instead of Re. 0-12-0 per acre for lift irrigation). This is likely to cost over 10 lakhs.

A statement showing the total cost of various forms of relief measures including commitments for the current year, but excluding suspension and remission of land revenue and *abiana* and remissions of *taccavi*, is attached.

There will be no closures of the Western Jumna Canal unless weather permits and unless there is any emergent work needing one; but none is known at present.

Consolidated financial statement in regard to famine relief measures in the Hissar Rohtak, Gurgaon, and Karnal districts.

| Serial No. | Head. | 2 | 3 | 4 | 5 | 6 | 7 | 8 | REMARKS. |
|------------|--|---------|-----------------|--------------------|----------------------------|---|--|---------------------|----------------------------------|
| | | | Provision made. | Expenditure. | Balance of provi- sion. | Requirements of re- mains for 1938-39. | Additional Pro- vision for 1938-39. | Provision for 1939. | |
| 1 | | | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| 1 | Test and Relief works .. .. . | .. .. . | 12,10,000 | *2,83,288 | 9,26,717 | 9,58,717 | 30,000 | 20,00,000 | Up to 24th Decem- ber 1938. |
| 2 | Spinning Centres .. .. . | .. .. . | 2,25,000 (a) | 38,621 | 1,86,379 | 1,96,379 | 10,000 | 2,50,000 | |
| 3 | Gratuitous relief (1) Ordinary (2) Dependents and Rest day allowances .. .. . | .. .. . | 40,000 (a) | 5,108 | 34,892 | 34,892 | .. .. . | 5,00,000 | |
| 4 | Stud bulls .. .. . | .. .. . | 2,00,000 | 8,790 | 1,91,210 | 1,91,210 | .. .. . | 40,000 | |
| 5 | Concentration camp for cattle at Hissar .. .. . | .. .. . | 40,000 | 6,395 | 33,605 | 33,605 | .. .. . | 2,40,000 | |
| 6 | Concentration camp at Hissar Cattle Farm .. .. . | .. .. . | 327,900 | 69,473 | 2,58,427 | 2,58,427 | .. .. . | 47,000 | |
| 7 | Taceavi under Act XII of 1934 .. .. . | .. .. . | 68,000 (b) | .. .. . | 68,000 | 68,000 | .. .. . | 26,00,000 | |
| 8 | Fodder for milch cattle .. .. . | .. .. . | 26,61,000 (e) | 7,65,774 | 18,95,226 | 19,25,226 | 30,000 (c) | 14,00,000 | } Up to 15th Decem- ber 1938. |
| 9 | Fodder concessions .. .. . | .. .. . | 36,100 | 25,700 | 10,400 | 10,400 | .. .. . | 2,00,000 | |
| 10 | Fodder Adviser's staff .. .. . | .. .. . | 14,00,000 (d) | .. .. . | 14,00,000 | 14,00,000 | .. .. . | Not re- ported. | |
| 11 | Miscellaneous charges .. .. . | .. .. . | 2,02,500 | 98,400† | 1,05,100 | 1,05,100 | No esti- mate. | .. .. . |  |
| 12 | Total .. .. . | .. .. . | 17,270 | Not re- ported. | 17,270 | 17,270 | Do. | 70,000 | |
| | | | 1,000 | .. .. . | 1,000 | 1,000 | .. .. . | 72,87,000 | |
| | | | 64,29,770 | 13,01,544 | 51,28,226 | 51,98,226 | 70,000 | | |

(a) Includes Rs. 5,000 allotted in March 1938 and being spent during the year 1938-39.

(b) Rs. 20,000 with Deputy Commissioner and the rest with the Veterinary Department.

(c) This sum will be met from Financial Commissioners' reserve in the Provincial grant.

(d) Provisions for milch cattle of non-cultivators has been omitted.

(e) It includes the sum of Rs. 5 lakhs placed at the disposal of Fodder Adviser for the Hissar district; but excludes the special allotment of Rs. 1 lakh placed at the disposal of Fodder Adviser for all the famine stricken districts in September, 1938. It will be adjusted later on.

C. N. CHANDRA,

Additional Deputy Secretary to Government, Punjab, Revenue Department.

Dated 3rd January, 1939.

REPRESENTATION OF LANDOWNERS AND TENANTS OF LUDHIANA DISTRICT
REGARDING FAILURE OF THEIR CROPS.

***3809. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of villages in the Ludhiana district where the last *kharif* crops failed on account of want of rain at the proper time, and the *rabi* crops have not been sown or are not likely to be sown ;
- (b) whether Government intend to grant remission of land revenue to the landowners and tenants whose *kharif* crops have either failed or *rabi* crops are not likely to be sown through want of rains in the area mentioned in (a) ;
- (c) whether it is a fact that several representations about the damage done to the crops were made by the landowners and tenants of different villages in question to the Collector, Ludhiana ;
- (d) if so, the action taken by him on those representations ;
- (e) the names of such landowners and tenants tahsil-wise and with full address may kindly be laid on the table for the information of the House ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The labour involved in the collection of the information will not be commensurate with the advantages to be gained by it.

Chaudhri Muhammad Hassan : Was it not possible for the Government to look into the *khasra girdawri* and find out ?

Premier : If my honourable friend would analyse the cost he would find that an average question of this kind costs over Rs. 400, and this would probably cost half a lakh of rupees.

Parliamentary Secretary : May I draw the attention of the honourable member to part (e) which asks the names of such land owners and tenants tahsilwise and with full address ? In part (a) of the question the honourable member asks the number of villages in the Ludhiana district. It is very difficult for Government to collect all the statistics.

Chaudhri Muhammad Hassan : What about the action taken on the representation ? Is it correct that you have received a representation from the district board ?

Parliamentary Secretary : Government did not consider it in the public interest to give that information.

LOSS SUFFERED BY CERTAIN VILLAGES IN THE LUDHIANA DISTRICT ON ACCOUNT
OF OVERFLOODING OF BUDHA NALA.

***3810. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how many villages in the Ludhiana district suffered loss on account of the overflowing of Sutlej River, Budha Nala, and the Grey Canal Ferozepore-Ludhiana this year ;

- (b) the total amount of loss suffered by the landlords and tenants of the said district which has been compensated for either in the shape of remission of land revenue or any other relief ;
- (c) whether the Collector concerned himself visited all the villages where damage was reported in the Ludhiana district ;
- (d) the number of acres or *bighas* under the *kharif* crops last year and during the current year, separately ;
- (e) the estimated normal produce of the *kharif* crop last year, and the estimated produce of the *kharif* crop during the current year ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Three villages suffered from overflowing of Grey Canal, while eight villages sustained some loss due to floods in the Sutlej river.

(b) The land revenue of the villages affected by floods is fluctuating and the question of its remission will be dealt with in due course. A sum of Rs. 500 has, however, been paid to the sufferers from the Red Cross Funds.

(c) Yes.

(d) and (e) Not available at present.

Chaudhri Muhammad Hassan : How long will it take the Government to decide that each agriculturist is entitled to such and such compensation ?

Parliamentary Secretary : The Government has under consideration the question of granting remissions.

Chaudhri Muhammad Hassan : How long has this been under the consideration of Government ?

Parliamentary Secretary : This will not remain under consideration for very long.

Chaudhri Muhammad Hassan : I want to know how long the Government has been considering the question.

Parliamentary Secretary : I think it is since the last month or so.

Chaudhri Muhammad Hassan : Is the Government aware that this question of loss arose in the month of May or June last ?

Parliamentary Secretary : I have already replied that the question of grant of remission is under the consideration of Government. I cannot add anything more to what I have said.

Lala Duni Chand : Is the Government aware of the saying—

تا تویان از عراق آورده شود مار نوزیده سرده شود

APPLICANTS FOR TACCARI LOANS IN DISTRICT LUDHIANA.

*3811. **Chaudhri Muhammad Hassan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total amount of taccari allotted to the Ludhiana district for distribution during the current year and the last year ;

[Ch. Muhammad Hassan.]

- (b) the names of the persons who were granted taccavi loans with their full address ;
- (c) the number of applications submitted by the zamindars for taccavi loans in all the three tahsils of the Ludhiana district ;
- (d) how many applications out of the total number were refused ;
- (e) the names with the address of the applicants whose applications were refused ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) to (e) A statement is laid on the table.

Chaudhri Muhammad Hassan : Is it a fact that a meagre sum of taccavi was allotted to the land owners of the Ludhiana district ?

Parliamentary Secretary : That is a matter of opinion.

Chaudhri Muhammad Hassan : Does the Government consider the amount allotted sufficient for the needs of the district ?

Parliamentary Secretary : There is a large reserve with the commissioners of divisions and the financial commissioners for the purpose. If the collectors of districts make out a case, they get the funds they need.

Chaudhri Muhammad Hassan : Is it a fact that the Collector of Ludhiana did make out a case ?

Parliamentary Secretary : If he has made out a case, I have no doubt that the Commissioner will pay the amount needed.

Chaudhri Muhammad Hassan : Has the Collector's report reached the Government ?

Parliamentary Secretary : I am afraid I require notice of the question.

Dr. Gopi Chand Bhargava : May I know what amount was recommended by the Collector for taccavi ?

Parliamentary Secretary : As a matter of fact the report of the Collector does not come before the Government. It goes to the Commissioner in the normal course of things and if the Commissioner considers that some more allotment is required he approaches the Government. Government does not allot taccavi by districts, but only by divisions and it is the commissioners who allot by districts.

Dr. Gopi Chand Bhargava : Has the Commissioner sent in any report regarding the need of every district in his division in the matter of taccavi ?

Parliamentary Secretary : I require notice.

Statement.

| Total amount of taccavi allotted to the Ludhiana district for distribution during the current and the last year. | Names of the persons who were granted taccavi loans with their full address. | Number of applications submitted by the zamindars for taccavi loans in all the three tahsils of the Ludhiana district. | How many applications out of the total number were refused. | Names with the address of the applicants whose applications were refused. |
|--|--|--|---|--|
| 1 | 2 | 3 | 4 | 5 |
| Rs. | | | | |
| (i) 1937-38 5,100 | 1. Fateh Muhammad, son of Amir Ali, Rawat of village Rawat. | 27 | 11 | 1. Indar Singh and Jagindar Singh, sons of Hazara Singh, Jat of village Silon Kalan. |
| (ii) 1938-39 52,330 | 2. Shiv Nand, son of Nadhan Singh, Jat of village Ganda Bana. | | | 2. Chandu, son of Khan Singh, Jat of village Ranian. |
| | 3. Abdullah, son of Rahmatullah, Rawat of village Rawat. | | | 3. Kaku Singh, son of Kahan Singh, Jat of village Khakhat. |
| | 4. Sucha Singh, son of Didar Singh, Jat of village Mangli Nichi. | | | 4. Ala Singh, son of Buta Singh, Jat of village Jodhpur. |
| | 5. Ajaib Singh, son of Mitta, Jat of village Gura. | | | 5. Inder Singh, son of Roda, Jat of village Bhotna. |
| | 6. Azmat Khan, son of Fateh Muhammad Khan, Rajput of village Talwandi Rai. | | | 6. Hira Singh, son of Atar Singh, Jat of village Bhairo Muna. |
| | 7. Dullah, son of Muhammad Bux, Gujar of village Agwar Gujran. | | | 7. Jiwan Singh, son of Hardum Singh, Jat of village Bhundur. |
| | 8. Chhajja and Rahmat, sons of Bhambu Khan, Rajput of village Ghurala. | | | 8. Darbara Singh, son of Rattan Singh, Jat of village Pandori. |
| | | | | 9. Ram Rattan, son of Mangal Singh, Jat of village Bharawal Kalan. |
| | | | | 10. Jamal Khan, son of Rahmat Ali Khan, Rajput of village Halwara. |
| | | | | 11. Hazara Singh, son of Jiwan Singh, Jat of village Ghamon. |

REPRESENTATION FROM RESIDENTS OF BILGA.

***3830. Master Kabul Singh :** Will the Honourable Minister for Revenue be pleased to state whether he has recently received a representation from 279 residents of Bilga, district Hoshiarpur, for the reduction in the revenue and water rates for the *kharij* crop this year ; if so, the action, if any, taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Bilga is in the Jullundur district, and a representation has been received from the residents of various villages, including Bilga, in this district.

The question of granting relief is under consideration.

Abiana is, however, not charged in Jullundur, as no canals exist in that district.

Master Kabul Singh : How long will it continue to be under consideration ?

Parliamentary Secretary : I have already said that the matter is under consideration of Government. I hope that Government will come to a final decision in March.

 OLD AND NEW CHANNEL IN THE FEROZEPUR DISTRICT.

***3851. 2nd Lieutenant Bhai Fateh Jang Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a small channel yielding 100 *nals* of water is being taken out of the Doomwal tail in the Ferozepur district ;
- (b) whether there exists an old channel on the Kotla Branch near Bhatinda having bridges, etc., which connects most of the villages designed to be connected by the new channel ;
- (c) if the answer to (a) and (b) above be in the affirmative, the reasons for not using the old and already existing channel ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) No. The existing channel serves only a few villages.

(c) The existing channel is an escape channel at the tail of the Kotla Branch of the Patiala State and gets intermittent varying supplies only when surplus to the requirements of the State. By extending the Doomwala Minor it is proposed to give regular perennial supply to about 26 *barani* villages which have no source of irrigation and not even drinking water supply.

Chaudhri Sahib Dad Khan : Does Government propose to give any compensation to those who have suffered on account of the change of the course of this *nullah* ?

Parliamentary Secretary : I want notice of the question.

GRANT OF JAGIRS AND MUAFIS.

*3899. **Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) total amount of *jagirs* usually granted every year ;
- (b) total amount of the permanent *muafi* of the land revenue granted in the year 1937 ;
- (c) names with amounts of those who have been granted *jagirs* and *muafis* over Rs. 500 during the year 1937 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Rs. 5,000.

(b) *Nil*.

(c) *Nil*.

Lala Duni Chand : Does the Government consider the creation of *jagirs* or assignments of land revenue a burden on the *kisans* or *zamindars* ?

Parliamentary Secretary : That is a matter of opinion ?

Munshi Hari Lal : Does Government propose to abolish this system of *jagirs* ?

Chaudhri Muhammad Hassan : Is it a fact that the grant of *jagirs* creates discontent among *zamindars* ?

Lala Deshbandhu Gupta : Is the Parliamentary Secretary in a position to state whether among these grantees there are persons who belong to scheduled classes ?

Parliamentary Secretary : If the honourable member gives notice, I shall be able to collect the information for him.

Lala Deshbandhu Gupta : Has the Government set out any principle on which these *jagirs* are distributed ?

Parliamentary Secretary : Yes, public service (*laughter*).

Lala Duni Chand : May I know the precise public service for which *jagirs* were granted this year ?

Parliamentary Secretary : It will be a waste of time of this House to be enumerating the services rendered by the twenty persons to whom the Government gave the *jagirs*.

Lala Deshbandhu Gupta : Does the public service referred to by the Parliamentary Secretary include carrying of reports to the police against political offenders and against Congress workers ?

Parliamentary Secretary : As my honourable colleague, Mir Maqbool Mahmood, said yesterday, we do not know what is meant by political workers. But it is public service if somebody reports to the police against the conduct and behaviour of bad characters and criminals.

Sardar Sohan Singh Josh : Is sycophancy considered a public service ?

Mr. Speaker : Disallowed.

Munshi Hari Lal : Is this system of *jagirs* a relic of old days ?

Parliamentary Secretary : If by the expression 'relic of old days' my friend means that it was started before this Government came into power, my answer is 'yes'.

Lala Duni Chand : Do the public services referred to by the Parliamentary Secretary include the securing of evidence, in many cases of false evidence, in courts ?

Parliamentary Secretary : That is entirely wrong.

Chaudhri Muhammad Hassan : Do they include presenting addresses to ministers when they pay visits ?

Parliamentary Secretary : If the honourable ministers deserve addresses, the person who presents an address enumerating the grievances of the public and drawing the attention of the ministers to those grievances would be doing a public service.

Sardar Kapoor Singh : Is it public service to defend the present Unionist Government ?

Parliamentary Secretary : There are other public services besides that.

Lala Deshbandhu Gupta : Do these grantees include some of the approvers who have given evidence in political cases ?

Parliamentary Secretary : To the best of my knowledge, I think it is wrong.

Chaudhri Muhammad Hassan : Is it a fact that complainants in political cases have been granted *jagirs* this year ?

Parliamentary Secretary : No.

Dr. Gopi Chand Bhargava : Does it constitute a public service to help a Unionist candidate in an election ?

Parliamentary Secretary : It may or may not be so, but the point is that *jagirs* are not granted on this score.

Dr. Gopi Chand Bhargava : But is it public service ?

Parliamentary Secretary : To some it appears and to others it does not appear to be public service.

Lala Deshbandhu Gupta : Did the Honourable Parliamentary Secretary put his own claim in view of the services he has rendered during the election of Rao Pohop Singh ?

Parliamentary Secretary : I am too modest for that.

INAUGURATION OF CAPITAL RESERVE FUND.

*3900. **Captain Sodhi Harnam Singh :** Will the Honourable Minister for Finance be pleased to state whether the Punjab Government has inaugurated a capital reserve fund ; if so, the total amount of the fund and where that has been deposited ?

The Honourable Mr. Manohar Lal : The reply is in the negative. It is not understood what the honourable member means by "a capital reserve fund."

Captain Sodhi Harnam Singh : May I enquire whether the Government has any such fund ?

1 P.M.

Minister : There is no such fund that I am aware of.

Captain Sodhi Harnam Singh : I understand there was a proposal to give some lakhs of rupees from this fund to the Municipal Committee of Lahore.

Minister : I am not aware of any fund from which any amount was to be given to the municipality. If the honourable member lets me know what he means by "capital reserve fund", I might be able to say something about it. I am not taking advantage of any loose words on his part. There is no such fund or no fund of the kind which I can so describe even remotely.

EARLY CLOSURE OF GREY CANALS IN FEROZEPURE DISTRICT.

*3901. **Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue kindly state whether he is aware of the fact that, on account of the early closure of most of the Grey Canals in Ferozepore district, crops of the zamindars have been ruined ; if so, the steps the Government proposes to take to give relief to the zamindars who have suffered loss on account of the said closure ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Certain canals ceased to flow prematurely owing to scarcity of rain and the abnormal fall in the Sutlej River, which feeds the Grey Canals. Crops affected were very carefully inspected and remissions will be given, where necessary.

Chaudhri Muhammad Hassan : But the remission has not been given so far. Is it also under the consideration of the Government ?

Parliamentary Secretary : The time for granting remissions is fixed and in spite of my friend's display of anxiety the Government will give them at the due time.

Chaudhri Muhammad Hassan : When was the damage caused ? What was the month ?

COMPLAINTS AGAINST PATWARIS IN HISSAR DISTRICT OVER DISTRIBUTION OF TACCAVI LOANS.

*3994. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether any complaints regarding distribution of taccavi against patwaris were made recently by the zamindars of the Hissar district to the Deputy Commissioner, Hissar ; if so, how many such complaints were made and the action taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes.

Second part.—Two complaints. One was found to be baseless and the other is still under enquiry.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that there is a serious complaint against the patwari of Barwala Syedan in the Hissar tahsil and of village Nator in the Sirsa tahsil ? If so, what action was taken ?

Parliamentary Secretary : This does not arise out of the question.

DISPOSAL OF THE DRAINAGE WATER OF LAHORE MUNICIPAL
AREA.

***3995. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state the method in which the drainage water of Lahore Municipal area under the new drainage scheme is intended to be disposed of ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : By underground sewers leading to disposal works in which it is proposed to employ the bio-aeration method. The effluent after being rendered innocuous will be discharged into the river Ravi, except for the quantity which can be utilized for irrigation purposes. The solids will also be used for manure, and the rest disposed of in suitable depressions.

Begum Rashida Latif Baji : Will underground drains be constructed within the old city of Lahore as well ?

Parliamentary Secretary : If the honourable lady member would wait a little the information which she seeks will be given in reply to another question very shortly.

Begum Rashida Latif Baji : But I would request the honourable Parliamentary Secretary to give me the necessary information just now.

Parliamentary Secretary : Underground drains cannot be constructed within the walled city according to the expert advice.

Begum Rashida Latif Baji : How will Lahore be turned into a paradise then ?

Parliamentary Secretary : I have already asked the honourable lady member to wait a little as detailed information is going to be put before the House in reply to another question.

Dr. Gopi Chand Bhargava : Will the water of the drains be made innocuous and how ?

Parliamentary Secretary : I would request the honourable member to give a fresh notice if he wants further details.

Dr. Gopi Chand Bhargava : Will the filthy water of the Lahore drains be thrown into the river and ultimately into the canals where it may be used for drinking purposes ?

Parliamentary Secretary : It will be scientifically treated before it is put into the river.

Dr. Gopi Chand Bhargava : That is what I asked in the beginning about its being made innocuous. Will that filthy water also contain blood in it ?

Parliamentary Secretary : My honourable friend is a doctor and should know better the fact that dirty water of the drains can be scientifically treated and made harmless.

Dr. Gopi Chand Bhargava : How will it be done so ?

Parliamentary Secretary : Details will be provided if the honourable friend gives proper notice.

Dr. Gopi Chand Bhargava : My question was whether blood will also be included in that dirty water ?

Parliamentary Secretary : That too can be scientifically treated.

Dr. Gopi Chand Bhargava : The question is whether blood will also flow in that water into the river and the canals ?

Parliamentary Secretary : I have already told my honourable friend that its impurities would be removed.

Dr. Gopi Chand Bhargava : Why should the honourable secretary try to put into my mouth a question that I do not ask. I know dirty water can be made innocuous. I inquire if blood will also flow into the dirty water.

Parliamentary Secretary : I say it will be made harmless by scientific treatment before it is allowed to flow into the river.

Dr. Gopi Chand Bhargava : Does the honourable Parliamentary Secretary consider blood to be dirty ? It is never bad in one's body. The question is whether it will go into the canals and people will drink it along with other water ?

Parliamentary Secretary : I would submit that in the first instance the dirty water of the drains will be supplied for irrigation and if any more of it remains, then it will be directed towards the river and will naturally go into the canals ?

Lala Deshbandhu Gupta : Can blood also be made fit for drinking purposes ?

KISAN SCHOOLS AND PRESENCE OF POLICE IN SUCH SCHOOLS.

*3996. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether Government is aware that Kisan schools had been organized at several places in the province in the year 1937-38 by Professor Brij Narain on behalf of the Agrarian Institute, Punjab ;
- (b) whether the police was deputed by the deputy commissioners of those districts to be present at the time of lectures by the teachers or professors in these schools ; if so, the reasons therefor ;
- (c) whether such a school has now been started in Lahore City as well, and if so, whether the police has been deputed to be present at the time of lectures in the said schools ; and, if so, reasons for the same ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes.

(b) and (c). Police reporters were deputed at certain places only, including Lahore. This was done in order to ascertain what exactly was taught at these Kisan schools.

REMISSION OF LAND REVENUE FOR FAILURE OF *KHARIF* CROPS IN
AMRITSAR DISTRICT.

***4011. Sardar Kishan Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the Government is aware of the fact that, owing to draught, there has been very little crop in the Amritsar district and the *kharif* crop for 1938 has completely failed in those *ilagas* where there is no canal ;
- (b) whether the above-mentioned failure of crops has been brought to the notice of the Government by resolutions passed in different public meetings in which the public demanded full remission of the land revenue ; if so, the steps Government proposes to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I regret that the answer to this question is not yet ready.

APPLICATIONS FOR SCHOLARSHIPS FROM KILLA GIFT FUND TRUST,
LYALLPUR.

***4012. Sardar Kishan Singh** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that the Deputy Commissioner, Lyallpur, who is the Chairman of the Killa Gift Fund Trust, rejected the applications for scholarship of such students as were eligible for scholarship on the grounds that their villages had taken part in the Lyallpur-Moga agitation ;
- (b) the part which those students took in the aforesaid agitation and, in case they did not take part in the said agitation, the reason for punishing them for the misdeeds of others ;
- (c) whether rules of the Killa Gift Fund Trust empower the Chairman to stop somebody's scholarship by way of punishment ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Scholarships paid out of Killa Gift Fund income are awarded by the trustees of the Fund, after considering the claims of students from all communities, subject to rules framed for the purpose. It appears, however, from enquiries made, that applications from students belonging to villages affected by the Moga agitation were not accepted. Government has ordered that this matter shall not be taken into consideration in awarding scholarships.

(b) Government has no particulars of the part taken by any students in the Moga agitation in Lyallpur.

(c) No.

ZAMINDARS OF VILLAGE BAHMANIWALA.

***4013. Sardar Kishan Singh :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that a remission of Rs. 2,500 was proposed to be granted to the zamindars of village Bahmaniwala, by Government, but this has since been withheld ; if so, reasons for the same ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The district in which village Bahmaniwala is situated and the nature of the demand to which the remission in question relates have not been stated. If the question refers to the land revenue demands of village Bahmaniwala, in the Amritsar district, the answer is in the negative.

KHARAS LABOUR FOR SARDAR SHANKAR SINGH.

***4021. Sardar Partab Singh :** Will the Honourable Minister of Finance be pleased to state if Sardar Shankar Singh, Secretary, Shiromani Akali Dal of Janhal Dhahawal, convicted under 124-A from the Amritsar district was ever given *kharas* labour in the Lahore Central Jail ?

The Honourable Mr. Manohar Lal : Yes, for four days. From the 25th to the 29th of July, 1938. Manual labour on *kharases* has since been abolished.

KHARIF RAUNI ON DIPALPUR AND KHADIR CANALS.

***4040. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the last date for entering the *kharif rauni* on the Dipalpur and Khadir Canals in the *kharif khasra* is 30th of September ;
- (b) whether Government is aware that some *rabi* crops are sown about the 15th of September such as *sag* and *grams*, etc., and they are entered by the Canal patwari into the *khasra* of *kharif* ;
- (c) whether it is a fact that the crops mentioned in part (b) are subsequently re-entered into the *khasra* of *rabi* after the 30th of September by the Canal patwari ;
- (d) whether it is a fact that at the calculation of the irrigated area of a certain outlet the areas on crops mentioned in part (b) are calculated twice and the figures of irrigation become more than they actually are ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes.

(b) Yes.

(c) Yes.

(d) No. Such *rabi* crops though originally entered in *kharif khasra* are not assessed in the *kharif khatauni* and in calculating the irrigated area of an outlet only areas assessed in *kharif* and *rabi* are taken into account.

RAUNI DONE IN NILI BAR KHARIF CANALS.

***4041. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that on the Nili Bar *Kharif* Canals *rauni* done in the month of August or September is entered by the Canal patwari into the *khasra* of *kharif* ;

[Mahant Girdhari Das.]

- (b) whether it is a fact that the *rauni* mentioned in part (a) is subsequently re-entered into the *khasra* of *rabi* after the 30th of September ;
- (c) whether it is a fact that after the 20th of September the amount of water in the Sutlej becomes very small and *kharif* channels are run by rotation and thus the minors and sub-minors are run by turns owing to this shortage of water, and zamindars are unable to cultivate some of their lands on which surplus canal water in the month of August or before the 15th of September was put ;
- (d) whether it is a fact that on the land in which *rauni* mentioned in parts (a), (b) and (c) was done, a tax of one rupee per acre is charged as *abiana* on it for not serving the *rabi* crop on account of the shortage of water supply ;
- (e) if the answers to (a), (b), (c) and (d) be in the affirmative, the action the Government proposes to take to redress the grievances of the zamindars in respect of the above-named *abiana* ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Yes.

(c) This may happen in some exceptional years when supply in the river falls suddenly.

(d) Such *rauni* areas not cultivated with a *rabi* crop are assessed at Re. 1 per acre. Such *rauni* is done not merely for preparing land for the following *rabi* , but in many cases crop rotation requires that field may be ploughed in *kharif* and left uncultivated till the next *kharif* and as water is made use of in the interest of cultivation and to prevent deterioration of land, its assessment is justified.

(e) Does not arise.

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PREFERENTIAL TREATMENT IN REGARD TO WATER SUPPLY METED OUT TO
KHADIR CANAL AND DIPALPUR CANAL.

***4042. Mahant Girdhari Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any preferential treatment in regard to water supply was meted out to the Khadir Canal and the Dipalpur Canal from 5th October to 15th October by closing the perennial canals of the river Sutlej ;
- (b) the supply of river Sutlej at Gandasinghwala Weir and Suleimanki Weir on 5th of October, 1938 ;
- (c) how many cusecs of water the Sirhind Canal was taking on this date from the river Sutlej ;
- (d) how many cusecs of water were passing on the 5th of October, 1938, into the Dipalpur Canal ;
- (e) if the answer to (a) be in the affirmative, whether this year this preferential treatment has been carried out or not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 5,000 cusecs days preference is given to the Sutlej Valley Non-perennial canals and the Khadir, Dipalpur, Mailsi and Eastern Canals get their correct share of this supply.

| | Cusecs. |
|-----------------------------|---------|
| (b) Ferozepore Weir | 10,342 |
| Suleimanke | 7,873 |
| (c) Sirhind | 9,040 |
| (d) Dipalpur | 1,486 |
| (e) Does not arise. | |

DRAINAGE SCHEME FOR LAHORE MUNICIPALITY.

*4054. **Lala Sita Ram** : Will the Honourable Minister of Public Works be pleased to state—

- whether Government has recently sanctioned any drainage scheme for the Lahore Municipality ; if so, when it is likely to be undertaken and when approximately it is likely to be completed ;
- the total estimated expenditure to be incurred on this scheme and the head under which this expenditure is to be met ;
- how much of the total estimated costs are to be incurred on that part of the scheme which is intended to benefit Lahore city proper situated within the walls of the city ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes. It is expected that work on the first sewer will be started during the present month. As regards the question when this drainage scheme is likely to be completed, I can give no exact answer, the scheme being designed in stages capable of being undertaken from time to time as the population of Lahore increases. The first part of the scheme which relates to the central portion of the municipal area, and includes two branch sewers running round the old city, should be completed in about five years.

(b) The whole scheme is estimated to cost about two crores and eight lakhs of rupees. The first part of this scheme now in progress will cost 90½ lakhs, which will be met from the municipal fund. Government will, however, pay in instalments a sum of twelve lakhs of rupees ; this represents a grant for drainage purposes given to the Municipal Committee some years ago which was subsequently withdrawn as it was not expended at the time.

(c) The sewer which is to encircle the old city will benefit both that area and the areas on the other side of the circular road. I am informed that out of the total expenditure on this sewer, work to the value of about fourteen lakhs of rupees may be regarded as for the direct benefit of the old city. In addition it is estimated that out of the expenditure of thirty lakhs to be incurred on the outfall and treatment installations, work to the value of some seven lakhs may be regarded as of direct benefit to this area.

Lala Sita Ram : I wanted to know the total cost ?

Parliamentary Secretary : I have already stated in the beginning that the total cost would be two crores and eight lakhs.

Lala Sita Ram : What amount will be spent for sanitation within the walls of the city proper ?

Parliamentary Secretary : I can give you an estimate of the work to be done in connection with the city proper and it is 12 lakhs *plus* 7 lakhs.

Begum Rashida Latif Baji : Will this work be started on the re-sti-tution of the Municipal Committee or before ?

Parliamentary Secretary : It has already been started and it is going to be both for the city proper and the rest of the area outside the city.

Lala Sita Ram : I want to know the total amount to be spent for the city proper. What you have stated is for the outer city.

Parliamentary Secretary : If he looks at the second part of the reply, he will know the cost for the city proper.

Lala Sita Ram : My definite question is, how much of the amount is to be spent for the city proper ?

Parliamentary Secretary : The whole scheme is estimated to cost about two crores and eight lakhs of rupees. The first part of this scheme now in progress will cost 90½ lakhs, which will be met from the municipal funds. Government will, however, pay in instalments a sum of twelve lakhs ; this represents a grant for drainage purposes given to the municipal committee some years ago which was subsequently withdrawn as it was not expended at the time.

The sewer which is to encircle the old city will benefit both that area and the areas on the other side of the circular road. I am informed that out of the total expenditure on this sewer, work to the value of about fourteen lakhs may be regarded as for the direct benefit of the old city. In addition it is estimated that out of the expenditure of thirty lakhs of rupees to be incurred on the outfall and treatment installations, work to the value of some seven lakhs may be regarded as of direct benefit to this area. Thus you will see that 7 lakhs *plus* 14 lakhs is the amount to be spent on this area.

Lala Sita Ram : I have heard this answer twice before, but this does not answer my question. I want to know how much money out of it is to be spent for the city within the walls.

Mr. Speaker : According to his reply, it is 14 lakhs.

Lala Sita Ram : That is for the city outside the walls.

Mr. Speaker : If I understood the Parliamentary Secretary aright, he stated 14 lakhs for the city proper.

Lala Sita Ram : Then let him say so.

Parliamentary Secretary : I have already stated that 14 lakhs will be spent on the drain which will be constructed round the city. But as far as the area within the walls is concerned the conditions there do not permit of the construction of underground sewerage, but repairs will be done to the present drains wherever necessary.

Begum Rashida Latif Baji : It means, then, that a very small amount will be spent on the work to be done within the walls ?

Mr. Speaker : His reply is that sanitary arrangements cannot be made within the city walls. It follows, therefore, that no expenditure shall be incurred on the city proper.

Diwan Chaman Lall : May I ask my honourable friend whether Government is prepared to appoint a committee to go into the matter of the feasibility of providing a drainage scheme for the city inside the walls ?

Parliamentary Secretary : The suggestion made by the honourable member can be taken into consideration by the Government, but I am not in a position to say whether Government will agree to it or not.

Lala Sita Ram : Shall I take it that you have provided nothing out of this for the city proper ?

Parliamentary Secretary : It is only a question of opinion. The scheme in question will benefit not only the Civil Station but the city proper also. Efforts will be made to improve the drainage system in the city proper and to remove the night soils, &c., in closed trollies. My honourable friend should rest assured that everything possible will be done to improve the drainage system of the city. But it is not possible to discuss all the details in the course of the reply to a question.

Dr. Gopi Chand Bhargava : May I know how many sewers will be constructed in the city proper under the new scheme ?

Parliamentary Secretary : May I ask whether it is possible to construct any underground sewer in the city proper ?

Dr. Gopi Chand Bhargava : Had I been in his place I would have answered his question. But what I want to know is whether any part of the huge amount is going to be spent on the city proper ?

Parliamentary Secretary : I have already stated that in the city proper only the drainage system will be improved. It is not possible to construct any underground sewers in the city.

Begum Rashida Latif Baji : Not even in the big and wide bazars ?

Parliamentary Secretary : I have been coming to and staying at Lahore for the last 15 or 16 years but I have never come across, in the city proper, any big or wide bazar where it would be possible to construct a sewer.

Begum Rashida Latif Baji : The Government can purchase houses and then demolish them in order to make the bazars wide enough for the purpose.

Parliamentary Secretary : This will require crores of rupees and the matter concerns the Improvement Trust which has not so much money in its coffers.

Begum Rashida Latif Baji : Then leave it to the representatives of the people. Resuscitate the committee and the members would do the needful.

Lala Sita Ram : Is the Government aware of the fact that the dirtiest area within the municipal limits is the city proper ?

Parliamentary Secretary : It is bad enough.

Lala Sita Ram : Then what is the Government doing to improve the conditions there ?

Parliamentary Secretary : All that is possible to do.

Dr. Gopi Chand Bhargava : How long will it take to complete the scheme in question ?

Parliamentary Secretary : It is a very big scheme and will be completed gradually. But I may inform my friend that the scheme entailing an expenditure amounting to 90½ lakhs of rupees will take 5 years to complete.

Begum Rashida Latif Baji : Sir, my question has not been answered so far ?

Parliamentary Secretary : To which question does the honourable lady member refer ?

Begum Rashida Latif Baji : Why not resuscitate the committee so that it may do the needful ?

Parliamentary Secretary : These conditions have been there since 1915 and although so many committees have come and gone since then the trouble is still there.

Dr. Gopi Chand Bhargava : From which part of the city is the Government going to start the scheme ?

Parliamentary Secretary : In the city proper only the drainage system is to be improved. The construction of sewers will start with the area between the Data Ganj Bakhsh area and the Lawrence Road.

Dr. Gopi Chand Bhargava : The Honourable Parliamentary Secretary has remarked that the scheme would start with the area between Data Ganj Bakhsh and the Lawrence Road, but may I know what are the defining lines ? Does it mean the area stretching from the Old Ravi upto the Mall ?

Parliamentary Secretary : I am not in a position to give full particulars of the scheme with regards to the various parts of the city, but if the honourable member gives notice I shall be glad to supply him with the required information.

Dr. Gopi Chand Bhargava : Is he aware of the fact that I wrote to the Engineer asking him to supply a copy of the scheme and he said that he could not supply one as he had none to spare ?

Parliamentary Secretary : I am not aware of it.

Lala Deshbandhu Gupta : May I know whether the Government consulted any non-official opinion in the matter ?

Parliamentary Secretary : The Administrator of the Lahore Municipal Committee often consults people in the matter.

Begum Rashida Latif Baji : Whom does he generally consult ?

Parliamentary Secretary : I require notice of this question if a list of persons consulted by the Administrator is required.

IMPOSITION OF HOUSE TAX BY THE LAHORE MUNICIPALITY.

*4055. **Lala Sita Ram :** Will the Honourable Minister of Public Works be pleased to state whether the Government has sanctioned the imposition of House Tax by the Lahore Municipality ; if so, what is the proposed rate of the tax in different localities in Lahore and the principle governing these proposed rates ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The proposal is under consideration, and no orders have yet been issued.

Lala Sita Ram : Is it a fact that the rate of the house tax will be 5 per cent. in the case of the Civil Station and 2½ per cent. for the city proper ?

Parliamentary Secretary : The proposal is yet under consideration and no order has been issued so far in this connection.

Lala Sita Ram : Why has the measurement of the houses already been taken in hand when no sanction has yet been given for the imposition of the house-tax ?

Begum Rashida Latif Baji : Will the tax come into force with effect from the 1st April ?

Parliamentary Secretary : The 1st of April is yet too far to say anything definitely with regard to the matter.

Begum Rashida Latif Baji : I am surprised at the reply given by the honourable Parliamentary Secretary that the 1st of April is far off. Anyhow when the public is being harassed and the houses are being measured, may I know whether the Government intends to impose the tax without consulting the representatives of the people ?

Parliamentary Secretary : The houses are being measured because some data is necessary in order to come to any definite decision with regard to the matter.

Lala Sita Ram : In view of the reply given by the Parliamentary Secretary to a supplementary question to the previous question that it is not possible to construct sewers in the city proper, may I enquire as to whether this fact will be taken into consideration while imposing the tax ?

Parliamentary Secretary : I assure the honourable member that when the scheme is taken in hand the various areas will be taxed according to the benefit they are likely to derive from the scheme in question.

MOTION UNDER RULE 12 (3) (c).

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, we decided yesterday that we should try to finish the work on the agenda to-day. I suggest that we might to-day sit till we finish the business on the agenda. The Order Paper shows that the first item on the agenda to-day is the introduction of the Punjab Legislative Assembly (Offices) Bill. That of course is a formal motion. The next motion is the third reading of the Punjab Agricultural Produce Markets Bill. The report of the drafting committee is being typed ; but I may for the information of the House say that there are no amendments of any consequence : they are merely verbal amendments. The report will be in their hands in a few minutes time. I suggest that we might postpone this item and take it after item No. 3. We might start with the discussion of the motion for reference to a select committee of the Punjab Legislative Assembly (Offices) Bill. After that we can take up the third reading of the Punjab Agricultural Produce Markets Bill. By then the report of the drafting committee would be in the hands of the members.

[Premier.]

I may for the information of the House mention, Sir, that I propose to make at the conclusion of the business to-day a motion that the Assembly may be adjourned to the 27th February, provided we finish our work to-day, and for that purpose I crave your indulgence and also the indulgence of the House and suggest that we should to-day sit for as long as it may be necessary to dispose of the work on the business paper. Therefore I now make with your permission, a formal motion—

That the proceedings of the Punjab Agricultural Produce Markets Bill be exempted at this day's sitting of the Assembly from the provisions of the rule 'sitting of the Assembly'.

This will mean that the Assembly will sit till the third reading is finished. It may be 7, 8 or 9 o'clock or even later before we finish. It would depend largely on the co-operation of my honourable friends opposite and if they assist me we might be able to complete the business earlier.

Lala Deshbandhu Gupta : It may go beyond that.

Premier : I think we would be able to finish earlier. It is now 1-30 and 7 hours should be more than enough.

Diwan Chaman Lall : In case it is not finished by that time, then you propose to sit beyond that. Is that so?

Premier : Yes.

Dr. Gopi Chand Bhargava : I have no desire to amend the motion or to make any speech on the motion, but I would suggest that if the Premier would fix some time it would be much better: it may be 8 o'clock or 9 o'clock.

Premier : If my honourable friends opposite agree with me that we should dispose of the business to-day I am sure we would on this side do our best to expedite it. I would give every possible facility to them to do so. What I can do is to ask members on this side of the House to make as few speeches as possible so as to give my honourable friends opposite more time to have their say. That is all I can do. We ought to be able to finish with some luck by 9 o'clock I think.

Mr. Speaker : The motion moved is—

That the proceedings of the Punjab Agricultural Produce Markets Bill be exempted at this day's sitting of the Assembly from the provisions of the rule 'sitting of the Assembly'.

Diwan Chaman Lall : May I in regard to this matter ask what would happen suppose we do not finish by midnight. I take it that there is no time limit to speeches on the third reading of a Bill. If we do not finish by midnight what would be the position?

Premier : So far as I am concerned I would not press for continuation of the sitting beyond midnight. We will then have to adjourn till the following working day.

Mr. Speaker : The question is—

That the proceedings of the Punjab Agricultural Produce Markets Bill be exempted at this day's sitting of the Assembly from the provisions of the rule 'sitting of the Assembly'.

The motion was carried.

THE PUNJAB LEGISLATIVE ASSEMBLY (OFFICES) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I introduce the Punjab Legislative Assembly (Offices) Bill.

Diwan Chaman Lall: I believe that Government would not object to any objection being raised at the introduction stage.

Mr. Speaker: Had there been a motion for leave to introduce the Bill there could have been a discussion thereon, but as the Bill has been published in the *Government Gazette*, it has only to be introduced formally.

Dr. Sir Gokul Chand Narang: Is no notice required?

Mr. Speaker: For mere introduction?

Dr. Sir Gokul Chand Narang: For consideration of the Bill.

Mr. Speaker: That is a different matter.

Premier: I shall now move the motion on which the honourable member can start his fire works. I move—

That the Punjab Legislative Assembly (Offices) Bill be referred to a select committee consisting of—

Mir Maqbool Mahmood ;
Rao Pohop Singh ;
Khan Bahadur Captain Muzaffar Khan ;
Sardar Tara Singh ;
Khan Sahib Chaudhri Sahib Dad Khan ;
Mr. K. L. Gauba ;
Dr. Gopi Chand Bhargava ;
Diwan Chaman Lall ;
Sardar Sahib Sardar Santokh Singh ; and
Malik Barkat Ali.

with instructions to submit its report by the 27th February, 1938, and that the quorum of the select committee be five.

It is hardly necessary for me to explain the reasons for introducing this Bill, but I think it would be as well for us to put this measure on the Statute Book, because objection was taken by certain members during the present session challenging the authority of the Speaker of the House to secure the withdrawal of a member who refused to obey the Chair. I do not wish to make any lengthy speech as the Bill is self-explanatory. I have briefly given the reasons why it is necessary to introduce this Bill. I hope that the House would join with me in trying to get it through as quickly as possible when it comes back from the select committee. I have moved for its reference to a select committee so that my honourable friends on the Opposition benches may have time to give us the benefit of their considered views in regard to the details of the Bill and because any amendments which they may have to suggest could be considered more conveniently in the select committee instead of in the whole House. I therefore suggest that my motion may be adopted.

(*Pandit Muni Lal Kalia rose to a point of order.*)

Mr. Speaker: I have not yet proposed the motion from the chair.

Motion moved is—

That the Punjab Legislative Assembly (Offices) Bill be referred to a select committee

[Mr. Speaker.]

The second part of the motion deals with the personnel of the select committee and the third with an instruction to submit its report by 27th February, 1939. I have proposed only the first part of the motion.

Pandit Muni Lal Kalia : Sir, I rise on a point of order. I have certain objections against this measure and the first and foremost of these objections is that this Legislature has got no power to make such a law. I invite your attention to the preamble of this measure and then to certain sections of the Government of India Act. The preamble says :—

Whereas it is expedient that more definite provision than at present exists should be made for the enforcement of the orders of the Speaker of the Punjab Legislative Assembly in matters relating to the conduct of business and the maintenance of order—

You will see that this Bill primarily deals with matters relating to the conduct of business and the maintenance of order and for that purpose this Bill attempts to make more definite provisions. You will kindly see that whatever is done in this House is done within the four corners of the Government of India Act. There are two divisions of powers in the Act, one with regard to the legislative powers of the Assembly and the other with regard to the rule-making power of the Assembly. You will find that with regard to the rule-making power of the Assembly there are different sections of which the following may kindly be noted.

Mr. Speaker : I request the honourable member to put his point of order briefly and precisely. If I require any argument or discussion, I will say so.

Pandit Muni Lal Kalia : As regards rules relating to the conduct of business in the Chamber, there is only one section in the Government of India Act and that is section 84.

Mr. Speaker : I have requested the honourable member to state his point of order briefly without any argument.

Pandit Muni Lal Kalia : My first point of order is that the provisions which are going to be made under this Act, as a matter of fact, fall within the ambit of section 84 of the Government of India Act and as such for that purpose no specific Bill or Act is required, but it is sufficient, under Rule 106 of this House, to amend these rules if necessary. That is my first point of order.

Mr. Speaker : If the honourable member reads section 71 of the Government of India Act, he will find that this House has the power to make law for removing members forcibly. What is the second point of order ?

Pandit Muni Lal Kalia : The second point is that this Bill makes a provision with regard to the financial liability of the Government, namely, that the emoluments of the sergeant-at-arms will be a charge on the revenues of the Punjab, this requires statutory sanction.

Mr. Speaker : That question does not arise at this stage. See section 82 (3) of the Government of India Act.

Pandit Muni Lal Kalia : There are certain provisions which are *ultra vires*, for instance, clause 7. It says :—

No proceedings, civil or criminal, shall be instituted against any person—

You will kindly see that under section 87 (2) of the Government of India Act, no officer or other member of a provincial legislature in whom powers are vested by or under this Act for regulating procedure of 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. So, under this Act, it is only the officers of the Chamber, and that according to section 65 means the Speaker and the Deputy Speaker and no other person excepting these two officers or any other person who is exercising those powers for the time being, can be exonerated from the liability which this clause now attempts to do. My submission is that this clause 7 is inconsistent and repugnant to the provisions of the Government of India Act and as such it is *ultra vires* because, according to this clause no proceedings, civil or criminal, shall be instituted against any person in respect of the carrying out of orders given to him by the sergeant-at-arms or any of his deputies within the scope of their authority except with the sanction of the Governor in his discretion. The provisions relating to exemption from liability are contained in section 87 (2) of the Government of India Act. None else can be exonerated from liabilities. Then my objection is also to the concluding portion of this clause, that is, 'except with the sanction of the Governor in his discretion...' This portion of the clause is also *ultra vires*, because by this we mean that it is intended that this House gives certain powers to the Governor in his discretion. The House wants to exercise powers which it is for the parliament to exercise. There are the powers which are to be exercised by the Governor in his discretion; there are those which are to be exercised by him in his individual judgment and thirdly, there are those which he has to exercise with the aid and advice of the Ministers. The distribution of Governor's powers is made by the Act. So, it is not for this legislature to confer on the Governor any additional powers which he does not possess and we cannot confer. We possess only certain legislative powers as given in certain sections, namely, 51 (3), 65 (4), 71 (2) and (4), 72, 78 (3) (G); sections 99 onwards to 120 and lists (ii) and (iii) of Schedule VII deal with the restrictions and the scope of legislation. So, this legislature is not authorised to confer a power which it does not possess.

Mr. Speaker : The honourable member is referred to section 270 of the Government of India Act. Clause 7 possibly goes beyond section 270 and the honourable member may raise his objection when that clause is considered. If it is found to be *ultra vires*, it shall have to be omitted or the whole Bill shall be thrown out.

Dr. Sir Gokul Chand Narang : May I just ask one thing? Probably you remember the occasion when the Municipal Act Amendment Bill was introduced in the Council; there was a clause in it which required the sanction of the Governor-General before it could be considered in the House. You were pleased to rule the Bill out of order on that ground alone, although it was argued before you that that clause need not be considered when the time for consideration came. But you did not accept that argument and the Bill was thrown out. I am sure you remember the incident. Now, does not the same argument apply to the present case also? This Bill should be thrown out at this stage.

Mr. Speaker : I have not considered the point raised by the honourable member, nor have, I think, the other honourable members considered it. Had the honourable member given me private notice of his point, I would have studied it and come prepared to express my opinion.

Pandit Muni Lal Kalia : We never thought that you will preside to-day.

Mr. Speaker : No harm will be done, I think, if the honourable member raises his objections at a later stage.

Diwan Chaman Lall : Time will be wasted.

Dr. Sir Gokul Chand Narang : You did not allow the Municipal Act (Amendment) Bill even to be introduced.

Diwan Chaman Lall : May I suggest that since very important objections have been raised, you may permit one or two members to say what they have got to say before finally disposing of this matter? These objections may be taken up after the motion made by my honourable friend has been disposed of at a later stage when the Bill comes up before the House again, or whatever the honourable members have to say with regard to this point of order, they may say and the Government may give their reply. If the honourable member, Pandit Muni Lal Kalia, had known that you were going to preside, he would have given you notice of the objections that he was going to raise. I do suggest that to get over the difficulty, my honourable friend will agree with me that we might be given an opportunity at a later stage to state our objections to this measure, valid objections from the legal point of view to convince that it is *ultra vires*. We will deal with the matter at length because it is an important thing from the constitutional point of view and full measure of freedom should be given to honourable members to state their case.

Premier : I think that would be very desirable. As a matter of fact my honourable friends opposite would be at liberty to state their objections on technical grounds in the select committee, as also on the merits of the Bill.

Mr. Speaker : May I take it that the House is agreeable to the Bill, being referred to a select committee and the points raised by the Honourable Pandit being considered there in the first instance?

Pandit Muni Lal Kalia : Will you just give me a hearing on this point as well, because there are similar provisions in other provincial legislatures of this country and of other countries in the Commonwealth? If you will kindly permit me to quote them, you will agree with me.

Mr. Speaker : The honourable member may discuss the matter with me outside the Chamber.

Diwan Chaman Lall : The House will waste its time if the matter is referred to select committee. There are about a dozen objections to this Bill and most of them are constitutional and they go to the very root of the Bill itself and this House is not competent to pass such a legislation, and therefore we should not waste the time of the House. That is my submission.

Premier : I am not quite clear regarding the object of my honourable friend in raising the point of order and I do not therefore wish to go into the merits of the objections he has raised on technical grounds, but I would refer him to section 270 of the Government of India Act. We have done no more than reproducing what is embodied in that section. As regards the powers of the Governor, we are not taking away anything from his powers nor are we imposing any fresh commitments or giving him any additional powers. All that we have done is to reproduce almost *verbatim* the provision embodied in section 270 of the Government of India Act.

With regard to the other point to which you, Mr. Speaker, have also referred, I still adhere to the view that it would be more convenient to leave it to be thrashed out in the select committee. If after the Bill has emerged from the select committee there is still any doubt regarding the legality of the measure the point can be taken up in the House. Anybody can raise a point of order at any stage and if necessary you can give a ruling at that stage. But I think it would be desirable from the point of view of expedition of work in this House as well as giving an opportunity to have a frank discussion in the select committee.

As for the various technical objections which he has raised, I am sure my honourable friend would not expect me, a mere layman, to join issue with him, but the Advocate-General is a member of the select committee and we will also have the benefit of his advice there.

Dr. Sir Gokul Chand Narang : May I make a suggestion? In the first instance the honourable member says that he has several other points to raise and my suggestion is that he ought to be allowed to raise these points of order. Legally he cannot be prevented from stating his points of order.

Then I would submit that according to your ruling of 1933 to which I referred a short while ago, the Bill cannot be proceeded with if it suffers from the legal defects pointed out by my honourable friend. It is a different thing whether the points raised by him are sound or not. But if they are sound, then my submission is that the Bill should be withdrawn at this stage and brought forward afterwards in the next session. Nothing would be lost because after to-day no disorderly conduct is going to happen till the next session meets. Nothing is going to happen during this interval, so that nobody is likely to suffer but if the Government is not prepared to accept that suggestion and you are not prepared to force them to accept that suggestion, then my submission is that the debate after he has stated his points *seriatim* may be allowed to proceed under a sort of reservation, under a sort of protest. In the meantime you may kindly consider, and before this motion is put to the vote, you will kindly give your ruling. If your ruling is that even this motion cannot be considered then the Bill will be thrown out, but if your ruling is that the points of order are not sound, then the motion will be taken up.

Mr. Speaker : Is the Honourable Premier prepared to give an undertaking that he will move deletion of clause 7 if it is found to be *ultra vires*?

Diwan Chaman Lall : It is not that my honourable friends took anybody here by surprise with regard to the objections raised. They may

[Diwan Chaman Lall.]

be valid, they may not be valid. The point is that no profitable debate can be had in regard to those objections unless we are all appraised of the objections which my honourable friend wishes to raise. There are only two alternatives: One is the suggestion that my honourable friend the Premier may take back this now and bring it up later on. Meanwhile we may get on with the Agricultural Produce Markets Bill. The second is that the motion to refer the Bill to select committee may be allowed in which case the Bill will become dead so far as the House is concerned till it comes up before the House with the report of the select committee. These matters may at that stage be raised again. The objections appear to be fundamental. Not only are they fundamental, but my honourable friend will take considerable time in stating his case as it arises from the Government of India Act. Thus there are two courses open and it is for you to decide which course to adopt. My honourable friend here suggests a third course, namely, that the House may now adjourn for a couple of hours. I, however, leave the matter entirely into your hands.

Premier: I am not only prepared to give that undertaking, but am prepared to go further. As I have said, I am a layman and it is with some diffidence that I offer my views on a technical question like that. I am however in a position to assure my honourable friend that I have carefully considered the various points hitherto raised by my honourable friend. I am not aware whether he has any more objections to proffer. But we have already carefully considered the objections so far mentioned by him and I am satisfied that the Bill is not *ultra vires*. But I am still open to conviction and that is why I have suggested that these points could be more suitably discussed in the select committee. If in the select committee we come to the conclusion that the Bill or any of its clauses is *ultra vires* we will drop the Bill or the offending clause as the case may be. Meanwhile we might proceed with the debate subject to the reservation which my honourable friend Dr. Sir Gokul Chand Narang has suggested.

Dr. Sir Gokul Chand Narang: On that occasion the Minister in charge gave a positive and definite undertaking that the clause to which objection was taken would not be moved.

Mr. Speaker: If the honourable member remembers the year, I will get out the volume containing those proceedings and see my ruling. I do not remember any details.

Dr. Sir Gokul Chand Narang: The Secretary of the Assembly will be able to find out those proceedings. I submit that in spite of the undertaking given by the Minister, the Bill was thrown out and the Secretary of the Punjab Government had to be sent posthaste to Simla to obtain the necessary sanction.

Mr. Speaker: I think I held in that case that the Bill required the previous sanction of the Governor-General.

Dr. Sir Gokul Chand Narang: On account of that clause.

Mr. Speaker: Up till now I have not expressed any opinion for or against the point raised.

Dr. Sir Gokul Chand Narang : At what stage, then, will you allow the points of order to be raised ?

Mr. Speaker : The objection that the Bill is *ultra vires* can be raised ever at the last stage.

Dr. Sir Gokul Chand Narang : Will you allow the other points of order to be raised at any stage ?

Mr. Speaker : Certainly. Points of order can be raised at any stage.

Pandit Muni Lal Kalia : Then, I do not propose to press my other objections at present.

Dr. Gopi Chand Bhargava : May I invite your attention to the proviso to rule 84 which says—

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

The draft of one Bill was supplied to us on the night of the 19th and we got copies of the Gazette in which the Bill was published on the 20th. This Bill which is now before the House was published in the Gazette on the 21st and the Secretary was pleased to supply us copies on the 22nd, that is, on Sunday last. The Gazette in which it was published reached us only yesterday. In any case the Bill has not been made available to us for five clear days as required by the rule. Though you have got power to allow the motion, yet I submit that you should exercise this power only under exceptional circumstances. The exercise of that power should be an exception and not the rule. Since we adopted the present Rules of Procedure, they have been violated and therefore I suggest that you do not exercise your power in favour of the motion.

Mr. Speaker : This objection should have been raised before the motion for reference to a select committee was moved.

Dr. Sir Gokul Chand Narang : I did raise it, but you suggested that it may be raised later on. You were pleased to suggest that this objection could be raised after the motion was moved. It is only now that the motion has been made and the Leader of the Opposition has taken the earliest opportunity to raise the objection. There has been no delay.

Mr. Speaker : I do not recollect that the honourable member raised the objection before the Honourable Premier moved his motion ; nor do I recollect to have suggested that the objection could be raised after the motion was moved. But I accept the honourable member's word and do not wish to stop discussion.

Premier : The original Bill, as admitted by my honourable friend, the Leader of the Opposition, was in their hands on the 19th. The present Bill is substantially the same as the original Bill except for clause 7 which has been slightly altered with a view to meet the very objection which my honourable friend, Pandit Muni Lal Kalia, has raised. We thought it advisable to make that amendment in order to avoid any hitch on technical

[Premier.]

grounds. My honourable friend says, where is the hurry about this Bill? I am sure my honourable friend does not desire me to dilate or even to refer to those unfortunate incidents at this stage which have necessitated the introduction of this measure.

If there is any anxiety regarding admissibility of amendments for want of sufficient notice, I am prepared to join my honourable friends in making a request to the Chair to waive the notice and accommodate them. There is nothing complicated about this Bill and I trust the House will agree with me as to the necessity of a measure of this kind in view of what happened a few days ago. Even if they wish to move any fresh amendments, you can waive the requisite notice under the rules in their favour. But the urgency of the Bill is obvious and we want to have the boads clear before the budget session. We do not want to take up the time of the House then. In the month of March we will be continuously busy considering and discussing the budget and demands for grants and we will not have time then to spare for this measure. I submit, therefore, that I should be allowed to move this Bill now. It is important that we should have this measure on the Statute Book as soon as may be practicable on the commencement of the budget session. That is why I have suggested that the report of the select committee should be in our hands before the 27th of February so that we can consider and pass it early, and, if possible, in the first week of the next session. It is an important measure. It is in the interests of the House, and in the interests of the dignity of the Chair and the good name of our province that we should pass it without avoidable delay.

Mr. Speaker : The objection is that instead of five clear days only four clear days have been given.

Dr. Gopi Chand Bhargava : There are also material changes between the original Bill and the draft which is now under consideration and this Bill we received only on Sunday.

Mr. Speaker : Are not the two Bills substantially the same?

Dr. Gopi Chand Bhargava : There are material changes in the present Bill.

Mian Abdul Aziz : The Bill which was circulated to members originally of which I am holding a copy is dated 20th and not 19th and the second Bill which is now under consideration is dated 21st, as you will be pleased to observe.

Mr. Speaker : Are there any material changes?

Dr. Gopi Chand Bhargava : There are material changes in clause 4 and in clause 7.

Mir Maqbool Mahmood : With your permission, I beg to point out that the whole of the substance of clause 7 exists in the original Bill. In the amended Bill this clause has been restricted.

Mr. Speaker : According to May's Parliamentary Practice (page 284)—

"A modification of a notice of motion standing upon the notice paper is permitted, if the amended notice does not exceed the scope of the original notice. If a motion is proposed, which differs materially from the terms of the notice, it can only be made with the consent of the house, or upon a renewal of the notice."

Our own rule 55 runs as follows :—

"A motion or amendment may not be moved in a form different from that in which it appears on the notice paper unless the Speaker, in his discretion, permits it to be moved in an altered form."

It is clear that our rule is wider and gives larger powers to the Chair than the Speaker of the House of Commons enjoys under Parliamentary Practice.

Dr. Sir Gokul Chand Narang : I may draw your attention to clause 7, regarding which my honourable friend, the honourable Parliamentary Secretary, Mir Maqbool Mahmood, was pleased to point out that the amended clause restricts the previous clause. But those remarks would not apply to clause 4, nor do they really apply to clause 7. Clause 4, as it stood originally, said that any person infringing the rules of procedure of the Assembly or otherwise behaving in a disorderly manner might be excluded from the Assembly Chamber. That meant that a question of fact had to be established whether infringement had or had not as a matter of fact taken place. That has now, I must say very ingeniously, been amended so as to say that the Speaker shall have the power to direct the Sergeant-at-Arms or any of his deputies to remove or exclude from the Assembly Chamber persons, who in the opinion of the Speaker, infringe the rules of procedure of the Assembly or otherwise behave in a disorderly manner. This is a very material change and it cannot be said that there is only immaterial difference or trivial difference or verbal difference. This is enlarging the scope of the Bill to the prejudice of the members of the House.

Premier : After all it is for the Speaker to decide whether there has been an infringement or not. Does my honourable friend mean that if his ruling is questioned he should go to the High Court for a decision on a point of order ?

Dr. Sir Gokul Chand Narang : Heaven knows. There is a higher court even than the High Court.

Premier : Yes, the Federal Court.

Dr. Sir Gokul Chand Narang : Who knows ?

Diwan Chaman Lall : May I reply to the point which my friend the honourable Parliamentary Secretary raised in which he said that the scope of clause 7 has been restricted ? I do not know where he finds the restriction. If he would look at this clause he will find that far from there being a restriction there has been an actual extension of the scope of this clause and a very important extension. In the first instance it read like this :

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 under colour of their office or against any person in respect of the carrying out of orders given to him by the Sergeant-at-Arms or any of his deputies within the scope of their authority.

[Diwan Chaman Lall.]

It now reads :

No proceedings, civil or criminal, shall be instituted against any person in respect of the carrying out of orders given to him by the Sergeant-at-Arms or any of his deputies within the scope of their authority except with the sanction of the Governor in his discretion.

There was no such restriction in the first instance.

Premier : A very big restriction.

Diwan Chaman Lall : There is no such qualification in the original Bill. This is a very material qualification.

Premier : That is why I say that we have imposed a restriction.

Diwan Chaman Lall : It is not restricting. It is actually opening an authority which is not to be found there for the purpose of giving the necessary sanction which ordinarily would not be required if proceedings are to be instituted against these people. That is to say you are preventing people from proceeding against these people unless the sanction is given by the Governor in his discretion. Therefore you are preventing action being taken, unless it is done with the sanction of the Governor in his discretion.

Premier : If I may point out to my honourable friend, under the former Bill the jurisdiction of the courts was actually completely barred out. Here we are barring out the action, but we restrict that power by saying that under the sanction of the Governor, the Sergeant-at-Arms can be prosecuted.

Diwan Chaman Lall : I am afraid that my honourable friend is looking at it from a different point of view. It has to be proved that it has been done under colour of office by the Sergeant-at-Arms. Here no matter whether it is done under colour of office, or within the scope of the law an action can be taken only with the sanction of the Governor. Suppose it is done outside the scope of the law. Even then you have to go and get the sanction of the Governor, whereas formerly you could go to the court of law and say that it is not done under colour of office. But you are now under the necessity of going to the Government and seeking his permission before you can prosecute him.

Premier : As a matter of fact we have altered the words 'colour of office', also because they were vague and wide.

Dr. Sir Gokul Chand Narang : The point is this. This amendment which has been described as a restriction goes to the prejudice of the members. Formerly if there was any cause of action against the Sergeant-at-Arms or any one of his deputies or any one else, who might be working under the orders of the Sergeant-at-Arms or any one of his deputies, one did not require the sanction of the Governor. Now this so-called restriction is really in favour of the Sergeant-at-Arms and his men and it will work to the prejudice of the members because it takes away the remedy which the former clause gave them. Now a further restriction is imposed upon the members to their prejudice. They will not be in a position to take action unless they knock at the door of the Governor and he gives his sanction in his discretion.

Premier : I do not consider myself competent to join issues on a legal point with my learned friend opposite, but as I have already admitted, under the original Bill the jurisdiction of the courts had been completely barred even if the Sergeant-at-Arms exceeded his powers. Under the present Bill, subject to the sanction of the Governor, any person could take legal proceedings against him. Formerly there was an absolute bar. My honourable friend is merely putting forward a technical quibble. Colour of office is a very wide term, and who is to decide whether he was acting under that colour? Once the Speaker gives a ruling to that effect it is established that the rules have been infringed and that he was acting within the scope of his powers and therefore no court could entertain a complaint against him. In the revised Bill we have provided that subject to Governor's sanction a complaint can be lodged.

Mr. Speaker : I think the two Bills are substantially the same.

Mian Abdul Aziz : There is a very great difference.

Mr. Speaker : That is a matter of opinion. As regards the number of days four clear days have already been given, as the first Bill was received by the honourable members on the 19th instant.

Dr. Sir Gokul Chand Narang : Mian Abdul Aziz raised a point that the Bill which was handed over to the members in a printed form bore the date 20th January and therefore it could not have been received by them on the 19th.

Mr. Speaker : That the date given is 20th makes no difference.

Dr. Gopi Chand Bhargava : The office considers to have received a notice only if it is received before 3 P. M.

Mr. Speaker : This is a Bill of only 8 small clauses. It can be read in a couple of minutes. Even if it was received on 19th, it was received quite in time and members could go through it very carefully. I think four clear days are quite enough for a small Bill like this. I may add that had the Honourable Premier moved that the Bill instead of being referred to a select committee, be taken into consideration, I might have possibly taken a different view. But, on the facts of the case, I cannot allow the objection to prevail under the Proviso to Rule 84. So, I request the honourable member to proceed with the motion.

Dr. Sir Gokul Chand Narang : On the 21st, that is, Saturday, a number of us met to consider the Bill which had been received late on the 19th or on the morning of the 20th. We were told that that Bill had been scrapped and had been given up and a new Bill was coming.

Premier : Who told you?

Dr. Sir Gokul Chand Narang : The Leader of the Opposition.

Dr. Gopi Chand Bhargava : I told him. I was informed by the office.

Dr. Sir Gokul Chand Narang : He told me. Therefore nobody took any notice of that Bill. We did not know that the Government was going to throw dust in the eyes of the members like that. I certainly took no notice of it after that and I do not think many members cared to read that Bill as soon as they learnt that a new Bill was coming.

Mr. Speaker : I think clause 7 is more restricted than it was.

Mian Abdul Aziz : According to the previous clause 7 it was any member who could bring a case or a complaint against the Sergeant-at-Arms. Of course the burden lay on him to prove that he was within his powers, like section 358, Indian Penal Code and section 225 (b), Indian Penal Code. In the old Bill a member was at liberty to bring a complaint but now he is restricted. We have to go to the Governor and we know what will be the result when the Sergeant-at-Arms is concerned. No permission will perhaps be given. The obtaining of permission is a very great restriction.

Mr. Speaker : Whose permission ?

Mian Abdul Aziz : The Governor in his discretion. There is very great difference in the previous provision and this one. You will be pleased to see that in clause 4 there is a discretion. Thus there are three objections taken now. According to the present Bill which is dated 21st January, 1939, we get only two days. There are three days yet. There is objection about clause 4. There is an objection about clause 7 which is very material. There are so many objections now and there will be other objections also. Therefore, I would request its postponement.

Dr. Shaikh Muhammad Alam : There is no haste.

Munshi Hari Lal : Clause 7 was previously to the effect that one could go to a law court without the sanction of the Governor if the act done was *ultra vires*. Now, there is restriction placed in as much as sanction of the Governor is to be secured in order to impeach the act. Previous aspect of the question was that there was no sanction required. Now sanction of the Governor is required before an honourable member can go to a law court. Another aspect is that a member can go to a law court while previously under clause 7 he could not go. The argument hits both ways. It is clear now that a member can go to a law court but with the sanction of the Governor. Previously he had no power to go to a law court. Now he enjoys the power under certain limitations.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. It is repetition of the arguments already advanced.

Premier : My argument was quite clear, and I have nothing to add.

Lala Deshbandhu Gupta : My submission is this, that with yourself in the chair again, the circumstances have changed and there is no necessity for a measure like this. Therefore, this measure can be taken up, if at all later on—at least it should not be hurried through.

Diwan Chaman Lal : I think a great deal of confusion has been caused by the word 'restriction', etc. The position, as I see, is this.

Khan Bahadur Mian Mushtaq Ahmed Gurmani : On a point of order. My honourable friend, Lala Deshbandhu Gupta, has made certain remarks which were, to my mind, in the way of reflection on the Deputy speaker. He should withdraw them.

Mr. Speaker : I do not think Lala Deshbandhu Gupta meant an insinuation. (Voices : Withdraw.) But he may withdraw his remarks.

Lala Deshbandhu Gupta : I never meant anything of the sort.

Diwan Chaman Lall : The issue precisely is this. Would any proceedings lie in any court of law under the first Bill if it is alleged that the action taken was not under colour of office and was not within the scope of authority and would any proceedings now lie under the present clause 7? (*A voice:* Exactly.) Even if it is alleged that it is not under the colour of office, that it is not within the scope of authority, I submit it would not lie unless and until you get the sanction of the Governor. That is the whole position. Suppose I were to allege that a particular officer appointed under this Act is exceeding the scope of his authority, I would, under the provisions of clause 7, go to a court of law and have that matter settled. Under this clause I cannot go to a court of law unless my honourable friend, acting for the Governor in his discretion, as he would, because there is an identity in the Punjab, would give me that necessary sanction. It would mean that I would never get that sanction. I submit that it is one of the most material changes in this provision.

Premier : I am afraid my honourable friend has overlooked the words "within their authority." The position is exactly the same except that there is a further check now. In other respects the position would be precisely the same so far as the legal aspect is concerned.

Dr. Sir Gokul Chand Narang : May I make a short submission?

Mr. Speaker : I hope it will be the last word.

Dr. Sir Gokul Chand Narang : Yes. The question is this. This rule is one of the fundamental rules in the manual and it confers a privilege on the members, namely, that unless they have had a certain Bill in their hands, at least five days before a motion is moved, an objection might be raised and the motion shall not be proceeded with unless the Chair in its discretion allows it to proceed. My submission is that we look upon you as the guardian of our rights and privileges. A strong case should be made out for departure from that rule and I would respectfully submit that the size of the Bill, whether it is long or short, does not make out a case for any departure from these rules. There is no hurry. It would be different if these were an emergency. Well, at the moment, there is no emergency at all. Nothing is likely to happen to-day and even if anything happens, this motion will not prevent it, because as soon as this motion is accepted, the Bill, for the time being, will disappear so that you cannot refer to it and use it as a rod against any offending member to-day, so that, even if to-day anything happens, you cannot have recourse to this proposed law for that purpose. The Assembly is to be adjourned to-day till the 27th of February and, as I submitted when I raised my first point, there would be plenty of time to bring forward this Bill and if no other reason, you will kindly see that there is no emergency and that there is no case made out for departure from this rule.

Mr. Speaker : It is the original Bill that was circulated on the 19th instant. Why not refer that Bill to the select committee?

Dr. Sir Gokul Chand Narang : He has not said that. He has introduced a different Bill. Your suggestion, I must say, is very ingenious, but—

Mr. Speaker : According to Parliamentary Practice (May, page 284) and our own Rule 55, already quoted, the Honourable Premier may move—

[Mr. Speaker.]

his motion in an altered form, with the permission of the Chair. I give him the requisite permission and he can, if he feels so advised, move that the original Bill may be referred to a select committee.

Premier : I introduce the new Bill.

Mr. Speaker : The Honourable Premier may move the old one, if he likes.

Premier : In deference to your wishes to introduce The Punjab Legislative Assembly (Offices) Bill No. 1. I move—

That the Punjab Legislative Assembly (Offices) Bill No. 1 be referred to a select committee consisting of—

Mir Maqbool Mahmood ;
Rao Pohop Singh ;
Khan Bahadur Captain Muzaffar Khan ;
Sardar Tara Singh ;
Khan Sahib Chaudhri Sahib Dad Khan ;
Mr. K. L. Gauba ;
Dr. Gop. Chand Bhargava ;
Diwan Chaman Lall ;
Sardar Sahib Sardar Santokh Singh ; and
Malik Barkat Ali.

Pandit Muni Lal Kalia : The Bill now being introduced is not the one referred to in the order paper.

Mr. Speaker : The honourable member is referred to Rule 55 under which I have allowed the motion to be moved in an altered form.

Dr. Sir Gokul Chand Narang : Can anything be moved which is not on the agenda ?

Mr. Speaker : Bill No. 2 is on the agenda. I have only suggested that the motion may be moved in an altered form. No motion was received about the second Bill ; but a notice about the Bill No. 1 was duly received.

Dr. Gopi Chand Bhargava : I beg to invite your attention to the agenda which has been circulated to us. I do not know whether the office got a notice. On the agenda the first motion is about the introduction of the Punjab Legislative Assembly (Offices) Bill No. 2 of 1939. The next motion to be made is that the Punjab Legislative Assembly (Offices) Bill No. 2 of 1939 be referred to a select committee. This is the first time we are told that the office did not get notice. The Honourable Premier was pleased to introduce it and he now withdraws it—

Mr. Speaker : He has not withdrawn it.

Mian Abdul Aziz : Before you give your ruling you will kindly see that—

Mr. Speaker : I think the point has been sufficiently discussed. The Opposition has the right to delay. It is their privilege ; but, I think, they have exhausted all legitimate means. So, let us proceed further.

Dr. Shaikh Muhammad Alam : One word, with your permission. The position before you is whether you can allow a motion which is not on the agenda.

Mr. Speaker : A motion is on the agenda. I have only allowed it to be moved in an amended form.

Dr. Shaikh Muhammad Alam : It is not on the agenda.

Mr. Speaker : How could the motion in altered or amended form be on the agenda ?

Dr. Gopi Chand Bhargava : Sir, you were pleased to remark that the Opposition has exhausted all the legitimate methods of obstructing or delaying the Bill. Granting that we delayed it, I would submit that we have got our right under the rules and we should not be deprived of it. Our legitimate objections have not been exhausted. My submission is that we should be given the privilege under the rules. We have got our right and we should be allowed to exercise that right.

Pandit Muni Lal Kalia : On a point of order, Mr. Speaker. At present you have given your ruling with regard to Bill No. 2 of 1939. It is withdrawn. Now it is Bill No. 1 of 1939 which is before the House and in regard to that I will refer you to rule 15 which says—

(2) Save as otherwise provided in these rules—

- (a) the business for the day shall be transacted in the order in which it appears in the list of business ;
- (b) no business not included in the list shall be transacted at any sitting except business of a formal or ceremonial nature which may be permitted by the Speaker ;
- (c) no business requiring notice shall be set down for a day earlier than the period of necessary notice in respect of such business.

The Premier wants another business which is not on the list. He may have given notice, but the question is—

Mr. Speaker : I have permitted the Honourable Premier to move his motion in amended or altered form. This, under Rule 55, is entirely in my power.

Dr. Shaikh Muhammad Alam : It is not on the agenda.

Dr. Sir Gokul Chand Narang : I hope you are not going to allow it.

Dr. Gopi Chand Bhargava : Rule 14 says—

The Secretary shall arrange Government business in such order as the Leader of the House may intimate.

He intimated that the business shall be taken as circulated : therefore, the office had notice that Government intended to move it.

Lala Deshbandhu Gupta : You will find that the original intention of the Government was not to refer this Bill to select committee, or even if it was referred it wanted to have the report of the select committee the same day and then to pass it. Thus according to the Government the Bill can be passed in one day. Nothing would be lost therefore if this Bill is postponed till the next session in view of the technical objection raised by Mr. Kalia. The Government can pass it on the first day of the budget session, if necessary. I hope you will not allow the Bill to be discussed to-day.

Mir Magbool Mahmood : Sir, with your permission I would submit one word in reply to the objections raised with reference to Rule 15. It

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has been said in Rule 15 that no business not included in the list shall be transacted at any sitting except business of a formal nature. I have to invite your attention to the opening words of the rule which says—

(2) Save as otherwise provided in these rules—

I have further to invite your attention to the proviso to rule 53 which says—

Provided that the Speaker may, in his discretion, allow a motion or amendment to be moved at shorter notice or without notice.

Therefore Rule 15 is subject to Rule 53 and with your permission a motion can be moved at short notice or without notice.

Mr. Speaker : Yes. With the permission of the Speaker a motion can be moved at "shorter notice or without notice." But in our discussion of the question whether an amended or altered motion can be moved for the original motion on the agenda of to-day we have lost sight of one important aspect of the matter. Such a motion can no doubt be allowed to be moved by the Speaker under Rule 55 but this can be done only before the original motion is moved. In the present case the original motion on the agenda that Bill No. 2 be referred to a select committee, whose personnel also is stated, has already been moved by the Honourable Premier. Nay I also proposed the first part of that motion from the Chair. So, I was not right in allowing the motion to be moved in an amended or altered form and therefore the Honourable Premier could not move it. However, if he wishes to have Bill No. 1 referred to the select committee, he may move an amendment to the effect that for the words "Bill No. 2" the words "Bill No. 1" be substituted in the motion on the agenda. It is open to him to stick to the original motion or move the suggested amendment.

Premier : Sir, in deference to your revised ruling, I beg to move—

That the Punjab Legislative Assembly (Offices) Bill (Bill No. 2) be referred to a select committee consisting of—

Mir Maqbool Mahmood ;
 Rao Pohop Singh ;
 Khan Bahadur Captain Muzaffar Khan ;
 Sardar Tara Singh ;
 Khan Sahib Chaudhri Sahib Dad Khan ;
 Mr. K. L. Gauba ;
 Dr. Gopi Chand Bhargava ;
 Diwan Chaman Lal ;
 Sardar Sahib Sardar Santokh Singh ; and
 Malik Barkat Ali.

with instructions to submit its report by the 27th February, 1939 ; and that the quorum of the select committee shall be five.

Mr. Speaker : I have already proposed from the Chair the 1st part of this motion, *viz.*—

That the Punjab Legislative Assembly (Offices) Bill be referred to a select committee.

Dr. Shaikh Muhammad Alam : On a point of order, Sir.

Would you at the same time allow a Bill to be withdrawn and to be moved again? Whatever is not on the agenda cannot be taken up for consideration.

Mr. Speaker : The honourable member is a learned lawyer. Was any request for withdrawal made? Was any withdrawal put to the House from the Chair? Did the House accept any withdrawal?

Dr. Shaikh Muhammad Alam : It was withdrawn by the Honourable Premier.

Mr. Speaker : No. Never.

Dr. Shaikh Muhammad Alam : My submission is that it may be at anybody's suggestion, but the question is that it was withdrawn.

Mr. Speaker : It was never withdrawn, and nothing can be withdrawn without the leave of the House.

Diwan Chaman Lall : On a point of order, Sir. Even granting that it was not withdrawn, and quite rightly it was not withdrawn with the permission of the House, you were good enough to rule that Bill out of order.

Mr. Speaker : All I said was that I had received no notice of Bill No. 2.

Diwan Chaman Lall : But you ruled it out of order.

Mr. Speaker : No, I did not.

Pandit Muni Lal Kalia : May I draw your attention to rule 104 of this House? It says—

“ The member who has introduced a bill may at any stage of the bill move for leave to withdraw the bill; and, if such leave is granted, no further motion may be made with reference to the bill.”

Mr. Speaker : Was it put to the House and was any leave granted?

Lala Deshbandhu Gupta : On a point of order, Sir. My submission is that you are perfectly right in saying that you did not put the motion before the House, but that does not mean that the Honourable Premier did not make another motion, which he could not do under the rules.

Mr. Speaker : He moved, no doubt, the motion in altered form, but it was not proposed from the Chair.

Dr. Gopi Chand Bhargava : On a point of order, Sir. My point of order is that the Bill, which is under consideration, was in our hands on the 22nd and only one clear day has passed and not 4 clear days, and we are called upon to discuss it.

Mr. Speaker : The original Bill and the second Bill are substantially the same. It is only clause 7 on which so much emphasis is being laid and what is that clause? That clause relates to the exemption of certain persons from civil or criminal proceedings. This clause is still there in substance; and as the Bill was in the hands of the honourable members for 4 clear days, I overrule the objection and allow discussion on the motion for reference of Bill No. 2 to the select committee.

Diwan Chaman Lall : Mr. Speaker, do I take it that the motion that is moved now includes the names of the various members of the select committee? (*Interruptions.*) It is not a question of consultation, but it

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was under the orders of my Leader that my name was sent up when a request was made by my honourable friend. So far as the names are concerned, I wish to withdraw my name.

Mr. Speaker : I have not yet put that part of the motion to the House.

Diwan Chaman Lall : That is why I am asking you whether you are going to permit me to move my amendment to the first part of the motion, namely, the reference to the select committee.

Mr. Speaker : The honourable member may move it.

Diwan Chaman Lall : My motion is—

That the Punjab Legislative Assembly (Offices) Bill be circulated for the purpose of eliciting opinion thereon by the 1st October, 1939.

I shall be fairly brief in detailing the reasons why I suggest that this Bill should not be proceeded with in the hurry in which my honourable friend wishes to proceed. First of all, I cannot realise what great necessity there is for my honourable friend to demand that this measure should go to a select committee and within a period of a few days, that is to say, by the 27th February, which is a day on which the Assembly will meet again, according to my honourable friend, the select committee should report with regard to this measure. My honourable friend apparently desires that this measure should be in force when the Assembly meets again for the budget session. I submit that opinions are vitally divided in regard to a measure of this kind and I am not quite sure that my honourable friend himself realises what he wishes to be done in reference to this measure. Within a space of 4 days we have had two pieces of this measure, one prepared in a hurry and withdrawn in a hurry and the second presented to us to-day, of which, as the Honourable Leader of the Opposition has said, we have not one day's notice. These matters are so indefinite and incoherent even in my honourable friend's mind, that it is necessary that we should get the benefit of the opinions of important people in the province, who may be in a position to give us a lead in regard to this matter. It cannot be said that wisdom begins and ends in the select committee appointed by this House. There are very large number of people outside this House who may be in a position to give their opinion in regard to this measure and after taking their opinion my honourable friend may conceivably alter his own opinion, firstly, as to the necessity of this measure and, secondly, if the necessity is proved, as to the actual details of this measure. I do not understand why my honourable friend is not willing that this

Bill should be circulated. My reason for circulation first
 3 P.M. of all, is the important nature of the Bill. Secondly, the vital interests of the people affected by the Bill, and, thirdly, the interest of consulting people who may be in a position to give advice. All these three points in reference to this motion of mine regarding the circulation of this measure have been completely fulfilled by the fact that this measure is of an important nature, secondly, that it affects the rights of the people of this province assembled in this House, and, thirdly, there is the necessity of consulting other important interests, legal interests, public interests which might be able to help us in evolving some sort of a

scheme for the better conduct of the business of the House. My reasons are these. There is, as far as I can make out, not another single chamber in the whole of India under the new scheme where there is a provision for the appointment of a sergeant-at-arms and, remember, Mr. Speaker, that it is not only a provision of a sergeant-at-arms, but it also a provision of a series of deputies who would be armed by my honourable friend with the powers that he wishes to arm the sergeant-at-arms with. I submit there is not another legislature in the whole of India where there is a similar provision. We have a provision of this kind as far as the Central Legislature is concerned, I mean the Central Legislative Assembly. But I would be wrong in saying that it has a provision of this kind. There is a man who is known as the Marshal of the Assembly who sits in a very beautiful uniform, I believe, to the left of the President of the Assembly and whose duties are purely nominal. I speak subject to correction, but I think that no duties whatever have been definitely assigned to the Marshal of that Assembly. The only duties, as far as I can make out, are the announcing of the President into the Assembly Chamber, and, secondly, the other duty is that when the Lower House—the Legislative Assembly—wishes to send a message to the Upper House—the Council of State—then the Marshal is called in to carry that message from the Lower House to the Upper House. I should consider that there are no duties nor have they been defined by any Act of the Legislature and it would be therefore incorrect on my part if I were to say that there is a similar provision in the Central Legislature.

There is no other Legislature where a provision of this kind exists. I know the argument that my honourable friend will raise when I make that statement. He will immediately say there is no other chamber in the whole of India where there has been such a show of distemper as there has been on the floor of this House. Who is responsible, Mr. Speaker, for that? I do not want to go into details, but I submit that it is really in a measure not the fault of the occupant of the chair. The responsibility for tempers lies with the Treasury benches. It is their fault that anything of that sort has happened. Every time the minority would assert its ordinary right, and when efforts were made to suppress the ordinary rights and privileges of the minority they caused a great deal of discontent. My honourable friend will probably not agree with me in that statement which I am making, but he will realise that anything that is done here on the floor of this House by my honourable friends on this side of the House is not one with the object of showing disrespect to the chair as such. There is no question of disrespect, but it is done sometimes in utter despair. When we feel that sometimes the rights of the minority are being trampled upon, when we feel that due regard is not being paid to the strict observance of the rules of procedure, it is then that in utter despair honourable members on this side of the House are apt to say things and do things which would not be quite within order or within the procedural order, but certainly they do feel them in their heart of hearts and they assert them because they are trying to uphold the dignity of the chair, because they are trying to uphold the dignity of the procedural rules that govern the dignity of the business of the House and they are not doing it with any other object. I do submit that it is incongruous that sometimes to uphold the dignity of the chair undignified scenes had to be enacted and undignified doings

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had to be resorted to. However, in so doing, may I remind my honourable friends that we are in good company in that we are following the example of the Mother of Parliaments where on one occasion the Speaker was actually held down by the honourable members of the House of Commons when he wanted to do the behest of the King and the House of Commons wanted him to do the behest of the House of Commons. He was held down in the chair and not allowed to adjourn the House of Commons until the business of the House of Commons had been conducted. It was a very undignified scene, but that scene resulted in adding more dignity to the Mother of Parliaments. This sort of thing, I do not suggest, is an ordinary common thing, an every day sort of procedure that the Opposition or any part of the House should resort to. But I am making this remark merely because I want my honourable friends to realise that not only the Opposition but any honourable member who resorts to this is perfectly in accord with the principles underlying the procedure of this House that they have to help in establishing good conventions. It is only when the rights of the minorities are trampled down by Government and the members try to assert their rights that feelings go high and action is taken of this nature. But, has it been of such a nature as to compel my honourable friend to bring in a measure of this kind and he wishes us to pass it in such post-haste? He should allow the necessary amount of time to be taken for the discussion of this matter not only on the floor of this House but he should let time be taken by the public to assert its views in regard to this matter. Let us know what other people have also to say—other people who do not sit within the four walls of this chamber but outside the chamber—when a vital and necessary change is being made.

I have another reason for suggesting what I am suggesting. I do not think that legally my honourable friend is within his rights in getting this measure adopted by this House. If my honourable friend desires that the rules of procedure of this House should be amended and certain amount of power given to enforce the rules which he thinks at the present moment are not being observed properly or the power does not exist to enforce them, the only method is not by bringing a separate Act for the purpose of amending the rules, but by proceeding according to the rules for the amendment of those rules and amend those rules. My honourable friend wishes by this method to amend these rules. He wants to affect the conduct of business which under the relevant sections of the Government of India Act we have every right to deal with in accordance with the rules regarding the conduct of business of this House. We make rules for the purpose of effecting the dignity of the business of this House. Having made these rules and having made a provision in those rules for changing those rules, my honourable friend should adopt that procedure, and when he does not do that I consider that my honourable friend is out of court when he desires to do what he is doing by this particular method of bringing in this particular Bill. This is only one sample, Mr. Speaker, of the serious legal objections that we have to this particular measure.

We have another very serious objection. We consider that according to the Government of India Act there are only two offices which can be recognized, that is, the Speaker and the Deputy Speaker, whereas this

measure, in the very first line, talks about the offices [The Legislative Assembly (Offices) Bill]. There should be no recognition of any other office excepting those offices which are specifically recognized by the Government of India Act. I give this as a second sample of the objections that are likely to be raised from the legal point of view to this measure. I will not detail the other very serious objections to this measure, but all that I wish to speak now is this that in view of these serious objections it is necessary that we should not proceed with the Bill and that is why I have brought forward the motion that the Bill be circulated for eliciting public opinion thereon and after opinions have been received let the matter be referred to a select committee. Why not we discuss these particular matters in the select committee, asked my honourable friend. My objection to that I have already stated. We can discuss all these matters in the select committee, but I want another body of men who are interested in constitutional matters to give their opinion on a measure of this kind. I want that body to become active and give its opinion relating to particular clauses of this measure, regarding the merits of this measure and in regard to the enforcing of rules in this House. It is necessary that we should take time and get all the opinions that we can get in regard to this measure.

Mr. Speaker, I have only one word more to say in reference to this matter. That is this. My honourable friends will bear with me when I say that no situation has arisen on the floor of this House of such a very serious nature as to compel my honourable friend to resort to this particular method. My honourable friend, the Premier, knows that under the rules that exist the Speaker has the power to enforce his rulings. My honourable friend the other day actually suggested, when you, Mr. Speaker, were not sitting in the chair and it was occupied by the Deputy Speaker, he suggested, that two honourable members on this side of the House who had been named by the Deputy Speaker and who had refused to withdraw from the House should be removed forcibly from the floor of the House by an officer of the Watch and Ward. At that time, I consider that if any gentleman had been required to be removed from the chamber it was the Honourable the Premier who made the suggestion of bringing in an officer of the Watch and Ward, because that suggestion was clearly barred by the rules. We pointed out to him that if any outsider comes within the precincts of this House without being legally authorised to be present within the precincts of this House then he was a stranger. If he touched the body of any honourable member on this side of the House he would be committing assault and any honourable member who was assaulted would have a right to defend himself. Even then my honourable friend who should have upheld the dignity of this House and respected the rules of the House did not pay the slightest heed to us and honourable members on this side had to make it particularly impossible for the business to proceed. At that time the learned Advocate-General was brought in to give his advice which from the fact that this Bill has been brought before the House was clearly a wrong advice. He advised the chair that it was possible for an outsider to come to the floor of the House and do what he was directed to do by the occupant of the chair. It was only thereafter that there was uproar in the House and it was impossible to conduct the business of the

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House. That uproar was chiefly contributed by a breach of the rules of this House being committed and a serious attack being made upon the dignity of this chamber. It may be it was all wrong, it may be it was all undignified, it may be it was not correct according to Parliamentary procedure. But it had its effect in preventing what I consider would have been a breach of the rules attempted on the floor of the House. I do admit that there are two sides to the question. There is the side of my honourable friend opposite. I agree with him in his point of view. We also on this side have another point of view. These two points of view are so divergent and so important in themselves that there should be no question of any hurry on the part of my honourable friend or on the part of any other member of the House to come to a decision in regard to this vital matter regarding the privileges of the House. I, therefore, hope that they will agree to the motion I have moved.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Legislative Assembly (Offices) Bill be circulated for the purpose of eliciting opinion thereon by the 1st October, 1939.

Parliamentary Secretary (Mir Maqbool Mahmood) : I am surprised at the speech of my honourable friend opposite. If he had been here in his seat I would have tried to show that his speech to-day was in defiance of that ordinary propriety and courtesy which this House has a right to expect from every member. I shall take up the points raised by him in support of his motion one by one. The first point raised by him was that the Government were proposing a novel procedure which had no precedent in any decent legislature. I beg to invite the attention of my honourable friends opposite to the House of Commons whose analogy they are always anxious to cite here. I will not weary the House with long quotation, but let me invite its attention to page 175 of the Procedure of the House of Commons by Redlich. There you will find that it is definitely stated that the Sergeant-at-Arms is—

‘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.’

And then it goes on to say—

‘After his appointment, however, he is considered to be a servant of the House, and may be removed for misconduct.’

Later on, it says that his duties are to give orders to the door-keepers and other officers under him, to lock the doors of the House upon a division and to see that no strangers are permitted into the House. He has to see that no one has his back towards the chair or behaves in a disorderly fashion. In the case of disorderly behaviour he has to remove those whom he is ordered to remove. Later on it is stated—

‘He is entrusted with the care of the mace, the symbolic significance of which has already been frequently referred to. The police constables about the House are, so far as necessary, at the disposal of the Sergeant-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 being in the hands of the Metropolitan police The maintenance of order within the chamber itself is entrusted to the messengers; 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. But the Sergeant-at-Arms would find no difficulty if he called the services of the police.’

Therefore, so far as the precedent of a measure of this nature is concerned, the Honourable Leader of the House is supported by the precedent of the mother of parliaments.

Lala Deshbandhu Gupta : Quote some Indian precedent.

Mir Maqbool Mahmood : I submit that if there is any other legislature in India where you can find a precedent where a member after being named twice sticks to his seat and is supported by a particular group in this attitude and where one member after another defies the authority of the Speaker and where such things happen, I shall certainly say, that legislature needs a sergeant-at-arms. My honourable friend speaking on this motion suggested that instances of this nature were not so serious as to necessitate such a measure, and he further went on to say that whatever was done was in the interests of minorities and out of respect for the rules and regulations and the dignity of the members of this House. I submit that the rights of minorities and the rights and dignities of individual members, are no doubt very important matters which need to be respected. But more than all this, it is the duty of this House to see that the chair which is the tribune and the symbol of the liberties of the representative institution of this province, is respected, and if any member either on this side of the House or on that side of the House, howsoever high or low, refuses to leave the chamber when named by the chair, it is a matter on which all members of the House and particularly those to whose party that member belongs have to bend their heads in shame, and as a Punjabi I had to bend my head in shame when in this House which is the shrine of the democratic instinct and traditions of this province, such a thing happened not once but twice. I expected that my honourable friends of the Opposition would have got up and said, "we have no axes to grind, we have nothing to fear, we are determined to resist the onslaughts on the dignity of the chair and disobedience to rules and orders." I should have expected them at least to co-operate actively in seeing that the order of chair is respected. Instead of that, I am sorry to find that in a matter even of this nature, not only dilatory motions have been introduced but aspersions have been cast on the *bona fides* of the Honourable Leader of the House who is entitled to the respect and appreciation of all democratic people of this province for the bold step that he has taken. (*Hear, hear.*) I have already submitted with regard to the first point that there is the precedent of the House of Commons and that being so, there should be nothing to be ashamed of in enacting a measure of this nature.

It has been suggested that the measure is being rushed through and that time should be given to examine any expert evidence or get any expert opinion that may be necessary. Now, Sir, the matter under discussion has been under the consideration of the various parties and members of this House from the Simla session in 1937 and it has been considered on various occasions. More than that, the select committee according to the motion of my honourable friend, the Leader of the House, is to submit its report to this House by the 27th February and under rule 91 of our rules of procedure :

A select committee may hear expert evidence and the representatives of any special interests affected by the measure before it.

Therefore if there are any points to be considered, any expert evidence to be taken, let it be considered by the select committee, if it is found necessary.

[Mir Maqbool Mahmood.]

Then, Sir, it was stated that the Honourable Premier was responsible for the particular incident which happened in this House the other day. When such an irresponsible and incorrect statement was made I was surprised that such a statement should have been allowed to pass unquestioned even from that side of the House. Those of us, who in your unavoidable absence were witnesses of that unfortunate incident, know the part played by the Leader of the House. I am not going at this stage to go into the details of that incident. But one thing stands admitted and that is that the Deputy Speaker who occupied the chair in your absence gave a particular ruling. I am convinced that that ruling was right, but even if that ruling had been wrong, I submit that it was the duty and the right of every member of this House to see that that ruling was respected. But what happened? That ruling was repeatedly flouted. Repeatedly obstruction was caused, not to any policy of the Treasury benches, not to any measure introduced by the Honourable Leader of the House, not to any provocation given by anybody on this side of the House or on that side of the House. There were definite and clear orders given by the chair which were flouted and I submit that those who claim the right of defiance of the orders of the chair, have no right to sit in a House where it is our primary duty to respect the rules of the House and the orders of the chair. I would appeal to my honourable friend, the Leader of the Opposition, whose intervention I have reason to believe was responsible later on for those named members staying out, that he should have the courage of conviction and it is due to this House and this province that as Leader of that party he should say that he is ashamed of the conduct of those members concerned in that incident. What did the Honourable Premier do? Whether you like it or not, by the suffrage of the people, the Premier sits here as the tribune and as the representative of the liberties of the people of this province and it is his right to see, as Leader of the House, that the conventions and the democratic traditions of this House are respected and observed and if there is any defiance, it is his duty, however painful it may be, to take all steps necessary to strengthen the chair in upholding the rights and dignity of the chair and the rules and order of this House. (*Hear, hear.*) I would, therefore, appeal to my honourable friends on all sides, even to my friends of the Opposition, whatever our party tags may be, whatever our political differences may be, let us all be united in ensuring respect due to the chair and anybody, either from this side of the House or that side, who has the impertinence or the undemocratic instinct or the cowardice to defy the orders of the chair, should be hauled up by his own party and not be allowed to utter one word against the orders of the chair. I submit that we have the privilege of being the members of the first reformed Assembly in the Punjab. Whatever we do, will form a precedent for the coming generations. Let us by all means cross swords on policies, but let us not have one blot on the records of this House where it may be said that we had allowed or did not protest strongly against attempts to defy the authority of the chair. The chair is above party, and I submit that it is the duty and the right of the Opposition even more than that of this side of the House, to see that the honour of the chair is respected and that nothing that emanates from the chair is defied. What does this Bill ask for? It does not ask for any powers for the Government. It says that under the rules we have given powers to the

Speaker to enforce order and if unfortunately—I hope there will not be any occasion to invoke the assistance of the Sergeant-at-Arms—but if unfortunately at any time from this side of the House or from the other side, a case arises when the Speaker finds that he is in the unfortunate position to invoke the assistance of the Sergeant-at-Arms, he may be empowered to do so. Why should honourable members deny him that power? Why should honourable members refuse that authority, that support, that assistance to the Speaker by which he may put into effect the rules of the House and enforce his orders, under the power which the House itself has placed in his hands. I submit that if my honourable friends make a fair examination of this proposition they should get up and say, “we will support this Bill and we shall see that its phraseology is properly put according to parliamentary conventions, but let us make a definite and honest attempt to see that the Speaker gets all he needs to implement the powers vested in him; but at the same time let both sides of the House declare in all solemnity that we shall so conduct ourselves that though there may be any number of sergeant-at-arms appointed, every one of us will be a sergeant-at-arms himself to see that the dignity of the chair is maintained.”

Begum Rashida Latif Baji: What about the lady members?

Mir Maqbool Mahmood: I am proud to say that our sisters here are more than anybody else, the conscience keepers of this House; and where the defiance of rules is concerned I am sure the presence of our sisters would act as an incentive to all members to keep proper decorum and to raise the dignity of the House and the chair.

Begum Rashida Latif Baji: I respect the chair very much, but I do not like that a sergeant-at-arms should touch my person. If that happens, either I shall not be here or the person occupying the chair will not be there.

Mir Maqbool Mahmood: I am proud of our sisters' presence here. They have never behaved in any manner in which the assistance of a sergeant-at-arms may become necessary and I am confident as a Punjabi and as an Indian that my sisters here will never necessitate the assistance of a sergeant-at-arms. With these words I oppose the motion. (*Hear, hear.*)

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, before I support the motion moved by my honourable friend, Diwan Chaman Lall, I would crave your indulgence to make it quite clear to the House that we are as jealous of the dignity of the Honourable Speaker as anybody else can be. But I am surprised to note that my honourable friend, Mir Maqbool Mahmood, who can with his eloquence make undignified words appear dignified, has charged us of being disrespectful to the chair. Nothing could be farther from truth than this wild suggestion. We have the greatest respect for the chair, and let the Treasury benches take my word for it.

Again, the Honourable Premier while introducing the Bill was pleased to observe that the disorderly scene created in the House the other day had led him to introduce this Bill. This remark leads me to relate the history of this Bill as I know it. The question of providing a marshal in the Assembly was first raised at Simla in June, 1937. But it was made

[Dr. Gopi Chand Bhargava.]

clear by the Premier that the Honourable Speaker desired a marshal to assist him and not that the Government wanted to thrust one on the Assembly. A marshal was to be appointed by the Speaker whose orders he had to obey. Then, a committee was appointed to determine the duties of a marshal and it sat for some time and submitted its report to the Honourable Speaker who ultimately did not desire to have a marshal then. As far as I know, I can say with confidence that the Honourable Speaker has not demanded a marshal to assist him. If he wishes he may very well have one. But the question is that when he does not want a sergeant-at-arms why should the Government force a man of their choice upon this House and the Honourable Speaker? Another defect in the proposed Bill is that if the sergeant disobeys the chair, the Honourable Speaker has no power to suspend him at once. All that he can do is to report him to the Government which wishes to thrust a sergeant on the chair, against the will of the Honourable Speaker.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: The Honourable Leader of the Opposition has been pleased to observe that Government are thrusting a sergeant-at-arms against the will of the Honourable Speaker. Whence did he get that information?

Dr. Gopi Chand Bhargava: The Honourable Speaker has not contradicted me and I presume my information to be correct. In this connection I may refer to the statement which the Honourable Premier made in June, 1937, stating that the marshal was brought in the Assembly because the Honourable Speaker had desired his assistance. But it soon transpired that the statement was not correct. At any rate the Speaker did not agree to the appointment of a marshal when the report of the said committee was submitted to him. Now I cannot imagine that the Honourable Speaker who has not been attending this session, could have desired the assistance of a marshal. Had it been so, the Honourable Premier would have declared it on the floor of the House. In this Bill the provision is made to the effect that Punjab Government shall appoint a sergeant-at-arms. It is not stated that he shall be appointed on the recommendation of the Honourable Speaker. Again, if the Honourable Speaker wishes to dismiss him, he can only request the Government to do so and then it will be the Premier who would take necessary steps in the matter. I venture to say that the introduction of such a Bill in the House is a direct insult to the dignity of the chair. It should be the authority of the Honourable Speaker and not that of the Government to appoint a marshal, assign duties to him and then to suspend or dismiss him if he disobeys. (*Khan Bahadur Mian Mushtaq Ahmad Gurmani:* Who appoints the Secretary?) All the officials in the Assembly excepting the Secretary and the Deputy Secretary are appointed by the Honourable Speaker of the House. A departure from this procedure in the case of the sergeant-at-arms is very significant. My honourable friend, Diwan Chaman Lall, has correctly observed that this Bill is unprecedented in Indian legislature. I do submit there is a sergeant-at-arms with his staff in the House of Commons. We are told that the sergeant-at-arms in the British Parliament possess very vast powers so much so that he can even arrest a member or even an outsider. One day the Honourable Premier suggested that my friend,

Diwan Chaman Lall, should be suspended for his disorderly conduct. But they had not the power to do it. You talk of the Mother of Parliaments, but even they do not possess such wide powers of stifling the minorities as you claim to possess. You may refer us to Mr. Parnell, an Irish member of Parliament, but we have absolutely no comparison with him. If you refer to Redlich, Volume I, you will find that Mr. Parnell was responsible for the enactment of so many laws, because he resorted to obstruction with a view to have his rights recognised by Government. It has been said that the disorderly scenes recently witnessed in this House are responsible for the introduction of this Bill. Let me refer to an incident which happened in this House the other day which I believe is the immediate cause of the introduction of this Bill. The Honourable Premier moved a motion before the House and my friend, Diwan Chaman Lall, raised a point of order. I wanted to raise an objection but because a point of order was raised I did not stand. In the meantime the Deputy Speaker gave his ruling. Consequently I had to protest against it, because the matter involved the question of the liberty of the press. A newspaper writes something which the Deputy Speaker takes as a reflection upon himself. He is welcome to hold any view about a matter pertaining to himself. But we have the right to be heard. Why should he not hear us? I do not want to go further, because honourable members over there would say that I am challenging the ruling of the Deputy Speaker or insulting him. I said that I was not prepared to allow that order to be complied with and in doing that I in fact maintained the dignity of the chair. (*Hear, hear.*) But if an order of the chair curtails the privileges and rights of the members of this House it is our duty to challenge it. No doubt we should obey the orders of the chair and that is what the parliamentary practice requires us to do. But when the Deputy Speaker ordered a member of the Watch and Ward staff to turn out a member of the Opposition, it was my duty as the Leader of the Opposition to see whether the order was justified. Let me take this opportunity to say that if a sergeant-at-arms is appointed even then I will not hesitate to oppose an order of the Speaker which I may believe to be unjustified and uncalled for. My friends over there want to act upon the analogy of the British Parliament but the case referred to by me has not the least semblance with those acts which necessitated the appointment of a sergeant-at-arms in the Parliament. The member who was ordered by the Deputy Speaker to withdraw later on told the chair that he did not hear the order, but he was not believed. We raised an objection but the Deputy Speaker did not care to listen. He said that that was his order and that must be complied with. The House was consequently adjourned for an hour and when it re-assembled the member in question did not turn up. May I ask the Leader of the House if the order given to the Watch and Ward Officer was justified and called for? Later on the Advocate-General and Malik Barkat Ali were asked to throw light on the legal aspect of the question before the House. Both of them pointed out and read the rule which runs as follows:—

The Speaker has got all the powers. The Speaker shall preserve order whenever necessary for the purpose of enforcing his decisions on all points of order.

Surely the Speaker has got all powers under the rules. But he cannot go beyond the rules. If the Speaker is displeased with a member of this House he cannot order a member to be shot down. He has to observe rules.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Is the conduct of the Deputy Speaker under discussion ?

Dr. Gopi Chand Bhargava : The Honourable Premier while lending his support to the Deputy Speaker was in fact insulting a member and for the matter of that insulting the whole House.

The Government accuse us that we always defy the authority of the chair. But they cannot adduce any evidence in support of the charge they have levelled against us. I may tell them with the courage of my conviction that on that particular occasion it was absolutely disgraceful and undignified on the part of this august House to have bowed to the ruling of the Honourable Deputy Speaker. Even in the presence of the Leader of the House certain honourable members were being insulted and maltreated by the chair, but he did not condescend to raise his little finger against the discourteous attitude adopted by the Deputy Speaker. But now he says that two honourable members sitting on this side of the House had used certain undignified and indecent words with respect to the chair. We admit that we do not know much of English, but may I ask him as to whether the language used by him in respect to us was decent and dignified ? He and his party should bear in mind that our standard of morality is not lower than that of anybody else. We have come here to serve our voters and not to "govern" the province. On that day when the Premier found that the minority party was determined to stake everything for the sake of its honour and interests he ran to his room, drafted a Bill and sent it to the press. How could he possibly tolerate to see the minority party protesting against the attitude of the Honourable Deputy Speaker ?

I very respectfully submit that we would certainly obey your orders and rulings but as soon as we feel that your orders are *ultra vires* and go beyond the ambit of the rules, we will in the first instance draw your attention to that infringement of the rules, and even if you do not pay heed to our submission, then one of the courses open to us is to walk out and not to take part in the proceedings of the remaining day. I think the Premier would very much like us to be away from the House so that the Government could easily enact any Bill in a form that suits its purposes. The other course for us would be to fight for the dignity of the chair and the rights of the members. I may tell the Government that so long as we are here in the Chamber we would see to it that the dignity of the chair as well as of the honourable members is maintained.

Now, Sir, the Government could very easily make a provision in the Rules to meet such emergencies. According to clause 4 of the Bill the duties of the officer in question would be to remove a person from the Chamber—

"Who in the opinion of the Speaker infringes the rules of procedure of the Assembly or otherwise behaves in a disorderly manner."

Now, Sir, so far as the the term 'disorderly manner' is concerned we have already got Rule 77, sub-rule (2) to meet such emergencies. It runs as follows :—

"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."

It means that if the Speaker finds any member behaving disorderly he can direct him to withdraw immediately from the Assembly. And if the member so directed refuses to withdraw, the Speaker will be entitled to direct him to absent himself from the meetings of the Assembly for any period. But the term "disorderly manner" apart, the term "infringement" is a pretty wide one. Supposing a member addresses the Speaker and during his speech the Speaker rises, it is then incumbent on the member so addressing the Speaker to resume his seat and if he does not sit down he infringes Rule 66. It would be tantamount to sheer despotism if on every ordinary infringement of the rules like the one I have just cited, the Speaker is pleased to direct the sergeant-at-arms to remove any honourable member from the House. The crux of the matter is that by adopting such measures the Government intends to gag the Opposition.

It has not been explained to the House whether the sergeant-at-arms would be a retired military man or somebody else. It is just possible that the Government may appoint some such deputy superintendent of police to the post as the one owing to whose maltreatment Kala Singh of Jullundur was forced to commit suicide. The atrocities and the maltreatment of the police are widely known. The very thought of it sends a chill to the soul. Moreover, this sergeant-at-arms knowing that his post is entirely under the control of the Government would dance to the dictates of the Premier. As it appears from the Bill the Speaker would have no voice in the matter of appointing any sergeant.

I have noticed another amazing point in the Bill. I would like to read out clause 8. It runs as follows :—

The Punjab Government shall appoint a Sergeant-at-Arms to attend on the Assembly 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.

I want to draw the attention of the House to the word "may" used in the clause that I have just read out to the House. It implies that the Government may or may not provide for the payment of his emolument from the revenues of the province. If the Government would not pay his emoluments from the revenue, does it mean that he would work *gratis*? We all know that the Premier himself is a Major and as such there may be certain soldiers at his beck and call. He may appoint any one of them as a sergeant-at-arms, who being a soldier would look up to his master for instructions. Thus the Honourable Premier would be in a position to lead him by the nose. I do not think there is anybody who would be prepared to work honorarily. Our Ministers are getting such fat salaries and their parliamentary secretaries are drawing daily allowances in addition to their salaries. It is, therefore, unthinkable that they would appoint an honorary sergeant-at-arms. They have their resources to cope with their personal needs but for the famished they have nothing to spare.

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

Dr. Gopi Chand Bhargava : Sir, I am speaking to the motion. This arises out of the use of the word 'may.' We have not so far

[Dr. Gopi Chand Bhargava.]

come across any philanthropist who is generous enough to work honorarily in the House. Then, how can we expect of any sergeant-at-arms to work gratis? I suspect foul play here. I know that the Government has purposely avoided the use of the word "shall". By using the word "may" the item of the sergeant-at-arms' pay is sought to be made non-votable. Otherwise the use of the word "may" does not carry any significance. But the Government should bear in mind that it is not open to it to create any non-votable item in the Budget. I may point out to you, Sir, that by appointing a sergeant the Government does not intend to increase your powers. Since the question of his appointment and dismissal rests with the Government he would undoubtedly act like a puppet in the hands of the Premier. In fact the object of the Government is to penalise us by means of this measure.

When any motion is moved in the House we try to express our mind about it and consequently whenever we feel like talking frankly the Government directs the Deputy Speaker to silence us. It is a matter of regret that we are here put to disgrace and laid low. And when we raise a voice against this maltreatment the Government brings forward the sergeant-at-arms Bill. I may assure the Chair that we do not want to follow in the footsteps of the mother of parliaments where sometimes addled eggs are flung by the members on the Speaker and he is not even immune from bodily assaults. But we believe in the cult of non-violence and do not intend to insult anybody.

It is highly objectionable on the part of the Government to rush through this odious and unpopular Bill. The Government had better circulate it to elicit public opinion thereon. It is incumbent on the Government to explain its conduct before the public. The Honourable Premier has admitted in his speech that he is a layman and does not know much of law. Then, why is he not inclined to get expert opinion from the learned and eminent lawyers as well as other public men who are in a position to pronounce views on the matter? It is of no use wasting public money on select committees. In the light of the public opinion the Government would certainly be able to improve upon the Bill. Let us discuss the matter outside on this Bill. Otherwise we cannot discuss it in the House. The Honourable Speaker of the Central Assembly once gave a ruling to the effect that members were not entitled to question or criticise the ruling of the Speaker even outside the Chamber. In the Punjab a certain newspaper criticised the ruling of the Chair and when the attention of the Deputy Speaker was drawn to the fact he cancelled the pass of its correspondent forthwith. But when the honourable members sitting on this side of the House took serious exception to this measure, they were insulted and jeered at. And now to add insult to injury the Government introduces a Bill that would completely gag us and deprive us of our legitimate right of having our say.

It is said that the select committee would record evidence in this respect, and it would be tantamount to public opinion. But I am sure that the Government has never done so. We have not had any precedent of the kind in the past. Last year an old and venerable person like Raja Narendra Nath was not supplied with the information he wanted to have. When such indifferent treatment is meted out to the members of the select committee

themselves, how can the outsiders expect of the Government to do anything better in their case. With these few words, Sir, I wholeheartedly support the amendment moved by my honourable friend Diwan Chaman Lall.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*):

4 P.M.
Sir, I had expected that the honourable members would not indulge in lengthy speeches at this stage and would reserve their remarks for the time when the measure came up for consideration. But after the speeches made by my honourable friends opposite and the motion moved by Diwan Chaman Lall, I feel constrained to give a brief reply to the various points that have been raised. My honourable friend Diwan Chaman Lall started by remarking that there was no justification for this "indecent" hurry. To this my friend Mir Maqbool Mahmood has already replied. The motion is for reference to a select committee. The report of the committee will be submitted to the House on or after the 27th February. Surely this is a sufficiently long period to enable the members to study the Bill. If my learned friends whose names have been proposed would put their heads together it should not take more than a couple of hours to dispose of this short Bill.

Next comes the question of necessity and propriety of a measure of this kind. I am surprised that objection should have been taken on that ground. I submit that no individual or party with the slightest respect or regard for democratic institutions, the good name of the province and the honour and dignity of this House can wish for a recrudescence of the deplorable incidents which have necessitated the introduction of this measure. I am aware that this evil is of recent origin. My honourable friends opposite cannot but admit that on several occasions, prior to the present session matters of a controversial nature have come up for discussion; but there has never been any attempt to flout the rulings of the Speaker. I on my part admit that there is a distinct improvement in the tone of the House since that undignified and regrettable exhibition of rowdyism 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. But my honourable friends will agree that although the disease appears to have disappeared, the danger of a relapse is there. Those who are liable to acute and painful attacks of any disease keep suitable medicine ready at hand by way of precaution. And that is precisely what I propose to do. I am merely providing a sort of *Anritdhara* in case of need and I do not see why my friends opposite should object to this useful precaution. (*Laughter.*)

Let us hope and pray that my honourable friends opposite may not fall a prey to the same disease in future. The Honourable Leader of the Opposition was pleased to remark that he and his friends have come here to serve the people. It is therefore all the more necessary that they should not fall a prey to this disease. He himself may be strong enough to resist in future, but there are others who may not be so strong and confident like him to be immune from the danger of relapse. In the circumstances, it would be only prudent to provide the remedy I have suggested against an emergency.

[Premier.]

Why should my honourable friends opposite then feel perturbed over it? They should instead thank me for providing this efficacious remedy. I agree that since the last attack there have been no fresh symptoms of this disease. But the danger of a relapse, however remote, is still there.

My honourable friend, Diwan Chaman Lall, said that we should consult public opinion. I have already submitted that the Bill was published in the newspapers and in the Government Gazette. It is open to all public-spirited gentlemen who feel interested in this matter to communicate their views to the select committee or through the Press. In fact a few articles have already appeared in the newspapers. After all, there can be no reasonable objection to a measure of this kind. It is, as I have said, merely an attempt to avoid a recrudescence of the disease which unfortunately has recently appeared in a section of the House. Then there are certain technical points on which lawyers alone can give sound advice. You will have noticed that I have proposed for the select committee the names of several learned and experienced lawyers. I also requested my honourable friend, Dr. Sir Gokul Chand Narang, to serve on the select committee. But he has not been able to accept my invitation owing to his other pre-occupations.

Mr. Speaker : But he is the right person.

Lala Deshbandhu Gupta : *Neem hakeem khatra-i-jaan.* (A physician half-skilled kills the body whole).

Premier : That is precisely why I have not suggested the name of my honourable friend.

Lala Deshbandhu Gupta : Physician, heal thyself.

Premier : I have not suggested a quack remedy. I have suggested a prescription of proved merit. This prescription has been successfully used in the British Parliament for several centuries. Then my learned friend said that such a measure has never been introduced in any of the provinces of India. I do not think that the disease which recently broke out in this province and which this measure is expected to check effectively, has so far broken out in any other province. The shame or the honour of being afflicted with this disease has fallen to the lot of this province. And I must point out regretfully that its credit or discredit has gone to honourable members sitting on those benches. Perhaps these gentlemen thought that as the Punjab was leading the rest of the country in other matters they should give a lead in such unsavoury practices as well. I am sorry that a section of the press of this province has not thought it fit to discuss the actual facts with regard to this matter. But the way in which the press outside this province has criticised the happenings, makes me as a Punjabi, hang my head in shame. I am confident that many of the members of this House share my feelings. This is the age of democracy. I am sure that if such a thing had occurred even in the Stone Age, people would have hung their heads in shame.

My honourable friend said that such things happen sometimes on the floor of the Mother of Parliaments. He referred to a very old incident when a Speaker was tied to his Chair. But the question is, who tied the Speaker? It was that section of the House who were the torch-bearers

of freedom. They apprehended that the Speaker was playing in the hands of the King and that he was likely to abuse his position as the Speaker of the House.

Lala Deshbandhu Gupta : Similar situation arose here.

Premier : My honourable friend is now about my age and both of us are sufficiently advanced in years not to make such remarks. I, for one, do not know how to answer such remarks. He is stabbing the Deputy Speaker in the back. This is anything but fair. The Deputy Speaker is not in a position to answer him in the same terms. But if instances have to be quoted from ancient history I can quote the instance of the practice in vogue in England, three or four centuries ago. The Britons used to sit on the Stonehedge and their president held a club in his hands which waved occasionally over the heads of delinquent members of the assembly. Mr. Speaker, you are aged and ill and perhaps you will not be able to make use of a club. But if you had a club in hand here and honourable members knew that you could make use of it, infringements of rules on the floor of this House would have come to an end for ever.

Sir, I have been greatly surprised to listen to the speech of my honourable friend, the Leader of the Opposition. He has not referred to the defects or deficiencies of the Bill just as has been done by my honourable friend Diwan Chaman Lall. He has, while supporting the motion moved by my honourable friend, Diwan Chaman Lall, said such things which it is not proper for a responsible member like him to say. While supporting the principle of the Bill, he has made unwarranted attacks on the Deputy Speaker. He said that as the ruling of the Deputy Speaker was wrong the members were compelled to resort to those things. The Deputy Speaker after all is not an angel. He is liable to err like the rest of human beings. But is it right to defy him just as was done the other day? The proper thing for them would have been to go to his room and discuss things with him. They could have told him outside this House that his ruling was not correct. Then he may have considered the question of revising his ruling as he has the power to revise his ruling if he feels so inclined.

My honourable friends in the House, the press and the visitors who happened to be present here on that day would bear me out when I say that not a word was said by my honourable friends occupying these benches which could be characterised as disrespectful to the Chair or in any way conducive to the disorderly scene under reference. (*A voice: Very creditable!*) There is no question of its being creditable; it was our duty to maintain the dignity of the Chair and in our eyes the respect of the Chair has precedence over everything else in the House. The honourable members of the Opposition had better realised that the business of the Assembly cannot be carried on without keeping the dignity of the Chair in the forefront. Even ordinary courtesy and decency demand this. That is why we have been obliged to bring forward the present Bill. (*Interruption.*) I would request my honourable friends sitting on the opposite benches not to always go on interrupting, as it engenders heat and unpleasantness.

It is a pity that my honourable friends opposite have sought to justify their disorderly conduct by saying that the ruling of the Chair was not correct. Do they suppose that Mr. Deputy Speaker and Mr. Speaker are

[Premier.]

heavenly beings, infallible, unlike mortal men? After all they have got to be elected from amongst us all including the Opposition. Just as we are prone to make mistakes, they may also sometimes give an incorrect ruling. But, if on such occasions, my honourable friends would like to take the law into their own hands, I may warn them that they would strike at the very root of democracy. Without paying the respect that is due to the Chair, we would not be able to transact any business in the House. My honourable friend, the Leader of the Opposition, went so far as to compare the actions of his party to those of Parnell in the Parliament. He said that his party did not fully follow Parnell. But do they think of following Parnell here? Why not follow good traditions of the Parliament instead of taking this bad example as their model?

Further, my honourable friend, the Leader of the Opposition, while quoting a reference about Parnell, did not care to quote that it was the Crown that appointed the sergeant-at-arms for the Parliament and that it was not the Parliament that appointed him. The Crown in a way has honoured the Parliament by appointing a marshal for them.

(At this stage Mr. Speaker left the chair with the permission of the House and it was occupied by Mr. Deputy Speaker.)

It was not fair on the part of the honourable Leader of the Opposition to say that we were trying to force the sergeant-at-arms upon the House against the will of the Honourable Speaker. But I may assure him that the object with which he made that remark would not be realised. All that we have done is that we have faithfully followed the Mother of Parliaments and I wonder if anybody can have any serious objection to that.

Another criticism levelled against the present Bill is that it says that the salary of the sergeant-at-arms may be a charge on the revenues of the province. May I respectfully ask the honourable Leader of the Opposition if he wants an honorary sergeant-at-arms? That should not be and it would not be. We will appoint a paid sergeant-at-arms. A most suitable person will be appointed and a reasonable salary will be paid to him so that we should have the benefit of having a suitable man on suitable terms.

The objection of the Opposition to the word "may" is not well-founded. I should like to inform them that the word "may" here is suitable and is often used in legal books. My honourable friend Dr. Narang would, I hope, bear me out in this respect.

Again, my honourable friend, the Leader of the Opposition, observed while referring to that unfortunate incident that he had to safeguard the honour of a member of the House against the ruling of Mr. Deputy Speaker. I cannot help expressing my astonishment at this argument. Does he think that his duty to safeguard the honour of a member is greater than his duty to safeguard the honour of Mr. Deputy Speaker who is the chosen representative of all the honourable members of this House? I am sure my honourable friend, the Leader of the Opposition, erred in his judgment. None would regard the honour of one member more sacred than the honour of all the honourable members' elected Speaker. And yet my honourable friend has tried to justify his defiance of the Chair on the ground that he was out to defend the honour of a member. What pains me most is the tone

in which he expressed this argument. But I would not stoop so low as to make a reply in that strain. Instead of trying to justify that unfortunate incident, the honourable Leader of the Opposition, should have expressed genuine regret for that, and assured the House that it would not be repeated. But he went to the length of giving us a sermon on civil disobedience. I know Dr. Gopi Chand Bhargava is capable of joining civil disobedience. But let him remember according to the creed of the Congress that he has got to be non-violent in thought and deed. Was it non-violence in thought on his part to say that they would do anything in self-defence? (*Interruption.*) My friends now say that they had the right of self-defence but it was not their intention to do anything in this behalf.

Diwan Chaman Lall : May I interrupt my honourable friend? We never said that we would do anything in self-defence. What we said was that every member if so attacked had a right of self-defence.

Premier : The honourable member said something of that sort.

Diwan Chaman Lall : Nobody worried about the use of that right I only said that he had a right of self-defence.

Premier : Every member had a right although if he was non-violent in thought, word and deed, he would not have thought like that. Anyhow I accept the honourable member's correction. (*Urdu*): Now, Sir, it has been urged that there was no necessity for bringing this Bill? We could frame rules or set up conventions on the point which may have the force of law. I had these things in view. So far as the British Parliament is concerned there are more conventions than written laws. We have set up certain conventions and hope to set up more in future. But my friends probably are more in favour of written laws than unwritten laws. They have easily forgotten what happened here the other day. We pointed out that the Chair had all powers to preserve order in the House, the rules on the point were quite clear and that this House had the inherent power to give effect to these rules but my friends did not accept any of the positions then taken by us. Let me quote an honourable member who said the following in his speech :—

There is no other provision barring the Government of India Act which gives that power. No amount of reading of the rules of the House of Commons gives you any power outside the limits of section 71 (3). What happens? These powers are given. How do you take those powers?—not merely because these powers are in the Government of India Act but by acting under the Government of India Act you should go ahead and make your own rules and in those rules you shall provide all that the Government of India Act allows you to provide for. The Government of India Act gives you that permission. You can make rules to remove an honourable member. You have not acted according to those rules, because there are no rules. It was up to my honourable friend acting under section 71 (3) of the Government of India Act to frame rules when the rules were being framed on the floor of the House giving the necessary power to the Honourable Speaker to remove an honourable member from the House for disorderly conduct. It was only at that time when you could specifically have secured by order of this House that power which is permitted to you under the Government of India Act, and it is only thereafter that you can act in pursuance of that power. You cannot act unless that power is given specifically by the rules or resolution or by an Act of this House. The permission is there, but you have not availed yourself of that particular power. You have not. There may be a lacuna. You are allowed to remove an honourable member, but how are you going to remove him? If you are allowed to do so, you have not the further power which is given to the House of Commons by statute, you have not the further power of having him removed by the sergeant-at-arms.

[Premier.]

I submit you cannot exercise that power of having him ejected forcibly. You have only half a leg, you cannot take the whole step. You have made rules in which you have stated that you can remove an honourable member but you have not stated in the rules the manner in which you can remove that member. You name a member and ask him to withdraw. If he refuses to do so you have the power to suspend the House. That is all the power given to you. You cannot carry out your orders. Unless and until you take power into your own hands from your own House by virtue of an Act passed by the House or by means of a resolution, you cannot go further than that. How do they do it in the House of Commons? There it has been done by authority of statute by the provision of a sergeant-at-arms who is empowered according to the law to remove an honourable member if the Speaker so orders that he should be removed. Have we any rule to that effect? Under the Government of India Act (section 71 (3)) you should have taken similar powers.

Thus it will be seen that it is in deference to the wishes of the honourable member that I have brought forward this Bill, so that on future occasions there may be no difficulty.

I think I need not detain the House any longer except to make an emphatic appeal to my honourable friends opposite and to the Leader of the Opposition who unfortunately is not here. Let me tell my honourable friends that we should in all humility, in all earnestness, think of those unfortunate incidents and no member whether he belongs to that side of the House or this side of the House can look back with equanimity or with any sense of pleasure to those incidents. As a matter of fact we should look back with a sense of shame and disgrace upon those unfortunate incidents which have happened and may I appeal to my honourable friends that if we go on doing like that, those people who have from the very beginning been taunting us by saying "let us see how you behave when swaraj comes" are waiting for an opportunity and we will be giving them the opportunity of pointing their finger at us or substantiating their suspicions by pointing out to such incidents. My honourable friends should remember that the future destiny of not only this province but the whole of this country, our motherland, is in the hands of the provincial legislatures. They know perfectly well that my friends of the Congress, and their conferees in other provinces, deliberately decided, after having first refused, to accept office. Why? For what purpose? Merely to further the end which we all have in view, to achieve that ideal which we all have in view, that is to say, to achieve further political power and progress for our motherland and if we want that, we must calmly and dispassionately consider these matters. (*Interruption.*) My honourable friend, Munshi Hari Lal, is not prepared even to hear an earnest and humble appeal. I am not making that appeal as Premier of this province. My honourable friend, the Leader of the Opposition, said that I had the *bagdar* of the province in my hands. But it is not in that position and in that capacity that I make the appeal to my honourable friends. I make that appeal in my capacity as one of them, as their kith and kin, as one who is not a whit behind anybody else in India in seeing that India takes her rightful place and who is keen to see that our motherland attains that position and that high status for which we have been striving for years in the past and for which we shall continue to strive. If we are to achieve that ideal which we have set before us, let us by our behaviour prove to the world outside and to our own countrymen that we are fit to run democratic institutions. (*Applause.*) If we are to run democratic institutions we should make up

our minds to act up to those conventions and those canons of democracy which go a long way to establish those very principles which are so dear to us. There is one further thing which my honourable friends must remember. It is this. Whatever we do here to-day will not be forgotten to-day. It will not be obliterated to-day. It does not mean that an unfortunate incident that occurs to-day will have no repercussions to-morrow or later on. We must remember that in what we do to-day we are laying down something for those who will come after us. It is a legacy which we have to leave to those who will follow us and I would request my honourable friends that they must join hands with me in maintaining the honour, honesty and integrity of this House so that we may be able to achieve that ideal of freedom for our motherland for which you and I both stand here together. (*Loud applause.*)

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) (*Urdu*): Sir, I wish at the very outset to assure my honourable friends opposite that we yield to none in the desire to safeguard democratic principles and institutions and to see them well established in our country. But that does not mean that we should agree to any measure brought forward by the Government. The Honourable Premier and before him, his Parliamentary Secretary have appealed in the name of the dignity of the House to pass this Bill. I on my part appeal to my honourable friends in the name of that very dignity of the House not to court ridicule and disgrace by passing such a disreputable measure. No other province in the country has passed such a measure and if we are to place it on our Statute Book, it will soil the fair name of our province. I am sure that it will be a standing reflection on this august House and its members. Its passage will mean on the one hand that the members have no sense of responsibility and cannot transact business in a proper manner and on the other that the Speaker and Deputy Speaker of the Punjab Assembly are incapable of discharging the duties of their high offices without the help of the sergeant-at-arms. I would like to ask those who have appealed to us to pass this measure whether it is going to enhance our reputation or to bring us bad name.

Let us not take an exaggerated view of the unfortunate incidents that took place the other day. I still hold that the Chair can conduct the business of the House without the help of any such measures. To rush to enact such measures on the slightest pretext shows that the Government is paying only lip homage to democracy while in actual practice it is bent upon substituting for it unadulterated Hitlerism. One of my honourable friends opposite asked whether the members of any legislature in India created such ugly scenes as have been created in this House. But my reply to him is that in no other legislature has the majority tried to trample over the rights of the minority in such a shameful manner as has been the case here. Hence the occasion for any such incidents did not arise. Can the Premier cite any instance of a province where the rules of procedure of the House have been infringed so consistently as he has been doing here? Under the rules, the Opposition has some rights and privileges, we have been given a day every week for non-official business; question hour and the right to move adjournment are some other privileges of the Opposition. But all these rights and privileges have been ruthlessly trampled underfoot. If the Government was very particular about the

[Lala Deshbandhu Gupta.]

early passage of the Marketing Bill it could have achieved that object by sitting on off-days, but instead of that it decided to deprive us of the non-official days. This shows the regard these self-styled torch bearers of democracy have for us. I say it without any fear of contradiction that they have not allowed any healthy conventions to grow here which would have contributed to the smooth conduct of the business of the House without the help of such a bad measure.

Then, Sir, may I tell my friends sitting on the Government benches that without healthy conventions, there can be occasions when even this measure will prove of no use. In my opinion the best course is to leave the question of proper behaviour in the House to the good sense of the members themselves; otherwise even the sergeant-at-arms will not be able to control the members and force them to act according to the dictates of the Premier. Those who have been facing the lathi charges of the police and even fires cannot be cowed down by your sergeant-at-arms. I would, therefore, request the Government to leave this matter to the good sense of the members. Let me warn them that if they did not accede to my request and continued to persist in their present high-handed manner, even a whole army of sergeants-at-arms will fail to get the business of the House conducted smoothly.

Let me remind the House that the Speaker also has a good deal to do in the matter. The good example of the Speaker of the United Provinces is before us. When he came to know that a section of the minority of the House was dissatisfied with him he declared that even if a single member had lost confidence in him he would at once vacate the chair and tender his resignation. (*Hear, hear.*) This shows that there the majority can never expect the occupant of the chair to dance to its dictates. I have no desire to cast any reflection on the chair but it is a fact that the majority party has tried more than once to bring undue pressure to bear upon the Speaker and the Deputy Speaker to secure rulings in their favour. The minority cannot even think of doing so but the Premier has the power of the majority behind him and knows how to use it relentlessly. During the last session when he failed to make the Speaker give a certain ruling in his favour he went to the length of at once moving the adjournment of the House *sine die*. These are his ways of doing things and yet he wants the Opposition to put up even with flagrant injustice without a murmur. Let me tell him that that is not going to be in spite of a thousand sergeants-at-arms.

I may also draw your attention to the fact that so far as the ugly scenes referred to are concerned we are not the only sinners. You will remember that in the Simla session one of the Parliamentary Secretaries, Raja Ghazanfar Ali Khan, was responsible for something which necessitated the calling of an *in camera* sitting by the Speaker to discuss the situation. Why could not the same procedure be adopted on the last occasion? Let the Government ponder over the matter and desist from bringing more disgrace to the province in their anxiety to "lead" other provinces. They have already soiled its fair name to a great extent and it is high time that they cried halt. Even last time, the Leader of the Opposition asked the two

members concerned to stay away and they did so. I would, therefore, ask the Government not to be so touchy about that matter as to lose all sense of propriety. That will not enhance the dignity of the House. Moreover, the Government of India Act empowers you to make rules and you can easily make a rule to meet such contingencies. Why create such a fuss over what can be achieved in a very simple way?

Next, I fail to understand why the Government should fight shy of circulating the Bill for eliciting public opinion. The Premier was pleased to say that the select committee can dispose it off in a couple of hours. Then, why not agree to its circulation even if it has to be only for a month or so? You can easily have a meeting of the select committee on the 27th February without spending any extra money on the allowances, etc., to the members. But the Premier would not agree even to such a proposal as his case is very weak. He would have preferred the passage of the Bill to-day but then he deviated from this course only because he was afraid that my honourable friend Pandit Muni Lal Kalra might not torpedo it like the Motor Traffic Bill. That is why he has, perforce, agreed to wait for some time.

You will remember, Sir, that in the Simla session last year it was the Premier himself who asked the Speaker not to insist upon having a marshal although the Speaker pleaded that as an old man he required an assistant to convey his messages and to perform other duties of a similar nature. Then why this somersault? I submit, that this change of attitude and indecent haste can be explained only in one way, that is, the Premier is anxious to install himself as a Hitler and crush all ideas of democracy in the province. This shows that he is not anxious to uphold the dignity of the Chair as he would have us believe. It is just possible that if at any time he does not find the present Speaker and Deputy Speaker suitable for his purpose he may remove them at once and put up such a substitute as would be prepared to turn out any member at the least indication from him to that effect. I, therefore, submit that to arm him and his party with such powers is sure to bring further shame and indignity to the House as well as to the whole province.

I want to urge upon the Honourable Premier who is not in his seat at the moment that the responsibility for the incident which has made him come forward with such a measure is entirely his own. If he had anything to complain against the "Partap" he should have drawn the attention of the Leader of the Opposition to it. He could have urged the appointment of a committee of privileges to go into the matter. It was also open to him to place this matter before the Association of Journalists. But he did nothing of the sort. He proceeded to issue an order in hot haste himself in a Hitler-like manner. Even the persons accused of murders are given an opportunity to defend themselves in open courts. But the Premier gave no opportunity to the "Partap" even to explain its conduct and condemned it unheard. We objected to this procedure adopted by the Honourable Premier. We had every right to do so. But after making an inflammatory speech instead of giving the Opposition an opportunity to reply he signalled to one of his parliamentary secretaries to move the closure. How can such things redound to the credit of this House? Such things and such methods bring a bad name to this House and exasperate

[Lala Deshbandhu Gupta.]

feelings. It is high time that Honourable Premier learned to mend his own ways. While proposing such measures and adopting such high-handed methods he should not rule out the possibility of his coming on the Opposition benches one day and the Opposition taking his place on the Government benches. So far he has had no taste of the lot of the members on the Opposition benches. He seems to have been bred and brought up in the hot house of Government's favours. He has had no experience of the frowns of the Government. But he may have to come over to this side like his good old friend Nawab of Chhatari. One day I am sure; he will not be able to bear even as much then as we have been doing so far. We can bear all the hot and cold winds that blow upon us from that side with equanimity and composure. One can easily imagine what he will do then. Only the other day when Mr. Speaker gave a ruling which was a little unpalatable for the Premier he rose abruptly to move for the adjournment of the House *sine die*. He should patiently consider this question that if the Opposition forms Government the weapons now provided by the Premier to the Chair might then create difficulties for him as well. Such things do not redound to the credit of the province. I will appeal to you, Sir, that as unfortunately such incidents which have necessitated the bringing forward of such a measure have occurred in your time you will support us and will not let this Bill pass at least in your time. (Laughter.)

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban)
(Urdu): Sir, I am sorry that such a measure has had to be brought forward. But the attitude of the Opposition is totally responsible for this Bill. The attitude adopted the other day by honourable members on those benches was the reverse of propriety and the demonstrations made by them was extremely abominable and clearly in defiance of the order of the Chair and thus a direct hit on the dignity of the House and the Chair. The present Bill is intended to prevent the recrudescence of such ugly demonstrations and of a total disregard of good manners as was exhibited the other day on the floor of this august House. The Government has, therefore, sponsored this measure after a good deal of deliberation. I am sure that if such an enactment had already been on the Statute Book, the unseemly happenings which were witnessed the other day under your presidency on the floor of this House would not have been allowed to occur at all.

5 P.M.

Lala Duni Chand: Did you not say that the Minister for Education insulted you?

Khawaja Ghulam Samad: Now, it is said that such a Bill is a stigma on the fair name of this Assembly. But the whole of India is aware of the fact that all discredit for provoking such an action goes to those who indulged in unseemly demonstrations in defiance of the orders and the dignity of the Chair. Then, the question has been asked very innocently indeed: why such an action has not been taken so far in any other province of India? My simple answer is: for the very good reason that such shameful situation as arose the other day on the floor of this House has, fortunately, not arisen in any of the other provinces of the country so far. My friends are fully aware of the fact that there is a Marshal in the House of Commons who assists the Speaker in the matter of keeping control when any member is

inclined to be too unruly. My honourable friends on those benches, pose to be ordinarily very keen to adhere to the Parliamentary practice. They are never tired of raising questions that such and such thing is unparliamentary. I fail to understand why they oppose the present Bill when it is in conformity with their beloved Parliamentary practice. This Bill if enforced is likely to stop such undesirable demonstrations in future.

Further they have pointed out that they are as much determined to maintain the dignity of the Chair as any member sitting on these benches. In that case how does it lie in their mouth, I fail to understand, to oppose a measure which is wholly intended to fulfil that object. May we take it that my honourable friends maintain, if at all, a fine distinction between word and deed? The question may very well be put to them: if they have after all determined to maintain the dignity of the Chair, why should they be apprehensive of the consequences of the passage of this Bill? If they are sincerely of the opinion that the dignity of the Chair and the House should be maintained at all costs and in all circumstances, it can be legitimately expected of them that they will strongly support this Bill.

Now I turn to the remarks made by my honourable friend Lala Duni Chand who hails from Ambala district and is resident of Ambala City like me. He was pleased to suggest that the Honourable Minister of Education had insulted me yesterday. I repudiate the suggestion and assert that that was due to some misconception. The explanation of the honourable minister was quite satisfactory.

Mr. Deputy Speaker: The honourable member should speak to the motion.

Khawaja Ghulam Samad: I am in fact speaking to the motion. I thought it worthwhile to reply to the remarks of my friend who interrupted me. But in obedience to your ruling I am prepared to give up that point.

One word more and I have done. All that the Opposition have been able to say against the Bill, is that it has a few defects in it. I admit that and would suggest that those defects can very well be removed by the select committee which has already been composed of learned members of this House. Having those defects in view I have also moved a few amendments which, if necessary will come before the House after the report of the select committee is received. There is absolutely no need to circulate the Bill among the public for eliciting opinion, because this Bill is meant to ensure good and orderly working of the Assembly. With these few words I strongly support the motion that the Bill be referred to a select committee.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, after hearing the passage read by the Honourable Premier, I was convinced that those who caused this Bill to be introduced are the members sitting on my right. Soon after the undesirable incidents of that day, we met in a meeting and decided that some action was necessary. But while they were considering this question, I was deeply, in my mind, thinking what the real cause of all this was. We the Punjabis are not worse off in this respect than any other province. We are amiable and we have equally a good temperament with others. Our characters are as high and lofty

[Mian Muhammad Nurullah.]

as of anyone else. But, after a very deep thought, I came to the conclusion—and in that respect I attach very great importance to what my honourable friend from Delhi, Lala Deshbandhu Gupta said—and that was exactly the conclusion I arrived at that enforcing the will of the majority was the cause of our trouble. I thought that there should be an amicable settlement between the two Leaders, who are the custodians of democracy in this province—the Leader of the House and the Leader of the Opposition—that they should sit together before each session and find out how smoothly they can run the whole affair and when any one of them disagrees, they should put the question before the parties and come to a certain conclusion, so that a situation like the one which arose on that day, may be avoided. I was a member of the majority party then and I did feel in my mind that we, the majority party, were thrusting our opinion on the minority and that we were not rightly protecting their cause, the rights and privileges of the minorities. That was the conclusion which I arrived at and then I blamed myself.

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

Mian Muhammad Nurullah : I am speaking to the motion by going into the reasons why we have come to the conclusion that a sergeant-at-arms is necessary. Therefore, I have to analyse the things. That day I myself was of the opinion, as the Honourable Mr. Manohar Lal expressed, that there was a good deal of unnecessary noise on this side of the House and if he had asked me to give a statement against my honourable friends on this side of the House, I would certainly have done so, because I felt that they had gone out of their bounds. In that connection I must request the Leader of the Opposition that he and his party should be more democratic than the Leader of the majority party even. I, as an independent member, think that the party on this side of the House was not behaving as it should. Many members stood up at one and the same time. I would request and appeal to them that in future they should take the permission of their Leader first and rise one by one only when the Speaker calls them. Others should sit down as the Speaker says, 'Order, order'. I would also appeal to the Honourable Speaker that when he says, 'Order, order', he should not relax this 'Order, order' in the case of one member and not in the case of another. A member who yields to his 'Order, order' straightaway and resumes his seat, should get a chance of expressing his views.

Now, from this question I jump on to the question of the dignity of the House, dignity of the members and the dignity of the Speaker. I think the dignity of the Speaker is the greatest thing we should respect. We must bow down to his ruling at once and those members, who try to stick out of their seats, should not do so in future. Unless we are able to respect the Speaker, we will not be able, I should say, to respect any one, to respect our conscience or respect ourselves. Secondly, the dignity of the House, which is equally important must be maintained. Therefore, while sitting in this House we should try to respect each other and act according to the procedure laid down once for all by certain rules. We should not try to violate those rules. Further, I come to the dignity of the members. The

other day I learnt that one of the honourable members of this House, an honourable member representing about 2 lakhs of persons and about 25 thousand voters, was walking just behind a Minister, seeking to stop him for a minute, but he would not stop. He went on and walked into his room and the honourable member—equally honourable as the Minister, because both of them came here as members and not as Ministers—stood outside the room. Some honourable members noticed this and consoled him but he felt miserable. Therefore, in this respect, I have to request the Ministers to keep the prestige and dignity of the members, so that when they come here they should keep the dignity of the House. When we are here we keep your dignity as well as we keep ours.

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

Mian Muhammad Nurullah : I come right to my point that I want to press in this House. My point is this that the poor people, like myself, the poor kisans, do not want to add any office whatsoever as we have no money. (*Hear, hear from the Opposition Benches.*) Prices are so low and we are so much down that any penny which goes out of the exchequer is a burden on every one of us. So, looking from the point of view of kisans I must oppose this. My personal view is that I am not against the sergeant-at-arms. I am very much against any assistants or board of persons that he may employ to be later on paid out of the exchequer. I would hate to see the day—I would rather be not in this House to see the day when the sergeant-at-arms comes down upon a member of this House, who might slap him in the face and the sergeant-at-arms stab him without any action being taken against him. I very much object to some of the clauses of the Bill to which the Leader of the Opposition has objected. But, Sir, I must say that we need a sergeant-at-arms and if we behave well, certainly, he would not be employed. From the kisan point of view I request the Honourable Premier and the party in power that they should not thrust upon us any more burden of assistants to the sergeant-at-arms. I am sure that the things that occurred here will not be repeated. With these words I request the majority party to send this Bill for public opinion just for a few months, so that the zamindar's view may also be taken. Therefore, I support the amendment moved by my honourable friend Diwan Chaman Lall. (*Cheers.*)

Diwan Chaman Lall : Mr. Deputy Speaker, I want to be perfectly clear whether I have or have not a right of reply with reference to the motion moved by me and in reference to this, I want you to refer to rules 61, 71 and 84. In Rule 61, you will find thus :—

An amendment must be relevant to, and within the scope of the motion to which it is proposed.

In Rule 71, you will find :—

(1) Except in the exercise of a right of reply or as otherwise provided by the rules, no member shall speak more than once to any motion, except with the permission of the Speaker for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

(2) A member who has moved a motion may speak again by way

as I have done with reference to the circulation motion, and it is a motion,—

“ may speak again by way of reply.”

[Diwan Chaman Lall.]

Therefore, I submit that under Rule 71 (2) having moved a motion I have a right of reply, since it is only by means of stretching the language, would this motion be considered as an amendment. Then the Rule goes on :

And if the motion was moved by a private member, the Minister to whose department the matter relates shall have the right of speaking whether he has previously spoken or not in the debate, after the mover has replied.

That is, my honourable friend, the Premier, would, if he so chooses to exercise his right, have a right of reply after I have given my reply.

Now I want you to go even further. The proviso to rule 71 says :

Provided that nothing in this paragraph shall be deemed to give any right of reply on an amendment except in the case of amendments proposed to bills and in the case of motions relating to supplies.

I submit that this is an extreme procedure and it is not governed by the ordinary procedure of an amendment or a motion or a resolution. The procedure laid down here is definite that if there is a motion that is moved by me, then under this rule I have a right of reply.

I go a little further. I refer you to Rule 84 which runs as follows :

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

- (a) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or
- (b) that it be referred to a select committee ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion :

Again, not "specified in the *amendment*," but "specified in the *motion*."

I submit that since this is a motion and the very definition of amendment rules it out of the ambit of amendment, it must be considered to be a substantive motion, a motion which entitles me to a right of reply. An amendment must be within the scope of a motion. An amendment would be that instead of six or ten members that my honourable friend has suggested as members of the select committee I might propose twelve, or that I might alter the wording of the motion in any manner regarding the phraseology employed by him in moving his motion regarding the select committee. But mine is outside the scope ; mine has a reference that this Bill be circulated for eliciting public opinion by the 1st of October. If it is a motion, I have a right of reply, and I submit that you should in view of the clear definition rule that I have the right of reply to the motion moved by me, in spite of what the procedure has been in the past.

Mr. Deputy Speaker : I refer the honourable member to Rule 86 which runs thus :

- 86. (1) On the day on which any of the motions referred to in rule 84 is made or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed but the details of the Bill must not be discussed further than is necessary to explain its principle.
- (2) At this stage no amendments to the Bill may be moved, but—
 - (a) 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
 - (b) 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 makes it absolutely clear that yours is not a motion but an amendment.

Diwan Chaman Lall : May I say that the word 'amendment' there is not used in a technical sense? Otherwise there would be contradiction between rule 84 and rule 86 so far as the use of that word goes. If you rule that my motion is an amendment in a technical sense, then it would be drawing a distinction between the word used in rule 86 and that used in rule 84. There can be no sense in thus drawing a distinction. Again rule 86 (3) says—

Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried—

This also strengthens my argument that the word 'amendment' in parts (a) and (b) is not used in a technical sense.

Mr. Deputy Speaker : May I draw the attention of the honourable member to the fact that the motion referred to in rule 86 (3) refers to a motion moved by the member in charge of the Bill?

Diwan Chaman Lall : May I draw your attention to the definition of 'motion' in item (j) of rule 1? There it is defined—

'Motion' means a proposal made by a member relating to any matter which may be discussed by the Assembly and includes an amendment.

Mr. Deputy Speaker : That is a different matter.

Diwan Chaman Lall : My contention is that an amendment is covered by a motion.

Mr. Deputy Speaker : Undoubtedly an amendment is a motion.

Diwan Chaman Lall : The distinction between a motion and an amendment is clearly indicated in rule 84. That is one point. The second point is, suppose you hold that this is an amendment in its technical sense and not a motion. Then, my submission is that if you put this amendment to circulate the Bill for eliciting opinion to the House and it is lost, thereafter you will put the original motion for reference to select committee. At that stage I submit honourable members have a right to say whether they accept the motion or not and in that connection to make speeches.

Premier : My honourable friend has conceded that rule 84 merely relates to the position of the member in charge of the Bill, whether it be a private member or a member of Government. In that rule either of the three motions referred to in parts (a), (b) or (c) may be moved by the member in charge of the Bill. It would then be a motion. But any motion made with a view to amend that particular motion or to substitute it by another motion would be an amendment and not a motion under rule 84. That is why in rule 86 those motions are specifically mentioned as amendments. They would not be treated as amendments if moved by the member in charge of the Bill. But if the same motions are moved by any other member, they would be amendments to the original motion moved by the member in charge. I suppose this makes the position clear.

Diwan Chaman Lall : The position that my honourable friend takes is this. It is a motion straightaway if it is moved by the member in charge of the Bill and it becomes an amendment if moved by anybody else. In

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that case my motion becomes an amendment. If so, it should be put to the vote of the House first. If that is rejected, then you will put the original motion to the House. At that stage it would be open to any honourable member to say what he has got to say in regard to that motion.

Premier : May I also remind the honourable member that there cannot be two motions before the House? One of the motions must therefore be an amendment in some form or another.

Diwan Chaman Lall : I am very glad the Honourable Premier accepts the position that there cannot be two motions before the House.

Mr. Deputy Speaker : An amendment is no doubt a motion, but it is not a substantive motion. Under rule 86 a motion for circulation if moved by the member in charge, is a substantive motion. The very same motion if moved by another member becomes an amendment. So, under section 86 (2) (b) the motion moved by the honourable member is an amendment and not a substantive motion. Therefore, the honourable member has no right of reply.

Diwan Chaman Lall : Would I, then, have a right to offer my remarks when you put the original motion?

Mr. Deputy Speaker : Both the motions have been discussed together. Therefore, the honourable member will have no right to speak when the original motion is put to the House.

Diwan Chaman Lall : How is it possible for an amendment and a motion to be before the House at the same time? Surely you have to take the sense of the House with regard to the amendment first. After taking the sense of the House on the amendment, you have to take the sense of the House on the main motion, that is, reference to select committee. Merely taking the sense of the House on my motion which you consider to be an amendment does not dispose of the matter before the House. Therefore, when you put the original motion to the House we have a right to offer our criticisms on it.

Mr. Deputy Speaker : So far as the question of discussion goes it comes to an end when I put the amendment to the vote of the House.

An honourable member : The question may now be put.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the Punjab Legislative Assembly (Offices) Bill be circulated for the purpose of eliciting opinion thereon by the 1st October, 1939.

The Assembly divided : Ayes 42 ; Noes 75.

AYES

Abdul Rab, Mian.
Ajit Singh, Sardar.
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.
 Girdhari Das, Mahant.
 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.

Muhammad Hassan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Sahib Ram, Chaudhri.
 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.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Atzaalali Hasnie, Sayed.
 Ahmad Yar Khan Daultana, Khan
 Bahadur Mian.
 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.
 Barkat Ali, Malik.
 Bhagwant Singh, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Khan, Khan Sahib Raja.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Baksh, Mian.
 Gauba, Mr. K. L.
 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.
 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.
 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 Amin, Khan Sahib
 Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hussain, Chaudhri.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 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 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.
 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.
 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.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

Mr. Deputy Speaker : The main question will be put in four different parts. The question is—

That the Punjab Legislative Assembly (Offices) Bill be referred to a select committee.
The motion was carried.

Mr. Deputy Speaker : The question is—

That the select committee do consist of—

Mir Maqbool Mahmood ;
 Rao Pohop Singh ;
 Khan Bahadur Captain Muzaffar Khan ;
 Sardar Tara Singh ;
 Khan Sahib Chaudhri Sahib Dad Khan ;
 Mr. K. L. Gauba ;
 Dr. Gopi Chand Bhargava ;
 Diwan Chaman Lall ;
 Sardar Sahib Sardar Santokh Singh ;
 Malik Barkat Ali.

Diwan Chaman Lall : I stated earlier that with the permission of the Leader of the Opposition I am not willing to serve on that committee.

Premier : I merely asked the Leader of the Opposition to give me two names and he suggested his own name and that of Diwan Chaman Lall and I was glad that my honourable friend was there.

Diwan Chaman Lall : I do not think the Honourable Premier was here when I stated on the floor of the House that the Leader of the Opposition sent in my name as the Honourable Premier requested that a name should be sent to him. I have taken his permission and he has agreed that I need not serve on the committee and I do not intend to serve on the committee.

Premier : I suggest that the Leader of the Opposition will be pleased to nominate somebody else in his place.

Dr. Gopi Chand Bhargava : I do not think I can give a name.

Premier : May I suggest that Sardar Hari Singh or Lala Deshbandhu Gupta may be nominated? (*Honourable members :* No, thank you.)

Premier : Or that legal luminary, Lala Duni Chand?

Lala Duni Chand : The matter has to be decided by our leader.

Mr. Deputy Speaker : Then the question is—

That the select committee do consist of—

Mir Maqbool Mahmood ;
 Rao Pohop Singh ;
 Khan Bahadur Captain Muzaffar Khan ;
 Sardar Tara Singh ;
 Khan Sahib Chaudhri Sahib Dad Khan ;
 Mr. K. L. Gauba ;
 Dr. Gopi Chand Bhargava ;
 Sardar Sahib Sardar Santokh Singh ;
 Malik Barkat Ali ; and

that the select committee do submit its report by the 27th February, 1939.

The motion was carried.

Mr. Deputy Speaker : The question is—

That the quorum of the select committee shall be five.

The motion was carried.

AGRICULTURAL PRODUCE MARKETS BILL.

Premier : I beg to present the report of the Drafting Committee on the Punjab Agricultural Produce Markets Bill.

Mr. Deputy Speaker : The report of the Drafting Committee has been presented to the House and the amendments suggested are only of a formal character. If it is the pleasure of the House, I will submit them all together. Question is—

That the amendments¹ proposed by the Drafting Committee be adopted.

The motion was carried.

Premier : I beg to move—

That the Punjab Agricultural Produce Markets Bill be passed.

Mr. Deputy Speaker : Motion moved is—

That the Punjab² Agricultural Produce Markets Bill be passed.

Khawaja Ghulam Samad : On a point of order. Before the motion is taken into consideration, I draw your attention to the fact that yesterday members from the Ambala Division, Sufi Abdul Hamid and myself put two amendments to the amendment proposed by Chaudhri Tikka Ram about the formation of market committees but you passed these over lightly against which I make a protest. Those amendments were moved in order to safeguard the rights of Muslim growers of the Ambala division in the *mandi*. It is my right to request you now to allow me to speak on these amendments and thereafter the motion of the Honourable Premier may be taken into consideration.

¹For the amendments of the Drafting Committee, *vide* page 903 *infra*.

Mr. Deputy Speaker : That stage has gone.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I have stood up to oppose this Bill. Although I had been an opponent of this Bill from its very beginning, yet I participated in the debate on many amendments so that it might be made less harmful. In spite of the best efforts of our party to convince the Government and to make the Bill somewhat better by carrying out certain amendments, the Government has not felt inclined to listen to reason. It has, on the other hand, made its own amendments in the Bill making it not better, but considerably worse by those new amendments.

Before proceedings with my observations, I should like to examine the object which is expected to be gained by the passage of this Bill. Let us also see how far it can fulfil that object. In the Statement of Objects and Reasons attached to the Bill, it was said that the Bill was intended to so regulate the marketing of the agricultural produce as to lessen the expenses of the agriculturist grower which he has to bear while bringing his produce to the market place. The second object of the Bill is given out as putting a stop to the alleged malpractices prevalent in the *mandis*. Now mine is the task to show that this Bill, as soon as it becomes an Act, will increase rather than decrease such expenses and the remedy proposed is worse than the disease itself. Further still, I shall try to convince you that the malpractices complained of so bitterly will add to their number rather than decrease on account of the passage of this Bill. Sir, you have created market committees to fulfil the objects of this enactment. But my first point is: Could not these objects be fulfilled otherwise? So far as the control of weights and measures is concerned the Municipal and District Boards Acts contain adequate provisions for their control. Effective provisions are there for bringing those people to book who use false weights or defective measures. Besides, you have, as several honourable members have referred, the strong weapon of the Indian Penal Code at your beck and call which can effectively put a check to these dishonesties. So, if the Government is inclined to check the evil practices of those who defraud the poor grower by using false weights or defective measures, the law is already there. There is little need and much less wisdom to bring forth new legislations. But a glance at the provisions of the Bill as well as the report of the speeches made on behalf of the Government in support of this measure shows that the object underlying this Bill is something else and these still waters are running deep to drown somebody.

The provisions of the Bill, moreover, are of a very drastic nature. They are certainly meant for winding up the profession of trade altogether, because most of it, at present, is in the hands of a particular class of people. If the Government wishes to put up the shutters against the profession of a certain class it is welcome to cherish such intentions. But it should not try to hoodwink the rest of the world. I must point out that the ill-concealed intentions of the Government are too patent to be overlooked. Now coming to the first object of the Bill, namely, the lessening of the expenses which the grower has to incur in bringing his produce to the market, my contention is that this object will not be fulfilled. The Bill will render no help

whatever in this connection. Speakers on this side of the House have proved this conclusively and at length and I seek your permission to go into the details. My contention is that there are some charges in vogue in the *mandis* which neither the Government nor the growers nor the *arhtis* can abolish. They are as a matter of fact unavoidable and indispensable. I have previously shown that about 70 per cent. of these charges are covered

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by the railway freight which cannot be curtailed. The remaining 30 per cent. expenses are distributed among the various labourers, workers and the *arhti*. The charges of the labouring classes are also such as cannot be lowered. They are already minimum and admit of no economy. Now the only person left at your mercy is the *arhti* against whom you have determined to open your fire. Just think of his meagre share and the waste of time and money to enact a law to punish him. My view is that instead of reducing the cost of *mandis*, the Government have sought to saddle them with additional expenditure. They have proposed that every market committee will consist of from 8 to 16 members and every member will be entitled to receive his travelling and other allowances. It is obvious, therefore, that by increasing the expenditure in the *mandis*, the Government will defeat the object of the Bill, that is, the reduction of various so-called illegitimate charges.

The second point that I wish to stress is the punishment provided for infringement of the rules by the *arhtis*, brokers and poor labourers. That punishment includes also the cancellation of their licences. I admit that there may be some black sheep in the *mandis*, but that does not justify such a drastic and severe punishment for all those persons who have the misfortune of being labourers, workers, and brokers in the *mandis*. Let the Government weed out the guilty alone and not try to crush the whole profession. The Government should not punish the honest persons who happen to be in this trade. For the sake of 2 or 5 per cent. dishonest workers, the other honest ones should not be subjected to such a drastic measure. The cancelling of the licence is too heavy a punishment. It is like virtual denial of air to a breathing creature. You want to starve a person and his dependants by snatching away his very profession. If one person commits a crime he individually should be punished and not the whole class to which he belongs or his family including even the coming generation in that line of descent. This is too much which you are doing in the name of justice.

My third point relates to the method of selecting the members for the market committees. My serious objection to this is that the system of election has been replaced by the method of nomination which is a very retrograde step. The Honourable Premier in defence of this nomination is simply amazed to hear these words from the mouth of one who claims to be the defender of democracy and self-determination. He wishes to carry us half a century backward. If this is his honest diagnosis of his province and its people, then I may respectfully submit that we are ill-suited for swaraj and the British Government had better not granted this instalment of home rule or self-rule to this land of the Five Rivers. I may be pardoned for drawing this necessary conclusion from the Premier's views and reviews, but if this is what he honestly believes in, then the previous slavery was better than this autonomy. He wants us to re-live in the age of nominations which we have already lived in and are trying hard to come out of it. We

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are told to wait for another 5 years in order to introduce elections in the market committees. Now, I ask, in the face of this step, can the Government talk of democracy? Previously the principle of nomination was justified to some extent. It was intended to remove communal inequalities, and to safeguard the interests of the minorities. But now there is no valid ground for nomination. The Government have committed a huge and unpardonable mistake by proposing nomination. As the very foundation stone of the market committees is defective, it is sure to lead to other defects and ultimately to supersessions for which the Government have already made provisions. The previous Government had introduced community discrimination in the local bodies specifying certain seats for Muslims, Sikhs, Hindus and Christians. That was the root cause of all our various troubles. Whether a man is by inclination a communalist or not, the system of communal seats compels one to become a communalist, because that is the only way in which he can seek election under the present system. There is no way out of the vicious circle of communalism in our country which has been created by the communal representation instead of joint representation. To add to our difficulties, the present Government is giving us another evil of separate representations to the growers and the licence-holders in the constitution of the market committees. Two new kinds of classes are set against each other to break their heads. Two-third representation is given to the growers and one-third to the brokers and other functionaries of the *mandis*. You have created a distinction between a grower and a non-grower and you have set up the majority of the farmer in the market committees. This would lead to quarrels and the result would be what the Government desires, that is, in most cases the market committees shall have to be superseded. I do not mean to say that no committee should ever be superseded. If the committee is in fact found unfit to carry on its duties satisfactorily, let it be superseded. But in this connection I would like to submit that in the first instance only those members should be turned out who are in fact responsible for the bad working of the committee and in the second place, if the case is so bad that supersession is the only alternative to be resorted to, this should take effect only for a short time. We made similar requests in connection with the Lahore Municipal Committee which was superseded some two or three years back, but our cry proved a cry in the wilderness. Though Sir Narang, the then minister concerned, was responsible for all, it does not mean that the Government or the then Executive Council goes wholly unblamed. All could be done by their sanction. Perhaps they were the real wire-pullers and now it has convinced us beyond doubt that Government resorted to this supersession, because it wanted the introduction of the house tax and the drainage scheme. Now the cat is out of the bag and as soon as these schemes are translated into action, someone will rise from the pulpit to preach a new doctrine proposing that the administrator should be given a hearty send-off. Let me take this opportunity to say that notwithstanding the so many defects in the Municipal Act, when you supersede a committee, you in a way show that we are not fit for local self-government. This amounts to a serious slur on us. We should not recede our steps, but be prepared, on the other hand, to shoulder greater responsibilities. We should be given more powers than we have been given hitherto.

Mr. Deputy Speaker : Will the honourable member please speak to the motion ?

Lala Sita Ram : Now I was going to submit what would happen in the market committees. But if you do not want me to proceed with that argument, I leave it here and take up the next point. You are well aware, that we gave notices of several amendments in order to press upon the Government the inadvisability of retaining these baneful provisions in the Bill. But all our attempts failed to produce the desired effect on the Government.

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

Lala Sita Ram : Very well, Sir, I would cut short my argument. We see every day how we quarrel on small matters. We have seen what disorderly scenes were created in this House on matters so insignificant that when we recollect them we hang our heads in shame. We are all supposed to be the sanest, the most civilized and the most law-abiding persons in this House, but class discrimination must doom us. It is shameful to see the sergeant-at-arms being brought in. I have seen the municipal house as well as this House. So far as disorderly scenes are concerned, this House is equally bad and certainly no better than the municipal house. The only difference is that a municipality can be superseded and this House cannot. You may bring a sergeant-at-arms here, but there you did not even allow us to use our rights given under the Municipal Act.

Mr. Deputy Speaker : Please speak to the motion.

Lala Sita Ram : I was submitting that exactly the same will happen in the market committees.

So far I have dealt with certain specific matters, but now I want to make a few general remarks. At the very outset I differ with the principle underlying this Bill or other Bills which have become the law of the land. To me it appears most objectionable that such class measures should be given retrospective effect. Do you not realise that the retrospective effect will do immense harm to the trading classes and will not help even the zamindar whom you intend to benefit by these Bills ? I would like to give here an instance on the point of the retrospective effect of these black Bills. To-day there is a zamindar Government and, who knows to-morrow it may be some other Government, say, that of the Congress, although I believe that our condition would still be worse (*laughter*) as predicted by the Honourable Premier—I was going to say. You say that the poor zamindars have fallen on evil days and therefore it is for you to afford relief to them. But your successors may say that you have been drawing Rs. 8,000 a month while in the other provinces—

Mr. Deputy Speaker : Please speak to the motion.

Lala Sita Ram : Sir, I was trying to show how retrospective effect given to this and other similar Bills will put the people in trouble. If to-morrow a ministry brings in a Bill that a Minister shall draw a salary of only Rs. 500 a month, there will be no difficulty of the principle as only those persons would come forward who accept those salaries. But if it goes a step forward in the direction of retrospection and ask that the surplus amount drawn by you hitherto shall be refunded,

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how will you face the music? The system of party Government is there all the world over. The parties in power do look to their interests, I admit. When they see the harm of a thing, they put a stop to it for the future. But they do not dig up old graves and they do not enact such laws as look backward as well. There must be some principle on which you should act. Do not create bad precedents for the future. I, therefore, respectfully submit that in my opinion this Bill as well as the other agrarian Bills already passed into law would do no good to the poor zamindars. But since you command a majority in this House you do not pay any heed to the observations made by us, even if they are honest ones and ring the timely warning.

Another point to which I wish to draw your attention is the stress that has been laid on the facts that this measure is for the benefit of the poor. I have tried to examine how this Act will ensure the good of the poor, but I am not convinced on this point, unless by the poor you mean yourself who are the land-holders and the big zamindars. Your term "the poor" does not include the poor labourers and workers in the *mandis* who earn only as much as would suffice them for a day. You are bent upon snatching the very piece of bread from their mouths. I fail to understand how this will in any way ameliorate the condition of the poor. They will be all the more in a fix and who will be more responsible for this than we who are legalizing their starvation?

Coming to the question of licences we on this side have more than once pointed out that there are certain people, like the measurers, weighmen, and warehousemen, who, if at any time their licences are cancelled, cannot take to any other profession. They have neither the money nor the skill required to start some other business and, therefore, the cancellation of their licences would mean throwing them out of gear and putting them into the jaws of starvation along with their families. We have made humble appeals on their behalf, but the adamant attitude of the Government with respect to the sad plight of those poor labourers shows that all this talk of the Government's efforts to benefit the poor amounts to nothing more than lip sympathy. The Government and their supporters are very jubilant over the fact that they have been able to diagnose the ailments of the poor and suggested the best medicine. But let me tell these "medicos" that whatever their diagnosis may be, the medicine prescribed by them is going to prove more injurious to their patients than the disease itself. The poor labourers may well address this Persian couplet to the learned physicians on the Treasury benches—

فکر صمدل سوزدش باز انتظار عافیت

درد سر این است بے دردان دوا زامیده اند

Yesterday, the Honourable Premier was pleased to remark that nomination was preferred to election because the latter would entail an enormous expenditure. He told us that the expenditure will amount to eight annas per voter and there being about 17 lakhs of voters the expenditure

to be faced by the poor zamindars will not be less than 8½ lakhs of rupees. I fail, on examination, to see any force in this argument. I do not understand how these elections will tell upon the purse of the poor. My contention, on the other hand, is that it is mostly the poor who make earnings during the bustle of the election days for the work done by them in one shape or the other. My point is that it is not the voters, but the prospective candidates who may incur this expenditure. Quite a big number of these candidates will not be poor people but those who can spare money to fight elections or get themselves returned unopposed through influence. Thus if the expenditure is to be faced by the well-to-do candidates the Government should have no objection to elections on the score of expenses, because in that case elections will help the distribution of money, which will be shared by lorry drivers, poor canvassers, press-workers who print their literature and an army of other poor workers.

Mr. Deputy Speaker : I would request the honourable member to be brief. He has already spoken for half an hour.

Lala Sita Ram : I submit, Sir, that the matter is very important and, therefore, I would request you to show a little indulgence. Anyway, this burden of expenditure is not going to fall on the shoulders of the poor voters. The Honourable the Premier may have some other explanation to offer, but I feel constrained to say that this argument has no force whatever and the people are quite justified in looking askance at this proposal for virtual nomination in preference to elections.

Now, Sir, the Government having the majority at its back is also responsible to safeguard the rights of the minorities. We who belong to the minority classes can only acquaint the Government with our point of view, but it is the Government that can do anything practical in this respect. If they want the other provinces to give to the minorities what is due to them it is but meet that they should set an example in their own home. The plight of the non-agriculturists and labourers is well-known to the Government and if in spite of that the Government insists on placing such measures on the Statute Book it means that it is out to annihilate trade and industry in the province.

In the end let me warn the Government that the present policy of creating class hatred and encouraging watertight compartments is not going to prove of any service in the uplift of the province. It is only the co-operation between the different classes that can improve the lot of the poor and bring us nearer to Swaraj. It is wrong to say that a certain class has robbed another class of everything. The Government should know that whatever we get from the growers goes back to them in one form or another. We pay various taxes and a good fraction of them goes to benefit the poor. It is just like the stomach getting all the food and then distributing its beneficial effects among all parts of the body. I would, therefore, appeal to the Government not to be adamant to annihilate a whole profession for the faults of a few dishonest persons. I would also appeal to the majority party to pause to think whether it is desirable to visit the sins of a few black sheep on a whole class and whether this measure is really going to do the poor kisans any good. If they think otherwise it is their duty to vote with us and throw out this measure. As far as my party is concerned, we

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have done our part well. I am glad that we rose to the occasion every time. We shall be beaten, if beaten at all, not by argument and reasoning but by mere force. With these remarks I oppose the motion for the passage of the Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Mr. Deputy Speaker, I rise in support of my friend who has just spoken and to oppose the Bill. In the first place, I will briefly take you to the history of this legislation. The Bill without being circulated was introduced in the last Simla session. A motion was made by my honourable friends on the Opposition benches asking for circulation. That was rejected and with all indecent haste the Bill was sent to a select committee. In the select committee a suggestion was made that the members of the select committee may go to the various trade centres and interview traders to collect information, so that they may be able to see the other side of the picture, but unfortunately such a reasonable proposal was also turned down. The select committee's report was brought before this House with all undue haste and when the motion was made requesting that the Bill as it emerged out of the select committee be circulated for public opinion, that also was defeated by sheer force of numbers. The Honourable Minister for Development who was in charge of the Bill and who at great public expense amounting to thousands and thousands of rupees has been travelling all over the province never thought it fit whenever he went to all the trade centres to consult any trader or to write to any body or association for their opinions. This accounts for the various shortcomings of this Bill and the difficulties with which even the Government has been faced. They have throughout relied only on the Bombay or the Madras Act without actually knowing what the situation in the Punjab really is. They forgot for all times that the Bombay Act applied only to one article. That Act was passed in 1927. If that Act had really been of any benefit to the province, I should have thought that during the period of twelve years it would have been extended to other commodities also which has not been done. The Madras Act though passed in 1933 applied only to one municipality so far and only to three articles. This Bill as has been introduced in the Punjab originally was intended to govern transactions as between the zamindars and *arhtis*, but we now find that all sorts of dealings have been roped in within the purview of this Bill, so that the Bill has gone far in excess of the Statement of Objects and Reasons as originally set forth. We cried hoarse on the floor of this House and sent in innumerable amendments, but no amendment of any consequence was accepted by the Government. The Government never tried to meet argument by argument. They always relied upon their numbers. On several occasions no one on the Government side, not even the Minister in charge of the Bill, was present in the House or took pains to explain their view point on many of the amendments of which they had themselves given notice. The honourable the Parliamentary Secretary to the Minister for Development had taken a vow of not saying (while moving his amendments) even a word in support thereof or of explaining his view point. He would simply say, I move such and such an amendment leaving it to us to cry hoarse over it and with absolutely no response whatever from the Government benches. Even now the member in charge of the Bill is not here. Our cry is naturally a cry in the

wilderness, but when the division bell will ring then all these gentlemen will come in and win this division by 70 or 75 against 40 or so. This has been the situation all throughout the discussion of this Bill.

Now, let us see what the Bill was intended to do and what it has done. Probably the Government or the members on that side of the House thought that by bringing in this Markets Bill they had brought in a millenium or a new heaven and a new earth for the zamindars and they absolutely forgot that the Bill touches only 5½ pies out of a rupee of the proceeds of the agricultural produce of the Punjab. What about the rest? Out of 45 crores the net proceeds of the agricultural produce 12 crores go to the landlords. I ask my friends on the Government side whether they have done anything to reduce this burden of the *kisans*. Twelve crores out of the net proceeds of agricultural produce go to landlords and yet Government has not done anything to reduce this burden of the *kisans*. Another 8 crores go towards land revenue and abiana. What has the Government done to reduce this burden? A resolution was moved in the House for the reduction of abiana and everybody knows what the fate of that resolution was. Then 3 crores go to *kamins* and 3 crores to artisans. What is left for the agriculturist is only 19 crores out of 45 crores. All these items that I have enumerated are not at all touched by this Bill. What this Bill seeks to do is to reduce the charges of the *kisans* in the market. The Government think that these charges are very heavy. In this connection let me tell the Government that the marketing report of wheat in India shows that the average charges in the Punjab in the colony markets are Rs. 2-15 per cent and in non-colony markets Rs. 3-11-5 per cent. Now the Marketing Report shows that these charges compare very favourably with those in other provinces of India and are much lower than they are anywhere on the continent. My point is that this Bill tries to control only those charges of Rs. 2-15 or Rs. 3-11 per cent. I ask, are these charges really very heavy? The position comes to this, that nothing that is really advantageous and in the interests of the *kisans* has ever been thought of by this wise Government. Ours is a great agricultural province. We all know that Australian wheat was being sold at the very doors of India at very cheap rates. If this Government had only known this, the first thing they should have done would have been to persuade the Government of India to levy an import duty on foreign wheat. I know that import duty has since been levied, but not at the instance of this Government. I asked them in one of my speeches, if they had sent any communication on this subject to the Government of India, to lay it on the table. The fact that the Government has all throughout kept silent on this shows that they had absolutely taken no action in the matter and they were thus not mindful of the very thing which should really benefit the growers in the Punjab. We have all seen their attitude on the exchange ratio. We have seen the reply that was sent on behalf of this Government to the Government of Bombay whom they refused to join in the representation to be made to the Government of India for the devaluation of the rupee and to lower the exchange rate to 16 *d*. Anybody who has had even a little experience knows that in the matter of exports our province will stand to gain 12½ per cent if this devaluation of the rupee is brought about. What has this Government done? It has

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opposed the proposal and yet it claims that it is a friend of the *kisans* and that it is doing everything for the benefit of the *kisan*.

Now, let us come to shipping freight. Now, to carry produce from Karachi to London a distance of 8,000 miles the shipping freight is eight annas a maund, whereas the railway freight for carrying goods from here to Karachi, a distance of 700 miles is 12 annas a maund. I put it to these friends of the *kisans*, have they moved the railway authorities or the Government of India to bring about a reduction in railway freight to the advantage of the *kisans*? It is that thing which would materially benefit the *kisans*. If only they had grasped the situation, if only they knew what they were after, the position would have been immensely better. But, as I said, the Government was interested in bringing forward this measure not so much for the benefit of the growers, but for deriving political power out of it. Government ought to know that when wheat is sent from Karachi to London the Railway pays a rebate of 25 per cent in freight. Why should not our Government ask for a similar rebate in the case of railway freight when wheat goes from here to Karachi and is sold locally there? I make bold to say that the Government is not even aware of this practice of rebate. Why should not our Government be able to persuade the railway authorities or the Government of India to allow this rebate in freight? That would mean higher prices for the *kisans*. The Government is running only after three pies and four pies charged in the markets and is leaving the rest to take care of itself. I make bold to say that the growers will not be able to obtain even half a pie out of this measure. The Government will only be adding to the misery of the zamindars and make him pay 2 or 3 pies per maund more than what he is paying at present.

I repeat that the remedy for the present plight of the *kisan* lies, if the Government is really in earnest, in securing to him the reduction of railway freight, in securing the devaluation of the rupee and lowering the exchange rate to 16 pence a rupee, in reducing the share of the landlords, in the reduction of land revenue and abiana, and in securing rebate in railway freights on wheat consumed locally at the ports. It is these things that will materially benefit the *kisans* of the province and not the marketing Bill that is before the House. We have cried hoarse over this but it has all been in vain. The Government is providing severe punishments for mere technical offences. For non-observance of rules the poor man's licence may be cancelled or suspended. For goodness sake, for the very interests which the Government has at heart, let it not be inhuman about this measure. Let it show some sense of justice and fair play. Probably the Government thinks that its proposals are unalterable like the laws of the Medes and Persians. They have never given any accommodation to the Opposition in this matter. Even in matters where the Opposition has been absolutely and entirely right and where their aim was to improve the Bill and not to wreck it or cause any obstruction, they did not listen to them. The object of sending in so many amendments both by our party as well as by the Congress was not merely to create obstruction. The idea was to improve the Bill. But there has been absolutely and entirely no response from the other side.

They never looked into the merits of the case. Whatever good was in the other Acts has been scrupulously ignored and all the bad features of those Acts have been taken *verbatim*. That is the position and the most unfortunate experience of those who are to be most affected by this legislation. A good deal was said yesterday on that side about nominations. You take as your model the Acts of Bombay and Berar. In vain was it pointed out that there was no element of nomination in those Acts and that through and through election was provided there. The electoral college in the Bombay Act consisted of only those growers who actually marketed certain prescribed quantities of agricultural produce during the year. The electoral college in Bombay gives right of vote to only those *arhtis* who had within a year sold or bought certain prescribed quantities of a commodity. But this would have no effect on our friends over there. Their only aim was to revert to nominations pure and simple. When nominations have been so much criticised and objected to, the Government gives us a toy in the shape of indirect election, indirect election to be made by those members of district boards who perhaps never in their lives had had anything to do with business. When the question of the definition of grower was being discussed, in vain did we ask them to confine the definition only to those people who actually tilled the soil. But no heed was paid to it. The result will be that the growers will not find any place on these market committees. It will be the landlords who will in the name of growers be nominated to these committees either by district boards or otherwise. Even as regards licensees the Government wants a panel of two names to be sent to them out of which they will choose one. I ask the Government, who are you to make that choice and, why do you insist on retaining this power? It is not a question of gambling with revenues. The Government, the district boards and municipalities may gamble with the revenues, constituted as they are, but what right have you to gamble with the money of others, to gamble with the investments and fortunes of the poor *arhtis* and traders who have invested their all in business? Who are you to choose from a panel of two, and why should you do that? In vain did I point out yesterday that some of the *arhtis* and traders are going to be treated as "business undesirables" in the same way as you have your political undesirables. Why do you want to have that power? You reduce the poor people to a position of impotency by unduly reducing their representation. I gave figures as to their representation yesterday and I am not going to take up the time of the House in repeating them. But one thing is clear, that in a market committee consisting of 16 members there will be only four traders and the remaining will be growers. One might have felt some consolation if they were real growers because they would feel and appreciate their needs, but here in the name of growers you want to nominate to these market committees people who have as little to do with growing as myself or Dr. Sir Gokul Chand Narang. They will be moreover absolutely without any business experience. It is such people who will be dominating the committees and controlling them not to the benefit of zamindars, not to the benefit of the *arhtis*, but for the benefit of the powers that be.

I come now to the question of nomination of officials. Not a word has been said from the other side as to why nomination of these officials is considered necessary. In vain did I point out that they will serve no other

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purpose than that of "spying" over the other members, or influencing their decisions. You cannot expect lambardars, sufedposhes, etc., to resist the will of a deputy commissioner or tahsildar. I say that if you nominate the deputy commissioner or the tahsildar or the revenue assistant to these market committees you will be throwing the business at their tender mercy. Probably people may have to run to the house of the deputy commissioner or tahsildar for holding their meetings and we all know what atmosphere does prevail there. Whether ever one may say it or not the fact remains that this is a class measure, a discriminatory measure, as not less than 95 per cent of the people who will be affected by this measure are Hindus and Sikhs. This may or may not have weighed with you. (*An honourable member* : Why not ?) My honourable member says it did, but the fact cannot be denied that you are placing those business people in a position of inferiority in matters which purely concern them and nobody else. I could have still appreciated this if these people, as has been said, were being really looted or if there was really so much of corruption as Government describes it, but there is no such thing. The Government was not however keeping quiet. They had co-operative shops opened in *mandis* and I ask my friends to put their hands on their hearts and tell me how those co-operative shops have worked. I may tell them that but for Government subsidies those shops would have been nowhere and even now in those co-operative shops corruption is rampant, loot is going on. Managers have run away with Government money and still you want to pin your faith in those co-operative societies and make these market committees something like them. If as was said by my honourable friend Rao Pohop Singh—he made bold to say—corruption was rampant and existed to the extent of 50 per cent. or even cent per cent in these *mandis*, I would ask my friend to name the market which was so corrupt, the source of his information, and what steps he as a public man—I understand he has been here before in the Legislative Council—took to eradicate that evil. Surely if he and his chief, Chaudhri Sir Chhotu Ram, knew that these people were giving 35 seers for 40 seers and were so much corrupt, I should have expected that these gentlemen would have done some thing substantial long before this in the interests of these poor *kisans* for whom they are expressing so much lip sympathy to-day.

But, Sir, my honest opinion is, as a result of the experience of this business for a number of years—I am in this business for a long time from my childhood (let me, however, tell you that I am not a *kacha arhtia*) I have also worked in some of the most important European firms—and I can tell you that there is no such loot or corruption as has been depicted, that it exists only in the imagination of the Government. My point is that by this Markets Act, there will be no gain to the *kisans*. If anything there will be a loss to them. Most of the members on this side of the House think that this Act is going to be a failure. It will not work, it will not prove of any benefit to the zamindar. If anything you will be simply adding to his misery and his difficulties. You have roped in all these articles, too numerous to mention, within the purview of this Bill and you have taken powers in this Bill to extend its applicability by a notification to any other article of agricultural produce. You have

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not cared to benefit by the experience of the other provinces. As I just remarked, Bombay has not thought it fit or wise to extend the operation of this Act, and, as I have stated more than once, they had exempted from the very start the towns of Bombay and Karachi from the purview of this Act. It is the Bombay and Berar Acts which you had before you and without even knowing how those Acts limited as they are in their scope are working you have formed such high hopes in your measure. The Government have not thought it necessary to consult any trade association or any other people connected with trade, people who have been doing this business for generations. You should have taken them into your confidence, discussed matters with them and whilst you may or may not have accepted their advice, just as you have not paid any heed to what we have said on the floor of the House although we have cried hoarse over it, those people would have the satisfaction that the Ministry, this zamindar Ministry as they call themselves, had at best heard their viewpoint. But even this courtesy was denied them. The study and the thought that the Government have given to this Bill is clear from the fact that they have not yet been able to define the duties and powers of the market committees. Is it not tragic that you bring in a Bill in which you have such great hopes of eradicating all the evils prevailing in the markets by means of these market committees, but are not able to define so far what are to be the powers and duties of these committees? I will be told that these will be defined in the rules. My good friends on the Government benches who had this Bill before them for 7 or 8 months ahead have been fully conversant with every detail of this measure and not left the duties and the powers of the market committees to be defined by rules. This is the position. If they had only looked at the way the Government of India had been doing things in matters of business, they would have avoided most of the present defects. I may state for the information of Government that the marketing officers of the Government of India drawing thousands of rupees as salary go from place to place in the villages and *mandis* and consult individuals and traders and associations just to acquaint themselves with business conditions. They want to do things by persuasion. I may tell you that the Government of India wanted to have a uniform standard contract for "future transactions" all over India. They have taken three years for that. They have called three conferences of traders at Delhi and Bombay for this purpose and although a great deal of uniformity has been secured, it has not been completely brought about. Some of the Associations raised objections; I was one of those representing the traders of Amritsar. If the position there had been the same, as we have it unfortunately here in this House, they would have contemptuously told us that they did not care for our objections and that they would do by legislation what they had failed to do by persuasion and probably by now they would have passed a Bill to bring about this uniformity of the standard contract. But they have done nothing of the kind. They were more sensible and knew that business conventions could not be set at nought in this manner. Business will depend, as it has always depended, on the co-operation between zamindars and the traders. Without this co-operation you cannot do anything. If you pitch one class of people against the other and keep them at loggerheads on the market committees and constitute these market committees communitywise (there is already an inkling as to this in this measure), we all know where this will lead us to.

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Government forgets that this Bill touches only 5½ pies per rupee of the value of agricultural produce of this province. I would like, now that the passage of this Bill is a certainty, that a new heaven and a new earth were ushered in for the zamindar, but I am afraid that this will not be the case. It will worsen the situation. It will bring about trouble between the zamindars on the one hand and the *arhtis* on the other, with the result that business will suffer. We do not know yet the rules that are in store for us. Our fears are that the Honourable Minister for Development will try to still further extend the scope of this Act, by means of rules, by applying it to transactions never originally thought of. The poor trader and the artizan will have to thank their stars for all this and if they want to do business without interference from the powers that be, and without obstruction at the hands of those who have neither the requisite knowledge nor the right to be on the market committees, they may be faced with the only alternative of having to leave the province to carry on their legitimate trade outside it. (*Hear, hear.*)

Sardar Jagjit Singh Man (Central Punjab Landholders) : Sir, I rise to support this Bill. I must at the outset congratulate the Government for bringing forward this type of legislation. This piece of legislation was overdue since long but I think the reason why this was not brought forward earlier must be this, that in the past the Government of the province was a bureaucratic Government and it did not dare to face the agitation as a result of bringing forward this Bill, and that is the reason why this Bill has been brought forward at the present moment. The Royal Commission on Agriculture wrote a lot in favour of this measure.

Dr. Sir Gokul Chand Narang : We cannot hear a word of what the honourable member is saying.

Sardar Jagjit Singh Man : You be attentive to me and then you will be able to hear. You are, at the moment, attentive to the other side. As I said, the Royal Commission wrote a lot in favour of this measure—that there should be various market committees in the province. I gave the reason earlier in my speech that it was a bureaucratic Government in the past which did not bring forward such a Bill because it was afraid of an agitation in the province. I do not want to say anything further about the Royal Commission because sufficient has been said about it already. Sir, Government has provided the Agricultural Department for the use of the people but I think that the people of the province are not taking full advantage of that department because the markets are not being regulated. I may tell you what the people who work so hard under the guidance of the Agricultural Department get, when they go to the markets? They get only nine and a half annas per rupee. I may be allowed to say that this defect will be removed by this piece of legislation. There are numerous other evils as well which are prevailing at the present moment and they will all be removed by this legislation. I would just refer you to the difference in weights and measures prevailing in various districts of the province. For instance, in Mianwali and Multan districts, a maund is equal to forty-one seers. A *topa* in Sialkot district is equal to five and a half seers while in the Muzaffargarh district a *topa* is equal to five seers. Such are the differences in measures and weights in different districts and all these will be removed by this legislation. A great deal has been said against this Bill. It is said

that it is a revolutionary Bill. I may be allowed to say for the information of the honourable members of this House that it is not at all a revolutionary Bill, for, the *arhtis* are going to get their due share; but this is certain that they will not be able to continue their nefarious activities and mal-practices and thereby deceive the poor zamindars and get money from them. They will not be able to continue these old practices of theirs. Fraudulent and corrupt practices will be stopped when this Bill is enforced. Those who are honest people need not fear this Bill because they will not be harmed in any way. (*Rai Bahadur Mr. Mukand Lal Puri: How?*) This is the age of organisation. We have organisation in agriculture, we have organisation in industries and there should be organisation as regards the commodities bought and sold. I must, therefore, say that this is another addition to the golden Bills which this Government has already brought out and I, therefore, wholeheartedly and very strongly support this measure. (*Cheers.*)

Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I must say that this is a very auspicious day because to-day the back benchers have been able to catch your eye. During the whole of this session notwithstanding my several attempts I have not been favoured with an opportunity to have my say. Even when a motion for adjournment relating to my own constituency was being discussed I failed to get a chance. I must thank you for giving me an opportunity to speak on such an important measure even on the last day.

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

Khawaja Ghulam Samad: I am only expressing my gratitude (*laughter*). Now, as regards this Bill I submit that a measure of this kind had been long overdue. The present Government and its supporters consist mainly of the representatives of zamindars who know how the poor growers are looted by the *mandiwalas*. Thus when the present Government took office it could not but bring forward such a Bill to meet the situation. A Bill was accordingly drafted and introduced in the House. It was referred to a select committee which made some improvements in the original draft. Then the whole House considered it clause by clause and made further improvements by means of amendments moved from both sides. Here, in this House, one of the clauses, that is clause 8, has been responsible for a good deal of discussion because it relates to the formation of market committees. A good many members from both sides took part in the discussion, but here again I failed to catch your eye in spite of my having a very important amendment which has been passed over so lightly by you.

However, let me turn to the matter under discussion. Sub-clause (3) of clause 8 relates to the method of formation of market committees. The Parliamentary Secretary moved a very useful and reasonable amendment to this sub-clause, but what was the attitude of the Opposition? You know that my honourable friends opposite are not sure of themselves. At one time they prefer nomination while at another you find them all for election. But this time they have been somewhat consistent and have opposed only nominations. But I would draw your attention to the fact that the amendment of the Parliamentary Secretary has proposed a *via media* which resembles our *panchayat* system and should, therefore, be acceptable

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to all. After all the district boards are our panchayats. According to this amendment the members of each district board will elect half the members out of the growers from among themselves and half from among other growers on a system of panchayat. I submit that you cannot be unaware of the defects of the elective system. My friends opposite used to accuse the former bureaucratic government for following the policy of divide and rule but you cannot but agree that it is the elective system that is responsible for the success of that policy. Elections never fail to create bad blood even between the nearest relatives and sometimes they are responsible for permanent feuds, and at the same time they are very expensive. The poor growers are unable to bear the heavy expenses of election. The amendment moved by the Government, is sure to go a long way to remove that defect. Still so much time has been wasted in unnecessary discussion.

Now, Sir, I belong to an *ilaga* where the minorities do not get their due share and, therefore, I asked my honourable friend, Sufi Abdul Hamid, to move an amendment which would ensure proper representation to the minorities. It runs as follows :—

That in paragraph (ii), line 2 of the proposed amendment, between the words "submitted" and "to" the words "through election by single transferable votes" be inserted.

In addition to that I gave notice of another amendment myself which, to my mind, is an improvement on the one mentioned above. It was—

That at the end of part (ii) of the proposed amendment, the following further proviso be added :—

" Provided further that the selection of the members to the panel of the representatives of growers shall be either on population basis of each community or by reservation of seats."

But you ignored them totally and did not care even to allow them to be discussed in the House. I may mention here that even the Honourable Premier was pleased to agree that the first amendment was quite reasonable. But unfortunately you did not even place it before the House. It was an amendment to the amendment moved by my friend, Chaudhri Tikka Ram. Although in my opinion it was not quite satisfactory from my point of view, still I would have been a little content if you had put it before the House for discussion. I know that what I am saying is too late now but you will see that acceptance of this amendment would have meant justice to all concerned.

Dr. Sir Gokul Chand Narang : If the member wants to move an amendment to that effect I am sure you would permit him. We shall have no objection.

Khawaja Ghulam Samad : That stage has gone, but I tell my honourable friend that after the Bill comes into force if I find that certain communities are not given their due rights then I will certainly move an amendment to the Act before this House.

Dr. Sir Gokul Chand Narang : Then move it now.

Khawaja Ghulam Samad : My honourable friend, Sardar Sahib Sardar Santokh Singh, has harped on the point that the Government should have brought forward a measure which could be really useful to the poor cultivators. He says that this Bill will benefit only the big landlords who

take away 12 crores of rupees out of the earnings of poor *kisans*, and that the Government should have brought forward a measure for remission of land revenue and abiana. I tell my honourable friend that Government is thinking over this point and will give many facilities to the *kisans* in this direction. But is he quite sure that he is not denouncing this measure because it touches the pockets of *mandivalas*? He has also remarked that most of the burden that the growers have to shoulder is due to the railway freight which is inordinately high in the case of our agricultural produce and indicates undue preference to foreign goods. Although the provincial Government has no control over the railway freight, I may tell him that we are going to move a resolution with regard to this matter also so that whatever is possible may be done.

In the end let me submit that this a very useful and well thought out measure and is much better than those in force in Bombay and Berar. I have gone through Bombay Market Act. Ours is far better than that. I, therefore, congratulate the Government for bringing forward this measure. With these few remarks I support the motion before the House.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, it may be tiring the patience of the House to make a speech at this late hour and it may also be like playing music before—(*Honourable members* : a mosque ?) no, not before a mosque but before a buffalo, an animal which is very useful to my friends, the zamindars. But I have to do my duty and I must say a few words on this last reading of the Bill. You have been following the course of this Bill and you would, I am sure, agree with me that this Bill was conceived almost in vindictiveness and it was really nurtured on very irresponsible statements amounting almost to falsehood. Even in the Statement of Objects and Reasons certain allegations were made which cannot bear examination, and I am surprised that even up to the last moment some of those statements are being repeated on the floor of this House. Not many minutes ago one of the honourable members on that side repeated the statement that something like 6½ annas out of a rupee were pilfered by these *arhtis* and others working in *mandis* and that it was only 9½ annas which went into the pockets of the grower out of a rupee. One has only to state the allegation to expose its utter falsehood and absurdity and I would not repeat the arguments which have been urged on the floor of this House by various speakers. The statement on the face of it is false and is not borne out by any evidence whatsoever. The Honourable Minister in charge of the Bill was challenged by many speakers to produce any evidence or authority which would prove that 6½ annas were pilfered by the *arhtis*, brokers and others working in the *mandis*. It is on such statements and references to Guntur and Kashmir apples and other things from other parts of the country that a sort of foundation was laid for proposing a measure like this. Then again the Premier, as if his lieutenant had left any deficiency to be made up by him, went so far as to say that he was doing the non-agriculturists a great service by bringing forward this measure. This statement was not made once: it was not made twice, but it was repeated a number of times by him in this House. I do not know what he had in his mind when he made that statement. But I cannot help saying that if he really thinks that this measure has been brought forward for the benefit of the non-agriculturists, then, well may the poor non-agriculturists cry,

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'God save us from our friends'. He is holding out a caveat and sometimes even some threats to the non-agriculturists, traders and money-lenders of this province that unless such measures, as the Punjab Government has passed, during the last few months, had been brought, the non-agriculturists, moneylenders, merchants and *arhtis* would have been exposed to a great danger. I still do not understand to what particular danger he intended to refer. If he meant that he was being pressed by *kisans* and zamindars to bring forward such measures and if he felt that unless he complied with their wishes, the zamindars of this province would take the law in their own hands and would begin looting and murdering the sahlukars and merchants of this province, then, all that I can say is, that in the statement that he made and repeated so often, he was only making a confession of his weakness and of his helplessness. Such threats coming from the head of the province really would surprise any one who takes any interest in the affairs of the province. If he has really been pressed by the zamindars, he could have only been pressed by those zamindars whose samples are displayed here. He should have told those gentlemen, 'my friends, I am here, no doubt, with your support and with your votes, but you are not the only people living in this province. As the head of the province I have to look to the interests of all communities and all classes living in this province and I have given them my word of honour.' We took it as a word of honour that he gave to the people of the Punjab that he would do his utmost to safeguard the interests of all communities and all classes of the province. But he did not have the strength to say 'no'. He probably, assuming that it was a fact, could not stand the pressure and he succumbed to that unreasonable pressure, which according to him or as I can conjecture, might have been brought upon him, otherwise it is inconceivable that any Government or any ministry with a grain of fairness and justice in them could have brought forward a crop of such measures in one or two sessions of the Assembly. And what have they done? When they supported these measures they thought perhaps that it was best to crush those people with one stroke of the sledge-hammer of a crop of Bills. There was an additional threat that there was a battery of Bills behind them which would be opened on those poor non-agriculturists and poor traders and merchants of this province. This was a threat which was held out by the Premier. And then in what manner have they proceeded with these Bills? Not one of them—if I am wrong I should be corrected—not one of those Bills including this, was circulated for eliciting public opinion. They rushed through those measures in the Assembly. They know practically next to nothing of the system prevailing in the markets, as was pointed out by Sardar Santokh Singh, than whom no one in this House is better acquainted with the system and practice prevailing in the *mandis*. They did not care to consult those who were interested. Even to-day, as you have noticed, another Bill was sought to be circulated. But they refused to accept that amendment and various arguments were given to show that it was not at all necessary to circulate that Bill. I am not discussing that but I am only referring to the attitude, the autocratic, despotic, unjust and oppressive attitude and policy adopted by this Government. If circulation is not to be agreed to in the case of any Bill, then why not wipe out this provision from the rules of procedure, because up to this time no Bill has been circulated and I am referring to it because I feel that

If this Bill had been circulated to the various *mandis* and other people who are in a position to give an opinion, the Government might have changed their opinion and might have refrained from bringing forward a Bill like this. In any case, they might have made material changes in the Bill before they put it in this House.

My honourable friend, the Premier, was talking of democracy to-day and of conventions and precedents and respect for the law and respect for the Chair. I was at one with him and I am prepared to endorse every word of what he said. But you will agree with me, sitting as you are in an impartial chair, that the Honourable Premier has not been practising what he has been preaching to-day and what he has been preaching from time to time. There is no convention of this House which he and his Ministry have not violated. (*Premier* : Question.) I shall give you examples to answer your question. The convention is that a Bill should be circulated for eliciting public opinion. Not one of these 10 Bills, which have been passed during this period, was circulated for public opinion. Then, Sir, the convention is that the report of the select committee should not be considered unless that report has been in the hands of honourable members for at least 7 days—I hope I am right in saying so. Can my honourable friend, the Premier, point out that that convention was observed with respect to these Bills? This convention was not observed with respect to these Bills, with the exception of, perhaps, one. What about 8 or 10 other Bills which have been passed in this House? He broke that convention. Here are the rules which say that Thursdays are allowed for non-official business. He brings forward a motion in every session that the day, which the rules have reserved for non-official business, should be utilised for official business. Thus he appropriates, rather misappropriates the only non-official day for his own use. That is another convention which my honourable friend has broken. Then, the convention is, as laid down in the rules, that the House should sit from 2 to 6-30 p.m. He has broken that convention. Almost every day he comes forward with a little paper in his hand and says 'I beg to move that rule so and so should be suspended and that the House should sit from 12-30 to 6-30 p.m. on a certain day and from 12-30 to 8 p.m. on some other day'. He had again the audacity—I am using the same word which he used about me on a certain occasion—to bring forward a motion on the 1st of December last that on Friday the House should sit from 12-30 p.m. till 12 midnight. That was another convention which he broke. Then on Friday he made a motion that on Saturday the 2nd of December the House should sit until the whole business was finished, and unless the Chair had come to the rescue of the poor members of this House he would have kept them here and not allowed them any of the amenities to which the human system is entitled. I need not go into details. Can he say in face of these achievements of his that he has not broken any conventions? I would rather ask him, is there a convention, is there a rule which he has not broken? What did he do to-day? The same thing has happened. He did not know what to do. He had circulated and given notice of one Bill. But for some reason or other he withdrew it. We had sent our amendments on that Bill. Suddenly he withdrew that Bill and we were thrown in a state of suspense. What did he do? He got up and moved the Bill which was published on the 23rd and which many of us must have got on the 24th. He found himself in a difficulty, and the Speaker

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came to his rescue again or tried to come to his rescue. (*A voice* : We are discussing the Market Committee Bill.) I am telling you how the Government has been behaving with respect to these things and I am answering the question raised by the Honourable Premier. If he had kept quiet, I would not have said anything. The Speaker suggested that he might go back to his first Bill. Bill No. 1 of 1939, and without a moment's thought, without any regard for procedure or rules he says : 'I beg to move Bill No. 1.' But hardly had he made the motion when protests were raised and the Speaker again came to his rescue and he revised his ruling. Then the Premier again moved his Bill No. 2 of 1939. He does not know his own mind and he has been riding rough-shod over all procedure, over all rules and over all conventions, whenever it has suited him to disregard those rules and conventions. It was very aptly stated when he was posing as a physician for the ailments of the members of this side of the House, 'Physician, healthy-self'. I would not further take the time of the House by going into such questions, but all I would say is that the attitude of the Honourable Premier with his almost dumb and mute Ministry with one exception, has been most undesirable, most undignified, most unsympathetic and most unfair towards the members of the House as a whole. It did not lie in his mouth to preach sermons to people on this side. It does not mean that I am here defending everything said by the other side. Far from that, but surely it does not lie in his mouth to preach any sermon because one could show *seriatim* that every unhappy incident or undesirable episode that has happened in this House has had its origin in his tactlessness. One can prove it one by one *seriatim*. If one recalls any unhappy episode in this House one will find that it happened owing to some mistake of his or to deliberate disregard of procedure or convention. That was only a sort of parenthesis and I would close it there.

I have very great regard for the honourable members opposite. I have very great regard for them and my relations with every one of them are most cordial. I have great respect for them, but I have also sympathy with them. That sympathy sometimes verges on pity, because I know that very few of them have been following the course of the debate in this House. They have of course been very loyal to their Chief and have been favouring him with their votes, but I must say that if they had given the same thought and attention to the Bill as its importance deserved, I am sure they would have demurred on many occasions before they agreed to vote in favour of the various clauses of the Bill or before they voted against an amendment.

It is a pity that out of hundreds of amendments moved by this side of the House, practically not one was accepted. Literally I may say only three trivial amendments were accepted which though material as far as they go were not of a very important character. Otherwise no amendment relating to any important clause was accepted by this House, as if all the wisdom, all the intelligence was the monopoly of the honourable members on that side. If those gentlemen had given a little thought to the Opposition they would have certainly come to the conclusion that all the members on this side are not fools nor are they mischief-mongers. They are responsible men and they are here doing their duty according to the best of their ability to their constituents and to their province. I am not sure if even

ten per cent members on that side of the House took the trouble or showed the capacity to appreciate the significance of the amendments moved on this side of the House. It is our misfortune, I must say, that we have to be ruled by people who are not in a position to give the same thought to the case as the case deserves. I do not want to say anything more because I have said I have very great respect for those gentlemen. I would abstain from repeating what one of their own party has said about them. It is now well-known to the members. I would not therefore say anything in connection with that, and would leave them to please themselves with the description given of them by a very important member of their party.

After these preliminary remarks, I would sum up what I have to say in connection with the Bill. In the first place, I would say that it has been urged on behalf of the Ministry and it was argued even to-day by a gentleman who spoke very strongly and very loudly on that side that there were similar Bills in other provinces. We laughed at the word "similar." He was speaking in Urdu and he said "*Aisa Behar men bhi Act hai.*" It was pointed out that it was not Bihar, but Berar. But surely when a gentleman thinks that there are similar Bills in other provinces, he really does not know what those Bills are, because I would challenge any one of those gentlemen to point out if the Bills in other provinces are similar to the Bill which this Government has proposed. In the first place, you would see that so far as this Punjab Bill is concerned, it has sought to bring within its purview a large class of agricultural produce, a large number of grains and cotton—almost every kind of agricultural produce. In Bombay the Act applies only to cotton. In Madras three kinds of produce only are referred to. But here hardly anything is left which has not been included in the definition of "agricultural produce." Even *gur* has been included although the Punjab is not a very big *gur* producing province. The effect of this is to increase the complications so far as trade with respect to these commodities is concerned. They have not realised what difficulties they are creating in the way of the growers, consumers and buyers in the *mandis*. Further in the law of other provinces, take Bombay for instance, all that is objected to there, is this that where a market has been notified no one can be allowed to set up a market place. That is all. No one ever dreamt that buying and selling should be restricted in that market or that penalties should be prescribed for buying and selling. But under the Bill that we are now considering even the purchase of ten seers, say of wheat, which is proved not to have been for personal use is liable to be penalised. That is another matter which the advocates of this measure have ignored.

Next, you will find that the Acts of other provinces are not of general application. They are restricted to certain places only. But this Bill if it becomes law may not leave any place in the province. It is open to Government to notify a market area anywhere in the province. If they had applied this measure say to some of the biggest markets where according to them this loot is going on, where these malpractices are prevalent, their proposal would have been less objectionable. But now, the Bill would cover too large a range and therefore multiply troubles.

Again, the professed object of the Bill, as you know was to protect the poor zamindars. You might have observed that this expression "poor zamindars" occurs more often in our Council Debates and our Assembly

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Debates than any other two words. The words "poor zamindars" are writ large in almost all the pages of our debates. This Bill was intended to help the poor zamindars. I would not indulge in any facetious remarks by referring to my honourable friend from Muzaffargarh as a specimen of a poor zamindar nor to Mian Ahmad Yar Khan Daulatana. I would not indulge in any personal references to these gentlemen who have grown so lean on account of starvation, for want of food and drink. It has been said that this Bill is intended to help the poor grower. It may be that the framers of this law were sincere in their intentions and in their professions. If they had confined the provisions of this Bill only to the provisions which were calculated to protect the poor gullible zamindars from the sharp malpractices of the *arhtis*, no one would have found fault with them. But what they have done is that they are penalising even the dealings between dealers and dealers. I really cannot find any explanation for it except a feeling of vindictiveness. Some one has got into power and he thinks he must revenge himself against these wretched damned *banias* who have perhaps given him some kind of offence. Otherwise I do not see any reason whatsoever why this Bill should be so framed as to penalise the dealings between *banias* and *banias*, between *arhtis* and *arhtis* and merchants and merchants. I would make my point a little more clear. You know that when a zamindar brings his produce to the market it is heaped on the floor of the market. The broker comes and brings the buyer and the seller together, the bargain is struck, the rate is fixed and then it is weighed and finished. There the connection of the grower with the produce terminates. After that he does not care what happens to his produce. That produce may be purchased by another merchant who in turn may sell to a third merchant and so on. The produce perhaps passes through twenty hands. The Honourable Minister made almost a clear declaration to the effect that every time a commodity changes hands the licensee will have to pay a fee of so much per cent on it. How is the poor zamindar protected by this? Is it not sheer tyranny, is it not sheer loot to impose this penalty, this tax on the dealers who have after a certain stage nothing to do with the grower? Then, at one time we asked whether this was a fiscal measure. If this is not a fiscal measure then there is no justification whatsoever for levying this tax. By an indirect method Government has made an attempt to convert this measure into a fiscal measure and into a punitive measure in order to keep all these people working in the *mandis* under their thumb, as I have said more than once. I should like the Honourable Premier to explain what other object the Government has in making a provision of this kind.

Again, even such people as measurers, surveyors and warehousemen have been brought into this measure. I need not repeat what I said when we were discussing an amendment in connection with this provision. It is obvious that the measurers the surveyor and the warehousemen are not the persons who are in any way in a position to cheat the poor helpless gullible zamindar from the countryside. I tried to make the position clear at the time and I would not therefore say anything more on the point.

Just a few minutes ago one of the Parliamentary Secretaries who broke the ice so far as I am aware to-day said that this Bill is necessary because in Mianwali a *topa* is different from a *topa*, say, in Manawala. (Laughter.) That is what he said. If that is so

he should also have remembered that a *topa* in Mianwali does not fetch the same price as a *topa* in Manawala. It may fetch only one-half of the price fetched in the other place. But where is the necessity of this Bill for that? A seer in Rohtak might weigh only 90 tolas as it does in certain places. We call it a *kaccha* seer, while a *pacca* seer is 80 tolas as even my friends here would know. Now to say that a seer in Lahore is 80 tolas and a seer in Rohtak is 90 tolas and therefore a Bill like this is necessary is a thing which I cannot understand. My honourable friend would know that when a lady in the countryside sells her ghee she may get only 6 annas for one seer, while a lady who sells her ghee round about Sheikhpura gets 16 annas a seer, so that there is no cheating in that. It is only a measure and I do not find in this Bill any provision which aims at standardising weights all over the country or having one weight. All that would be provided for probably would be that whatever that weight is, it should be the exact weight. It would be a good thing. We have absolutely no objection to that. It will avoid all complications and anxiety if only one measure and one weight are used all over the province. No one will object to it. But how do you require a Bill like this for standardising weights and measures? That can be done by the Government by other means and some of the district boards, if I am not mistaken, have already attempted standardisation of weights and measures. But really there is no unfairness in having different measures in the country so long as those measures are full measures and so long as those weights are full weights. Nobody is cheated thereby because the prices would then be regulated by the net weight or net measure which is current in any particular part of the country.

Then the next point to which I would like to draw the attention of the House is the constitution of the market committees. There are two aspects of this question, one is the personnel of the market committees and the other is the system of appointment or election to these market committees. So far as the personnel is concerned, our Government has provided that the representatives of the growers and of the licensees should be in the proportion of two to one. That is perhaps even more than a lion's share and I have already said what I had to say on this point. I was very agreeably surprised to find that even in the Frontier Province where one would have expected something different, the growers have been given only 50 per cent representation and the other 50 per cent. has been distributed among other people. We thought that the Punjab really was leading as has often been claimed for it—that the Punjab leads in everything—and we thought that the Frontier Province was really a backward province, the most backward of all the provinces of India, as it had received its autonomy only recently and we had it for about 15 years before it was conferred upon that province. But it appears that this autonomy, this democracy, these councils and this Government of India Act have done no good to my friends here in the Punjab. They have by this Bill been put in a position which is much worse than the position in which our friends of the Frontier find themselves to-day. Thus by giving them more representation and by not accepting the principle of election, the Punjab Government has admitted in a way that the zamindars of the Punjab are much more helpless, are much more ignorant and much more unable to look after their interests than even the rugged and illiterate Pathan of the Frontier Province. I never expected this and what has been

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said on this point? Really nothing which deserves any consideration whatsoever and sincerely I cannot remember any cogent argument which might have been advanced by honourable members on that side in giving such an overwhelming majority to the growers in this Bill. As I said, in addition to their two-thirds share or the proportion of two to one, they will also have the support of the official members who will be nominated by the Government and it is sheer injustice to the other party to give them only three or four seats in a committee of 15 or 16 members.

With respect to election, the argument which has been urged is that election is very expensive, that election is troublesome, that it creates bad blood even between brother and brother and it leads to disunion. It is perfectly true and if that is the view of all the honourable members sitting on this side, I think they should put pressure on the Premier that he should make a representation to the Secretary of State through proper channel, that the Government of India Act, so far as it applies to the Punjab, should be rescinded, should be withdrawn. I entirely agree with them that it is a very costly thing. Some honourable members have spent Rs. 25,000, Rs. 30,000 and Rs. 50,000 and for what?—For sitting here and looking at the Speaker (*laughter*) and hearing the honourable gentlemen on this side or to regale themselves with some entertainment which circumstances create for them now and then? (*Laughter*). What else is there? It may be that they have not spent their own money. But certainly they must have executed promotes or some bonds. That is quite probable and that is why they are anxious to have these Bills so that at least their election expenses might be wiped out. (*Laughter*). If that is so, they have my sympathy. But speaking seriously, does it befit a Government in the year of grace 1939, after having enjoyed democracy for the last eighteen years, does it lie in their mouth now, after eighteen years or so, to say that elections are very costly and very objectionable and are a great nuisance and so on and they should be scrapped? Why have elections in municipal committees and in district boards? Why have elections even in assemblies and gurdwaras and various other things and why have elections even in the managing committees of their own colleges and their *anjumans* and the managing committees of jat schools and vaish schools and so on and so forth? Everywhere the principle of election has been accepted but not here.

(*At this stage Mr. Deputy Speaker left the chair and it was occupied by Khan Bahadur Maulvi Ghulam Mohy-ud-Din of the Panel of Chairmen amidst loud cheers.*)

Sir, I join in the general felicitations on this occasion of your doing honour to the chair. I am sure you will appreciate what I have been saying that it is too late in the day to declaim against elections. There is no doubt they are costly but all democracies are costly. You cannot save money and yet have a democratic government. I am sure if all the ministers were dismissed and if all these members were sent home and the Assembly were abolished, the Governors would carry on the Government as they have been carrying on since the year 1849. One Chief Commissioner, Lawrence, started it—one man with the aid of one Financial Commissioner and four or five commissioners and a few deputy commissioners, had been carrying on the Government, and they would not admit that the Government that they were carrying on was in any way inferior to the administration which is

'being carried on to-day. That would be very simple. A good deal of the burden will be removed, taken off the shoulders of the poor zamindars sitting in this House and outside the House. (*Interruption.*) Now, what surprises me more is this, that one might have expected that in the North-West Frontier Province they would resort to nomination because there the people have not got so much experience as they have in Bombay, Madras and other places, but even in the North-West Frontier Province they have introduced elections and the committees there would be appointed by election and not by nomination. The Honourable Premier has always been saying, "Well, I am in advance of the Congress governments in other provinces," but here one of his co-religionists, who is at the head of the Government there, has certainly shown more liberal spirit in the formation of these committees than the Premier of this province has done in spite of his eighteen years' experience of democracy in this province. If these gentlemen have not learnt during the last eighteen or twenty years how to elect the members of these market committees, it is a sad commentary on the system and also on their capacity to learn. That is all I have to say in this connection.

Then, unlike the Bills or Acts in force in other provinces, this Bill has provided double and treble punishments. My friend, Diwan Chaman Lall, in a note to the Press, characterised them as scandalous. That might be a strong word, I would not use it though I would certainly endorse the spirit which actuated it and called for this epithet. As I have pointed out before, punishment is not only severe but it is double and in fact treble; cancellation of licence, Indian Penal Code, and then Rs. 500 fine and then fines from day to-day until the offence is terminated. Another defective feature of the Bill is that the jurisdiction of civil courts has been barred. In certain circumstances the relief that an aggrieved person could secure in a court of law has been denied to him and it was after great difficulty that an appeal was provided and even then the appeal was provided to the Government and not to a judicial tribunal. My honourable friend has just sent me a note that the Bill is not confined to *mandis* but it is extended even to shopkeepers who sell agricultural produce in retail. Perhaps the Government would do something to exempt retailers from the operation of this Bill and I need not, therefore, criticise them on this ground. But before I close, I would submit that the passing of this Bill will not only not give the relief to the poor agriculturists, the poor zamindars, as is claimed for it, but it would hit them hard. On one occasion the Honourable Premier, I want the House to pay most serious attention to this matter, admitted in one of his speeches that 97 per cent credit which was enjoyed by the agriculturists of this province was supplied by money-lenders and merchants and only 3 per cent was provided from other sources.

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

If I am wrong, I shall be grateful to him for correction. I am going upon a report of his speech as published in the papers. If that is a fact, has the Premier ever thought over the situation that might arise and probably would arise if this Bill becomes law? The debt legislation which has already been passed, has seriously restricted credit in this province. I have met poor zamindars myself during my tours and I have had talks with them. In one particular place, they did not know who I was. They were Muhammadans and seemed to be poor zamindars. I asked them whether they were tilling the soil with their own hands. They replied in the affirmative.

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There were eight or ten of them. I took them aside and told them that the Government had passed certain Bills. Some people called them black-Bills and others called them golden Bills. I asked them what they thought of them. They said, "We have been ruined by these Bills. We have been placed in a most difficult situation because we cannot get even four annas from any one." (*Shame, shame.*) In another place I had finished my programme and had just finished my mid-day meal when a word was brought to me that a number of zamindars had come from the *ilaga* and wanted to have a talk with me. At first I thought that perhaps I had offended some big zamindars in this *ilaga* and they wanted to have it out with me. I said, all right, I shall face the music whatever it may be. I asked them what the matter was. I am not exaggerating in the least when I said that their spokesman started by heaping a curse on one of the ministers whom he mentioned by name and who is the mover of this Bill. I was rather surprised. I said, "Why?" He said exactly the same thing that people in other places had told me. The first place where I had a talk with Muslim zamindars was in Baddomali. This talk to which I am now referring was at Sillanwali which is eighteen miles from Sargodha on the canal bank. The spokesman was a Sikh. Then I asked him if there were Muhammadan zamindars amongst them. A Muhammadan zamindar then came forward. I asked, "Have you heard what this Khalsa has said?" He said that whatever was said by him was perfectly correct. Then I asked whether there was a Hindu amongst them who would like to say something. A Hindu then came forward and he endorsed what the others had said. They wanted to tell me everything. I directed them to go to the *pandal* and told them that I would go there immediately. I noted their names. (*Interruption.*) Sir, my honourable friend is trying to show temper. (*A voice: No, no.*) I asked them why they did not bring their grievances to the notice of the Government and my honourable friend would be surprised to hear that a Muhammadan zamindar said,

جی اسی ان پڑے ہاں۔ جی اسی افسران نوں ملیے گاں اسانوں اندر دھک دینے

You are a Punjabi and you understand this and everybody else understands but for the benefit of my honourable friend, Sir William Roberts, I would translate what they said into English. They said, "We are poor people, we are illiterate and we are afraid that if we approach the authorities and try to ventilate our grievances we would be pushed into the *hawalat* or lock-up." This is what they said. They related other things also. So did other people. I asked them the reason why did they not bring these things to the notice of the Premier. They said that they did not know how to do it. I told them that the Premier was going to Satrah one of those days. I think it was on the 23rd of October and it was probably in Satrah that in his speech he said that the *sahukars* had boycotted the zamindars and he would see that credit is provided for them from other sources. This is the speech that he made. I guessed that probably those zamindars had gone to Satrah and had succeeded in bringing their grievances to the notice of the Premier and it was on their representation—it may also be on the representation of others similarly situated—that he had given this hope to them. I do not know what other sources of credit the Premier has been able to tap during these three or four months but if what he said is correct, namely,

that 97 per cent of the credit flows from these "wretched" non-agriculturists and only 3 per cent from other sources, he would be hard put to it to find other sources of credit for these poor zamindars whom he wants to help. What is happening? Credit is really frozen in this province and nobody lends anyone except out of sheer pity when he finds that his neighbour the zamindar is ill or his bullock has died or a calamity has overtaken him; otherwise no one advances anything to any one now—not even on mortgage of land. Even the zamindars have stopped lending money. They have lost confidence. They say that mortgages of 1901 have been set aside and they do not know what may happen to mortgages which may be executed now. Therefore, the only source that has been left now to the poor zamindars to raise money to meet their dire necessities is to sell their lands. I have no hesitation in saying, I make bold to say, I make a prophesy on the floor of this House to-day, that if this Bill becomes law and other Bills are enforced, within the next ten or fifteen years hardly a poor zamindar will be left in this province and their lands would pass into the hands of the bigger zamindars who will buy them out because there is no other way. You may think if you can suggest any. There is no other way of meeting their necessities. No one will lend without security and no one will lend on mortgages, and they must, therefore, sell their land. It is very well to say that credit should be restricted. We do agree that credit should be restricted so as to prevent extravagance and these poor zamindars should be taught to be frugal to limit their needs. That is perfectly true, but when you restrict credit, it does not necessarily follow that those unavoidable needs would also be terminated. Who has got control over rains? If it does not rain, the crops are spoiled. If it rains excessively the crops are spoiled. If locusts come the crops are spoiled. If a hailstorm comes the crops are spoiled. If rinderpest comes the cattle die. This is what happens. These are calamities—both *arzi* and *samawi* as they say—over which the poor zamindar has no control and, therefore, his needs are still there. All those needs are there and there is no source of credit. Therefore, if they have got some land left, they must fall back upon that land and must dispose it off to meet their needs. Their lands would go cheap like *bhusa*—they would be sold for a trifle. (*Shaikh Muhammad Sadiq*: What has that to do with the Bill?) You do not know anything. You do not understand. You have not got the patience to hear. (*Shaikh Muhammad Sadiq*: I have got the patience.) I was told that whereas in one place one *bigha* of land had been sold for Rs. 900 to a non-agriculturist some time ago, eighteen *bighas* of the same land have now been sold by the same landowner for Rs. 900. This is the difference. The necessity is there while credit has frozen. This will be the result. To the evil wrought by that legislation, this Bill, if passed, would add much greater evil. There are two ways in which credit is given to the zamindar. One is by way of loans. The other is by purchase of his commodity. The money-lenders come in so far as loans are concerned and the *arhtis* come in so far as the purchase of agricultural produce is concerned. This is the second source of their credit. There are banks also but we are for the present dealing with *arhtis*. I tell you that the *arhtis* and others are seriously considering this important question whether, in view of this oppressive measure which this Government is going to enforce upon them and which would injure their business, it would not be advisable for them to suspend their business for a year or even more

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and see that not a penny from their pockets passes into the hands of the so-called poor zamindars. Loans have already been stopped and if these *mandis* are closed, their telephones go out and telegrams stop and buying and selling in the *mandis* stop and then the Honourable Premier will have to scratch his head more seriously than he is doing just now to find other sources of credit and supply money to the poor zamindars. I do not know if he has fully realised the implications of this. The *arhtis* and merchants are seriously considering that they should take every possible step to prevent the realisation of Government land revenue and water rates which are the mainstay of the Punjab Government. Four crores of rupees roughly is the land revenue and about the same amount is realised by Government in the form of abiana or water rates; and with few exceptions the ordinary zamindar has to borrow to pay his land revenue and also his abiana. If he does not borrow he has to sell his produce in order to pay to Government in cash. If there was 'batai' system then the Premier and his Government would have nothing to fear or care for; but as payment has to be made in cash, cash has to be found from somewhere. Can he say, if that statement of his was correct, that his co-operative banks and his co-operative societies or other machinery of credit he has at his disposal, which up to this time have not possibly supplied more than 3 per cent, would also supply the remaining 97 per cent credit which the zamindars require and without which he cannot realise his 8 crores of rupees in the form of land revenue and abiana? There are also rumblings in the Government circles and Government coteries that there is going to be a deficit of a crore or so. I do not know whether the rumour is correct or not; that, we shall soon see, but, if the Punjab Government is to face a deficit of another 4 crores of rupees or 5 crores of rupees, then I would like to see how the present ministry can carry on the Government. He should not think that such a thing is impossible. I know that the ministry has been trading upon this supposition that these banias, these *arhtis* and merchants whom they contemptuously sometimes call 'karars', have no sense of 'ghairat' in them. This is what they are trading on, that they have no courage and they can be hit without their daring to hit back, that they are greedy and that they would not suspend their business even for a day, that they would give their life rather than lose a pie. This is what they have been trading upon. But they should remember that even a worm can turn sometimes and when a person is driven to straits he has to use all the resources at his disposal to meet the calamity with which he is threatened; and they should not be surprised if these wretched and hated and despised banias in the *mandis* for once rise to the occasion and take steps to which I have referred. If they once combine and determine that not a penny of theirs shall pass into the hands of the zamindar either as a loan or as a consideration for any agricultural produce, my honourable friend may rest assured that the Government would not find it easy to carry on the administration. He might have seen in the papers that they are meeting on the 11th February at Amritsar and this will be the main question which they will consider. All these *arhtis* and brokers and other representatives of the six classes who are going to be hit by this Bill would meet in Amritsar on the 11th February to join their heads together and try to find some solution of the difficulties with which they are faced. If for once they rise to the occasion and come to the decision that they would suspend business,

and would be prepared to suffer a loss and live as they may either by borrowing or even by working as labourers anywhere, then I have no doubt that they would succeed and will tear this Bill to pieces. Even now it is time for Government to revise this Bill. No one is against provisions which are calculated to afford real protection and help to the poor zamindars, but certainly the Bill has gone much too far than the Honourable Minister had first intended to take it and it is bound to have very adverse effect on the trade and commerce of this province. There would certainly be chaos in this province if once they can come to the decision to which I have referred. I know the consequences to them. I know that all sorts of threats would be held out: violence may be committed on them: one can anticipate all that, but no nation or community has a right to live if it is not prepared to suffer and if they want to live and preserve their self-respect than then they should be prepared to suffer, otherwise heaven help them and I shall have nothing to do with the matter. I have referred to this simply in the interest of the zamindar, in the interest of the Government as well as in the interest of these people. It was my duty to give a warning and I have done that duty and I would leave it now to the Government to do whatever they think best in the circumstances.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, several honourable members have thrown light on the various defects and merits of the Markets Bill and criticised its different clauses. But I would like to discuss the whole Bill from a special point of view, that is, how far it has gone to meet the object for which it was intended. A glance at the statement of its aims and objects would reveal that the first and foremost object of this Bill was to remove the evils which deprived the agriculturist of a fair price for his produce. In fact the opening sentence of the said statement runs as follows:—

The Royal Commission on Agriculture in India came to the conclusion that the agriculturist did not get a fair price for his produce and recommended the establishment of regulated markets in order to overcome some of the evils which deprived him of such a price.

Now I want to ask whether the present measure is really calculated to have the desired effect. Will the agriculturist henceforward obtain fair prices for his produce? Will the passage of this Bill remove all the evils that it was intended to uproot?

My honourable friend Dr. Sir Gokul Chand Narang has already prophesied that far from fulfilling its own object, the Bill would bring about chaos and disorder in the Punjab and business would come to a standstill in the province. I feel restless at the mention of unrest that is likely to result in the province in consequence of the enforcement of these laws, for I believe no province can make any progress worth the name unless the people there develop a spirit of co-operation among themselves and decide the question of bread for all. A Bill based on distrust can never succeed in its object, however noble it may be. The Chairman of the Agricultural Commission who is to-day the Viceroy of India, in his speech recently delivered by him at Delhi, remarked that the dealer was not opposed to the interests of the

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grower and he was anxious to see the grower prosper. I would like to read out the following few lines from that speech :—

It is, I think, encouraging to note that despite the formidable complications and diversities of the Indian marketing system, merchants and marketmen in this country have shown themselves just as ready as their brethren in the west to avail themselves of well-thoughtout marketing improvements.

His Excellency is of the opinion that if marketing is carried on scientific lines the workers in *mandis* would welcome it. This His Excellency was pleased to say in view of his own experience. His Excellency was further pleased to say that there were some other things which a marketing Bill should include. Those things have also been referred to in the statement of objects and reasons. But one thing I have not been able to understand in spite of my efforts to do so. Of course no one can deny the prevalence of mal-practices in markets, but it passes my comprehension how it is possible that for a thing worth Re. 1 the grower gets only nine annas and six pies and the remaining six annas and six pies are taken away by the middleman. I studied the report and made inquiries from *mandis* and found that the latter only gets three or four pice in a rupee. It may be said and it is possible also that for a thing sold for Re. 1 at Calcutta the grower at Lyallpur may get nine annas and six pies. So far as the linseed is concerned it mainly goes out of India and for that if the grower gets nine annas and six pies there is nothing surprising in it. But it is absolutely wrong to say that the middleman in *mandis* takes away six annas and six pies in a rupee. In the Budget session held at Simla in 1937 while discussing the demand for Agriculture I briefly referred to these mal-practices and remarked that unless you put an end to them the grower would never stand to gain and get a fair price for his produce. It is obvious that the grower cannot do without both the middleman and consumer. No grower will ever object to a reasonable charge. But if the middleman takes away lion's share it is really objectionable. When you say that he takes away six annas and six pies in a rupee, I ask how much of it you expect to save for the grower by means of this Bill. There are still other things which require careful consideration. There is an article published in the Public Information Series, Bombay, which I would like to read out here. It runs as follows :—

"But there are other handicaps in the way of the agriculturist getting his dues. This fact was brought to the notice of the Agricultural Marketing Conference at Delhi in November last, by the Honourable Mr. A. B. Lathe, Finance Minister, and by the Honourable Mr. Morarji Desai, Revenue Minister, who stressed the immediate need of the Government of India moving in the matter. Otherwise the efforts made by the Provincial Governments to get the utmost for the agriculturist by providing a suitable market would be of no purpose.

At present there is keen and unfair foreign competition with the Indian agriculturist. The Revenue Minister suggested that Government of India should impose a high protective duty on agricultural produce coming to India from outside so that it would be impossible for foreign produce to carry on unfair competition. Secondly, the question of railway tariffs on agricultural goods had to be considered and high railway tariffs should be adjusted so that they may not work as a handicap as they do to-day.

And last but not least, the Finance Minister said, was the question of ratio. If the Government of India moved in the matter of lowering the existing ratio at an early date, the agriculturist would get relief to the extent of 12½ per cent. So long as these were not effected, whatever efforts might be made by the Provincial Governments to get the agricultural produce sold for a better value, they would not be able to get at the results they are aiming at."

If we want that the grower should get full value of his produce or at least fifteen annas and three pies or fifteen annas in a rupee, we shall have to stop all causes of the misfortune of the grower. Simple passing of this Bill into law will not help the grower to get back six annas out of six annas and six pies alleged to be charged by the middleman at present. So far as the question of exchange ratio is concerned, the Honourable Finance Minister has already expressed his opinion that the present ratio is favourable to the grower and as such it should be retained. Consequently the Punjab Government is bound to accept that view. I am not an expert in finance. I am a layman but I must say that unless the questions of exchange ratio, communication and railway freights are properly settled and effective control is exercised on "hedging futures", matters would not in the least improve. We do not favour satta but hedging futures may be allowed as His Excellency the Viceroy suggested in his speech. Let me quote the relevant part of it. It runs as follows :—

"In this connection, the report stresses the importance of the following improvements in marketing machinery and practice: (i) a reasonable standardisation of the staples and of the contracts relating to them; (ii) The provision, in properly regulated markets and elsewhere, of suitable storage under conditions which would permit of proper insurance; and (iii) the establishment where possible and advisable of properly regulated forward markets permitting of "hedging" and thus to the mitigation of violent market fluctuations. It is therefore satisfactory to note that an agreement has been reached with the principal trade associations for standard future contracts for wheat and linseed and that discussions are well advanced in regard to standard for groundnuts and coffee."

The opinion as enunciated by the Honourable Finance Minister about exchange ratio is not going to benefit the grower or the dealer in India. It may benefit the Englishman.

My next objection to the present Bill is that under its provisions even the retail dealer is made to pay the licence fee. This poor fellow has been unnecessarily roped in. It does not seem proper to compel a retail dealer to obtain a licence and pay the necessary fee. In a town where there is a market, a retail dealer who carries on his business on a very small scale outside or inside the precincts of the regular market, will have to obtain a licence. By the application of the provisions of the present Bill, such dealers would be hard hit because they sell only those commodities which they have bought from the market where the *arhtis* have already paid the fee for them. Apart from this the petty shopkeepers would be subjected to great hardship if they were asked to dance to the dictates of the market committees. I feel constrained to say that it is absolutely unjust and unfair on the part of the Government to press any independent shopkeeper by means of this measure to pay undue homage to the functionaries of the market committees.

Again, the Government intended to perpetrate a new kind of "zulam" on the consumers, but thanks to the foresight and prudence of certain honourable members, we were saved in time. The Government wanted to incorporate an amendment which aimed at specifying quantities of agricultural produce which might be purchased for personal use. This provision was present in the original Bill but better counsels prevailed with the Government and it was withdrawn. But during the consideration of the Bill the Parliamentary Secretary again moved it in the form of an

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amendment. The Opposition took serious exception to this arbitrary and coercive provision and vehemently protested against its inclusion. Thereupon the Government thought it fit to withdraw it again.

Furthermore, Sir, it will be very hard on the *palledars* if they are made to pay licence fee. When the agricultural labourers do not find it possible to make both ends meet in their villages, they come to towns and work as porters in the markets. The Government would be well-advised not to include such poor labourers in the list of licensees. We cannot expect a porter to spare the necessary money to meet the licence fee. An honourable member from this side of the House had remarked in the course of his speech that the *gujars* of the Hoshiarpur district are awfully poor and destitute. They work as porters from morning till evening in the *mandis* but even then they cannot earn a living wage. No man with a grain of sense in his head can expect these poor people to pay the licence fee. The Government may say that it has only obtained the necessary powers in this respect and not definitely levied the licence fee on the *palledars* as yet. But our every day experience shows that once a measure is passed into law, even its minor provision does not go unoperated. And similarly here also the Government must resort to this particular provision and utilize the obtained powers unsparingly. We had moved an amendment to the effect that these poor labourers should be given free licences, but the Government did not accept it, and so it will be one more cause of tyranny of the present Bill over the poor people.

Next, I come to the clause regarding levy of fees. It provides that the market committee can levy a fee on the agricultural produce bought and sold by licensees in the market. It means that in the first instance when the grower would bring his produce to a town where a market is situated the municipal officials would charge the necessary terminal tax or the octroi for the produce and when he will enter the precincts of the market the buyer will have to pay the fee for the same produce. This clause is absurd and defective on the face of it. There is no justification whatsoever for charging tax and fee from both the parties for the same produce. The Government may argue that the fee will not be imposed on the growers. That's true. But our fear is that even if fees are not directly paid by the growers still their burden will be indirectly shifted on to them by clever licensees. In this way the growers will have to pay twice the amount they already pay in the form of terminal tax. It is much to be regretted that whereas we seek to lighten the burden of the growers, the Government by means of this measure is increasing their expenditure.

Sir, my submission is that mere agrarian legislation cannot ameliorate the pitiable condition of a poor grower. It would be a mistake to think that without financial help his lot can be improved. I would like here to read out an extract from a report on the Agricultural Marketing Board of Great Britain. It runs as follows :—

But it would be a mistake to suppose that the assistance which the Government afforded to agriculture was confined merely to passing enabling measures or those which afforded protection to the growers against unscrupulous middlemen. Financial assistance was also granted on a generous scale to the different branches of agricultural production.

The main point which I would like to raise in this connection is that if the Government wants to see every labourer getting a living wage and every grower receiving reasonable price for his produce it will have to admit that it cannot achieve this object by the help of such a faulty measure. The present Bill penalises not only the *arhtis*, but also the growers and the poor labourers. If the Government were serious in its desire to help the growers and the poor labourers, it should have found some ways and means to reduce the cost of production on the one hand and afford a living wage on the other. It is incumbent on the Government to make necessary arrangements for advancing loans to the growers at a much lower rate of interest. Apart from this we suggested to the Government that it should make efforts in the direction of stabilising the agricultural prices, but it expressed its inability to do the needful in this respect. So long as the cost of production is not reduced and a labourer does not get a living wage the problem of benefiting growers and labourers would remain unsolved. Thus the Government will be well-advised to earmark a certain sum in the budget, if it fears that the proposed market committees cannot function properly after effecting a reduction in the various charges payable by the growers in the markets.

Again, I moved an amendment with regard to the formation and constitution of the market committees, but unfortunately the Government was not disposed to accept it. The proposed constitution is absolutely defective and faulty. I do not like to make any further observations on this point. I have already said enough. The Treasury benches feel jubilant on the point that they have conceded the right of appeal to the aggrieved person. But this right would be of no use to him, because the members of the market committee will be nominated by the Government out of a panel elected by the members of the district board. Now only those members will be nominated who in the opinion of the Government are best suited to its purpose. Under such circumstances it will be of no use appealing to the Government against the decision made by its own nominees. Moreover it is not an easy thing to approach the Government. When we, the members of this House, cannot approach a Minister or the head of any department, how can a poor shopkeeper or any other poor person be expected to get access to the Ministers? If you want to punish anybody, give him the right of appeal. He should be given assurance to the effect that whatever happens, justice shall be done to him. But it is a pity that in the present Bill such an assurance is altogether denied to the aggrieved persons.

The plight of the grower is miserable throughout the world to-day. Economic depression has proved to be the last straw to him. But it is a matter for gratification that every country is trying hard for the betterment of his condition. We know that no country can flourish without the help of its peasantry. The prosperity of the growers is closely interlinked with the general prosperity of their country. But we ought to know that so long as the grower is steeped in debt and he does not get reasonable price for his produce, his prosperity cannot possibly be achieved. Other countries have felt the necessity of rendering help to their growers. They have passed Indebtedness Acts. They have started Land Mortgage Banks for affording financial help to their poor peasantry. Loans worth crores

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of rupees have been advanced to the growers at a nominal rate of interest. And now the intensity of the agricultural indebtedness is gradually lessening in those countries. It is a matter for great satisfaction that the Governments of Bombay and Madras are following the footsteps of those foreign countries and adopting similar measures for the amelioration of the condition of the peasantry. I would like to read out an extract from a very interesting article contributed by Mr. G. Costanzo to the International Review of Agriculture. It runs as follows:—

The idea that has just been put forward is shared by the governments of many of the countries that have suffered most from indebtedness and that have rightly endeavoured, as we shall see in the second chapter of this study, to carry out programme for the general adjustment of the national agricultural economy. Thus for example, in Romania, a typical country in respect of the difficulties caused by indebtedness, it has been recognised 'that with a better organisation of production agriculture would have been able to dispose with the intervention of the State, thus avoiding the experience of exceptional legislation and that this policy of the relief of indebtedness will be more strongly supported by effective organisation and the improvement of agricultural technique. In the same way, in Yugoslavia, the Minister of Agriculture declared recently that the total remission of debts would not be in the interests of the farmers themselves; that what is essential is to raise the prices of agricultural products, which would enable them to pay their debts and to live a less hard life and that if their debts were entirely remitted it would destroy what little credit the peasants still possess.'

It means that it is highly essential for the amelioration of the condition of the growers to raise the agricultural prices. So long as the growers are not in a position to get reasonable prices for their agricultural products their plight would remain the same. It is no use harping on the same argument again and again that out of a rupee the grower gets only nine annas and a half. The grower of to-day wants substantial and material help rather than mere lip sympathy. By enacting such agrarian measures the Government wants to create class hatred in the province. It is bringing in estrangement between one class and the other. We have yet to see what substantial help the Government affords to the poor growers. In fact the Government does not at all want to benefit the poor peasantry of the Punjab.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I apologise for having to inflict a speech at the rag end of the day after really nine hours of a long drawn debate. The House will realise that it is due to no fault of mine. I should have liked to save the House that ordeal, but unfortunately it is impossible for me to allow some of the criticisms made by some of the speakers on the other side, go unreplyed lest some misunderstanding or misapprehension should remain in the minds of honourable members and in the mind of the public in case the newspapers publish their speeches in their columns. I therefore crave the indulgence of my colleagues for a few minutes. I shall try to be as brief as possible. Unfortunately speakers on the other side have taken four hours in putting forward their case and I hope that in view of that fact they will forgive me if I also take a few minutes to answer some of their arguments.

I need not dwell at any length or at all on the points made by my friend, who if I may say so was the pioneer of this debate on the third reading of the Bill. I am referring to Lala Sita Ram who is the representative of the poor labourers but who spoke in this House as the champion of the capitalists

to whose class he belongs. I do not blame him for that, but he should have had the decency to refrain from making such remarks as he did with regard to the previous Bills and also with regard to this Bill, namely, that instead of being bettered during the course of the discussion they had been made worse—worse for whom—for the capitalists and not for the poor labourers whom he represents here. He should have had the decency to remain quiet. Probably he wants to secure his position among the other classes from whom he will have to secure his votes in the next elections. For, in spite of the ignorance of these poor labourers and their illiteracy they would shoe him out of their constituency if he goes to them for votes unless he buys their votes and even that I am sure he will not be able to do next time. But one of the rather bright points which he made was that which I had mentioned the other day, that the cost of direct election would be prohibitive. He talked about distribution of wealth in this connection. If my honourable friend is so keen on distributing his wealth he had better ask his socialist friends sitting next to him and see how they would like to have the distribution of wealth. They would be able to tell him the methods which may not appeal to him outside the House. But they will tell him how the world is moving towards his ideal of the distribution of wealth and then he will not try to get up and defend the poor labourers and the zamindars with whom he has nothing in common. (*Lala Sita Ram*: That was not the argument that I advanced.) Probably somebody else did. Perhaps my friend now regrets why he has made that statement. (*Lala Sita Ram*: How does the poor man suffer? That was my question.) (*Interruption.*) I would not labour that point further. My friend is getting restive. (*Lala Sita Ram*: No, no.) I believe he also said something about the Australian wheat. He asked, why does not Government do something to stop the import of Australian wheat and put on a tariff duty? (*Interruption.*) Perhaps his leader Sardar Santokh Singh said that. He asked, why should not the Government do that instead of trying to bring forward these Bills? My honourable friend is a member of this House. He is unfortunately not here now. He should know that we have been pressing, ever since this Government came into power, for wheat duty. We passed a resolution in the Simla session and I can assure him that I have been doing personally my utmost to get that done as quickly as possible and I am glad to say that after all we have succeeded. That is a fact which he should have known and as a consequence the price has subsequently gone up by 4 annas although it does not help the poor grower. In any case it helps the middleman and it will all be to the good because at least the money will remain in the country.

My honourable friend, Dr. Sir Gokul Chand Narang, is unfortunately not here. He has to attend the marriage of a near relation of his and I dare say it would not have been fair to press him to stay on. But I am sorry that my friend, the Leader of the Opposition, should not have the courtesy to stay on. Evidently he has also some very pressing engagement. (*Lala Bhim Sen Sachar*: He has received an urgent slip just now. He might be here soon.) It would have benefited him if he had been here and heard me. I had better take up his speech first, because it would probably be convenient and will also probably allow my friends opposite who I see are

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getting bored, to leave those benches after hearing what I have to say. His speech throughout was a laboured oration, forced oration. It looked as if he must speak and say something. I fully sympathise with my honourable friend that it was necessary for him to make a speech. Why? Because he has got his feet on two stools. On the one side he has to defend the poor grower, the poor cultivator, defend at least on paper and in this House. On the other side he has also to look with one eye towards the interests of those people who actually sent him to the Assembly, that is to say, whose real representative he is. Therefore he must get up and say that this is not going to help the poor grower. He had said a lot of things in favour of the poor growers during the course of the discussion of the Bill in the second reading stage and now naturally he has to counterpoise that by saying something on the other side, so that when he goes to that part of his constituency, the real constituency, he may be able to tell them, "look here, I have pointed out your difficulties. I told them that this was going to do more harm to the poor agriculturists and growers and yet Government would not listen. It was for your sake that I put forward those points. I knew perfectly well that there was nothing in those points and no substance, but yet as one of your representatives, as representing the constituency which does not consist of growers, I had to argue your points. But since the policy of the Government is well known I had to sugar-coat that pill, so that your interests may be safeguarded." I believe the whole trend of his speech showed that his was a forced speech and there was nothing which he wanted to impress upon the House. At one time during the course of his speech he had nothing to speak on and he read some extracts in which he frequently mentioned His Excellency the Viceroy's name. I do not grudge that. After all he is the King's representative in this country. I am glad my honourable friend has also some affection for the representative of our sovereign. But unfortunately—he may not have had the time to go through them, somebody marked those portions which suited him—but he did not quote other portions which are more relevant and to the point so far as this debate is concerned. Before I come to that, let me refer to some points which he mentioned in his speech. He said, "what is this talk about six annas loss to the grower in the *mandis*; the charges that he has to pay are one anna or two annas." He may be perfectly right. The charges of six annas contain several other things and not only *mandi* charges. My honourable friend, if he had taken a little trouble to analyse the figures, would have found that even the benefit to the grower of two pice, half an anna, or six pies, would save him nearly $1\frac{1}{4}$ crores of rupees and if we can give him by this Bill one anna in the rupee it would save him nearly $2\frac{1}{2}$ crores only on two commodities, wheat and cotton. Then you have got sugarcane, linseed and several other things. But these are the two main crops, cotton and wheat, and on these alone by a return of one anna, he would benefit to the extent of $2\frac{1}{2}$ crores. Now is that a small sum? It means that he will save half the land revenue which he pays. That is one of the ways in which we want to help him, so that he may bear the weight of the burden with more equanimity and without feeling too much trouble with regard to the duties he owes.

Now let me refer to that portion of the report which my honourable friend has overlooked or which was not pointed out to him. This is what

is mentioned in paragraph 827 of the very report of which our present Viceroy was the chairman—

From all provinces we received complaints of the disabilities under which the cultivator labours in selling his produce in markets as at present organised. It was stated that scales and weights and measures were manipulated against him, a practice which is often rendered easier by the absence of standardised weights and measures and of any system of regular inspection. Deductions which fall entirely on him but against which he has no effective means of protest are made in most markets for religious and charitable purposes and for other objects. Large "samples" of his produce are taken for which he is not paid even when no sale is effected. Bargains between the agent who acts for him and the one who negotiates for the purchasers are made secretly under a cloth and he remains in ignorance of what is happening. The broker whom he is compelled to employ in the larger markets is more inclined to favour the purchaser with whom he is brought into daily contact than the seller whom he only sees very occasionally.

This is one of the extracts which I have read to the House. There are several other extracts which would be germane to the debate of this discussion, but I do not think I need weary the House with them. I merely read out this extract to point out that there is the other side of the picture which my honourable friend conveniently ignored. He also mentioned the subject of ratio. I must, with due deference to him and with due respect to the House, say that I did not consider myself competent to discuss that vast and complicated subject. But he must have seen the very same officer whom he has just referred to, has only yesterday expressed similar views with regard to that matter also. But let me tell my honourable friend that so far as the question of ratio is concerned, the present Government will keep no other ideal before them than the benefit of the masses of this province (*Hear, hear*), whenever they are asked to give their opinion about that matter and I can assure them that the other day the opinion to which my honourable colleague the Finance Minister referred was given to the Bombay Government at their request, paying full regard to the interests of the growers and the cultivators who constitute a majority of this province, as well as to those of the poorer classes of consumers. These are the two things which we keep in our view and at that time after careful consideration we came to the conclusion that that was the best position to take up, but it was not a final and definite opinion.

Chaudhri Krishna Gopal Dutt : In the interests of Lancashire.

Premier : No. My honourable friend has mentioned Lancashire, now let me also mention the textile mills of Bombay who will gain straightaway by $12\frac{1}{2}$ per cent.

Chaudhri Krishna Gopal Dutt : The Viceroy said the same thing yesterday.

Premier : Because two and two make four (*hear, hear*). If you work out the additional benefit to the mills, you will find that they gain straightaway $12\frac{1}{2}$ per cent and the consumer will suffer because his prices will go up by $12\frac{1}{2}$ per cent.

Chaudhri Krishna Gopal Dutt : Question.

Mr. Deputy Speaker : I would request honourable members to stand up in their places and then put questions.

Premier : There are only two other points which my honourable friend mentioned. One of them was that we should try our best to give some relief to the poor brokers, weighmen, palledars, etc. Now I think my honourable friend has forgotten that it was suggested from Government benches with regard to this matter that so far as these men were concerned, it was for the committees to let them off if they thought it fit and I assure my honourable friends that if the Government have to intervene they would do everything in the interests of the poorer classes of the people. But he went on to say that it is also going to mulet the grower further and subject him to further expense and further burden, because everything that came to the market had to bear some kind of *chungi* or tax. Perfectly true. That is why we are bringing in this Bill. But my honourable friend forgot to mention or perhaps thought it inadvisable to mention that these charges are now fixed by those people who control these *mandis*, that is to say, the *arhtis*, the traders and commercial people; but in our scheme these charges will be fixed by the committees in which the proportion of the representatives of the growers will be greater than that of the representatives of any other interest which means that the charges will then be fixed by those who are affected by them and their burden will be so adjusted that they cannot possibly result in any hardship to the grower. This is a point which my honourable friend ignored in trying to put forward his point in a sugar quoted form.

Now let me turn to my honourable friend, Dr. Sir Gokul Chand Narang. He started by accusing the Government and myself. He opened his speech by the remark that this Government has been stampeded by kisans and zamindars so much so that I have been saying at certain places that unless we passed this Bill, there would be rapine and murder in the province. My honourable friend also went on to say that this was a confession of weakness and helplessness. Now my honourable friend knows perfectly my weakness and helplessness. I was, if I may say so, though I do not wish to say so, a popular figure, a *persona grata*, with the class which my honourable friend represents, only a few months ago, before this Bill was brought in. I was popular with the class that controlled the press, that controlled the platform in urban areas, people whose voice carried weight, people who have the weight of money, the weight of press behind them, people who have the voice of the *intelligentsia* with them; but now, he thought that I was so devoid of sense that I gave away all the advantages which I had for a mess of pottage. No, it is not that. Let me assure my honourable friends that this measure and the other measures have been brought only with the object of helping the poorer classes of this province. They have been brought, as I had repeatedly said, with the deliberate intention of helping the poorer zamindars as well as the people of the poorer urban classes and to save these moneyed and capitalist classes for whom I have a soft corner, because I have been a businessman myself and who knows, I may be a businessman tomorrow, to save them from worse calamities than those that are happening in some other countries. My honourable friend conveniently ignored what was happening in other provinces. He went on to say that as the head of the Ministry in this province, I had given my word of honour that I would safeguard the legitimate interests of all the communities and I can with my hand on my heart repeat that pledge again and I repeat it here that it is

my duty (*hear, hear*) and that of my colleagues to safeguard the legitimate interests of all classes of people and we would continue to do so as long as we hold these offices.

Lala Bhim Sen Sachar : Duty it is, no doubt.

Premier : That duty is being discharged in the shape of the legislation which we have before us. He also went on rather irrelevantly to taunt me by saying that I was responsible for breaking the conventions of this House. I have done nothing of the sort. As a matter of fact my attempt and effort throughout, ever since the advent of the new Assembly, has been to set up healthy conventions and we started very well. My honourable friend co-operated with me in the beginning but I think he found it was no use trying to co-operate in setting up healthy conventions of a democratic form of Government which perhaps they may have to flout to-morrow or the day after. They have found that their position is becoming unfortunately inconvenient and that is perhaps why that co-operation is not forthcoming now. But Dr. Sir Gokul Chand Narang mentioned that I had threatened them with a battery of Bills and intended crushing them with a sledge hammer. I can assure him that there is neither a sledge hammer nor a battery of Bills which is going to bombard Dr. Sir Gokul Chand Narang. He will always, whatever that battery of Bills fires or belches forth from the various canons, remain unaffected, because he will be safely entrenched in his house on the Montgomery Road and from his palatial building will express his sympathy for the poorer classes of *arhtis* and *mandi-walas* and the poor zamindars whose representatives he had the benefit of seeing during his tours and found that they were all up in arms against this Bill. If that is the position, why is my honourable friend worrying himself about it? If the zamindars are up in arms, if those poor people are going to resent these Bills, he should be happy because those people will be up in arms against me and when they find that I have done nothing for them, Dr. Sir Gokul Chand Narang will have an opportunity at least to look over to these benches once again. (*Cheers.*) (*Lala Bhim Sen Sachar :* He was talking as a friend.) I am talking as a friend to him. He said that these Bills were rushed through the Assembly. This argument has been put forward a hundred times and has been discussed threadbare on the floor of this House. I assure my honourable friends that nothing of the sort has been done. All these Bills have been carefully considered and carefully framed with a view to avoid all those pitfalls to which he referred. He went on to say that I had broken the well-established convention by not circulating the Bill. There is no such convention in any parliament. I challenge my honourable friend to prove if this convention is in vogue anywhere. A Bill is not circulated if it is an urgent Bill. Again it is not the convention that every Bill must be circulated. Our rules do not contemplate such a thing either. If they had contemplated a thing like that, then it would have been necessary for us to set up a convention. Our rules are clear on the subject. He also referred to the question of my appropriating private members' time. I was certainly not breaking any convention. I was proceeding according to our rules and I was setting up a convention which is now well-established in the mother of parliaments to which my honourable friends have been referring dozens of times during these debates. It is a well-established convention there that the public business comes first and private members' days are always taken away by the Government

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to dispose of public business. He then said that we had broken another convention by extending the sittings of this House. During this session it was only on three days that we had extended the session to later than 6 o'clock. We decided during the last session to sit from 12-30 p.m. and it was all done in the public interest. My honourable friend is aware that it is costing us approximately Rs. 4,500 a day to hold a session of the assembly. My honourable friend, who was so considerate for the poor tax-payer, should remember that Rs. 4,500 multiplied into the number of days of sittings mounts up to huge figures. My friends on my right, therefore, naturally got more and more anxious as the number of amendments increased, but I told them that it should be all gone through. I told them that surely better sense would prevail and we would be able to finish the Bill within the time stipulated. I am glad to say that we are going to finish it within or approximately within the time stipulated. My honourable friend then went on to have a fling at the ministry saying that it is a dumb and mute ministry. We know perfectly well that when he was a member of the ministry, he was one of the most querulous and most vocal members of the ministry. But you very well know the well-known adage that empty vessels make much noise and my ministry does not believe in making long and querulous speeches in time and out of time. They believe in substantial things (*cheers*) and when they speak they speak with force of conviction and not merely to play to the galleries or to speak to the tune of others. (*Lala Bhim Sen Sachar*: They have reduced their salaries also)! He again went on to ridicule my colleagues on these benches. He said that they were being driven like dumb cattle. He referred to the unfortunate statement made by a member on these benches which he had subsequently withdrawn. He referred to it to-day and I believe that was the point which he wanted to make. He probably provoked them into doing something. He may be sure that the members on this side of the House know perfectly well who is their friend and who is their foe. (*Cheers*.) If they did not know that, they might be sitting on those benches, but in spite of the daily persuasion and in spite of the daily intrigue which my honourable friends have been doing, they know perfectly well what reply they receive from these "dumb" benches. I ask my friends to try and see whether they can win any more members. They are here because they have come as representatives of the poor people. They have come to support certain ideals which they have set up before them and I can assure them that if they are true to their salt and to their constituencies and even if half a dozen members are left here, we will be prepared to give fight to the capitalists. (*Hear, hear*.) My honourable friend said that *gur* had also been included in the definition of agricultural produce. It was one of his grievances as to why we included *gur* in the list of agricultural produce as if *gur* was not an important agricultural produce and not an important money-paying commodity. I believe that it was a sugar factory which was responsible for this remark and not the poor zamindars when he referred to that matter. (*Dr. Gopi Chand Bhargava*: Sugar factory is owned by the Revenue Minister also.) Not in this province. (*Dr. Gopi Chand Bhargava*: He believes in running his concerns in other provinces.) I am sure that he has got a very efficient factory in the United Provinces but my honourable friend must give him

the credit that in spite of being a big mill-owner, a big sugar factory owner, he was in favour of this Bill and not like Dr. Sir Gokul Chand Narang who opposed *gur* even being considered as an agricultural produce. (Dr. Gopi Chand Bhargava: That is why it is under the Congress Government.) My honourable friend has talked of Congress Government. Do not bring in Congress governments. Let them do their work and we ours. Let us not bring in other provinces in our discussions. I can assure my honourable friend, Dr. Gopi Chand Bhargava, that if he would keep in view the well known old adage that "the taste of the pudding is in the eating of it", he would find, after a little time when the Bills are promulgated, whether they are beneficial or not and the people will themselves realise whether they are beneficial or not. But I will also warn him that what we do to-day, the other provinces follow the next day. Take for example the Congress ministry of the North-West Frontier Province. We started with certain agrarian measures and they tried to introduce the same kind of measures. Take, for instance, the Money-lenders Bill and the Agricultural Produce Markets Bill. We introduced the Bills here and referred them to the respective select committees. They also tried to carry them through because they thought that they might not remain behind in the race. All credit is due to them in following us in such a matter. (Cheers.) It is not only the small province of North-West Frontier but the Bombay Government has also taken a leaf out of our book and they are now bringing forward those Bills. Madras, the United Provinces and Bihar have done the same and you will find that all those provinces will eventually come into line with us. At the moment, in one province at least, a measure is being sponsored which is going to hit only one section of rich people and I think that eventually they will be forced to take action which will be more uniform and equitable. I am rather drifting to other provinces. I had better come to my own province. My honourable friend Dr. Sir Gokul Chand Narang said that the range of the Bill was too wide and too large. He may rest assured that Government is not going to notify the whole of the province as a market area. They will judiciously select the areas which must come in first. Obviously the bigger markets where business is transacted on a larger scale or the markets which are surrounded by predominantly agriculturist areas will come in first. Therefore he need have no fear that little places where some sort of small dealings are going on will be declared as notified areas with one stroke of the pen under this Bill.

Then, Sir, my honourable friend, Dr. Sir Gokul Chand Narang, went on to say that the word 'poor zamindar' is repeatedly mentioned in this House several times and then he went on to ask, how is it going to benefit the poor zamindar? In that connection he narrated his own experience when on tour he met three representatives of the three communities who were groaning under these laws. They told him all about their grievances and troubles; but let me tell my honourable friend opposite that so far as this Bill is concerned it is intended mainly to benefit the small grower. My honourable friends who know anything about the dealings of the bigger zamindars know that they store the produce in their godowns. It is not the big zamindar who sends his produce to the markets: it is the *mandiwalas* who go to him and say 'you have got 10 thousand maunds of wheat, we

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want to purchase it'. He does not budge an inch from his house to sell his produce. People know who stocks the commodity and they go and buy. It is the smaller man, the small grower who puts his produce on the bullock cart, takes it to the *mandi* and sells it. It is that class of agriculturist and the grower who are the victims of these malpractices and not the big zamindar. Nawab Sir Shah Nawaz Khan grows thousands of maunds of wheat and cotton but I do not think he has ever been inside a *mandi* himself. The *mandi* people go to him and buy his stock. It is the small grower and the poor zamindar like myself who go to the *mandis* with their produce on the bullock carts. When they go there they are told that the 'bhao' is Rs. 2-8-0 a maund.

Dr. Sir Gokul Chand Narang : Why should the cultivator suffer? Grower means a person who grows personally or through tenants. That presupposes that it is the big zamindar with his tenants who is to be included.

Premier : My honourable friend asks why the poor tenants are included. How can I possibly leave them out? Because the tenant is my part and parcel just as the small zamindar is. (*Hear, hear.*) He asked how the poor zamindar is going to benefit. I have already answered that point. But if the charges are going to increase and the poor zamindar is going to suffer, why should my honourable friend worry about that? Why should he shed crocodile tears over the troubles of these poor cultivators? When they are going to suffer they will turn over to me—and my honourable friend will be quite happy—and will say—

Dr. Sir Gokul Chand Narang : They will one day.

Premier : They will turn and say "you are the fellow who put us to so much loss and trouble: therefore we will no longer vote for you or your party, you go to that place which I need not name." My honourable friend may rest assured that if that happens and if I am wrong then I would every time deserve that treatment from them. If my honourable friend thinks that we are out to help only the bigger zamindars and have no regard for the interests of the smaller man, then every time I would deserve that he should not only refuse me his vote but he should lynch me, because these are the people whose interests as well as of all the other people living in this province, whether they be rich or poor, are dear to me.

Then he mentioned something about elections and said that elections were expensive and caused bad blood and that we should make a representation to the Secretary of State to do away with them. I think that is a long story and my honourable friend would not want me to enter into the merits of the case.

Dr. Sir Gokul Chand Narang : Go on, I have taken my dinner: I am prepared to hear your stories!

Premier : He says he has taken his dinner and he does not care about other poor people.

Dr. Sir Gokul Chand Narang : You have been telling stories all this time!

Premier : Let me assure my honourable friend that we have introduced in this Bill an elective system, not the direct but the indirect system

to which my honourable friend objected. Let me tell my honourable friend that members of the Working Committee of the All-India Congress including Mr. Patel, Babu Rajendra Parshad, Mr. Desai have issued a statement deprecating the attitude adopted by Mr. Subhash Chander Bose, the Congress President, for refusing to withdraw from the contest for the Congress presidentship.

(Opposition Benches: What has this got to do with the Market Bill?)

Lala Bhim Sen Sachar: Is the news being broadcast?

Premier: Why should my honourable friends feel restive?

Chaudhri Krishna Gopal Dutt: Are you a "news boy"?

Premier: In spite of the fact that there is the indirect election yet the members of the Working Committee have deprecated the action of the President of the Congress organisation, the topmost man of the Congress organisation.

Dr. Sir Gokul Chand Narang: On a point of order. What does the Premier mean by this? What is the relevancy of Mr. Bose's refusal to withdraw from the contest?

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

Premier: My honourable friends over there have been speaking of things which have nothing to do with the subject under discussion.

Dr. Sir Gokul Chand Narang: I never said anything like that.

Premier: He went straight to the Secretary of State.

Dr. Sir Gokul Chand Narang: That is relevant: he is your master.

Premier: This gentleman may not be your master but he may be the master of several other people.

Now let us come to that portion of the speech which is really interesting and I wish my honourable friend had confined himself to that part of the speech which was from my point of view of much interest. He said that Government should do something to exempt the smaller man and should not do anything which may unnecessarily cause hardship. That assurance has been given under the rules for exemptions. Let me assure him that every care will be taken that no unnecessary harassment or trouble is given to the smaller man. Again, Sir, he mentioned something about credit and referred to my speech wherein I said that only 6 per cent of the credit was provided by the co-operative societies and that the remainder was provided by, to some extent, the bankers but mainly by the village money-lender. I have got nothing to be ashamed of that statement. That is a question of fact. He then went on to say that the credit of the zamindar is frozen. Perfectly true. There is no difference of opinion between him and me. The credit of the zamindar is frozen. But it started freezing with the advent of the present economic depression in 1929 and by 1931 his resources had been depleted and all his ornaments had gone. We are doing everything possible to help him. Now, my honourable friend says that the credit of the zamindar will be further frozen because the

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money-lender would not lend him money. I dare say that there is some truth in that point, because the money-lender would naturally not risk his money unless he can realise it back or he has some hope of realising it back. According to my honourable friend, it is this legislation which is keeping the money-lender away from lending his money. With due respect, let me tell him that that statement is wide of the fact and that he and some other people who have been going about from town to town preaching this sermon of non-co-operation, have been betraying the zamindar. Let me assure him that as soon as the prices come back to their old level or come to the extent at which they were ranging before the slump set in, all of his prophecies would come out untrue. I am almost certain of this because I cannot conceive for a moment that that intelligent class of businessmen for whom I have great regard and respect—I mean the honest money-lender and the honest trader—would follow his advice or the foolish advice of those people who would cut off their nose to spite their face. I am certain that they will not do that, but if they do that, then who is going to suffer? It is not the poor zamindar who is going to suffer. Why? Because he does not keep any cash. Now they must realise that all that a poor zamindar wants is something to eat. If he cannot sell his wheat he will eat his wheat instead of *bajra* and *makai*. (*Interruptions.*) My honourable friend has been saying in his speeches outside this House and also here and his friend, a prominent socialist I has been saying, too, 'Go on and support that 25 per cent cut resolution, so that if the Government accepts it, it would become bankrupt, because it would require money to carry on the administration, and the zamindars will pay no revenue, and if the Government refuses to accept that resolution then we will go out and turn the zamindars against the Government.' That is his point. But here both my honourable friend and that socialist friend are in the same boat and both of them want to embarrass the Government. They say that if this happens, then the Government would not get any money. I know, if it happens, who is going to suffer. Is the Government going to suffer? The Government will suffer later, but it is those poor people, whom it is his duty and mine to protect, who will suffer first. He will be safely and comfortably living in his palatial home on the Montgomery Road. It is those poor retailers, who eke out their living in these difficult times and the poor zamindars, who will suffer. But why should he worry about these matters? After all, his political game would be advanced a step further if it does advance. That is the advice which has been given by my honourable friend. Let me advise him that he should go to those people and in that meeting, to which he referred, tell them—if he were to give his honest opinion he would say so—that there are several things in these Bills which would hit the dishonest man hard but that there are several things which would benefit them and which will probably make them honest businessmen. But he should also tell them that there are several things in these Bills which would be to their benefit in the long run, although they may not look so for the moment. Let me assure my honourable friend that the interests of the people whose cause my honourable friend advocates are as dear to me as the interests of the poor cultivator and if my honourable friend steps in to do something which is not in their interest and consequences of a nature happen which are likely to lead to trouble, then he would

be responsible before man and God for bringing about these results. He should instead tell those people that there may be certain provisions in these Bills which are going to affect those people adversely, but he must also tell them that the poor zamindar is also hit hard on account of the slump and that when he is more prosperous, naturally they will also become more prosperous and that his prosperity and their prosperity are so closely interlinked that it is impossible for one to benefit if the other suffers. That is the point which he should put before them. He should also tell them that in spite of what my honourable friend, the Leader of the Opposition, who is trying to ride two horses at one time, has said, he feels in his heart of hearts that these Bills are eventually going to benefit not only the agricultural classes but the province as a whole. Sir, with these few words I support my motion.

Mr. Deputy Speaker : Question is—

That the Punjab Agricultural Produce Markets Bill be passed.

The motion was carried.

Premier : Sir, I move—

That the Assembly stand adjourned till 2 P.M. on Monday, 27th February, 1939.

The motion was carried.

Accordingly the Assembly adjourned till 2 p. m. on Monday, 27th February, 1939.

Amendments of the Drafting Committee on the Punjab Agricultural Produce Markets Bill.

- (1) In paragraph (b) of clause 2 the word "the" should be inserted before the word "Government".
- (2) In the proviso to sub-clause (2) of clause 4, in the amendment adopted thereto, the word "a" be inserted between the word "through" and the word "*bona fide*".
- (3) In the amendment adopted to sub-clause (2) of clause 6 the word "may" be inserted after the word "behalf".
- (4) In sub-clause (2) of clause 8 the word "the" be inserted between the word "among" and the word "salaried" occurring in the third line thereof.
- (5) In paragraph (ii) of sub-clause (3) of clause 8 the word "a" shall be substituted for the word "the" occurring between the word "and" and the word "panel" in the fourth line thereof.
- (6) In the proviso to paragraph (ii) of sub-clause (3) of clause 8 the word "that" appearing in the penultimate line be deleted.
- (7) In the amendment adopted to clause 10 for the word "clause" substitute the words "the provisions of section."
- (8) After the word "had" appearing in the tenth line of clause 13 the word "the" shall be added.
- (9) In the amendment to clause 15 substitute the word "and" for the word "or" before the word "withdraw".
- (10) Delete the word "own" occurring in the penultimate line of clause 15 and insert the word "and" between the word "duties" and the word "in" in the same line.
- (11) In sub-clause (2) of clause 16 the word "of" occurring in the second line shall be deleted; the word "to" shall be inserted between the word "pay" and the word "Government" occurring in the third line thereof.
- (12) In paragraph (vii) of clause 21 as amended the word "and" shall be inserted between the word "concerned" and the word "propaganda".
- (13) The word "and" occurring as the last word in paragraph (ix) shall be deleted.
- (14) The word "and" be added after the word "market" occurring as the last word of paragraph (x).
- (15) In paragraph (xi) insert the word "the" between the word "for" and the word "payment" occurring in the first line thereof.
- (16) For the word "some" appearing in the fifth line of paragraph (c) of sub-clause (2) of clause 25 the word "such" shall be substituted; and for the word "think" appearing in the last line of the same paragraph the word "deem" shall be substituted.

- (17) In the proviso to paragraph (b) of sub-clause (3) of clause 25 between the word " authority " and the word " be " the word " may " shall be inserted.
- (18) The words " for any object of public utility " occurring in the fourth line of sub-clause (4) of clause 25 shall be deleted ; and between the word " committee " and the word " in " occurring in the penultimate line of this sub-clause the words " for any object of public utility " shall be inserted.
- (19) Between the word " of " occurring at the end of line 3 and the word " continuing " occurring at the beginning of line 4 of sub-clause (2) of clause 26 the word " a " shall be inserted.
- (20) The word " the " shall be added as the first word of paragraph (xxiv) of sub-clause (2) of clause 27.
- (21) The word " the " shall be added as the first word of paragraph (xxv) of sub-clause (2) of clause 27.
- (22) The word " any " shall be substituted for the word " a " occurring between the word " of " and the word " question " in the first line of paragraph (xxvi) of sub-clause (2) of clause 27.
- (23) The word " the " shall be added as the first word of paragraph (xxvii) of sub-clause (2) of clause 27.
- (24) The word " the " shall be added as the first word of paragraph (xxviii) of sub-clause (2) of clause 27.
- (25) The word " the " shall be added as the first word in each of the paragraphs (iii) and (iv) occurring in sub-clause (1) of clause 28 ; and between the word " and " and the word " contribution " occurring in the third line of paragraph (iv) the word " the " shall be added.

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