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**THE
Punjab Legislative Assembly
Debates.**

From 24th October to 12th December, 1939.

Vol. X.

OFFICIAL REPORT.



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1940.

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PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY.

Speaker.

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

Deputy Speaker.

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

Secretary.

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

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shujaa, 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 Sundar Singh Majithia, Kt., C.I.E., D.O.L., Minister of Revenue (Batala, Sikh, Rural).

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

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

The Hon'ble Nawabzada Major 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).

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

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

PARLIAMENTARY PRIVATE SECRETARIES.

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

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

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

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

PARLIAMENTARY PRIVATE SECRETARIES—CONCLUDED.

- 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).
 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, B.A., LL.B. (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, M.B.E. (Multan, Muhammadan, Rural).
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed (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, Urban).
 Bhagat Ram Choda, Lala (Jullundur, General, Rural).
 Bhagat Ram Sharma, Pandit (Kangra West, General, Rural).
 Bhagwant Singh, Rai (Kangra East, General, Rural).
 Bhim Sen Sachar, Lala, B.A., LL.B. (North-Western Towns, General, Urban).
 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).

MEMBERS—CONTINUED.

- 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).
- 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, Khan Sahib Khawaja (Southern Towns, Muhammadan, Urban).
- Girdhari Das, Mahant (South-East Multan Division, General, Rural).
- Gokul Chand Narang, Dr. Sir, M.A., Ph. D. (West Lahore Division, General, Rural).
- Gopal Das, Rai Bahadur Lala (Kangra North, General, Rural).
- Gopi Chand Bhargava, Dr. (Lahore City, General, Urban).
- Gurbachan Singh, Sardar Bahadur Sardar (Jullundur West, Sikh, Rural).
- Habib Ullah Khan, Malik (Sargodha, Muhammadan, Rural).
- Haibat Khan Daba, 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).

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MEMBERS—CONTINUED.

- 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).
- Joginder Singh Man, Sardar (Gujranwala and Shahdara, Sikh, Rural).
- Jugal Kishore, Chaudhri (Ambala and Simla, General—Reserved Seat, Rural).
- Kabul Singh, Master (Jullundur East, Sikh, Rural).
- Kapoor Singh, Sardar, B.A., LL.B. (Ludhiana East, Sikh, Rural).
- Karamat Ali, 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, B.A., LL.B. (North-Eastern Towns, Muhammadan, Urban).
- Mohy-ud-Din Lal Badshah, Syed (Attock South, Muhammadan, Rural).
- Mubarik Ali Shahi, Syed (Jhang Central, Muhammadan, Rural).
- Muhammad Abdul Rahman Khan, Chaudhri (Jullundur North, Muhammadan, Rural).
- Muhamtnad 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 Makhidum Syed (Alipur, Muhammadan, Rural).

MEMBERS—CONTINUED.

- Muhammad Hyat Khan Noon, Nawab Sir Malik (North Punjab, Land-holders).
- Muhammad Husain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).
- Muhammad Husain, Sardar (Chunian, Muhammadan, Rural).
- Muhammad Iftikhar-ud-Din, Mian, B.A. (Oxon.) (Kasur, Muhammadan, Rural).
- Muhammad Jamal Khan Leghari, Khan Bahadur Nawab Sir (Tumandars).
- Muhammad Nawaz Khan, Major Sardar (Attock Central, Muhammadan, Rural).
- Muhammad Nurullah, B. Com. (London) (Lyallpur, Muhammadan, Rural).
- Muhammad Qasim, Chaudhri (Bhalwal, Muhammadan, Rural).
- Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed (Shujabad, Muhammadan, Rural).
- Muhammad Saadat Ali Khan, Khan Bahadur Khan (Samundri, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Chaudhri (Sialkot North, Muhammadan, Rural).
- Muhammad Sarfraz Khan, Raja (Chakwal, Muhammadan, Rural).
- Muhammad Shafi Ali Khan, Khan Sahib Chaudhri (Rohtak, Muhammadan, Rural).
- Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed (Lodhran, Muhammadan, Rural).
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B. (North-West Gurgaon, Muhammadan, Rural).
- Muhammad Yusuf Khan, Khan, B.A., LL.B. (Rawalpindi Sadar, Muhammadan, Rural).
- Mukand Lal Puri, Rai Bahadur (Rawalpindi Division, General, Rural).
- Mula Singh, Sardar (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 (Sheikhupura West, Sikh, Rural).
- Nawazish Ali Shah, Syed (Jhang East, Muhammadan, Rural).
- Nur Ahmad Khan, Khan Bahadur Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).

MEMBERS—CONCLUDED.

- Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan, Rural).
- Pohop Singh, Rao, M.A., LL.B. (East Punjab, Land-holders).
- Prem Singh, Chaudhri (South-East Gurgaon, General—Reserved Seat, Rural).
- Prem Singh Mahant (Gujrat and Shahpur, Sikh, Rural).
- Pritam Singh Siddhu, Sardar, B.A., LL.B. (Ferozepore West, Sikh, Rural).
- Raghubir Kaur, Shrimati (Amritsar, Sikh Women).
- Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
- Ranpat Singh, Chaudhri (Karnal North, General, Rural).
- Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
- Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
- Rur Singh, Sardar (Ferozepore East, Sikh, Rural).
- Sadiq Hassan, Shaikh (Amritsar City, Muhammadan, Urban).
- Sahib Dad Khan, Khan Sahib Chaudhri (Hissar, Muhammadan, Rural).
- Sahib Ram, Chaudhri (Hissar North, General, Rural).
- Sampuran Singh, Sardar (Lyallpur West, Sikh, Rural).
- Santokh Singh, Sardar 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 Khan, 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. Sleem, Barrister-at-Law.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 24th October, 1939.

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

OATH OF OFFICE.

The following members were sworn in :—

Khan Sahib Shaikh Muhammad Amin (Multan Division Towns, Muhammadan, Urban).

Shaikh Sadiq Hassan (Amritsar City, Muhammadan, Urban).

STARRED QUESTIONS AND ANSWERS.

POLICE REGISTER No. X.

*4380. **Sardar Sohan Singh Josh** : Will the Honourable Premier be pleased to state the number of persons placed in Register No. X, community-wise—

(i) in the Amritsar district, and

(ii) if possible, in other districts of the Punjab also ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : It is not the practice to publish the contents of Police Register X, and I regret that I cannot undertake to furnish information on this subject.

Sardar Sohan Singh Josh : Can you not give me the number ?

Parliamentary Secretary : No. 10 ! (Laughter.)

Sardar Sohan Singh Josh : My question concerns the number of persons in Register X.

Parliamentary Secretary : The honourable member wanted detailed information community-wise in the Amritsar district about the number of persons placed in Register X. The answer is that it is not the practice to publish the contents of Police Register X.

Lala Bhim Sen Sachar : Is the honourable member in a position to state the number of persons inclusive of all communities ?

Parliamentary Secretary : No.

Lala Bhim Sen Sachar : May I take it that the honourable member did not take the trouble of sending for this information ?

EXPENDITURE IN LOWER COURT ON FATEHWAL MURDER CASE.

***4490. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the total amount spent in the lower court in the Fatehwal murder case, Amritsar ;
- (b) the amount spent in the Session Court on (i) prosecution witnesses, (ii) defence witnesses and (iii) establishment and lawyers ;
- (c) the total expenditure incurred in connexion with the above-named case ?

Parliamentary Secretary (Mir Maqbool Mahmood) :—

	Rs.	A.	P.
(a) Expenditure in the lower court ..	40,663	13	0
(b) Expenditure in the Sessions Court on—			
(i) Travelling and subsistence allowance of prosecutions witnesses ..	209	12	0
(ii) Travelling and subsistence allowance of defence witnesses	442	3	0
(iii) Establishment and lawyers ..	20,500	3	8
(c) Total expenditure on the case ..	63,000	0	0
	(approximately).		

COMPLAINT AGAINST NAIB-COURT INSPECTOR AT BHERLI
BY DR. SUNDAR LAL.

***4608. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Dr. Sundar Lal, a private medical practitioner of Mubarikpore, district Ambala, complained to the District Superintendent of Police to the effect that Jogindar Singh, Naib-Court Inspector, of the Court of the Honorary Magistrate, Bherli, district Ambala, first publicly disgraced him and then at his instigation the police of Mubarikpore searched his medical hall merely because he had demanded the payment of Rs. 5 which the said Jogindar Singh owed him ;
- (b) whether it is a fact that he also complained that immediately before the search of his medical hall by the police, the said Jogindar Singh had attempted to put some incriminating article there in order to have him prosecuted ;
- (c) whether any inquiry has been made into his complaint in view of his allegations that all this was done in the presence of large number of bazar people of Mubarikpore ;

(d) whether it is a fact that I also, as a member of the Assembly from the constituency in which Mubarikpore is situated, forwarded the complaint of Dr. Sundar Lal with a request for inquiry to the Superintendent of Police, Ambala ;

(e) the result of the inquiry made and the action taken by the Superintendent of Police ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) It is correct that a complaint to this effect was made.

(c) and (e) A report was made at the Mubarikpore police station by the constable named that Doctor Sundar Lal was in possession of an unlicensed sword stick. A case was registered and a search of the doctor's premises made, without result. The case under the Arms Act was in consequence sent up for cancellation.

The conduct of the constable has since been made the subject of departmental inquiry. As a result of these proceedings he has been censured and reverted from the selection grade to the ordinary time scale.

(d) Yes.

Lala Duni Chand : Is it true that all the bazar people did state that the head constable in question wanted to make a false case against the doctor ?

Mr. Speaker : That question does not arise.

APPLICATION OF LALA MANGAT RAI TO START A WEEKLY PAPER.

*4627. **Lala Duni Chand** : Will the Honourable Premier be pleased to state—

(a) whether Lala Mangat Rai, General Secretary of the District Congress Committee, Ambala, and a member of Municipal Committee, Ambala, applied, about two months and a half ago, for permission to start a weekly newspaper to be named as 'Azad-i-Hind' after compliance with the rules of law ;

(b) whether he filed any declaration as regards the policy of the paper ; and, if so, its nature ;

(c) the report of the police on his application and the final orders passed thereon ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Yes.

(b) No.

(c) It is not in the public interest to disclose the source on which the District Magistrate's orders are based.

Lala Duni Chand : For how many months was the application for starting the paper kept pending ?

Parliamentary Secretary : I would require notice for this question.

EXTORTION OF BRIBE BY TANDA POLICE.

***4646. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether the Inspector-General of Police has received a petition, dated 26th January, 1939, from one Amar Singh, son of Harnam Singh, of Harsipind, thana Tanda, district Hoshiarpur, alleging extortion of bribe from him by the Tanda Police and a lambardar of the locality ;

(b) if the answer to (a) above be in the affirmative, the action taken in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) No.

(b) Does not arise.

NOMINATIONS FOR P. C. S. (EXECUTIVE BRANCH).

***4652. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that nominations for I.C.S. and P.C.S. (Judicial Branch) are made out of the candidates who may have qualified themselves in the competitive examination for these services ;

(b) whether it is also a fact that while making nominations for P.C.S. (Executive Branch) this practice is not observed ; if so, why and whether it is intended to do away with this differentiation in making nominations for the two categories of services ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes ; but for the Indian Civil Service though the choice is made primarily from persons who have qualified in the examination others also are eligible. Under the rules all candidates who have qualified in the Indian Civil Service and Punjab Civil Service (Executive Branch) competitive examinations are duly considered for nomination to the Punjab Civil Service on Register 'C' along with persons who have not taken these examinations but possess certain prescribed qualifications and are recommended according to rules by certain nominating authorities. The question of modifying these rules is under consideration.

Lala Duni Chand : May I know whether in the last selection the candidates nominated were taken in order of merit as shown by the examination result ?

Parliamentary Secretary : I would appeal to you that this question does not arise.

Lala Duni Chand : How does the honourable member say that it does not arise ?

Premier : The honourable member is perhaps not aware that the names to the extent of twice the number of vacancies are sent for and Government has full discretion to select from that number.

Lala Duni Chand : May I know how many candidates in the last selection were taken in order of merit as appeared on the result list ?

Premier : Every one of them was taken in order of merit.

Dr. Sir Gokul Chand Narang : It all depends upon what merit is. (Laughter.)

DEMANDING SECURITY OF RS. 1,000 FROM "SHAN-I-HAQ," WEEKLY.

***4656. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that orders demanding security of Rs. 1,000 were issued to the Editor, "Shan-i-Haq Weekly," Gujranwala, for publishing a poem under the heading "Fitna-i-Akhirzaman"; if so, reasons for the same;
- (b) whether it is a fact that the said poem was copied from *Baharistan* and *Armughan-i-Qadian*, published by Maulana Zafar Ali Khan; if so, whether any action was taken against these publishers; if not, reasons for the same?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) No, but security was required from the publisher of the *Shan-i-Haq* because the poem in question offended against clause (h) of 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.

- (b) It is not known from which book the poem was copied.

REDUCTION IN SALARIES OF MEMBER OF INDIAN CIVIL SERVICE AND OTHER IMPERIAL SERVICE OFFICERS.

***4658. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether the Punjab Government has made any representation to the authorities concerned for reduction in the salaries of Indian Civil Service and other officers over whose pay the Provincial Government has no control; if not, whether it intends doing so?

Parliamentary Secretary (Mir Maqbool Mahmood) : Reply to both parts of the question is in the negative.

ANTI-CORRUPTION COMMITTEE.

***4730. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) whether the Anti-Corruption Committee is authorized to take initiative to investigate cases of officials or officers whose reputation about corrupt practices is brought to their notice,

[K. S. Kh. Ghulam Samad.]

or they wait until the district officers or departmental heads make their reports;

(b) when the constitution of *ad hoc* peripatetic boards is expected;

(c) who will be the members of this board?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Presumably the honourable member is referring to the Special Inquiry Agency; if so, he is invited to refer to the second of the circulars¹ which I laid on the table on the 21st April, 1939, when I explained the measures which Government are taking in regard to corruption.

(b) and (c) A scheme was worked out a few months ago for the constitution of a touring board to assist in dealing with corrupt officers, but it has been decided, mainly for financial reasons, to defer this experiment for the time being.

SWADESHI CLOTH FOR UNIFORM OF POLICE CONSTABLES.

***4731. Lala Deshbandhu Gupta:** Will the Honourable Minister for Public Works be pleased to state whether the Government has considered or intends to consider the question of using Swadeshi cloth for the uniform of the police constables; if so, with what result?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Indian-made cloth is already used for the purpose.

Lala Deshbandhu Gupta: May I take it that no foreign cloth is used for the purpose?

Parliamentary Secretary: If Indian cloth is available certainly it is being used.

Lala Deshbandhu Gupta: Does the Parliamentary Secretary mean that Indian cloth is not available for the purpose?

Parliamentary Secretary: If the cloth of the required quality is available, it is certainly used.

Lala Deshbandhu Gupta: Has the Government made any enquiries into the matter and satisfied itself that Indian cloth is not available for the purpose?

Parliamentary Secretary: I have replied that the Indian cloth is being used. It is only a hypothetical question that my honourable friend is putting.

Lala Deshbandhu Gupta: I want to know whether Indian cloth is used exclusively for the purpose.

Premier: If it is available.

Lala Deshbandhu Gupta: Is the Honourable Premier in a position to state that it is not available in sufficient quantities to be used exclusively?

¹Kept in the Assembly Library—Enclosure to answer to short notice question (Vol. X, Page 910).

Premier : My honourable friend is trying to split hairs. Indian cloth is being used. That has been already stated and the honourable member is now putting a hypothetical question and my answer is that it is used in preference to all other cloth if it is available.

Lala Deshbandhu Gupta : In other provinces even *khaddar*, hand-made cloth, is being used and is found sufficient to meet the requirements. Has the Government considered the advisability of adopting the same procedure here ?

Lala Bhim Sen Sachar : Is it possible for the Government to say since when swadeshi cloth is being used ?

Parliamentary Secretary : At any rate since this Government came into office.

Lala Bhim Sen Sachar : Is my honourable friend in a position to state the percentage of the swadeshi cloth used as against the percentage of the foreign cloth which is being used ?

Parliamentary Secretary : Does my honourable friend expect me to state these figures on the spur of the moment ?

Lala Bhim Sen Sachar : From a very resourceful parliamentary secretary like my honourable friend, I do ! Is the Honourable Premier in a position to say that at least 50 per cent. of the requirements are met by swadeshi cloth ?

Premier : I would not answer that question because my honourable friend's next question would perhaps be, "how many counts of yarn are being used"? (Laughter.)

Lala Duni Chand : Let alone the question of the use of foreign cloth I want to know whether any Indian cloth is at all used.

Parliamentary Secretary : Perhaps my honourable friend was not attentive when I replied to the original question. I stated that Indian cloth was being used.

Lala Deshbandhu Gupta : Is the Honourable Premier in a position to say whether at any time during the tenure of office of the present ministry occasion arose when swadeshi cloth was not found to be available for the purpose ?

Parliamentary Secretary : Not to my knowledge.

PRESS SECURITIES DEMANDED OR CONFISCATED.

*4732. **Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing the names of the newspapers and presses from which securities have been demanded as well as the names of the papers and presses whose securities have been confiscated under the Press Emergency Act since 1st April, 1937, and also state the amounts of securities so demanded or confiscated in each case ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I regret that the answer to this question is not yet ready.¹

¹For the final answer vide the Appendix at page 90 *infra*.

Lala Deshbandhu Gupta : Notice of this question was given early enough and I want to know through you, Mr. Speaker, why the answer is not yet ready, whether there was no desire to get the information or whether there was any insurmountable difficulty in theory. After all, these orders are issued with the sanction of the Local Government and the information could have been easily got from the office.

Premier : I am sorry there has been a mistake. The answer is ready and the statement will be laid on the table¹ in a minute.

Lala Deshbandhu Gupta : I want the statement to be read out. It is a starred question and I want the information to be read out. Otherwise it would not be possible for me to put supplementary questions.

Premier : It is a long statement. I saw it only this morning.

Lala Deshbandhu Gupta : Have there been many confiscations ?

Premier : Not many.

Lala Deshbandhu Gupta : Sir, you have ruled that information on such questions should be supplied to members concerned in advance so that they might ask supplementary questions. I am now being denied that privilege of putting supplementary questions.

Premier : The information has not been deliberately delayed. In fact I received the file only this morning and even my nonourable friend, the Parliamentary Secretary, has not seen it. Apparently he has not received it. I thought a copy might have been sent to the Assembly office. But it does not seem to be so.

Lala Deshbandhu Gupta : Why could not a copy be sent over to me. The honourable member may read it out now.

Premier : I have not got it with me here.

Lala Deshbandhu Gupta : Then may I request you to allow me to put supplementary questions tomorrow when the information is supplied ?

Mr. Speaker : I have no objection, if the House has none.

INJURED CONGRESS WORKERS AND VOLUNTEERS CONVEYED TO BAHADURGARH DISPENSARY.

***4738. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the number and names of injured Congress workers and volunteers conveyed by the police to Bahadurgarh dispensary from village Asaudha on the morning of 19th February, 1939 ;
- (b) the names of those whose dying declarations were recorded in the dispensary ;
- (c) the names of those who received grievous hurts and simple hurts separately ;
- (d) the duration for which each injured person mentioned above remained in the Bahadurgarh dispensary and the Rohtak Civil Hospital ?

¹ Vide Appendix at page 90 *infra*.

Parliamentary Secretary (Mir Maqbool Mahmood) : (a), (b) and (c): Forty injured persons were conveyed by the police to the Bahadurgarh dispensary from Asaudah on 19th February, 1939, of these 7 persons were found to have received grievous injuries including five whose condition was dangerous and whose statements were recorded. Thirty-three persons had simple injuries. It is not in the public interest to give names. All have now been discharged from hospital.

(d) A statement is laid on the table.

Statement showing the duration for which each injured person remained in the Bahadurgarh dispensary and the Rohtak Civil Hospital.

Number of persons.	DURATION FOR WHICH EACH PERSON REMAINED IN	
	Bahadurgarh dispensary.	Rohtak Civil Hospital.
5	1 day each .. .. .	..
11	2 days each .. .. .	..
24	3 days each .. .. .	..
9	..	1 day each.
2	..	2 days each.
1	..	3 days.
1	..	7 days.
1	..	11 days.
2	..	12 days each.
1	..	13 days.
2	..	18 days each.
1	..	25 days.
1	..	35 days.
1	..	36 days.
1	..	37 days.

Pandit Shri Ram Sharma : May I ask whether the medical report submitted by the Civil Surgeon with regard to the injured persons has been brought to the notice of the Government ?

Premier : All of them have been discharged from the dispensary.

Pandit Shri Ram Sharma: I admit that they have been discharged from the dispensary, but the question is as to whether the Government has received any report from the Civil Surgeon.

Parliamentary Secretary: The answer given is on the basis of the information received and checked by the medical report.

Lala Duni Chand: May I know if the Government consider this as a very creditable record of police work?

Mr. Speaker: Disallowed.

SATTA IN ROHTAK TOWN.

***4739. Pandit Shri Ram Sharma:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the conditions at present as regards *satta* and usual gambling in Rohtak town and the adjacent villages and how far the police has succeeded in eradicating them since the reply to my previous starred question No. 3438¹ on this subject has been given;
- (b) have the local authorities tried to find out the root causes of *satta* in Rohtak town and take steps to remove them?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) During the course of 1938, 8 cases were registered under the Public Gambling Act, 1867, and 17 persons were sent for trial. From the 1st January to the 15th September this year ten cases were registered. Six of these resulted in conviction and four are still pending in court. The number of persons so far convicted this year is 18, while the number of persons involved in pending cases is 16. These measures have not been without effect and the position does not appear to be in any way abnormal.

(b) *Satta* is a social evil which is prevalent because it is profitable. It might be added that it is in no way peculiar to Rohtak, where the extent of the abuse is probably neither greater nor less than in the other towns of the province.

Pandit Shri Ram Sharma: May I know how much decrease has been effected in the volume of *satta* and gambling since the reply to my last question was given?

Parliamentary Secretary: I have not followed my honourable friend. But I have stated in reply to my honourable friend's question, the measures adopted by the police so far.

Pandit Shri Ram Sharma: My question is whether there has been any decrease in the volume of *satta* and ordinary gambling.

Parliamentary Secretary: The measures adopted are bound to have some effect.

Lala Bhim Sen Sachar: Is it not a fact that since this Government came into office this evil has increased?

Parliamentary Secretary : No, it is not a fact.

Lala Bhim Sen Sachar : Is my honourable friend in a position to state the percentage of decrease in the crime ?

Parliamentary Secretary : If my honourable friend gives notice of a specific question, I will try to collect the information. It is not possible for me to reply to his question on the spur of the moment.

Lala Bhim Sen Sachar : Do I take it then that at present my honourable friend has no information on the basis of which he can say that the crime has either increased or decreased ?

Parliamentary Secretary : The information that my honourable friend wanted, I have supplied. If further information is required he should give fresh notice and I shall be glad to supply him the necessary information.

Lala Bhim Sen Sachar : Then I am right in my guess that at present my honourable friend is not in a position to say that there has been an increase or a decrease in the number of crimes.

Parliamentary Secretary : If my honourable friend wants comparative figures for the last ten or twelve years he should kindly give notice of another question and I shall be glad to supply him the information.

Lala Duni Chand : May I know if it is merely a social evil or it is also a source of income to a good many people and whether that fact is within the knowledge of the Government ?

Parliamentary Secretary : I dare say my honourable friend knows more about this question than I do.

Pandit Shri Ram Sharma : Can I ask the Parliamentary Secretary the number of gambling dens in or near about the town of Rohtak ?

Mr. Speaker : Disallowed.

TAZIA PROCESSION AND ARRESTS IN KARMON DEORI, AMRITSAR.

***4745. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that arrests of prominent Hindus were made in Amritsar on the evening of 2nd March, 1939, when the Tazia procession was passing through Karmon Deori, Amritsar ; if so, the number of arrests made on that evening of 2nd March, and whether among those arrested there were persons who belong to other communities as well and, if so, their number separately ;

(b) whether it is also a fact that Bhajan Lal, a respectable merchant of Karmon Deori, who pays Rs. 700 as annual income-tax to the Government, was arrested and handcuffed on the evening of 2nd March, 1939, by the police which entered the house after breaking open its outer door where he was sitting with his wife and children and was further humiliated by the police while being taken to Kotwali ; if so, why and what action is intended to be taken against the police officers concerned ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Sixty persons, of whom 10 were Sikhs, and 50 Hindus, were arrested on the 2nd March, 1939.

(b) Bhajan Lal was arrested under sections 151/107, Criminal Procedure Code, along with some other persons, who were seen throwing brickbats from the roof of Bhajan Lal's shop upon the *Tazia* processionists in Karmon Deori. Forcible entry was made into the premises under the orders of a gazetted officer as it was necessary to prevent further disorder and arrest the persons who were throwing brickbats. The wife and children of Bhajan Lal were not present at the time of his arrest. He was not humiliated by the police in any way while being escorted to the Kotwali. No action against any police officer is necessary or under contemplation.

ARRESTS IN AMRITSAR.

***4746. Dr. Sant Ram Seth** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that when the police made arrests of respectable gentlemen on the evening of 2nd March, 1939, at Amritsar after the *Tazia* procession, several of the arrested gentlemen were roughly handled by the police while being taken to Kotwali ;

(b) whether it is also a fact that about 55 gentlemen of high position, who were arrested on 2nd March, 1939, were locked up in a small room in Kotwali at Amritsar and were neither supplied with clothing to protect them from cold nor with food and thus were forced to pass the night without them ; if so, the action intended to be taken in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) & (b) No.

REPRESENTATIONS FROM RESIDENTS OF VILLAGE MANOKE, THANA BAGHA PURANA, TAHSIL MOGA.

***4778. Sardar Tara Singh** : Will the Honourable Minister for Public Works be pleased to state whether he and the Deputy Commissioner, Ferozepore, received any representations from the residents of village Manoke, thana Bagha Purana, tahsil Moga, district Ferozepore, in the month of January or February, stating that they were innocent and were unable to bear the expenses of the additional police stationed in the villages Manoke, Gholia Kalan, and Gholia Khurd owing to failure of crops ; if so, the action Government have taken or intend to take in the matter ; if no action is contemplated, the reasons therefor ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : No such representation appears to have been received by me ; but a petition signed by six persons of village Manoke was received by the Deputy Commissioner, Ferozepore, in January last. It was duly considered by him and rejected as these villages are largely canal-irrigated and are well able to bear the cost.

DAKOITY AT PIPLAN, DISTRICT MIANWALI.

***4838. Lala Bhim Sen Sachar** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a dacoity was committed at Piplan, district Mianwali, on the night between the 18th and 19th of March, 1939 ; if so, how much loss of life and property was caused ;
- (b) whether it is not a fact that the district authorities had received information beforehand from Bannu and Dera Ismail Khan districts that raiders had descended the hills and were out to raid Piplan and Kallurkot ;
- (c) if so, what precautionary measures the district authorities took for the protection of the lives and property of the persons of those villages ;
- (d) whether it is a fact that many people had applied before this dacoity took place for the grant of licences to possess shot guns and rifles but the authorities did not accede to their request ; if so, why ;
- (e) whether the station officer and the constables posted to the police station Piplan helped the people of the village at the time of attack by the dacoits ; if so, in what manner and, if not, why not ;
- (f) whether he is aware of the fact that a large section of the population of Mianwali district is panic-stricken on feeling that their lives and property are not safe in that district ;
- (g) if the answers to the above be in the affirmative, the action intended to be taken in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a)–(c), (e)–(g) : This has already been answered in the reply to question No. *4784, (reproduced on the next page) put by the honourable member for Rawalpindi Division (General) Rural.

(d) Seventeen applications were received in the period immediately preceding the raid, all for gun licences. Twelve of these had to be rejected, the applicants being persons of small status or clearly unfit to handle fire-arms. In the remaining five cases licences were issued.

RAID IN VILLAGE PIPLAN IN MIANWALI DISTRICT.

***4734. Rai Bahadur Mr. Mukand Lal Puri:** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that very recently there was a raid in village Piplan in Mianwali district; if so, will the Government please state the extent of the loss;
- (b) whether it is a fact that the district authorities were informed of this intended raid beforehand; if so, what precautions had the authorities taken to prevent the raid;
- (c) whether it is a fact that there is a police station at Piplan; if so, will the Government please state what steps were taken by the sub-inspector and his subordinates either (i) to prevent the raid (ii) to help the victims at the time of the raid and to pursue the raiders;
- (d) whether it is a fact that on account of this raid, the Hindu population of Mianwali district is panic-stricken; if so, what the Government intends to do to allay their panic?

The Honourable Major Sir Sikander Hyat Khan: (a) Yes. In the early hours of the morning of the 19th March. The loss is estimated at between fifteen and twenty thousand rupees.

(b) On the 14th February and again on the 9th/10th March messages were received from the police in the North West Frontier Province that Piplan was likely to be raided. On each occasion special police arrangements were made, but the threatened raids did not materialise. No information was received after the 10th March indicating that Piplan was likely to be attacked.

(c) Yes, there is a police station at Piplan. On the night in question the staff present consisted of one assistant sub-inspector and three constables. Leaving two men to guard the police station, the assistant sub-inspector went out with one constable and exchanged shots with the raiders. The latter were about fifty in number and fully armed. The assistant sub-inspector was not able, with his tiny force, to prevent the raiders from looting several houses and shops, but as soon as the raiders had left he took vigorous measures to organise a pursuit. His pursuit party was followed by another collected by the sub-inspector and this in its turn by a third organised by the superintendent of police, who reached Piplan with a body of police from district headquarters at 11.30 A.M. Eight persons believed to have been concerned in the dacoity have been arrested and the names of some thirty others have been obtained by the police.

(d) The raid has naturally caused alarm among property-owners in the more exposed towns and villages on the left bank of the Indus as well as in the Isakhel tahsil. Armed reserves of police have now been located at Piplan and in several of the other towns, and in Mianwali itself the municipality has employed a number of ex-soldiers armed with M. H. rifles to form a night patrol. Licences for rifles and guns have been granted on a liberal scale to property owners in the more exposed towns and villages. Steps have also been taken to ensure that all ferry boats and private boats plying in any of the branches of the river are brought over and moored on the left bank after sunset. It is hoped that these measures, if they cannot altogether prevent raids from the other side of the Indus, will at any rate ensure that the culprits do not get away unscathed and will teach the tribes concerned that raiding here does not pay.

**FILING OF DECLARATIONS BY WEEKLIES AND MONTHLIES IN
JULLUNDUR DISTRICT.**

***4843. Master Kabul Singh:** Will the Honourable Premier be pleased to state—

- (a) the number of weeklies and monthlies that filed declarations in the Jullundur district in 1938;
- (b) the names and the number of the newspapers above-mentioned from which securities were demanded;
- (c) the reasons for so doing?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) One.

(b) None, but persons proposing to publish the (1) *Lok Mitter* (2) *Navin Dunia* (3) *Prem Lehar* and (4) *Istri Jiwan* were told on examination of the notices given by them in compliance with rules that if declarations were filed, security would be required from them. They actually did not file declarations.

(c) The District Magistrate had reason to believe that these papers would be used for one or other of the purposes enumerated in section 4 of Act, XXIII of 1931.

SHADOWING OF POLITICAL WORKERS BY POLICE.

*4890. **Pandit Muni Lal Kalia** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that some political workers in the province are constantly shadowed by policemen in plain clothes ;

(b) if so, the number of such workers and that of their constant attendants and the expenditure incurred by Government on them annually ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I have said more than once on the floor of the House that it is not in the public interest to answer such questions.

Pandit Muni Lal Kalia : I only wanted to know whether political workers are being shadowed. Does the Government deny that political workers are being shadowed by the police constables ?

Premier : Government refuses to answer that question.

Diwan Chaman Lall : Does that mean that the Government admits the fact ?

Premier : I neither admit nor deny.

Diwan Chaman Lall : If it does not deny, does it not admit ?

Parliamentary Secretary : The question is whether political workers are being constantly shadowed and the answer is that it is not in the public interest to answer such a question.

Pandit Muni Lal Kalia : I only want to know whether it is a fact that some political workers are being shadowed by police in plain clothes ?

Parliamentary Secretary : What is meant by political workers ?

Lala Bhim Sen Sachar : Men like my honourable friend and myself.

ARRANGEMENT FOR TAKING DOWN REPORTS OF THE PROCEEDINGS OF PUBLIC MEETINGS.

*4891. **Pandit Muni Lal Kalia** : Will the Honourable Premier be pleased to state—

(a) what different agencies are employed by the Government to take down reports of the proceedings of public meetings, political conferences and other gatherings ;

[Pandit Muni Lal Kalia]

- (b) whether revenue patwaris and other officials in the revenue department are also deputed for this purpose ;
- (c) whether any special reporters have been employed in the police department for this purpose ; if so, their number with designations district-wise ;
- (d) whether there has been any increase in the number of such special reporters since April, 1937; if so, by how many ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Trained stenographers, whenever available, are employed to take down reports of the proceedings of public meetings, political conferences and other gatherings. When a trained stenographer is not available an officer of the highest rank who may be available and capable of performing this duty satisfactorily is detailed to report the proceedings.

(b) Revenue patwaris and other officials in the revenue department are sometimes deputed for this purpose.

(c) A statement is laid on the table.

(d) No.

Statement showing the number of trained Stenographers in the districts of the Punjab in 1938.

1. Hissar	..	..	1 Foot Constable.
2. Rohtak	..	..	1 Head Constable.
3. Gurgaon	..	..	1 Foot Constable.
4. Karnal	..	..	1 Foot Constable.
5. Ambala	..	..	1 Head Constable.
6. Hoshiarpur	..	..	2 Foot Constables.
7. Jullundur	..	..	1 Head Constable.
8. Ludhiana	..	..	1 Head Constable and 1 Foot Constable.
9. Ferozepore	..	..	1 Head Constable.
10. Lahore	..	..	1 Head Constable and 2 Foot Constables.
11. Amritsar	..	..	1 Head Constable and 1 Foot Constable.
12. Gurdaspur	..	..	1 Head Constable and 1 Foot Constable.
13. Sialkot	..	..	2 Foot Constables.
14. Gujranwala	..	..	1 Foot Constable.
15. Sheikhupura	..	..	1 Foot Constable.
16. Gujrat	..	..	1 Head Constable.
17. Shahpur	..	..	1 Head Constable.
18. Rawalpindi	..	..	1 Head Constable.
19. Montgomery	..	..	1 Assistant Sub-Inspector and 1 Foot Constable.
20. Lyallpur	..	..	1 Head Constable and 1 Foot Constable.
21. Jhang	..	..	1 Head Constable.
22. Multan	..	..	1 Head Constable and 1 Foot Constable.
23. Muzaffargarh	..	..	1 Assistant Sub-Inspector.
24. Dera Ghazi Khan..	..	..	1 Foot Constable.
25. Criminal Investigation Department.	..	..	4 Sub-Inspectors.
Grand Total	..	..	4 Sub-Inspectors. 2 Assistant Sub-Inspectors, and 32 Lower Subordinates.

Lala Deshbandhu Gupta : Are Government aware that sometimes convictions are secured on the reports of these patwaris who are not competent to take proper reports of the proceedings of the speeches ?

Parliamentary Secretary : The Government have the fullest confidence in their reports generally with regard to these cases and the question of improving reporting of these meetings is under consideration.

Lala Deshbandhu Gupta : Does the Government mean that Government has tested the ability of these patwaris for reporting purposes ?

Premier : My honourable friend is perhaps unaware that in nine cases out of ten, the prosecution is not sanctioned only because of some doubt or flaw in the reporting.

Lala Deshbandhu Gupta : But in the one case out of ten in which prosecution is sanctioned there is the likelihood of securing conviction of an innocent man.

Premier : I am afraid I have not been able to make myself clear to my honourable friend. What I mean to say is that before a prosecution is sanctioned the Superintendent of Police has to satisfy himself that the report is correct and that it has been correctly reported.

Lala Deshbandhu Gupta : But how can the Honourable Premier, with the experience he has, say that the Superintendent of Police who is not on the spot will be in a position to verify the correctness of such reports ?

Premier : He verifies it by the corroborative evidence of others.

Lala Deshbandhu Gupta : What are his sources of getting that information ?

Premier : Sometimes public men like my honourable friend are present at the meeting and they report.

FORFEITURE OF AN ISSUE OF 'CHINGARI.'

***4899. Master Kabul Singh :** Will the Honourable Premier be pleased to state—

(a) the article or the portion of the article on the basis of which an issue of the monthly 'Chingari' of Saharanpur was recently declared forfeited by the Punjab Government ;

(b) whether legal opinion was obtained before taking the action ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Government do not wish to give further publicity to objectionable articles by placing them before the House.

(b) Yes.

JUDICIAL COMPLAINTS FILED IN THE COURTS IN THE PUNJAB.

***4928. Mr. Dev Raj Sethi :** Will the Honourable Minister for finance be pleased to state—

(a) the total number of complaints filed in the judicial courts of Lahore district against Government servants between 1st April, 1937, and 28th February, 1939 ;

(Mr. Dev Raj Sethi)

- (b) the number of cases in which the accused were convicted and also the number of cases dismissed by the courts ?

The Honourable Mr. Manohar Lal : (a) 151.

- (b) The number of cases in which the accused were convicted—9.

The number of cases dismissed by the courts—142.

RECOVERY OF THE COSTS OF ADDITIONAL POLICE POST OF
VILLAGE DHARDEO, DISTRICT AMRITSAR.

***4929. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Dr. Sant Ram Seth, M. L. A., Amritsar, sent two letters, dated 2nd August, 1938, and 7th March, 1939, respectively, to the Deputy Commissioner, Amritsar, regarding the recovery of the costs of Additional Police Post of Village Dhardeo, district Amritsar ;

- (b) if the answer to (a) above be in the affirmative, whether any inquiry was made by the Government about the facts mentioned therein ; if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) The Deputy Commissioner received a letter, dated the 7th March, 1939, from Dr. Sant Ram Seth. The other letter mentioned does not appear to have been received.

- (b) The charges on account of the additional police were correctly calculated in accordance with the rules. The letter in question did not contain anything necessitating an inquiry.

NUMBER OF DACOITIES IN TAHSIL MOGA.

***4939. Sardar Rur Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) number of dacoities during the period of one year from 1st January till 31st December, 1938, in all the thanas separately in tahsil Moga, district Ferozepore ;

- (b) the number of arrests in connection with these dacoities in the thanas, namely, Mehna, Moga, Nihal Singhwala and Bagapurana separately ;

- (c) the number of additional police force posted in Ferozepore district and the amount of money as expenditure on this additional police force ;

- (d) whether there is any decrease in the number of dacoities on account of the additional police being posted in the Ferozepore district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) The following cases were registered :—

Police station Mehna .. 3 (Including one found to be false).

Police Station Moga .. 1

Police Station Baghapurana .. 1 (Held in court not to be a dacoity case).

Police Station Nihalsinghwala .. Nil.

(b) Police Station Mehna .. 2

Police Station Moga .. Nil.

Police Station Baghapurana .. ditto.

Police Station Nihalsinghwala .. ditto.

(c) During 1938 two additional police posts were ordered to be located in villages in the Ferozepore district at the cost of the inhabitants, the strength of each post being one sub-inspector, two head constables and twelve foot constables, and its cost for the first year was Rs. 8,187-4-6. In addition, a body of extra police, including 71 constables with the appropriate complement of superior officers, was employed in the district at a cost of Rs. 56,940 per annum. The cost of this force was originally a charge on certain villages in the district but more recently has been defrayed from provincial revenues.

(d) The number of dacoities in 1938 (21) was greater than in the preceding three years, but appreciably less than in 1931-33, before the extra police mentioned above were sanctioned.

EXTENSION OF SERVICE TO CERTAIN DISTRICT AND SESSIONS JUDGES.

***4941. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that extension of service has been given to one of the district and sessions judges in the province and it is contemplated to give a similar concession to another district and sessions judge after when he has attained 55 years of age ;

(b) if so, reasons for the contravention of Rule 56 of the Fundamental Rules in the said case ;

(c) whether it is not a fact that it prejudicially affects the chances of officers next to the district judges mentioned in (a) in the order of seniority ; if so, how does the Government intend compensating such officers ;

(d) the loss the Government will suffer by these extensions ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Reply to the first part is in the affirmative and to the second part in the negative.

(b) Rule 56 of the Fundamental Rules has not been contravened as the extension in question was granted on public grounds and the rule permits of such extensions.

[Mir Maqbool Mahmood]

(c) Reply to the first part is in the negative and the second part therefore does not arise.

(d) There has been no appreciable loss in money while there has been a gain in efficiency.

I may, however, add that the policy of the present Government is not to grant extensions except in very exceptional circumstances and then only in public interests.

ABDUL JABBAR, SECRETARY OF MUSLIM LEAGUE,
HOSHIARPUR.

***4946. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state whether it has been brought to his notice that one Abdul Jabbar, Secretary of Muslim League, Hoshiarpur, went to Nandaun in Kangra district in the month of February, 1939, and made a speech there preaching communal hatred; if so, what were the contents of his speech and what action did the Government take or propose to take on it?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes, but Government did not consider the speech to be sufficiently important or objectionable to justify action against the speaker. It is not intended to give further publicity to the speech by laying it before the House.

Pandit Bhagat Ram Sharma : May I know whether Government is aware of the fact that due to excitement caused by this speech certain persons in Nandaun were run in under section 107 and several of them were sent to jail?

Parliamentary Secretary : No, Sir.

Pandit Bhagat Ram Sharma : Is it the policy of the Government to get speeches delivered by communal leaders reported by the police?

Parliamentary Secretary : Speeches delivered at public meetings are reported and thereafter action is taken where it is considered necessary. But the policy of the Government is that all cases which lead to communal excitement or lawlessness particularly in communal matters should be severely dealt with.

Lala Duni Chand : May I know the standard by which the speeches of the Muslim Leaguers and Congressmen are judged?

Parliamentary Secretary : The standard is the same for all communities and for all parties.

Pandit Bhagat Ram Sharma : Are the speeches of the Premier reported when he delivers them as the Leader of Muslim League.

Premier : My speeches are noted just in the same way as the speeches of my honourable friend when they are delivered in a public meeting. I do not make speeches only as a member of the Muslim League or other political body. As Premier also I have to make speeches and nobody worries to take reports of those speeches.

Lala Deshbandhu Gupta : Is the Honourable Premier in a position to say as to whether the speeches delivered by the Muslim League Deputation that toured in this province and went up to the Frontier Province, were brought to his notice and was any action taken by him on the same ?

Premier : I received notes of those speeches as also of the speeches delivered by my honourable friend in connection with the Hyderabad Satyagraha.

Lala Deshbandhu Gupta : I have never made objectionable speeches and I am prepared to stand trial for the speeches I delivered, but are Government prepared to take action against the Muslim Leaguers ?

PLAYING OF MUSIC BEFORE A MOSQUE AT TALAGANG.

***4975. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact or not that on the 27th of December, 1938, the leaders of the Sikh and Muslim communities at Talagang and in the presence of a Magistrate agreed that no music shall be played before the Talagang mosque on the occasion of the passage of the Sikh procession on 28th December, 1938 ;
- (b) whether it is a fact that on the night following, a meeting of the Sikhs was held in the Sikh Gurdwara which was attended by the local Sikh Sub-Inspector, and that in this meeting the said Sub-Inspector induced the Sikhs to pass before the mosque with music playing notwithstanding the agreement reached that day ;
- (c) whether any precautions, and, if so, what, had been taken by the authorities to prevent the disturbance that took place on 28th of December, 1938, at Talagang and also state the number of persons injured on that occasion ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No, the leading members of both the Sikh and Muslim communities agreed in the presence of Chaudhri Rattan Singh, Magistrate, 1st Class, that no other music except a small drum and the singing of Shabads would be allowed in the vicinity of the Toreranwali mosque at Talagang and that the Sikh procession should pass the mosque before 3-30 P.M. on the 28th December, 1938.

(b) No.

(c) *First Part.*—Three Magistrates, one Inspector of Police, one Sub-Inspector of Police, one Assistant Sub-Inspector of Police, two Head Constables, twenty foot constables, together with certain local influential residents were detailed for duty to make arrangements to watch and control the situation at all strategic points and danger zones.

Second part.—Thirty-nine persons received injuries.

**REFUSAL OF CONTRACTOR TO CARRY CERTAIN PEOPLE GOING TO
PINDIGHEB IN HIS LORRY.**

***4976. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that about 70 persons of Talagang, who were challaned under section 107 and about 54 other persons who had stood as their sureties, had to walk on foot a distance of about 54 miles, coming and going from Talagang to Pindigheb to attend the court of the Sub-Divisional Magistrate on the 11th of January, 1939, on the refusal of the contractor, who is the only person holding contract for carrying dāk on this hill road, against the terms of his contract; if so, the action intended to be taken against the contractor;
- (b) whether it is also a fact that the Sub-Divisional Officer, Pindigheb, served a notice on Sh. Muhammad Din, Municipal Commissioner, one of the accused in section 107 case, and on Sh. Muhammad Yusaf, pleader, another accused in the 107 case and who is not the owner of any lorry "that as they were going to travel by a lorry other than that of the contractor they should take note that they should not travel by any other lorry and that action will be taken against the owner of the lorry who disobeyed this order"; if so, the authority on which this notice was issued to the said Sh. Muhammad Yusaf and the action intended to be taken in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The facts are as follows. On the 28th December last a Sikh-Muslim riot took place in Talagang. The leaders of both parties were called by the Sub-Divisional Magistrate, Pindigheb, to show cause against a demand of security under section 107 of the Code of Criminal Procedure. The road from Talagang to Pindigheb is a hill road on which it would be unsafe to allow unrestricted motor traffic. As it happens both the owners who have been given permission to operate buses on it are Hindus, and it appears that the Muslims who had been called in the security proceedings (including the two persons mentioned in part (b) of the question) objected to travelling in their vehicles. On hearing of this the Sub-Divisional Officer called the owners and took an assurance from them that their vehicles would be at the disposal of all members of the public at any time, irrespective of community. At the same time he issued a notice to the Muslim party warning them of the consequences which must follow if any other vehicles were used, contrary to the rules. It is understood that the Muslim party preferred to make the journey on foot.

There is no question of the owners having refused to make their vehicles available or of taking action against them.

PERMISSION TO START SRI KALGHIDHAR PRESS IN LAHORE.

***4986. Sardar Kartar Singh :** Will the Honourable Premier be pleased to state whether it is a fact that some seven weeks back one Giani Gurdit Singh filed a declaration for starting Sri Kalgidhar Press with the District Magistrate, Lahore; if so, whether the said declaration has been accepted by now or not, and, if not, the reasons for the delay?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : No. He only submitted a notice to the District Magistrate, Lahore, intimating his intention to start the Shri Kalghidar Press. He actually filed a declaration on the 19th May, 1939, which was accepted by the District Magistrate, Lahore, on the 20th May, 1939.

NEGLECTANCE ON THE PART OF THE POLICE POSTED TO CIVIL
POLICE STATION, LAHORE.

***4999. 2nd Lieutenant Bhai Fateh Jang Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that call on the phone was made by Messrs. Piarey Lal and Sons, Motor Dealers, the Mall, Lahore, for aid of police at about 6-15 P.M., yesterday, the 19th April, 1939, to the Civil Police Station, Lahore, when a drunkard crashed into their show window and cut himself badly and then fell down unconscious;

(b) whether it is a fact that the police aid turned up at about 7-20 P.M.;

(c) if the answer to parts (a) and (b) be in the affirmative, the reasons for this carelessness on the part of the police authorities concerned?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes, except that the time of the telephone message was 6-30 P.M.

(b) A head constable reached the premises at 6-50 and the injured man was medically treated at 7 P.M.

(c) Does not arise.

EMPLOYMENT OF WOMEN IN THE POLICE DEPARTMENT.

***5046. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state—

(a) whether any females have so far been employed in the Police Department; if so, from what class and locality and on what pay have they been so employed;

(b) whether the employment of women in the Police Department is a temporary measure or is to become a permanent feature of the administration?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Eleven female police officers have so far been recruited. A statement is laid on the table giving particulars.

[S. B. S. Ujjal Singh.]

(b) The Inspector is on a permanent basis. The rest are temporary staff.

Statement.

Rank.	District of posting.	Pay and allowances.	Community.	District of residence.
1 Inspector	Government Railway Police, Lahore	Rs. 110 per mensem fixed.	Indian Christian.	Lahore.
1 Temporary Head Constable.	Do.	Rs. 30 + Rs. 5 local allowance.	Muslim	Do.
8 Temporary Foot Constables.	Do.	Rs. 17 per mensem + Rs. 5 local allowance.	Do.	Do.
1 Temporary Foot Constable.	Do.	Ditto	Christian	Do.

CASES OF ABDUCTION.

*5102. **Mrs. Duni Chand** : Will the Honourable Premier be pleased to state—

- the number of minor girls kidnapped during the years 1937-38-39 in the Punjab ;
- the number of cases instituted against the offenders and the number of cases out of them in which the culprits were convicted during the said period ;
- the number of cases of abduction of grown-up women over sixteen years of age in the Punjab during this period with the number of persons guilty of the offence who were challaned and convicted ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : To collect figures in the exact form indicated in the question would entail an expenditure of time and labour out of proportion to the results to be secured. I am, however, laying on the table a statement containing certain figures extracted from the Police Administration Reports for 1937 and 1938. A reference is also invited to the detailed figures given in the answer to question No. *4405¹, put by the honourable member for the Amritsar City (General) Urban Constituency in the last spring session.

The Inspector-General has recently issued orders to Superintendents of Police requiring them to analyse the kidnapping figures for the current year and to report how many of the cases registered by the police are cases of professional kidnapping, as contrasted with the other type of case—love affairs in which a young man abducts a girl who has not reached the age of consent. The figures have not yet been completely analysed but the result of the inquiries indicates that the proportion of professional kidnapping cases is small.

FIGURES EXTRACTED FROM THE STATEMENTS ANNEXED TO THE ANNUAL POLICE ADMINISTRATION REPORT.

Serial No.	Law.	Offence.	Number pending from previous year.	Number reported in the year.	Number in which investigation was refused.	Number remaining for investigation.	Number proved or declared to be false.	Number due to mistake of law or fact or declared non-cognizable.	Number pending at the end of the year.	TRUE CASES.				Total Magistrates' true cases.	Total Magistrates' cases ending in conviction.	Grand total of true cases (columns 14+15).
										Convicted.	Discharged or acquitted.	Not detected or apprehended.	Total true cases (columns 6+11+12+13).			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Figures in 1937.

21	303 to 369 and 371 to 373.	Kidnapping or abduction, selling, etc., for prostitution and dealing in slaves.	220	1,048	..	1,268	202	237	285	339	122	83	544	124	11	668
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Figures in 1938.

	Ditto ..	Ditto ..	284	1,137	..	1,421	222	297	275	330	161	136	627	148	9	775
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TRAFFIC IN WOMEN.

***5103. Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that of late traffic in women has enormously increased in the province;
- (b) the special machinery, if any, set up by the Government to meet the above menace;
- (c) whether the Governments of neighbouring provinces have been approached with a view to secure co-ordination in the matter of the stoppage of traffic in women; and, if so, with what result?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) So far as Government are aware, there is no reason to believe that there has been any large increase in recent years.

(b) The Punjab Suppression of Immoral Traffic Act, 1935, is being gradually extended to the larger towns in the province. It must be understood that the provisions of this Act apply only to those cases of traffic in women in which the object is prostitution. In a large proportion of cases the object is *bona fide* marriage.

(c) No.

Sardar Sohan Singh Josh : What is the percentage of increase?

Parliamentary Secretary : There has been no appreciable increase.

Lala Duni Chand : Is it not true that year after year the Criminal Administration Reports disclose that traffic in women is increasing on a large scale all over the province? May I know whether that is a fact or not?

Parliamentary Secretary : I have stated in my reply that in a large proportion of cases the object is *bona fide* marriage.

Lala Duni Chand : What steps has the Government then taken in order to remedy the evils disclosed in its own Criminal Administration Reports?

Parliamentary Secretary : The Government is trying to extend the provisions of the Punjab Suppression of Immoral Traffic Act, 1935, to a large number of towns in the province.

MAGH MELA.

***5106. Captain Sodhi Harnam Singh :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that some persons came to Muktsar from other districts at the time of Magh Mela in 1937 and 1938 to sell swords and kirpans;

(b) whether it is a fact that it was complained by a servant of Captain Sodhi Harnam Singh to the police that those persons were selling swords and kirpans without obtaining a licence from the district authorities to do so ;

(c) what action was taken on that complaint ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) The police on duty noticed two Sikhs, believed to be from Amritsar, selling swords and kirpans in the 1938 fair, but the local officers did not consider it necessary to take proceedings. Nothing of the kind seems to have occurred in 1937.

(b) So far as can be ascertained, no such complaint was lodged.

(c) Does not arise.

MUSLIM LEAGUE MEETING AND THE TRAVELLING ALLOWANCE OF THE DIRECTOR OF INFORMATION BUREAU.

***5129. Diwan Chaman Lall :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the Director of Information Bureau attended a meeting or meetings of the Muslim League at Sholapur and Patna along with certain members of the Punjab Government ;

(b) whether it is a fact that he travelled at Government expense and drew both travelling allowance and pay during these visits ;

(c) whether it is a fact that he is governed by Government Servants' Conduct Rules ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Sholapur, yes. Patna, no.

(b) Yes.

(c) Yes.

Lala Deshbandhu Gupta : May I know from the honourable Parliamentary Secretary whether he, in attending the Sholapur Muslim League Conference where he went at Government expense, did not offend against the Government Servants' Conduct Rules ?

Mr. Speaker : That is a question of legal opinion.

Lala Deshbandhu Gupta : That is not a question of legal opinion.

Mr. Speaker : It is clearly a question of the interpretation of rules.

Lala Deshbandhu Gupta : Rules have to be applied by the executive and—

Mr. Speaker : Questions regarding the interpretation of law or rules cannot be allowed.

Lala Deshbandhu Gupta : May I put the question differently ? May I know if any action was taken against the Director of Information Bureau for having offended against the Government Servants' Conduct Rules in attending the session of the Muslim League, a political body, at Sholapur ?

Mr. Speaker : The honourable member presuming that in attending the Sholapur Conference—

Lala Deshbandhu Gupta : It is open to me to presume.

Mr. Speaker : The question shall become hypothetical.

Lala Deshbandhu Gupta : No, Sir. I have given an information that a particular Government Servant has offended against the Government Servants' Conduct Rules and I want the Government to take action in the matter. No action has been taken.

Lala Duni Chand : May I know on what grounds—

Lala Deshbandhu Gupta : I would like to have a reply to my question.

Premier : My honourable friend's presumption is wholly incorrect. He was not guilty of any breach of rules.

Lala Deshbandhu Gupta : Does the Honourable Premier hold, then, that it is open to a Government Servant to attend a public meeting or meetings of a communal or political organisation of this nature ? (*Interruptions.*)

Premier : Certain officers can attend them in the course of their duties.

Lala Bhim Sen Sachar : Was he deputed by the Punjab Government ?

Premier : He was deputed by me.

Lala Bhim Sen Sachar : Did he accompany the Premier ?

Premier : He accompanied me. I also ordered him to attend the Sholapur Conference so that the proceedings may not be misreported by a hostile press.

Lala Bhim Sen Sachar : In what manner was the Punjab Government interested in the proceedings of the Muslim League ?

Premier : Very much so, because if the proceedings had been misreported there might have been a flare up in this province.

Pandit Muni Lal Kalia : Was this Officer sent to other provinces also ?

Premier : He was sent to Bihar and Bengal also.

Pandit Muni Lal Kalia : Alone or was he accompanied by the Premier ?

Premier : Alone so far as Bengal is concerned.

Pandit Muni Lal Kalia : In what capacity was he sent ? May I know whether he was sent in his private capacity or as an officer of the Government ?

Premier : As a public servant.

Lala Bhim Sen Sachar : Did the Punjab Government ever depute any of its officers to attend a session of the All-India National Congress with a view to get a correct report ?

Premier : I deputed two of my Parliamentary Secretaries. One of them attended the last Congress Session.

Pandit Muni Lal Kalia : May I know whether the Government intends to publish the result of his enquiries with regard to other provinces ? Are not the public going to take advantage of the research he has done in different provinces ?

Premier : If my honourable friend wants to know what the other provinces are doing, he had better see the United Provinces Information Series in which speeches of all political leaders—whether they are connected with the Government or not—are published, and that would give him an indication of what other provinces are doing.

Pandit Muni Lal Kalia : Then where was the necessity of giving this officer the trouble at public expense ? What was the necessity of sending him to different provinces if the knowledge and experience gained by him was not to be made public ?

Premier : For the same purpose for which other provinces depute officers to the Punjab.

Pandit Muni Lal Kalia : Which officers of other governments have so far visited the Punjab for this very purpose or purposes similar to these ?

Premier : I can assure my honourable friend that not only officers but ministers of other provinces come to learn in the Punjab. (*Laughter.*)

Lala Bhim Sen Sachar : From the answer of the Premier that the Director of Information Bureau accompanied him on his instructions, may I presume that the Honourable Premier had also travelled to Sholapur at Government expense ?

Premier : The Premier does not charge travelling allowance or daily allowance but pays it out of his own pocket, and there would be no immorality about it if I charged travelling allowance, because I understand Congress Ministers charge it whenever they attend Congress meetings. (*Hear, hear.*)

Mr. Speaker : Congress ministers should not be brought in.

Lala Deshbandhu Gupta : Is the Honourable Premier in a position to prove that all Congress Ministers have charged the Government for their visits to other provinces ?

Premier : I am afraid I have generalised. I was speaking with reference to two answers given in reply to Assembly questions. One was by the Premier of Assam and the other by a minister in the United Provinces.

Pandit Shri Ram Sharma : Will the Honourable Premier please state whether he attended the Sholapur Conference in the capacity of Premier or as Sir Sikander Hyat-Khan ?

Premier : Neither as Premier nor as Sir Sikander Hyat Khan but as plain Sikander Hyat-Khan.

Pandit Shri Ram Sharma : Is it a fact that when he delivers speeches in his personal capacity, public servants are deputed to take notes of these speeches ?

Premier : Even when I make a speech in my personal capacity, my honourable friends opposite bring forward adjournment motions in connection with it. I have, therefore, to be very careful.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state whether some of the Parliamentary Secretaries have been attending the Muslim League meetings in other provinces at Government expense ?

Premier : No, Sir.

Lala Duni Chand : May I know what light or inspiration has the Honourable Premier received as a result of this visit of his ? I am very anxious to know that.

Premier : Visit, where ? To Sholapur ? Well, Sholapur is a very old and historic city. If my honourable friend goes there he will be impressed.

Lala Bhim Sen Sachar : May I know if any report of the proceedings of the Muslim League, as reported by the Director, Information Bureau, is in the archives of the Government ?

Premier : The Director of Information Bureau did not go there as a reporter. He went there as Director of Information.

Lala Bhim Sen Sachar : Then I take it that there has been no report from the Director of Information Bureau to the Honourable Premier.

Premier : Just a note.

Lala Deshbandhu Gupta : Did he go there to manage some section of the press ?

**HARASSMENT OF THE LORRY DRIVERS BY THE SUBORDINATE
STAFF OF THE TRAFFIC POLICE.**

***5215. Tikka Jagjit Singh Bedi :** Will the Honourable Premier be pleased to state—

(a) whether any such cases have come to the notice of the police authorities in which the subordinate staff of the traffic police is alleged to have harassed the lorry drivers to squeeze illegal gratification from them during the present year ;

(b) if so, the steps the Government propose to take in the matter to stop such harassment in the future ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Some twenty complaints of the kind mentioned have been received in the office of the Inspector-General of Police during the year.

(b) All complaints which appear to have any substance and which are not obviously the result of enmity are investigated in the usual way. Action has also been taken to restrict the use of certain powers to police officers of some seniority. Government would like to go further in this direction, but the presence of a large irresponsible element in the motor transport industry renders it essential to maintain close official supervision.

CORRUPTION CASES DEALT WITH BY THE ANTI-CORRUPTION AGENCY.

***5232. Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

- (a) the number of corruption cases dealt with department-wise by the Anti-Corruption Agency since it came into existence in the province ;
- (b) the procedure the said agency adopts to dispose of a case reported to it ;
- (c) whether the said agency has any powers to take up the cases of corruption emerging from any department *suomotu* or it depends for the inquiry into any such case on the report of the department concerned ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a)
Cases in which the investigation has been completed.

Judicial Department	..	..	1
Veterinary Department	..	..	1
Irrigation Department	..	..	2

Cases still under investigation or pending investigation.

Judicial Department	..	..	1
Medical Department	..	..	1
Development Department	..	..	3
Revenue Department	..	..	1

I must remind the honourable member that the Special Inquiry Agency only takes up cases of importance. Minor cases are still investigated in the department concerned, as formerly.

(b) and (c) A reference is invited to Punjab Government circular letter No. 10476-Gaz., dated the 17th March, 1939, a copy of which was given to the House on the 21st April last.

TEMPORARY POSTS OF DEPUTY SUPERINTENDENTS OF POLICE.

***5249. Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether any new temporary posts of Deputy Superintendents of Police have been created this year ;

¹Kept in the Assembly Library—Enclosure to answer to short notice question (Vol. IX, page 910).

[K. B. Ch. Riasat Ali]

- (b) if so, the number of such posts and the names of persons appointed to these posts ;
- (c) the new expenditure brought to bear on the provincial revenues, in this connection ;
- (d) the justification for creating these new posts ;
- (e) whether he is prepared to lay on the table letter No. 5531-H-39/3395-S., dated the 17th July, 1939, authorising the creation of these posts ;
- (f) whether he is prepared to discourage the creation of new posts till the report of the Punjab Resources and Retrenchment Committee is published ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)—(d) The honourable member probably refers to certain additional Deputy Superintendents' appointments which were created in April last year and have been continued by periodical extensions ever since. The need for these posts arose from the fact that the number of Indian police officers absent on deputation considerably exceeds the allowance provided in the cadre for that purpose, and there were not enough Indian police officers left in the province to occupy the posts which are normally to be filled from that service. It became necessary to utilise deputy superintendents to perform the duties of these posts, and to enable this to be done extra appointments in the rank of deputy superintendents had to be created. The number of the extra appointments has varied at different periods, being at one time as great as six, but owing to the recall of the Indian police officers from leave following the outbreak of war it has with effect from the 1st November been reduced to four. The pay of the officers employed in these posts amounts to some Rs. 1,322 per mensem, but against this has to be set a saving of approximately Rs. 5,000 per mensem, due to the fact that the number of Indian police officers on deputation is at present fourteen instead of the proper six.

(e) The letter mentioned contains nothing of special importance, but it is not a published document and I think it better to adhere to the normal principle that departmental correspondence should not be laid on the table.

(f) No new appointments are being created at present if the need can possibly be postponed, but as I have explained these appointments of deputy superintendents do not really constitute an addition to the net strength.

EXTENSION GRANTED TO GAZETTED OFFICERS.

***5250. Khan Bahadur Chaudhri Riasat Ali :** Will the Honourable Premier be pleased to state—

- (a) the number of gazetted officers who have been granted extension since the inauguration of provincial autonomy ;
- (b) the name and rank of each such officer with his present pay ;
- (c) the special reasons for extension in each case ;

- (d) the number of ministerial officers who have been granted extension in the Rawalpindi division ;
- (e) if it is proposed to await the report of the Retrenchment Committee before granting any more extensions of service?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) to (d). I would refer the honourable member to the answers given to Assembly questions Nos. *4520¹, and *4908², and in particular to the latter, which referred to the year 1938. In that year 24 non-gazetted officers in the Rawalpindi division were granted extensions of service after reaching the age of 55. The collection of information for that answer, which was given as recently as April, 1939, involved considerable labour, a repetition of which at the present date with the additional enquiries necessary to cover the whole period of provincial autonomy would be out of all proportion to any advantage to be gained by the reply.

(e) All extensions are carefully examined and it seems unnecessary to forbid the grant of any extension during the period when the report of the Resources and Retrenchment Committee is being examined.

Lala Duni Chand : May I know if in making these appointments, the Government has observed the rule of Roman law that the intelligence and ability of officers should be tested before making such appointments?

Parliamentary Secretary : The rule of the Indian Law of public service and public interest is observed. It is more comprehensive than the Roman law cited by my honourable friend.

PERSONS ARRESTED IN CONNECTION WITH THE KISAN MORCHA.

***5258. Chaudhri Kartar Singh :** Will the Honourable Premier be pleased to state—

- (a) the total number of persons arrested in connection with the kisan morcha in Lahore and other places in the province ;
- (b) the number of such persons as have been released in pursuance of the statement made by the Government to that effect ;
- (c) the names of those whom the Government do not intend to release and the reasons for not releasing them ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 2,108.

(b) Incomplete enquiries show that hitherto at least 1,042 prisoners have been prematurely released following the official statement, apart from those released in the normal course.

(c) I regret that I am unable to give the names of those whom Government do not intend to release as a number of individual cases have not yet been finally decided. The honourable member's attention is invited to the Press *communiqué* issued by the Punjab Government on the 9th September, 1939, for the reasons for differentiating between certain classes of kisan prisoners in the matter of release.

¹Volume IX, page 505.

²Volume VIII, page 731.

Chaudhri Kartar Singh : May I ask the honourable Parliamentary Secretary as to whether there has been any kisan worker who was arrested in connection with the kisan morcha after the Government notification to the effect that all those prisoners would be released who were arrested in this connection ?

Premier : If certain imprudent persons are still acting in contravention of the law of the land after the statement was issued why should they not be arrested ?

Chaudhri Kartar Singh : Cases are being instituted for speeches delivered before the notification was issued and not afterwards.

Premier : Does the honourable member mean that cases are being instituted against those who were arrested at that time ?

Chaudhri Kartar Singh : Not at all. What I mean to ask is whether there are certain persons who were arrested under section 117 after the kisan morcha had been suspended and orders for release given.

Premier : But in that case the proceedings could only have been taken against those who were instigating others to break the law.

Chaudhri Kartar Singh : Is it becoming of a Government which claims to be popular to arrest persons after having issued orders for general release subsequent to suspension of a movement ?

Premier : There is nothing unbecoming about it. When some one breaks the law he must be prepared to stand the consequences also.

Chaudhri Kartar Singh : When the Government has come to an agreement with the kisan leaders and the morcha has been suspended, some people are still being proceeded against for speeches delivered before this compromise.

Premier : My honourable friend is feigning ignorance. Probably he has not followed our notification which was to the effect that persons who have been duped into joining the kisan morcha by others will be let off by the Government, whereas those who induced others will be severely dealt with.

Chaudhri Kartar Singh : I followed it all right but what I am submitting is as to why arrests were made when the morcha had been suspended ?

Premier : My honourable friend should ask those persons who are still violating the law after the suspension of the kisan morcha.

Chaudhri Kartar Singh : May I ask as to why they are being arrested when they are not violating the law any more now ?

Premier : I am afraid I am not quite clear what my honourable friend wants to convey. Perhaps he will speak to me outside the House.

Sardar Sohan Singh Josh : May I ask under what sections the persons detained were arrested ?

Premier : Why bother about the section. We have notified that those persons who were duped into joining the kisan morcha by other people would be let off but those who instigated them, i.e., the ring-leaders of the movement would not escape scot free.

Sardar Sohan Singh Josh : How many persons are thus confined ?

Premier : Must be quite a large number.

Sardar Sohan Singh Josh : Is it true that the lambardars, safedposhes and zaildars involve people on account of personal grudge because I have seen arrests being made in large numbers ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is it a fact that people were proceeded against for speeches delivered during the morcha after the suspension of the kisan morcha and after the orders of release had been given ?

Premier : No such case has been brought to my notice.

UNSTARRED QUESTIONS AND ANSWERS.

REVISION OF CONSTITUENCIES OF AMRITSAR DISTRICT BOARD.

790. Sardar Partap Singh : Will the Honourable Minister of Public Works be pleased to state whether the Government is considering the question of revising the constituencies of Amritsar District Board ; if so, the reasons for so doing and the steps taken by the Government in that direction so far and whether it is intended to publish the revised scheme for eliciting public opinion thereon before it is put into practice ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The local officers have been asked to rearrange the electoral circles of the Amritsar District Board so as to ensure that each community may on the basis of the recently enlarged franchise obtain its due share of elected seats in future. The revised circles will be published for objections.

791.—Cancelled.

REPRESENTATION OF CHAMARS OF TOHANA.

792. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether his attention has been drawn to the repeated representations made to the local authorities and to the Government by the Chamars of Tohana requesting therein that the Crown land called *Parao* may be given to them on reasonable price for *abadi* purposes ;

[K. S. Khawaja Ghulam Samad.]

(b) whether he is aware of the fact that the applicants are feeling a great inconvenience for inadequacy of the area now in their possession under residential houses on account of their increasing population ;

(c) whether he is aware of the fact that various Deputy Commissioners of Hissar inspected the spot and realized the trouble the Chamars are undergoing ;

(d) whether the Government has ever received recommendations of Deputy Commissioner for a grant of vacant site to the Chamars on payment ;

(e) if so, the action taken by the Government thereon ; if no action has been taken, whether the Government propose to take any action now ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Such representations were made to the local authorities only, both by the Bishwedaras of Lohani and the Chamars of Tohana.

(b) This was alleged in the representations.

(c) The then Deputy Commissioner of Hissar inspected the site in March 1937, but as the plot was likely to be used for important works of public utility, it was not thought advisable to alienate it.

(d) No.

(e) Does not arise.

793—95.—Cancelled.

PERSONS APPOINTED IN GOVERNMENT COLLEGES AS LECTURERS.

796. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to lay the following statement on the table of the House showing—

(a) the number of persons appointed in Government colleges of the province as lecturers during the last three years with their names, pay and grade ;

(b) grade fixed for the lecturers who take M. A. classes ?

The Honourable Mian Abdul Haye : (a) A statement giving the required information is laid on the table.

(b) Ordinarily M.A. classes are taken by officials in the Punjab Educational Service (Class I) or Punjab Educational Service (Class II). If a member of the Subordinate Educational Service possesses the requisite qualifications he may also take M.A. classes.

Statement showing teachers, lecturers and professors in Government Colleges recruited by direct appointment during the last three years.

Serial No.	Name and designation.	Present monthly pay.	Grade of pay.	REMARKS.
		Rs.	Rs.	
1	Mr. Jagan Nath Dodeja, Lecturer, Central Training College, Lahore.	190	150—8—190	From 17th September, 1937.
2	Mr. Baldoon Dhingra, officiating Lecturer, Government College, Lahore.	182	150—8—190	Appointed from 19th November, 1936.
3	Mr. D. P. Gupta, Lecturer, Government College, Lahore.	146	105—7—140	Appointed from 27th September, 1937.
4	Mr. K. S. Thapar, Teacher, Government College, Ludhiana.	190	150—8—190	From 23rd September, 1937.
5	Dr. Ata Muhi-ud-Din, Teacher, Emerson College, Multan.	190	150—8—190	From 30th September, 1937.
6	Kh. Safdar Ali, Teacher, deMontmorency College, Shalpur Sadr.	190	150—8—190	Appointed from 15th November, 1937.
7	M. Ashfaq Ali Khan, Teacher, Emerson College, Multan.	112	105—7—140	From 11th November, 1937.
8	M. Nisar Ali Beg, Officiating Teacher, Emerson College, Multan.	80	80—4—100	Officiating from 15th January, 1938.
9	M. Abdul Alim Farooki, Officiating Teacher, Government Intermediate College, Pasrur, (since transferred as Officiating Head Master, Government High School, Kaithal).	190	150—8—190	Officiating from 4th October, 1938.
10	M. Abdol Hamid, Teacher, Government Intermediate College, Pasrur.	96	80—4—100	From 28th September, 1936.
11	M. Muhammad Zia-ul-Haq, Teacher, Government Intermediate College, Jhang.	100	80—4—100	From 2nd January, 1937.
12	M. Fayyaz-ud-Din, Teacher, Government College, Ludhiana.	84	80—4—100	From 20th January, 1938.
13	M. Muhammad Afzal, Officiating Teacher, Government Intermediate College, Jhang.	65	65—3—80	From 5th January, 1937.

*Statement showing teachers, lecturers and professors in Government Colleges recruited by direct appointment during the last three years—
continued.*

Serial No.	Name and designation.	Present monthly pay.	Grade of pay.	REMARKS.
		Rs.	Rs.	
14	Mr. U. M. Saleem Khan Farani, Teacher, Government Intermediate College, Hoshiarpur.	80	80—4—100	From 1st May, 1937.
15	S. Hardit Singh, Officiating English Master, Government High School, Chunian, formerly Teacher, Government Intermediate College, Pasrur.	68	65—3—80	From 19th March, 1937.
16	Shaikh Ghulam Jilani, Teacher, Government College, Ludhiana.	68	65—3—80	From 9th June, 1937.
17	S. Gauhar Ali, Teacher, Government Intermediate College, Jhang.	65	65—3—80	From 18th October, 1938.
18	M. Farhat-ullah Khan ..	100	80—4—100	From 1st July, 1936.
19	Miss P. M. Dicks, Lecturer, Queen Mary College, Lahore.	Please see remarks column.	200—20—400 (pause for one year and efficiency bar)—25—500 of the Punjab Educational Service (Class II) (Women's Branch).	She was directly recruited on Rs. 280 per mensem from 2nd February, 1937. She resigned her post from 1st October, 1938, when she was drawing pay at the rate of Rs. 300 per mensem.
20	Miss T. Chitambar, Lecturer, Lahore College for Women, Lahore.	Ditto ..	Ditto ..	She was directly recruited on the minimum of the grade, viz., Rs. 200 per mensem from 22nd March, 1938. She resigned from 1st December, 1938.
21	Miss Krishna Pasricha, Teacher, Lahore College for Women, Lahore.	150	140—10—190	From 1st October, 1937.
22	Miss Bishen Zutshi, Teacher, Government Intermediate College for Women, Lyallpur.	150	Ditto ..	Ditto.

Statement showing teachers, lecturers and professors in Government Colleges recruited by direct appointment during the last three years—concluded.

Serial No.	Name and designation.	Present monthly pay.	Grade of pay.	REMARKS.
		Rs.	Rs.	
23	Miss P. R. Karm Chand, Teacher, Lahore College for Women, Lahore.	115	110—5—135	From 14th May, 1937.
24	Miss A. Ali Mohammad, Teacher, Stratford College for Women, Amritsar.	110	110—5—135	From 19th September, 1938.
25	Mr. S. D. Chawla, Professor, Government College, Lahore.	600	300—25—700/ 30—1,000 of the Punjab Educational Service (Class I) (Men's Branch).	From 26th May, 1936.
26	Mr. J. D. Ward, Professor, Government College, Lahore.	600 + O. S. P. £30.	Ditto ..	From 27th September, 1937.
27	Mr. H. B. Richardson, Professor, Government College, Lahore.	£375 + O. S. P. Rs. 150.	Ditto ..	From 1st December, 1938.

COLLEGES AFFILIATED TO THE UNIVERSITY OF THE PUNJAB.

797. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to lay a statement on the table showing the colleges affiliated to the University of the Punjab, giving particulars and grades of pay existing in them during each of the years since 1921 to 1938 ?

The Honourable Mian Abdul Haye : I regret I am unable to reply to this question as the collection of the information will involve an expenditure of time and labour entirely incommensurate with the value thereof.

EXPANSION OF COLLEGE EDUCATION.

798. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to state—

- whether it is a fact that in 1932 about 7,000 boys passed Matric examination and in 1938 about 18,000 ;
- whether it is a fact that the number of colleges has not increased during the period 1932 to 1938 ;

[Pandit Shri Ram Sharma.]

(e) whether it is a fact that in the Punjab University Inquiry Report of 1932, fifty more institutions equal to intermediate colleges were considered necessary in the Punjab ;

(d) whether it is a fact that Government has in view a programme of expansion of primary education, compulsory education and adult education.

(e) whether it is a fact that Government and Punjab University have no regular programme of expansion of college education, if so, reasons for the same and the action they intend to take in this connection ?

[The Honourable Mian Abdul Haye : (a) 11,943 candidates passed the matriculation examination in 1932 and 18,371 in 1938.

(b) The number of colleges has increased from fifty to fifty-nine during the period 1932 to 1938.

(c) Yes.

(d) Yes.

(e) It is not intended to open more colleges as the existing number of colleges is considered sufficient to meet the demand.

REPRESENTATION OF SIKHS IN PATWARIS AND FIELD KANUNGOS.

799. Captain Sodhi Harnam Singh : Will the Honourable Minister for Revenue be pleased to state—

(a) the total number of Patwaris 'Mal', Patwaris 'Nehri' and Field Kanungos employed in 1937, 1938 and 1939, up till now in the province ;

(b) the number of Sikhs, Hindus or Muslims among them ;

(c) What arrangements the Government have made to give a 20 per cent. representation to the Sikhs as Patwari 'Mal', Patwari 'Nahr' and as Field Kanungos in this province ?

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

NUMBER OF CLERKS AND OTHER EMPLOYEES WORKING IN AMBALA, JULLUNDUR, LAHORE, MULTAN AND RAWALPINDI COMMISSIONERS' OFFICES.

800. Captain Sodhi Harnam Singh : Will the Honourable Minister for Revenue be pleased to state—

- (a) the total number of clerks and other employees working in Ambala, Jullundur, Lahore, Multan and Rawalpindi Commissioners' offices in 1937, 1938 and 1939 up till now ;
- (b) the number of Sikhs, Hindus or Muslims among them ;
- (c) what arrangements the Government have made to give a 20 per cent representation to the Sikhs in the establishment of these offices ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) The attention of the honourable member is drawn to the information given in the annual consolidated statements showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1937, 1938 and 1939.

- (c) The matter is under consideration.

TOTAL NUMBER OF APPOINTMENTS MADE IN DEPUTY COMMISSIONERS' OFFICES IN THE PUNJAB.

801. Captain Sodhi Harnam Singh : Will the Honourable Minister for Revenue be pleased to state —

- (a) district-wise the total number of appointments made in 1937, 1938, 1939 up till now in the Deputy Commissioners' Offices in the Punjab ;
- (b) the number of Sikhs, Hindus or Muslims among them ;
- (c) what arrangements the Government have made to give a 20 per cent representation to the Sikhs in the establishment of these offices ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b). A statement giving the required information is enclosed.

- (c) The matter is under consideration.

*Statement showing community-wise the total number of appointments
in the*

Division.	District.	FROM 1ST APRIL, 1937, TO 31ST DECEMBER, 1937.			
		Total number of appointments made.	Hindus.	Muslims.	Sikhs.
Ambala	Hissar	26	8	15	3.
	Rohtak	10	7	3	..
	Gurgaon	7	6	1	..
	Karnal .. ..	..	..	..	..
	Ambala .. ..	..	..	..	..
	Simla	2	1	..	1
Jullundur	Kangra	3	1	..	..
	Hoshiarpur	10	6	2	2.
	Jullundur	6	3	2	1
	Ludhiana	7	1	2	4.
	Ferozepore	5	3	1	..
Lahore	Lahore	40	16	18	6.
	Amritsar	13	6	4	2.
	Gurdaspur	14	4	8	2.
	Sialkot	4	..	2	2.
	Gujranwala	12	2	10	..
	Sheikhpura	11	5	6	..
Rawalpindi	Gujrat	9	2	7	..
	Shahpur .. ..	..	..	..	..
	Jhelum .. ..	..	..	..	..
	Rawalpindi	2	..	2	..
	Attock	6	1	3	2
	Mianwali	26	11	14	1
Multan	Montgomery	3	2	..	1
	Lyallpur	1	..	1	..
	Jhang	17	7	10	..
	Multan	5	1	4	..
	Muzaffargarh	3	1	2	..
	Dera Ghazi Khan	21	14	7	..
Total ..		261	108	124	27

made in 1937, 1938 and 1939 in the offices of the Deputy Commissioners. Punjab.

FROM 1ST JANUARY TO 31ST DECEMBER, 1938.				FROM 1ST JANUARY TO 31ST MAY, 1939.			
Total number of appointments made.	Hindus.	Muslims.	Sikhs.	Total number of appointments made.	Hindus.	Muslims.	Sikhs.
71	38	30	3	48	27	21	..
8	5	3	..	8	6	2	..
8	6	1	1	12	8	4	..
10	5	5	..	9	3	6	..
8	3	3	2	1	..	1	..
				3	1	1	1
3	3	..	..	3	2	1	..
18	8	6	3	8	4	3	1
9	2	6	1	8	4	3	1
9	2	5	2	2	..	2	..
22	5	13	3	4	1	2	..
11	5	5	1	22	6	11	5
24	8	12	3	2	1	1	..
16	6	9	1	19	8	10	1
8	2	5	1	9	4	3	2
10	6	3	1	9	1	5	2
4	1	2	..	6	1	3	2
6	..	4	1	1	1	..	..
5	1	2	1	..	..	..	..
7	1	3	3	7	2	5	..
8	1	6	..	9	3	5	1
14	6	8	..	5	2	2	1
8	4	4	..	11	6	5	..
7	3	3	2	5	1	2	2
10	5	5	..	11	2	5	4
18	7	11	..	7	1	5	1
12	3	7	2	2	..	1	1
10	2	8	..	1	..	1	..
10	3	7	..	3	1	2	..
355	140	176	31	235	96	112	25

802-13. Cancelled.

NUMBER OF STUDENTS IN SCHOOLS AND COLLEGES IN THE PUNJAB.

814. Pandit Shri Ram Sharma : (a) Will the Honourable Minister for Education be pleased to lay a statement on the table of the House showing the number of students in each class as it stood on 31st March, 1921 to 1938, for each year in all classes of schools and colleges in the province from infant class to 4th year class of each school and college ?

(b) will the Government lay down its proposals and programme regarding college education in view of steady increase of matric students every year, if not, why ?

The Honourable Mian Abdul Haye : The honourable member's attention is invited to tables IV (a) and IV (b) in the Report on the Progress of Education in the Punjab, for the years concerned. Those tables will show the number of scholars according to race and creed. The collection of the figures for the exact information asked for by the honourable member will involve time and labour which will not be commensurate with the use it will be put to.

(a) The present number of colleges is sufficient to meet the requirements of the province.

SYSTEM OF COMPULSORY EDUCATION IN RUPAR AND KHARAR TAHSILS.

815. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to lay on the table of the House —

(a) a statement giving the name of each centre in the province where the system of compulsory education prevailed respectively on 31st March, 1916, 1928 and 1938 with the number, separately, of boys of school-going age receiving and not receiving education and also the year or years in which this system of compulsory education was introduced in the Rupar and Kharar tahsils of the Ambala district ;

(b) a statement giving the number separately of boys' and girls' schools existing in the Rupar and Kharar tahsils on 31st March, 1916, 1928 and 1938, respectively, with the number of male and female students separately reading in each class on 31st March, 1916, 1928 and 1938 in these schools ?

The Honourable Mian Abdul Haye : The collection of this information would involve an expenditure of time and labour out of all proportion to the value of the information when collected.

816-17. Cancelled.

JHATKA DISPUTE IN THE PASRUR INTERMEDIATE COLLEGE.

818. Khan Sahib Khawaja Ghulam Samad : With reference to the reply to my starred question No. 4483¹ will the Honourable Minister for Education be pleased to state how the *jhatka* dispute in the Pasrur Intermediate College was settled ?

The Honourable Mian Abdul Haye : The *status quo* was maintained.

GOVERNMENT SERVANTS EXEMPTED FROM PAYMENT OF PUNITIVE POLICE TAX AT HISSAR.

819. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Public Works be pleased to state —

- (a) whether it is a fact that Government servants have been exempted from payment of punitive police tax at Hissar ;
- (b) whether it is a fact that Government pensioners have not been exempted from payment of this tax; if so, why ;
- (c) the action the Government intends to take in the matter ?

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

(b) Yes. Pensioners being permanent residents are obviously in a different position from serving officials.

(c) No action is contemplated.

FEE CONCESSIONS TO HARIJAN STUDENTS.

820. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to state whether it is a fact that Harijan students are entitled to half tuition fee concession up to the high standard and that they cannot claim full fee concession even on merit as is evident from the case of one Bhagwan Singh a Harijan student at present studying in the Gaur Brahman High School, Rohtak, who has been granted recently half-fee concession only, although on merit he was entitled to full fee concession ; if so, the reason for making such a provision ?

The Honourable Mian Abdul Haye : Yes, students belonging to the special classes named in paragraph 4 of Article 121 of the Punjab Education Code are allowed special half-fee concessions in the secondary classes of vernacular and anglo-vernacular institutions. There is, however, no objection to the grant to them of full fee concessions on account of poverty under Article 120 of the Punjab Education Code if these are available. The authorities of the G. B. High School, Rohtak, were labouring under a misunderstanding which has now been removed.

GRANT OF SCHOLARSHIP TO TEK CHAND OF D. A.-V. COLLEGE, LAHORE.

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

- (a) whether it is a fact that a scholarship was granted to a Harijan student named Tek Chand of D.A.-V. College, Lahore, for 1937—39;
- (b) if so, whether it took 9 months to award him the scholarship ; if so, the reasons for this delay ;
- (c) whether it is also a fact that in awarding a scholarship to the above-mentioned student, inquiry was made about him through the police ; if so, whether it is the general practice, or it was made in this connection as a special case ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) As the admissions to the B. A. classes are made after the vacation the applications for the scholarships for weavers and special classes are received upto the end of October. Sometimes the information supplied by the candidates in their applications is not complete and it takes about two months to get it from all the applicants. Complete information for 1937 scholarships was not received till the first week of January, 1938.

(c) Not by the Education Department. The award is made with the approval of the Chief Secretary who makes such enquiries as he considers necessary through appropriate channels.

**REALIZATION OF LAND REVENUE AND RECOVERY OF TACCARI LOANS
IN JHAJJAR TAHSIL.**

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

- (a) the names of the villages respectively in all the four tahsils of Rohtak district from the zamindars of which land revenue has been charged either at full rates or at half rates with regard to rabi, 1939, and also the names of villages in these four tahsils where taccari loans have been recovered with the land revenue ;
- (b) the number of applications received from the villages in Jhajjar tahsil against this realization and the action taken on these applications ?

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

(b) There was no application against the recovery of taccari loans which were paid voluntarily by the zamindars concerned. Forty-eight applications were received against the orders for the recovery of land revenue, but each after examination of all the relevant material, was rejected.

*Kept in the Assembly Library.

OFFENCES AGAINST PROPERTY REPORTED AT POLICE STATION TOHANA.

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

- (a) the number of cases under Chapter XVII of the Indian Penal Code regarding the offences against property reported at Police Station Tohana (Hissar) from 1st April, 1938, to 31st May, 1939 ;
- (b) the value of the property involved in these cases ;
- (c) the total number of these cases investigated by the present Station House Officer and the amount of the value of the property, if any, recovered by him ;
- (d) whether any of the cases mentioned in (c) resulted in chalans ; if so, with what result ?

The Honourable Major Sir Sikander Hyat Khan : (a) 94.

(b) Rs. 7,840-8-9.

(c) 57 cases. Value of property Rs. 415-13-0.

(d) Twelve cases sent for trial. Eleven of these resulted in conviction and one in acquittal.

CONSTABLES RECRUITED IN EASTERN, CENTRAL AND WESTERN RANGES.

824. Captain Sodhi Harnam Singh : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of constables recruited in the Eastern Range, Central Range and Western Range of the Punjab separately from 1st April, 1939, to 15th June, 1939 ;
- (b) the number of Sikhs, Hindus and Muslims among them ;
- (c) whether the present strength in the police force represents 20 per cent Sikhs as police constables in this province ; if not, what steps Government proposes to take to make up the deficiency ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) and (b) :—

Range.			Sikhs.	Hindus.	Muslims.	Others.
Eastern	..	..	15	11	33	2
Central	..	..	46	31	54	..
Western	..	..	30	18	44	..
Total	..	..	91	60	131	2

(c) The proportion on the 1st January, 1939, was 10·2 per cent. The figures given above are evidence of the efforts that are being made to obtain Sikh recruits.

APPLICATIONS FOR EXECUTION OF DECREES.

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

- (a) the number of applications for execution of decrees filed in the civil courts in Hissar district in 1938 and the number of such applications among them on which immovable property was ordered to be attached ;
- (b) the number of objections filed in these courts in that year against the order of attachment of immovable property and decided in favour of the judgment-debtors ?

The Honourable Mr. Manohar Lal : A statement containing the required information is laid on the table :—

Statement showing the number of applications for execution of decrees filed in the civil courts in Hissar district in 1938 and the number of such applications on which immovable property was ordered to be attached and the number of objections filed, etc.

Number of applications for execution of decrees instituted in 1938.	Number of execution cases in which immovable property was ordered to be attached.	Number of objections filed against the order of attachment of immovable property.	Number of objections decided in favour of the judgment-debtor.	REMARKS.
3,451	649	328	112	

SHEIKH MUHAMMAD ZAHUR-UD-DIN, B.A., P.E.S., INSPECTOR OF SCHOOLS, RAWALPINDI DIVISION.

826. Lala Bhim Sen Sachar : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Sheikh Muhammad Zahur-ud-Din, B.A., P.E.S., Inspector of Schools, Rawalpindi Division, applied to the Education Department, a few years back, that his age as entered in his service book was incorrect and that his correct date of birth was 15-12-1882, and that in view of this, he should be permitted to retire from 15th December, 1937, the date on which he attained the age of 55 years ;
- (b) whether the request of Sheikh Muhammad Zahurud Din, as mentioned in (a) above, was acceded to or not ; and if not, what are the grounds on which he was not allowed to retire on his attaining the age of 55 years ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) No. In accordance with the rules governing such cases, no alteration may be made in the age of a Government servant after the 4th July, 1929.

SIKH RAMGARHIAS.

827. Khan Bahadur Nawab Muzaffar Khan : Will the Honourable Minister for Revenue be pleased to state if the number of Sikh Ramgarhias also called Tarkhans, Lohars, Rajs, etc., holding land as proprietors and occupancy tenants in the district of Amritsar and Tehsils Chunian and Zira of Lahore and Ferozepore, respectively, not included in the statement already laid on the table in answer to question No. 657,¹ is now available; if so, will he please now lay the information on the table?

The Honourable Dr. Sir Sundar Singh Majithia : No. The honourable member will realize that the collection of these details requires a considerable expenditure of time and labour.

The required information is being collected and the same will be communicated to the honourable member as soon as it is ready.

SIKH RAMGARHIAS.

828. Khan Bahadur Nawab Muzaffar Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number, tahsil-wise, of Sikh Ramgarhias also called Tarkhans, Lohars, Rajs, etc., in the districts of Sheikhupura, Ludhiana and Ambala, holding land as proprietors or occupancy tenants, etc.;
- (b) the number of those among them who are jagirdars, muafidars, zaildars and lambardars?

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

REVERSION OF DR. BALMUKAND.

829. Rai Bahadur Lala Gopal Das : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that Dr. Balmukand was appointed in 1938 as the Health Officer, Lahore Municipality, for a term of 5 years;
- (b) whether it is a fact that the appointment of a Hindu Officer of Health was made by Government after a good deal of agitation by the Hindu community;
- (c) the reasons which have led Government to revert Dr. Balmukand to his old post as District Officer of Health;
- (d) whether it is a fact that several Hindu officers in the cadre of Medical Officers of Health are senior to Dr. A. Hamid; if so, the reasons why the claims of the Hindu candidates have been ignored;
- (e) whether it is a fact that at present out of the eight senior posts with high salaries in the Lahore Municipality, not a single post is held by a Hindu;
- (f) whether he is aware of the fact that the removal of the Hindu Officer of Health has caused widespread resentment among the Hindus;

[R. B. Lala Gonal Das.]

(g) if so, the action which Government propose to take in the matter ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Dr. Balmukand was transferred to foreign service with the Lahore Municipality as its Medical Officer of Health in 1938 for a period of five years.

(b) No.

(c) Exigencies of public service.

(d) The answer to the first part is in the affirmative. As regards the second part, an officer cannot claim transfer to foreign service merely because of his seniority in the gradation list.

(e) No. Out of the eight highest paid appointments two are held by Hindus, three by Christians and three by Muslims.

(f) It is possible that some members of the Hindu community represented the appointment of a Muslim Municipal Medical Officer of Health in place of a Hindu.

(g) Government do not consider any action necessary.

HINDU REPRESENTATION AMONG THE EMPLOYEES OF THE LAHORE MUNICIPALITY.

830. Rai Bahadur Lala Gopal Das : Will the Honourable Minister for Public Works be pleased to state—

- the total number of posts under the Lahore Municipality which have been retrenched during the last three years ;
- the total number of junior and senior employees of the said municipality community-wise who have been dismissed or asked to retire prematurely from service during the last three years ;
- the number of Hindu employees of the municipality who have been succeeded or replaced by Muslims during the last three years ;

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) 115.

(b) It is not understood what exactly is meant by the terms " junior " and " senior." Information in regard to employees of all descriptions is as follows :—

Community.	Dismissed.	Discharged.	Total.
<i>Junior and Senior.</i>			
Hindus and Sikhs ..	7	23	30
Muslims ..	12	20	32
Total ..	19	43	62

(c) Four. Owing to exigencies of service, Hindus and Muslims were frequently to change places.

**MEMORIAL DETAILING THE GRIEVANCES OF THE MUSLIM COMMUNITY
OF KANGRA.**

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

(a) whether it is true that a memorial, dated 30th April, 1939, detailing the grievances of the Muslim community of Kangra was submitted to him by Haji Sayed Nur-ud-Din Ahmad, President, Anjuman-i-Islamia, Kangra district, and Mirza Munir Ullah Khan, President, District Muslim League ;

(b) if the reply to (a) be in the affirmative, will the Hon'ble Premier be pleased to state the action that he has so far taken or intends to take to redress the grievances mentioned in that memorial ;

(c) will the Hon'ble Premier be pleased to lay on the table a copy of the said memorial ?

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

(b) A copy of the memorial was sent to the Deputy Commissioner, Kangra, for report, if necessary.

(c) A copy is placed on the table.

Memorial submitted to the Honourable Premier, Punjab, by Haji Sayed Nur-ud-Din Ahmad, President, Anjuman-i-Islamia, Kangra district and Mirza Munir Ullah Khan, President, District Muslim League, dated 30th April, 1939.

Most Respectfully Sheweth,

That the district of Kangra contains a Muslim minority of 5½ per cent., which is in a very backward condition. The majority community has monopolised all the offices and there are not more than two or three Muslim officers in all in the district. Among the lower staff also the same condition prevails. During the last 20 years no Muslim Deputy Commissioner has been posted. There is only one nominated member representing the Muslim community on the District Board out of 44 members (34 elected and 10 nominated).

That during the last four or five years the Hindu majority appears to have taken the law into their own hands and has been oppressing the Muslim minority in every possible way. A few instances are quoted below :—

- (1) The Muslims of Kangra town have been debarred from using the water of the Gupt-ganga tank and Manikaran spring which they used to avail of from several centuries, as there is scarcity of water during the summer season. The water of some wells has also been stopped in several places in the district and Jhatka shops have been recently opened to annoy the Muslims.
- (2) The graveyards of two villages in the tehsil of Dera Gopipur (Daruka and Budhwan-ki-Bain) have been demolished and converted into gardens or cultivation land.
- (3) A Gurdwara has been built in a Takia in Kangra Town by demolishing Muslim graves. A Sikh took possession of the land forcibly and started construction with the threat of Sikh Jathas and the help of local Sikh Tehsildar and others.
- (4) The portion of Shamlat land of the village of Ghoghar, near Palampur, in which the Muslims used to say 'Id prayers and pay land revenue, has been snatched away from them and a temple and a girl school constructed over it. Another piece of uneven land has been given in lieu and on lease and there is every probability of its being taken back when the Government wants it for its own requirements.

[Premier.]

- (5) The village mosque of Bhanala, Tehsil Kangra, which was being built on a plot of land owned by a Muslim was demolished at night by the Hindus. It has been constructed again. The Patwari was responsible for the mischief. The Muslims had been stopped from pulling water from the village well.
- (6) The Hindus of village Chinaur, Thana Indaura, Tehsil Nurpur, did not allow the local Muslims to build a mosque on a piece of land owned by them and threatened them with boycott, etc.
- (7) The village mosque of Dadoha, Tehsil Dera Gopipur, was attacked by the Hindus at the time of *Maghrib* (sunset) prayers, on the 18th of August, 1937, and some of them entered the mosque with their shoes on and abused and beat the Muslim congregation engaged in prayers, with the result that an injured young man died of internal wounds, after a month.
- (8) The Muslim community of Kullu tehsil wanted to construct mosques for prayers at Manali, Katrain and Bhuntar, but the proposal was deadly opposed by the local Hindus.
- (9) The Muslims of Hamirpur town and its suburbs were intimidated, threatened and abused at the time of constructing a mosque on a plot of land owned by them at a distance of $1\frac{1}{4}$ miles from Hamirpur town by mobs of Hindus and a severe social boycott of the Muslim community of the tehsil has been launched against them by touring in Hindu Rajput villages and holding meetings. The mosque has been constructed after great opposition but the Hindus have now built a temple alongside the mosque though there is no Hindu house in the vicinity. This has intentionally been done with a view to blow *conches* at the time of Azan and so as to disturb Muslims in their prayers. The Muslim population of the tehsil has been put to great hardship and privation on account of the boycott.
- (10) Azan in a small mosque in one of the bazars of Nadaun town, tehsil Hamirpur, has been stopped. The mosque was built some 5 years ago. The local Muslims began to repair the courtyard wall and great uproar was raised and a temple was located in a shop in front of the mosque and *conches* blown at the time of Azan. The matter is *sub-judice*.

That whenever the Muslim community of a town or a village wishes to construct a mosque for prayers on their own plots of land, the Hindu community opposes its construction. As there is liberty of religious worship and the construction of places of worship in the British Empire under the famous proclamation of the late Queen Victoria, Empress of India, it is necessary that the proclamation should be honoured and the local officials should assist in giving effect to it.

That your humble memorialists, therefore, pray that—

- (1) The number of Muslim Tehsildars and Naib-Tahsildars be increased as the majority of them are Hindus and Sikhs; the Sikh population of the district being only one per cent.
- (2) A non-Hindu Deputy Commissioner (European, Indian Christian or Muslim) be posted to this district, as almost all the Government officials from the village Chaukidar to the Deputy Commissioner are Hindus who are naturally sympathetic towards their own community.
- (3) The Muslim representation on the District Board be increased by nomination.
- (4) Necessary steps be taken (a) to give a larger share to the Muslim community in the services of the district (b) to ameliorate the general condition of the Muslim community in consultation with local Muslims and Anjumans.
- (5) No restrictions should be placed over the construction of mosques and calling of Azan in the district.
- (6) Necessary legal action be taken against those persons who by delivering highly provocative speeches and, advocating boycott of the Muslim community foment hatred and ill-will between the two communities.
- (7) Warning be issued to all village lumbarbards as not to disallow Muslims the use of water from public tanks and wells.

For this act of kindness, your humble memorialists, shall as in duty bound, ever remain grateful and pray for your long life and prosperity.

OFFICIALS AT PRESENT ATTACHED TO THE KANGRA DISTRICT.

832. Malik Barkat Ali : Will the Honourable Premier be pleased to lay on the table a statement showing community-wise the officials at present attached to the Kangra district from the deputy commissioner downwards including tahsildars and naib-tahsildars ?

The Honourable Major Sir Sikander Hyat-Khan : The honourable member will find the information he requires given on page 256 of the Civil List.

MUSLIM MEMBERS OF THE DISTRICT BOARD, KANGRA.

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

- (a) the number of Muslim members, both elected and nominated, of the District Board, Kangra ;
- (b) the total strength of the District Board, Kangra ;
- (c) the percentage of Muslim population in the total population of the Kangra district ;
- (d) the action he intends to take to give adequate representation to the Muslims in the said District Board ?

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

(b) 44.

(c) 4.7.

(d) Government do not intend to take any action, as the Muslims are entitled only to one seat on the Board, on the mean of population and voting strength.

OFFICIALS WORKING IN THE LOWER CHENAB CANAL, EAST CIRCLE.

834. Malik Barkat Ali : Will the Honourable Minister for Revenue be pleased—

- (a) to lay on the table a statement showing community-wise the various officials together with their pay at present working in the Lower Chenab Canal, East Circle ;
- (b) if the answer to (a) shows that the Muslims are most poorly represented in this circle, will the Hon'ble Minister for Revenue be pleased to state whether he intends taking any action to ensure adequate Muslim representation in the office of the Lower Chenab Canal, East Circle : if so, what ?

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

(b) The statement will show that the Muslim community is not poorly represented.

STATEMENT SHOWING COMMUNITY-WISE THE NUMBER OF VARIOUS OFFICIALS EMPLOYED IN THE LOWER CHENAB,
EAST CIRCLE.

Establishment.	Scale of pay.	Europeans.	Muslims.	Hindus.	Sikhs.	Scale.
	Rs.					
Superintending Engineer ..	1,750—100—2,160 <i>plus</i> £ 13-6-8 Overseas pay.	1	..	..	..	Provincial.
Executive Engineer ..	825—50—1,375 ..	1	..	1	1	Do.
Sub-Divisional Officers ..	1. 250—20—550—20—750 2. 200—15—275/15—470/ 15—500—20—600. 3. 300—20—600.	..	3 in scale 2.	3 one in each scale.	..	Provincial (3 Overseers officiating).
Zilladars ..	1st grade 120—6—150 2nd grade 80—4—100	..	18	4	5	Provincial.
Subordinates ..	80—7—255 65—5—100/5—140/6—200	..	19	12	5	..
Circle Head Clerk ..	250—10—350 ..	..	..	1	..	Provincial.
Divisional Head Clerk and Circle Revenue Clerk.	100—6—180—6/8—200 ..	..	2	2	..	Do.
Accounts Clerks ..	40—4—100/4—140 ..	..	3	4	..	Circle.
Assistant Clerks ..	40—2—80/2—90 35—14—65/2—75	..	12	15	7	Do.

		1st grade, 180—12—300 2nd grade, 110—5—160	..	1	3	..	Provincial.
Head Draftsmen	..	60—2—100 ..	..	2	1	2	Do.
Draftsmen	..	30—2—80 25—1½—40/2—50	..	3	2	..	Circle.
Tracers	..	70—4—90 55—4—75 + duty allowance, Rs. 10.	..	..	3	..	Do.
Head Munshis	..	30—1—40/1—45—2—55 25—1—35/1—45	..	23	24	10	Do.
Munshis	..	1st grade, 80. 2nd grade, 50. 3rd grade, 45. 4th grade, 30—1—45 30—1—40	..	15	23	3	Do.
Signallers	..						
				98	94	32	
				44%	49%	14%	Non-gazetted Estab- lishment.

OFFICIALS WORKING IN THE DIFFERENT OFFICES CONTROLLED BY THE
DEPUTY COMMISSIONER, GURGAON.

835. Malik Barkat Ali : Will the Honourable Minister for Revenue be pleased to lay on the table a statement showing community-wise and also whether agriculturists or non-agriculturists, the various officials at present working in the different offices controlled by the Deputy Commissioner, Gurgaon ?

The Honourable Dr. Sir Sundar Singh Majithia : A statement giving the required information is attached.

STATEMENT SHOWING COMMUNITY-WISE AND ALSO WHETHER AGRICULTURISTS OR NON-AGRICULTURISTS, THE VARIOUS OFFICIALS AT PRESENT WORKING IN THE DIFFERENT OFFICES CONTROLLED BY THE DEPUTY COMMISSIONER, GURGAON.

Name of Branch.	Total number of appointments.	MUSLIMS.		HINDUS.		SIKHS.		INDIAN CHRISTIAN.		SCHEDULED CASTES.	
		Agriculturists.	Non-Agriculturists.	Agriculturists.	Non-Agriculturists.	Agriculturists.	Non-Agriculturists.	Agriculturists.	Non-Agriculturists.	Agriculturists.	Non-Agriculturists.
General Branch	11	1	1	3	6						
Peeki Branch	6	1		2	3						
Treasury Office	4	2		1	1						
General Record Room	7	1		1	5						
Sadar Kanungo Office	1	1									
Revenue Accountant Branch.	3	2			1						
Nazarat Branch	2				1						
Registration Branch	1		1			1					
Copying Branch	10	3	1	3	3						
Court Establishment	8	4		1	3						
Tahsil Establishment	23*	6	1	4	10						
Sub-Divisional Establishment.	3		1		2						
Bund overseers	2	1		1							
Canal Establishment	4	1		2	1						
Leave Reserve Clerk	7	3		2	1						
Total	92	26	5	20	37		2				

NOTE.—The above statement relates to permanent Establishment only.

*Two posts are vacant.

APPOINTMENTS MADE BY THE DEPUTY COMMISSIONER, GURGAON.

836. Malik Barkat Ali : Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of appointments made since 8th October, 1938, by the Deputy Commissioner, Gurgaon, in the various offices under him and the number out of these which have gone to Muslims ;
- (b) whether it is true that three of these appointments have gone to non-Muslims who are not even residents of the District ; if so, what action Government intend to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) None.

(b) Does not arise.

OFFICIALS WHO HELD OFFICE OF SUPERINTENDENT, DEPUTY COMMISSIONER'S OFFICE, LAHORE.

837. Malik Barkat Ali : Will the Honourable Minister for Revenue be pleased to state—

- (a) the names of all those officials who have held the office of Superintendent, Deputy Commissioner's office, Lahore, ever since the creation of this office ; and
- (b) as evidenced by the answer to (a) above whether any Muslim has ever been appointed to this post ; if not, the reasons for the same ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The attention of the honourable member is invited to the reply to question No.* 1747¹ given on the 11th November, 1932.

(b) The attention of the honourable member is drawn to the answer to question No.* 1748¹ also given on the 11th November, 1932.

OFFICE OF DEPUTY COMMISSIONER, LAHORE.

838. Malik Barkat Ali : (a) Will the Honourable Minister for Revenue be pleased to lay on the table a statement showing community-wise the various offices held in the office of the Deputy Commissioner, Lahore ?

(b) If the statement referred to in (a) shows that Muslim representation in the office of the Deputy Commissioner, Lahore, has been grossly inadequate ; will the Honourable Minister be pleased to state whether he intends to take any action in the matter ; if so, what ?

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

(b) First part : the answer is in the negative.

Second part : the regulation of the communal proportions in recruitment to district offices is under active consideration.

¹Punjab Debates, Volume XXII, pages 292-93.

Statement showing the proportionate representation of various communities in the Establishment of the Deputy Commissioner, Lahore.

Section of establishment.	Total number of posts.	Hindus.	Muslims.	Sikhs.	Others.	Unfilled.
<i>Special Posts.</i>						
Superintendent	1	1	..	..	..	..
Head Vernacular Clerk	1	1	..	..	..	..
Head Treasury Clerk	1	..	..	1	..	..
Assistant Superintendent	1	..	1	..	..	..
Stenographers	5	3	2	..	..	..
Assistants	15	8	5	2	..	..
Senior Clerks	27	10	10	7	..	..
Junior Clerks	129	51	53	20	..	5
Junior Clerks (Non-Pensionable)	2	1	1	..	..	..
Copying Examiners	2	..	2	..	..	..
Copy Clerks	3	1	2	..	..	..
Copyists	21	11	8	1	1	..
Leave Reserve Copyists	2	..	2	..	..	..
Apprentice Clerks	18	6	8	4	..	..
Temporary or Acting	19	10	7	2	..	..
	247	103	101	37	1	5
	..	42.8%	41.7%	15.3%	..	..

HONORARY SECOND CLASS MAGISTRATES OF ROHTAK.

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

- whether he is aware of the fact that the Honorary Second Class Magistrate of Rohtak never holds his court according to the court times ;
- whether a resolution to this effect was unanimously passed by the Bar Association, Rohtak, in July last requesting the authorities concerned to direct the magistrate to observe the court time ;

[Pt. Shri Ram Sharma.]

- (c) whether the needed amends have been made; if not, the action Government proposes to take in case the magistrate is persistent in his objectionable way?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (c). No orders appear to have been passed until recently by the District Magistrate of Rohtak fixing court hours for the honorary magistrates in the district. The omission has now been rectified.

- (b) Yes.

— — — — —
POLICE RAID AGAINST A GANG OF ABDUCTORS IN A VILLAGE IN HISSAR DISTRICT.

840. Pandit Shri Ram Sharma : Will the Honourable Minister for Public Works be pleased to state what further special measures, if any, are intended to be taken to put an end to the activities of the gang of abductors at work in Hissar District besides the police raids some of which have recently met with success?

The Honourable Nawabzada Major Malik Khizar Hyat Khan Tiwana : It is not clear to what gang of abductors the honourable member refers. So far as the kidnapping of children is concerned, no cases of this kind have been reported in Hissar for several years past, and there has been no occasion for special measures.

— — — — —
SEARCH OF OFFICES OF CONGRESS SOCIALIST PARTY AND DHARAMSALA AT ROHTAK.

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

- (a) whether it is a fact that on 1st July, 1939, the offices of the Congress Socialist Party at Rohtak and also the dharamshala at Rohtak where the delegates to the Socialist Conference were putting up, were searched by the police;
- (b) the object of search and the articles taken possession of by the police?

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

(b) To search for a proscribed document. The police did not take possession of any articles.

— — — — —
REPRESENTATION BY RESIDENTS OF VILLAGE PANGWAN IN GURGAON.

842. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to state whether he is aware of the fact that a representation by the residents of village Pangwan in district Gurgaon for making a provision for the teaching of Hindi in their local District Board School was submitted to the District Inspector of Schools through me on 24th June, 1939, showing therein that more than the required number of students were anxious to take up that subject for study; if so, the action taken or intended to be taken thereon?

The Honourable Mian Abdul Haye : Yes. A representation on the subject was received in the office of the District Inspector of Schools, Gurgaon, on the 7th of July, 1939 and the matter is under consideration.

PROSECUTING SUB-INSPECTORS.

843. Sardar Sahib Sardar Santokh Singh : Will the Honourable Minister for Public Works be pleased to state the number of Prosecuting Sub-Inspectors in the Eastern Range of the province and the number of Sikhs among them ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Total—39. Sikhs—10.

INSPECTORS AND DEPUTY SUPERINTENDENTS OF POLICE.

844. Sardar Sahib Sardar Santokh Singh : Will the Honourable Minister for Public Works be pleased to state how many direct appointments of Inspectors and Deputy Superintendents of Police in the Eastern Range of the province were made in the preceding 8 years and how many of them were Sikhs ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Appointments in these ranks are made on a provincial basis, not by ranges. During the period 1936—38 four direct appointments of inspectors were made, one of these being a Sikh (of the Ambala district). Only one direct appointment of Deputy Superintendent of Police was made, a Muslim.

NUMBER OF OFFICERS AND CLERKS IN THE OFFICE OF INSPECTOR-GENERAL OF PRISONS.

845. Sardar Sahib Sardar Santokh Singh : Will the Honourable Minister for Finance be pleased to state the number of officers and clerks in the office of the Inspector-General of Prisons and how many of them are Sikhs ?

The Honourable Mr. Manohar Lal—

(i) Number of officers	..	..	..	8
Number of Sikhs ..	..	..	..	Nil.
(ii) Number of clerks	..	..	..	27
Number of Sikhs ..	..	..	..	3

PUNJAB EDUCATIONAL SERVICE.

846. Sardar Sahib Sardar Santokh Singh : Will the Honourable Minister of Education be pleased to state—

- (a) the percentage of Hindus, Muhammadans and Sikhs in the Punjab Educational Service, on the 1st April, 1937 ;

[S. S. S. Santokh Singh.]

- (t) how many men have been appointed or promoted to the Punjab Educational Service, since 1st April, 1937;
- (e) how many of them are Hindus, Muhammadans and Sikhs;
- (d) community-wise the number of those who were promoted from the Subordinate Educational Service and of those who were appointed direct;
- (e) the percentage of each community in the Punjab Educational Service now?

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

COMMUNAL REPRESENTATION IN THE CLERICAL ESTABLISHMENT OF THE
COURT OF DISTRICT JUDGE, HISSAR.

847. Khan Sabib Chaudhri Sahib Dad Khan: Will the Honourable Minister for Finance be pleased to state whether there is any register of candidates for clerical establishment kept in the court of the District Judge, Hissar; if so, the number of candidates community-wise at present on that register and whether the appointments to vacancies are made according to the proportions fixed for each community; and if so, the total number of appointments made during the last five years with the number of appointments given to Muslims?

The Honourable Mr. Manohar Lal: I regret that the answer to the question is not yet ready.

ADJOURNMENT MOTIONS.

POSTPONEMENT.

Premier: Sir, before moving the motion which is on the paper I should like to ask my honourable friend, the Leader of the Opposition, to accommodate those of us who are fasting by not moving any adjournment motions to-day. I suggest that we might take up the adjournment motions at the next sitting of the Assembly, that is, on Thursday next. I hope you would allow them to defer the adjournment motions on the condition that they will not be considered time-barred merely because they were not moved to-day. Otherwise we will have to sit after 6 p.m. and as most of us will have to go to break the fast at 6 p.m. this would be inconvenient. If, however, my honourable friend considers that we should proceed with the adjournment motions to-day I am ready to continue the sitting to accommodate him.

Dr. Gopi Chand Bhargava: I have no objection to the proposal made by the Premier but only if you do not disallow the motions on the ground that they have not been moved to-day.

Mr. Speaker: If the whole House agrees I will not raise objection to such motions being moved as are admissible.

Premier: I am indebted to my honourable friend for accommodating us.

Mr. Speaker: Does the House agree?

(No one objected.)

HOURS OF SITTING.

Premier : Sir, I beg to move—

That on and from Thursday, the 26th October, to Thursday, the 9th November, 1939, on days on which the Assembly meets other than Fridays, the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly at 4-30 p.m. without question put.

The motion was carried.

TRADE EMPLOYEES BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I beg to introduce the Punjab Trade Employees Bill.

I beg to move—

That the Punjab Trade Employees Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1940.

Sir, I am sure that the honourable members of the House are aware that there is one section of workers in the province who do not receive fair treatment from their employers and whose interests have not so far received much attention on the part of the Government itself. (*An honourable member* : Only one section ?) There is one section whose interests have not received the attention which they deserve on the part of the Government so far. That section consists of those who work in shops or commercial establishments or business houses. These poor devils know no rest. They know no holidays. They do not get any leave either on the ground of ill-health or on the ground of private business. There is no limit to the time during which they may be expected to work. Further there is no binding rule which regulates the grant of leave to them, nor is there any law which prevents their summary dismissal. They can be dismissed at any moment without any notice and without any compensation in lieu of notice. It is with a view to put a stop to this deplorable state of things that this Bill is being introduced.

I am glad to say that the principle of the Bill has been welcomed all round. Naturally, as could have been expected, employees have been pleased universally. But so far as the underlying principle of the Bill is concerned no serious objection has been taken to it by the employers either. It is also a matter for gratification that many messages have been received signifying the approval of the general public to the principle of the Bill. That is one of the reasons why I feel encouraged to make the second motion. No objection has been taken to the underlying principle. So far as details are concerned naturally the criticism offered by the employers and the employees and the general public will be taken into consideration at the select committee stage ; and if any differences on details are found to exist an attempt will be made to reconcile those differences in the light of that criticism. I hope the House will kindly agree to the present motion.

Mr. Speaker : The motion moved is—

That the Punjab Trade Employees Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1940.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): Mr. Speaker, I rise to oppose this circulation motion on behalf of my party. I have listened to the very laconic speech delivered by the Honourable Minister for Development; but I regret to say that although he has given an outline of the Bill he has not given any cogent reason as to why this important though simple measure should be circulated for eliciting public opinion thereon. This Government have been in office for about 2½ years and up till to-day they have not moved their little finger to alleviate the distress of a large number of those poor persons who are working in the shops as assistants. So far as the working conditions of the workers in the factories are concerned, there are quite a few laws on the statute book which regulate the rights and privileges of these workers. There is the Workmen's Compensation Act; there is the Indian Factories Act; there is the Payment of Wages Act; but so far there is no law which protects the rights and privileges of those unfortunate persons who are working in the shops. The present condition of these shop assistants in this province is scandalous and a disgrace to civilised society. Therefore in my opinion this matter should not be allowed to hang fire any longer. Whenever any genuine, honest and sincere circulation motion is moved from this side then motives are attributed to the Opposition and it is declared on the floor of the House that it is the intention of the Opposition party to adopt dilatory tactics although the measure before the House might be a highly contentious one. May I draw your attention to the fact that when such an important measure as the Restitution of Mortgaged Lands Bill was presented before the House an attempt was made by certain members of the Opposition to get public opinion on the Bill, but that motion was opposed by the Government? To-day they come forward and say that this matter of shop assistants who are in a pitiable condition should be allowed to hang fire and they have moved a dilatory motion. In my opinion if the Government insists on getting this Bill circulated, I can only say that this motion is a dilatory one and that the intentions of the Government in this matter are not genuine and honest.

Mr. Speaker, the Government claim to have enacted a number of laws for the welfare of those people who are working on the land, but the Government have so far done absolutely nothing for those poor people who are living in the towns. May I ask the Honourable Minister for Development if he has adopted dilatory tactics simply because he has an aversion to those poor people who live in the towns, because he suffers from the disease which is called *agriculturism*, because he wants to lift the agriculturists and not the non-agriculturists? I hope that in his speech by way of a reply he will clear these points.

Mr. Speaker, you know that this kind of legislation was first enacted by a Congress Government. Therefore I would warn the House against the impression or against the belief that the Unionist Government have taken the initiative to alleviate the distress of the shop assistants. If they want to take credit for this legislation, then I must say it does not go to the Unionist Government, it goes to the Congress Government of Bombay who were the first to introduce this legislation of which this measure is a poor copy, a poor imitation. Mr. Speaker, you will be surprised to learn that in January

1939 the Bombay Government introduced a similar measure in the Bombay Legislative Assembly which has now become a law there. When the impression was abroad that the Congress Government had done something for the poor people, in order to save their face the Punjab Government have brought this measure before the House. I say that it is already a belated measure and it should not be allowed to hang fire any longer. Eliciting opinion thereon—why? Is there any serious difference of opinion on fundamental questions? I may draw the attention of the Honourable Minister for Development to the fact that public opinion on this particular question has already been elicited. It has appeared in the papers. It has even gone to the Punjab Government in the form of representations. I have in my possession a representation which was sent to the Punjab Government or, I should say, to the Honourable Minister for Development on behalf of the Punjab Merchants' Association. There are two parties involved in the question—one, the employers and the other, the employees. The Punjab Merchants' Association considered this question and after very careful deliberation submitted a representation to the Punjab Government for favourable consideration, and I would like to draw the attention of the House to it because I have in my possession a copy of that representation. What is the view of the Punjab Merchants' Association on this very important though simple question? In the opening paragraph, the Punjab Merchants' Association have lent colour to the impression that employers are against such a measure. But, in fact in that very representation they make it clear, in the most unmistakeable terms that the Punjab Merchants' Association is not against the principle of the Bill and is opposed only to a few clauses of the Bill and they have given their opinion on these clauses. For instance, I will read out to you the following: "In the opinion of my Association," writes the Secretary of the Punjab Merchants' Association, "there should be only few sections in the proposed Bill dealing with the hours of work of the employees, holidays with pay, one month's notice before leaving the service, and one hour's rest per day and restriction of 11 years for employees." These are some of the most fundamental things embodied in the Bill with the exception of one point which limits the age to 11 years while the Bill provides for 14 years. So far as I am personally concerned I agree with the clause in the Bill rather than with the proposal contained in the representation. I am very much opposed to the age-limit of 11 years. But my point was that the Punjab Merchants' Association which is an important party to the question has already sent its opinion to the Minister for Development. Then, Mr. Speaker, there is the other party, employees. That party has done some propaganda in this connection. They have issued certain statements. Not only that, they held here in Lahore one of the most important and one of the most successful conferences the other day of which I had the honour to be the president. That conference, Mr. Speaker—I tell you as an eye-witness—was attended by several thousands of people and those people were not drawn merely from Lahore. The Honourable Minister for Development will be glad to know that that conference was attended by a large number of delegates from the mofussil, from districts like Amritsar, Jullundur, Rawalpindi and other places in the Punjab. They met in the Subjects Committee where they

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discussed this Bill and discussed other similar Acts also, and formulated their demands. Those demands were then put forward before the open session and discussed and after a long discussion they arrived at certain conclusions and then put forward their demands. Therefore, in my opinion, there is absolutely nothing left on which we could possibly waste our time on circulating this Bill for eliciting public opinion. In my opinion, therefore, this Bill should be at once committed to a select committee of competent persons who should go into the matter. It is a very simple matter and I think it will not take more than a week to go through the various clauses and come to an understanding. I do not desire that any injustice should be done to the employers, nor do I desire that any injustice should be done to the employees. Here in the Punjab as in certain other provinces of India if the so-called capitalists or employers wanted the provincial Assembly or the Government of India to do certain things which no longer exist in any other civilised society, then we would be well within our rights to spurn the demands of the employers. It is gratifying to note that in India the capitalists are not so blood-thirsty nor so hide-bound bourgeois as they were or as they are in other countries of the world. Here there is the background of culture, there is the background of religion which generates sympathy and other finer sentiments for the poor people and therefore you would see, Mr. Speaker, that when similar measures were brought before the parliaments of other countries, they were opposed by the employees or capitalists tooth and nail, but here you have the Punjab Merchants' Association which says that the measure is all right and it should be enacted. All they want is to protect their own interests and for that purpose they have put forward their representation before the Honourable Minister for Development. We would be well-advised now to appoint a select committee at this stage. The select committee should go through that question and try to study the views of the employers as well as the employees, and come to some definite decisions. I, therefore, do not plead for anything which you may call extremism or utopian. I am a realist and a very strong realist. I would, therefore, appeal to this House that this circulation motion which in my opinion is a dilatory motion should be opposed tooth and nail and this question should be discussed not in the light of any party interest, but in the interests of those poor people whose custodians we claim ourselves to be in this House. I have nothing more to say and I would make a request to the Honourable Minister for Development that when he gets up to reply to this debate he should carefully see that in to-day's agenda there are some new Bills which the Government propose to refer to select committee. There is the State Aid to Industries Bill. Why should not that Bill be circulated for eliciting public opinion? Why should the Trade Employees Bill alone be circulated? I fail to understand. I do not find any uniformity in these two proposals. I would therefore urge him that in the interests of those poor shop assistants, he should withdraw the circulation motion and accept the motion to refer the Bill to the select committee. With these words I oppose the circulation motion.

Mr. Speaker : I rule that all the three amendments¹—one of which stands in the name of the honourable member himself—are out of order.

¹That the Punjab Trade Employees Bill be referred to a select committee.

Chaudhri Krishna Gopal Dutt : May I know why ? If the Government gives notice of a motion for reference to a select committee and the Opposition has got the right to give a notice for circulation of the same Bill, why not a similar right be conceded to the Opposition to move a motion for reference to a select committee when the Government moves for circulation ?

Mr. Speaker : The honourable member is referred to rule 86.

Chaudhri Krishna Gopal Dutt : May I know under what specific rule, you rule the motions out of order ?

Mr. Speaker : If a member-in-charge of a Bill moves that it be taken into consideration, any other member may move that it be referred to a select committee or be circulated for eliciting public opinion thereon. Again, if the member in charge of a Bill moves that it be referred to a select committee, even then it is open to any other member to move an amendment that the Bill be circulated for eliciting public opinion thereon by a specified date. But if the member-in-charge moves that the Bill be circulated for eliciting public opinion thereon, no other member has a right to move that it be taken into consideration at once or that it be referred to a select committee.

Chaudhri Krishna Gopal Dutt : The Secretariat has got no right to anticipate the decision of this House. Supposing for instance, this motion for circulation is thrown out, what then ?

Mr. Speaker : If it is thrown out, the honourable member-in-charge of the Bill shall have to act according to Rule 104 (2).

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, when the Honourable Minister for Development was introducing the Bill now under consideration it seemed as if he was trying to make us convince that he had a soft corner in his heart for those poor shop assistants whose plight is extremely miserable without any shadow of doubt. He pointed out that this class of people is being exploited by its employers to an extent beyond all fairness. They are being forced to work in shops for more than 15 hours a day. He further remarked in a highly triumphant vein that the idea underlying the Bill has hardly ever struck anybody and it is only the present Government which rightly deserves praises on that score. I do not like to refrain from admitting that this Bill is undoubtedly a commendable one, but what we object to is the way in which this measure is being sought to be passed into law. I need hardly lay any stress on the point that the motion of circulation is tantamount to postponing the enactment of this most beneficial and useful measure to an indefinite period. As it appears from the motion that the circulation will take a fairly long time and after that the Bill will be referred to a select committee which would be free to take its own time on effecting any improvement thereupon. In other words it will be long before this ordinary Bill consisting of only 17 clauses finds its place on the statute book. I, for one, do not find any justification in circulating the Bill only in order to see as to whether public opinion is in favour of fixing Sunday as a universal holiday. It is no use wasting time only over ascertaining whether festivals such as Dusehra and 'Id shoud

(Mr. Dev Raj Sethi).

be observed as public holidays. It has been said that the Government wants to know whether these holidays should be observed with or without pay.

Mr. Speaker : I may inform the honourable member that the motion before the House is that the Bill be circulated for eliciting public opinion thereon and that, therefore, the honourable member can discuss only the principle of the Bill and its general provisions. He cannot discuss its details further than may be necessary to explain its principle.

Mr. Dev Raj Sethi : My submission is that all these sections to which I have just now referred are not such that require any great consideration on the part of the Government or the public at large. As a matter of fact all the civilised countries have already passed measures for improving the working conditions of persons employed in shops and commercial houses. The question whether 8 or 10 hours of employment should be fixed is not such that time may be wasted in eliciting public opinion thereon. In fact their conditions of employment are deplorable. If my friends visit Amritsar they would be touched to see that these poor shop assistants have to attend their respective shops at 7 or 8 A. M. in the winter season and after a hard day's labour they go back to their houses at 10 in the night.

Mr. Speaker : The honourable member is again discussing the merits of the Bill.

Mr. Dev Raj Sethi : Very well, Sir. My submission is that this matter is not such which should be allowed to hang fire. In fact nothing would be gained by delaying this Bill. I, therefore, request and appeal to the Honourable Minister of Development that in view of the woeful and deplorable conditions of the shop assistants, he should try his level best to enact this Bill into law as soon as possible. If he has really at heart the welfare of the shop assistants he will do well to withdraw his motion and refer this Bill to a select committee, so that it may be enacted into law without any further delay. With these words I resume my seat.

Parliamentary Secretary (Mir Magbool Mahmood) : Sir, I do not think it is necessary for me to make a detailed speech at this stage of the Bill. But I must say that I am disappointed at the attitude taken by the Opposition and particularly by my friend Chaudhri Krishna Gopal Dutt.

Sardar Sohan Singh Josh : Is it the first time ?

Parliamentary Secretary : Previous disappointments would not justify this one. The point pressed by my honourable friend, Chaudhri Krishna Gopal Dutt, was that the Government is deliberately trying to postpone this beneficial legislation by dilatory methods. I wish in fairness he had started his speech with the ordinary parliamentary decency of complimenting the Government and the honourable member in charge for having brought forward this beneficial legislation. The accident that certain Congress Governments have brought in similar legislation should in fairness not have dissuaded him from complimenting the Honourable Minister in charge of this measure. What was his accusation ? He stated that there is no need to invite public opinion on a simple measure of this nature.

Chaudhri Krishna Gopal Dutt : I never said that. I said that we had already done so.

Parliamentary Secretary : He says that they have already done so. I invite his attention to the amendments proposed by the Leader of his party and the amendments proposed by the honourable member who has just spoken. These amendments suggest that the select committee should go round and invite opinion and take evidence from the various parties in the province. I ask what is the effect of this, what is the difference between the two positions? He says let evidence be taken and opinion recorded and the report of the select committee submitted by the 1st of January. According to the motion of the Honourable Minister all this is to be done by the 15th of January in the same session and the matter then goes to the select committee, I ask with all due deference, what difference of time is involved in the two procedures? If the whole purpose is only to expedite the passage of this legislation, it is surely open to the honourable members of the Opposition to say, "we welcome this measure and we welcome the circulation of this Bill for eliciting public opinion but we ask that the date may be given earlier than the 15th of January" and when the Bill comes to the next stage they should co-operate, as I hope they would co-operate, to expedite its passage. In matters of this nature where on the principles of the Bill, it appears that the Treasury benches and the Opposition are agreed, it is the reverse of fairness to attribute motives to the Government. Secondly, does it lie in the mouth of my honourable friends opposite to say that we are guilty of dilatory tactics when in the same session with regard to so beneficent a measure as the State Aid to Industries Bill, where the lives and happiness of the rural population and the poorer classes of the people are concerned, they have tabled a motion for circulation for opinion? Why do they not stand up and say that they must oppose every motion—however reasonable—that comes from our side?

Chaudhri Krishna Gopal Dutt : Or *vice versa*?

Parliamentary Secretary : My honourable friend says "*vice versa*." I am sure that the mere fact that this Bill has been moved by us does show that we do not believe in the policy of *vice versa*. I submit that both sides of this House should look at this question from the best interests of the province. If you think that we have brought forward a measure which is good and which is beneficent, you should have welcomed it and said "we compliment you on bringing forward this legislation." My honourable friend opposite said, "why circulate a Bill which is intended to benefit so many poor workers in the shops?" I wish that policy had been stuck to and I hope that policy will be followed when similar beneficent legislation with regard to indebtedness relief and other measures giving relief to poorer sections of the rural people is moved. But when indebtedness relief and other measures were brought forward for the relief of the poorer rural classes it was my eloquent friend, Chaudhri Krishna Gopal Dutt, who adopted the dilatory tactics. I do not attribute motives and I will not act *vice versa* in this case, but I would certainly appeal that in fairness we should look at this question from the view-point of equity. If you think that it is a good measure and on principle you can agree to expedite its passage, then why waste time of the House and create a spirit of unnecessary opposition? Let us come to an agreement and co-operate with the Honourable Minister who

(Mir Maqboo Mahmood.)

is entitled to the gratitude of the province for having brought forward this measure, to send it to the select committee and then we should all agree on both sides to expedite the report of the select committee and the passage of this Bill.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I have listened to the speech of my honourable friend who has preceded me with rapt attention. I was not startled, but was only a bit surprised to hear from him that we were not consistent in our words and deeds. The fact of the matter is that we have never been inconsistent, while on the other hand my honourable friends over there have often given positive proofs of their inconsistency. Yet he has dared to dub us as inconsistent people.

Besides, he has accused us that whenever any measure is brought forward for the benefit of the poor we use dilatory tactics to impede its passage. I challenge this statement of my friend. There is no gainsaying the fact that whenever any Bill or any other measure comes up before the House for discussion, we, on this side of the House, work for the benefit of the poorer sections of people. I know that my friends over there will at once jump up and say that we move so many amendments and thus retard the progress of such beneficial measures. Let me point out that whenever our Government introduces any Bill in the name of the poor sections of people, it is generally intended to benefit the richer sections. That is the reason why we move amendments to make it beneficial for poor people instead of the rich. Further, after the passage of such Acts my honourable friends make rules which are all the more arbitrary. As a matter of fact in all such cases they give wide powers to the deputy commissioners who begin to feel themselves all powerful. So, naturally whenever such measures are introduced we do feel the necessity of moving amendments.

Now, Sir, my honourable friend has stated in the course of his speech that the Punjab State Aid to Industries (Amendment) Bill will be taken up shortly and we propose to move dilatory motions. With due deference I may point out that he is a learned Parliamentary Secretary and he should at least give us the credit of knowing that whenever any motion is contained in the list of business, it is generally taken up in its turn. If he had waited for a while he would have known our attitude towards it. My honourable friend, as usual, has tried to anticipate our views as regards this Bill. Let me make it clear to him that we never try to anticipate the thoughts of others while on the other hand it is he who has dared to anticipate our viewpoint as regards that particular Bill.

Then the Honourable Minister of Development stated on the floor of the House that there was one section of workers in the province whose interests had not so far received the attention of Government. These were the class commonly known as shop assistants. Their conditions of work were deplorable and that the Government desire to better their hard lot. Thank God that after two and a half years the Government have thought that there is one section of people in the Punjab whose conditions of work are deplorable. It is just possible that my friends over there might say that of all the poor sections of workers only one section remained which had not so far received any attention from the Government and this Bill was being introduced solely for their benefit. But may I know whether, no other

section of people exists in the Punjab which has not so far received the attention of the Government and whether the shopkeepers do not live in the Punjab, whether they have any grievances or not? My friends should bear in mind that I have also some inkling of these things and I study such matters daily. They should not take it for granted that we are completely in the dark so far as these matters are concerned. Let alone having some knowledge about these matters I even went to the length of preparing the draft of a Bill of this very nature previous to the publication of this Bill. But the point is that there is yet another section of people who, on account of the neglect of Government, are hard put to. And that section of people consists of shopkeepers. May I know from the Government whether or not they have enacted any measure for encouraging the commerce of this country; whether they have done anything which can benefit traders, zamindars or other sections of people? As a matter of fact our Government are not paying any attention to these things which are highly useful for the people of the Punjab. If they had done anything to help the traders and shopkeepers, in that case they could have even forced them to agree to the provisions of the Bill under consideration.

Besides, my honourable friend, Chaudhri Krishna Gopal Dutt, has stated that the persons who were going to be affected by this Bill have sent in a representation to the Honourable Minister for Development. In that representation they have protested against certain provisions of the proposed Bill and have suggested certain remedies as well. It shows that there was absolutely nothing left for which we could agree to a circulation motion. It is just possible that my friends over there may get up and say that I have also moved an amendment for referring this Bill to a select committee and so where is the harm if we have suggested that this Bill be circulated for eliciting public opinion thereon? But I may point out that there is a lot of difference between my motion and the motion of the Honourable Minister for Development. The Honourable Minister has stated on the floor of the House that as the details of the Bill have produced some difference of opinion, and in view of that, he favoured the idea of circulating this Bill for eliciting public opinion thereon till 15th January, 1940. He has also stated that in the light of opinions thus received improvements could be made in the select committee. It means that it would be taken up after the 15th January, 1940. But may I know why he desires to have so much time? It looks as if he wishes to mark time in order to effect any changes in the proposed measure, if he so desires at a later stage. This is not a solitary example of this kind. Even previously my friends have played such tactics. On one occasion they published a certain Bill and withdrew it. They again published it and again withdrew it.

I, therefore, hold the opinion that the Honourable Minister should not have sponsored the motion of sending this Bill for circulation for the purpose of eliciting public opinion. He ought to have straightaway referred it to a select committee. Now it is quite possible that after receiving the opinions from the public he may yet deem it fit to refer the Bill to a select committee. And who knows that after its emergence from the select committee, it may again be recommitted to the same body for its reconsideration and thus a lot of time would be wasted which we are anxious to save in the interest of the trade employees? In fact we want to avoid one stage

[Dr. Gopi Chand Bhargava.]

through which the Bill would be made to pass through if it is circulated for the purpose of eliciting public opinion. I may add that the matter has already been before the public for a considerable period and has been discussed threadbare. We regard this motion put forward by the Honourable Minister as a dilatory one. It would involve wastage of time amounting to a period of 2½ months at least, while the matter demands our immediate and urgent attention. I, therefore, urge upon the Government the necessity of referring this Bill to a select committee where all the necessary details and other important matters could be taken into consideration.

But we have already had a bitter experience about the intentions of the Government. The Honourable Minister had promised to promulgate the Marketing Bill, already passed into law, by April last. But so far the rules to be framed under the said Act have not been placed before the House for its consideration. We have, therefore, serious apprehensions that if this Bill is circulated for the purpose of eliciting public opinion, it would be very long before this measure is passed into law and enforced in the province. We are fully aware of the fate of our motion because we realise that the Government have a comfortable majority at their back and they can do anything according to their own sweet will and pleasure. I may assure the House that we have brought forward this motion not because we want to make any propaganda in our favour or earn a cheap popularity, but for the simple reason that we are very anxious to remove the hardships of the trade employees as early as possible. I may also inform the honourable members that we say what we feel. Whenever we are convinced that a certain legislative measure is going to prove beneficial to the people we make all possible endeavours to expedite its enactment. The present Bill is an instance in point. But all the same I assert that if it is directly referred to a select committee, Government will not stand to lose anything. On the other hand, we will put forward our well considered views in order to remove the flaws in the Bill and fully co-operate to hasten its passage into law. I am of opinion that the Honourable Minister for Development should accept our suggestion and withdraw his motion. With these words I oppose the motion of the Honourable Minister.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : I think, Sir, it is unfortunate that whenever a measure of this nature is brought before this House, unnecessary bitterness and heat is displayed, and resort is had to a *Tu Quoque* argument which is not at all relevant to the matter in hand. My honourable friend, for reasons which I personally applaud, has brought in a measure which is acceptable to every section of this House. It is a measure which is of a radical nature, about the principles of which both sides of the House are in complete agreement, and, therefore, there should be no delay in passing it. My honourable friend desires to take the public into his confidence in regard to this measure. I would ask in all seriousness, has there been any Government which has up to this day circulated a measure and has been affected by the opinions it has received? Certainly not this Government, and certainly not its predecessor. The circulation motion for eliciting public opinion thereon has been generally a dilatory motion, but even then I consider that unnecessary amount of heat has been generated over this motion.

The principles of this measure on which attention should be concentrated are these—

- (1) It is for the first time in the history of this province that hours of work for a certain class of employees are being legalised.
- (2) It is for the first time that this particular class of employees is being roped in and this law for their benefit, restricting the hours of their work and providing for them certain amenities, is being enacted.
- (3) It is for the first time that certain young persons are being debarred under the provisions of this measure from being employed or being exploited in shops.

All this is being done, Mr. Speaker, for the first time in this province. All these principles should not be forgotten, but unfortunately my honourable friend has not gone into them carefully.

In other countries similar legislation is in existence. My honourable friend has merely borrowed the plumes from other countries and even from our own country in another province. I will just give you one instance. You will notice the exemption regarding barbers entered in the provisions of this measure. It is borrowed straightaway from Irish legislation on this subject. But be that as it may, my honourable friend has been courageous enough in coming before this House with a measure of a far reaching character. But why does he restrict himself—since he is in agreement with this side of the House in propounding a measure of this nature—why does he restrict himself to the hours of work in the measure that he has propounded? Does he realise that, under the legislation he is propounding, it would not be impossible for employees—little children over the age of 14—still to work for 11½ hours per day if the weekly half day were also to be granted to them? Does he realise that? He himself permits them to be exploited for fourteen hours on two consecutive days if there is a holiday. I submit that although the principle is correct, my honourable friend should have gone a little beyond the radical nature of the principle and translated the radical nature of the principle into radical details regarding the measure and that is the reason why we suggested the appointment of a select committee; not the leaving of this measure to be considered by bar associations, it may be, or employers' associations, it may be, who do look into the Government official Gazette in which this measure will be published for the purpose of eliciting public opinion thereon. There is no other method. No other method is employed by the Government to elicit public opinion excepting the publication in the Gazette and the instructions to deputy commissioners or the instructions to local officials to get into touch with such people who may be on their lists. That is not eliciting public opinion. In fact that is a negation of eliciting public opinion. If my honourable friend really wanted public opinion, it was up to him to go from town to town addressing meetings everywhere and gathering the information that he desired but that, I submit, is not necessary because there is a consensus of opinion in this House in regard to the principle of this measure and, therefore, my honourable friend behind me raised this particular point that it was not necessary to adopt a dilatory motion in regard to the principle of this Bill. Now, my honourable friend, just as he has been generous and radical in regard to the principle, might easily have been generous and radical in regard to the proposition

[Diwan Chaman Lall.]

raised by my honourable friend. My trouble is this that even in a measure of this nature my honourable friends sit in water-tight compartments and never consult even members of this House in respect of legislation that is brought forward. I do not believe that a single member of the Opposition was ever consulted by my honourable friend in regard to this important measure. Had he done so, I am certain that there would have been no necessity for sending this Bill for circulation for the purpose of eliciting public opinion thereon. A healthy convention should grow up in regard to measures of this nature—a healthy convention of this nature that when legislation of this type is contemplated by my honourable friend, at least the major parties in this House should be taken into consultation by my honourable friend so that the smooth passage of such legislation may be assured. If that had been done, we would not have entered into the debate. Nevertheless, let me not be niggardly in regard to this matter. Let me say at once, as I have said already, that it is a matter for congratulation that such legislation is being contemplated (*hear, hear*) by both the Opposition and the Government. Such measures are on our party books. We, as the Opposition, had such measures before us. We did not deliberately propound them on the floor of the House because we knew what the fate of private members' Bills has been on the floor of this House. We knew that if such a measure were propounded by my honourable friend, the Leader of the Opposition, it would have received short-shrift at the hands of my honourable friends. Therefore, I am the more delighted that such a measure, which would have been propounded by the Opposition, has been propounded by my honourable friend for which I give him the fullest credit. (*Hear, hear.*) Let him not forget my last warning that when we congratulate him and the House on a measure of this nature we do not congratulate him and the House in regard to the details of this measure. The time will come when we shall deal with the details. Let him remember that if he is wanting the fullest support, as he deserves, of this House and of this province in promulgating measures of this nature, he must not be adopting the attitude of a dictator and say, "This is all I am prepared to accept no matter what the opinion of the Opposition may be". I think that if he were to come to an understanding with regard to this measure he will earn the gratitude of the whole community by the provisions of this Act.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, the honourable member representing Sialkot has been rather uncharitable in his view of me personally and of the Government of which I am a member. He thinks that I have made this motion for circulation with the object of delaying this measure as long as possible. My friend is entirely wrong in his estimate. I am most anxious to place this measure on the statute book as soon as possible and I assure him that I am determined to place this measure on the statute book before the current financial year is over. But if he wishes that I should place it on the statute book even earlier than that, I am quite prepared to oblige him. As a matter of fact my apprehension was that if I made a motion for reference to select committee, the Opposition was bound to make a motion for circulation. (*Chaudhri Krishna Gopal Dutt*: No, no.) My friends may wait and judge for themselves by having a look at the order paper of to-day which contains notices of motions by the Opposition which lend colour to my apprehension.

My friend put a question to me as to why a motion for circulation had been made in respect of this Bill while a motion for reference to select committee had been made in respect of The Punjab State Aid to Industries (Amendment) Bill. The reason is quite clear. The Bill in respect of which I am going to make a motion for reference to select committee is only an amending Bill. The principle of that Bill is not to be taken into consideration at all. It is only a minor amendment of an existing Act. Therefore, a motion for reference to select committee was perfectly proper. In the present case it is a substantive Bill. A measure of this kind has come for the consideration of this House for the first time, as Diwan Chaman Lal remarked a few moments ago. But in order to convince my friend that I am most anxious to pass this Bill into law as quickly as possible, I may inform him that even before the suggestion had been made by the honourable Leader of the Opposition I asked the Secretary whether, under the rules, it would be possible for me to withdraw this motion and make another motion for reference to select committee here and now and to-day. The Secretary told me that I could do so and I have made up my mind to withdraw this motion (*hear, hear*) and make a reference at once to select committee which will have to submit its report by a day which may be fixed by the honourable Leader of the Opposition—15th of December, 1st of December, 15th of November or whatever other day he may like to name. (*Hear, hear.*)

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Mr. Speaker : The point for consideration and decision is whether the Honourable Minister for Development can be permitted immediately to withdraw his motion, which is now before the House, and move in its place a motion to refer the Bill to a select committee. The House of Commons' practice on this point is summed up in the following sentence on page 278 of May's work :—

Occasionally a motion or amendment is, by leave, withdrawn, and another motion or amendment substituted in order to meet the views of the House, as expressed in debate; but that course can only be taken with the assent of the House.

So, is it your pleasure that the motion for circulation be withdrawn?

(Voices : Yes, yes.)

The motion was by leave withdrawn.

Mr. Speaker : Is it your pleasure that the Honourable Minister for Development be allowed to move a motion to refer the Bill to a select committee? (Voices : Yes, yes.)

Minister for Development : Sir, I beg to move—

That the Punjab Trade Employees Bill be referred to a select committee consisting of the following members with instructions to submit its report by the 15th November, 1939—

Malik Barkat Ali,
Khan Bahadur Chaudhri Riasat Ali,
Shaikh Karamat Ali,
Chaudhri Tikka Ram,
Lieutenant Sardar Naunihal Singh Mann,
Rai Bahadur Lala Gopal Das,
Sardar Sampuran Singh,
Dr. Satya Pal,
Lala Bhim Sen Sachar,
Nominee of the Honourable Speaker, and
The mover of the Bill.

The quorum of the Committee will be 5.

Diwan Chaman Lall : May I rise on a point of order ? I draw your attention to the fact that the convention of this House is that party leaders are consulted regarding the names to be submitted for a select committee. May I take it that in this particular instance the Leader of the Opposition has not been consulted with regard to the names that are proposed for the appointment of the select committee and if that is so, I submit that a serious violation of the convention has taken place and that my honourable friend should wait till to-morrow, before announcing the personnel of the select committee.

Minister for Development : So far as these names are concerned I did consult the honourable Leader of the Opposition, but that was with regard to another Bill in respect of which I was going to make a motion for reference to a select committee. If the honourable Leader of the Opposition gives his consent to the members belonging to his own party serving on the committee, then, so far as the names from this side of the House are concerned, it may be taken that they are final.

Diwan Chaman Lall : That is not right. The honourable Leader of the Opposition was not consulted. It was I who was consulted in regard to the State Aid to Industries Bill, and I gave three names to my honourable friend, the Parliamentary Secretary, sitting behind him. But that is not the point. The point is of principle. The convention of this House is that before any names are announced for a select committee, the Opposition or the leaders of parties are consulted in regard to those names. I am only objecting to the method by which this business is carried on and I hope that this will be the last occasion for doing things in this manner.

Minister for Development : My honourable friend is perfectly right. There has been a slip. But may I now, through you, beseech the consent of the Leader of the Opposition to the members of his own party serving on this committee ? (*Here the Leader of the Opposition suggested the names.*)

Mr. Speaker : The first motion which I propose to put to the vote of the House is—

That the Punjab Trade Employees Bill be referred to a select committee with instruction to submit its report by the 15th November, 1939.

The motion was carried.

Mr. Speaker : Now, the House will proceed to settle the personnel of the select committee. The suggestion made by the honourable Leader of the Opposition is very simple and appears to be quite reasonable. For the three members of his party proposed by the Honourable Minister, he has substituted the names of three other members. So, the following 11 honourable members shall be the members of the select committee :—

Malik Barkat Ali,
Khan Bahadur Chaudhri Riasat Ali,
Shaikh Karamat Ali,
Chaudhri Tikka Ram,
Lieutenant Sardar Naunihal Singh
Mann,

Rai Bahadur Lala Gopal Das,
Chaudhri Krishna Gopal Dutt,
Dr. Sant Ram Seth,
Sardar Sohan Singh Josh,
Nominee of the Speaker, and
Mover of the Bill.

Diwan Chaman Lall : I suggest the name of Sardar Uttam Singh Dugal also.

Mr. Speaker : The question is—

That the name of Sardar Uttam Singh Dugal be added to the select committee.

The motion was carried.

Mr. Speaker : The question is—

That the select committee consist of—

Malik Barkat Ali,
Khan Bahadur Chaudhri Biasat Ali,
Shaikh Karamat Ali,
Chaudhri Tikka Ram,
Lieutenant Sardar Naunihal Singh Mann,
Rai Bahadur Lala Gopal Das,
Chaudhri Krishna Gopal Dutt,
Dr. Sant Ram Seth,
Sardar Sohan Singh Josh,
Sardar Uttam Singh Dugal,
Nominee of the Honourable Speaker, and
The Mover of the Bill.

The motion was carried.

Mr. Speaker : The last question is—

That the quorum of the Committee shall be five.

The motion was carried.

DEBTORS' PROTECTION (AMENDMENT) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to introduce the Punjab Debtors' Protection (Amendment) Bill. I also move—

That the Punjab Debtors' Protection (Amendment) Bill be taken into consideration.

In moving this motion I beg to say that the Bill I am proposing and putting forward before the House is a very simple one and, as everyone knows, it has been published in the Gazette. The main object of the Bill is that the Punjab Debtors' Protection Act of 1936 does not make any provision for permitting another officer, when necessary to be invested with the powers of a Commissioner, and allowing the orders of the Collector and the Commissioner to be considered by the Financial Commissioner on revision. This omission has to be made good. As my honourable friends know the Commissioner of a division is a very busy officer. The provision proposed to be made is that somebody should be appointed to take the place of the Commissioner when necessity arises for helping the Commissioner. The second point is that the Financial Commissioner may at any time call for and examine the proceedings recorded by the Deputy Commissioner or the Commissioner for revision. These are the only two points provided in the Bill which I am introducing and I hope this small measure would not receive any serious objection on the part of the House. There are a few amendments which will be dealt with in the ordinary course.

Mr. Speaker : The motion moved is—

That the Punjab Debtors' Protection (Amendment) Bill be taken into consideration.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, as is evident from to-day's agenda we have given notice of certain amendments which I am sure are not going to make any substantial change in the Bill. I would, therefore, like to tell the Government that if it is prepared to accept these amendments of an ordinary nature I would not commend my amendment regarding the commitment of the Bill to a select committee for acceptance of the House. But if the Government is intent upon rejecting my proposal I would be justified in pressing my amendment and giving expression to our point of view in the House. With these words, Sir, I formally move my amendment—

That the Punjab Debtors' Protection (Amendment) Bill be referred to a select committee with instruction to report by the 15th November, 1939. and leave it to the Government to make its own choice amongst these two alternatives.

Mr. Speaker : Question is—

That the Punjab Debtors' Protection (Amendment) Bill be referred to a select committee with instruction to report by the 15th November, 1939.

The Assembly divided : Ayes 40, Noes 81.

AYES.

Bhagat Ram Choda, Lala.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
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.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.

Muhammad Alam, Dr. Shaikh.
Muhammad Hassan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Sethi, Dr.
Satya Pal, Dr.
Sita Ram Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Sethi.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Suft.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.

Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.

- Balwant Singh, Sardar.
 Barkat Ali, Malik.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 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, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Joginder Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 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.
 Sultan Mahmud Hotiana, Mian.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That the Punjab Debtors' Protection (Amendment) Bill be taken into consideration..

The motion was carried.

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

(At this stage Mr. Speaker left the chair which was occupied by Mr. Deputy Speaker.)

Clause 1.

Mr. Deputy Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Deputy Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

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

That in the proposed sub-section (3), lines 2—6, the words "or any..... Chapter" be deleted.

The object of my amendment is that the powers given to the commissioners under this Bill should not be delegated to any other authority. We know it very well that an officer commands confidence in proportion to the position or rank that he holds. If it is thought necessary by the framers of this Bill that the commissioner should be the proper person to exercise these powers, there is no reason why the provincial Government should take power to delegate those powers to another officer, presumably to an officer of a lower rank. In view of the knotty questions that arise under the Punjab Debtors Protection Act, it is desirable and necessary that those points should be decided finally by the Commissioner. If this clause is retained as it is, the effect will be that the powers of the Commissioner will be delegated to the collector and in turn they will be delegated to an assistant collector of first grade or even second grade. Good many protections have been afforded under the Punjab Debtors Protection Act and rightly so. But the protection should be extended to all the parties and that can be done only if these powers are exercised by the commissioner. I am afraid I have to say that in certain matters, deputy commissioners and commissioners enjoy greater confidence of the public than the Ministers. I think that if a certain amount of confidence of the public is retained by the Government, it is not due to the Honourable Ministers, it is more due to those officers who discharge their duties honestly and impartially. But I do not see why the Government should delegate these powers to hands that cannot be safely trusted. It is also provided in the Punjab Debtors Protection Act that

certain powers of the collector may be delegated to any other officer and the result has been that hardly any collector in the province is exercising those powers. They are being really exercised by the assistant collectors. I submit it is highly desirable that the confidence of the public should be retained by the Government and that will be possible only if the powers are exercised by the commissioners to whom these powers are given. If the idea is to give these powers nominally to the commissioners and it is meant that they should not be exercised by them but by some other officers I object to it. With these words I move my amendment.

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

That in the proposed sub-section (3), lines 2—6, the words “or any..... Chapter” be deleted.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : In introducing the Bill for consideration by this House I made it quite clear that the commissioner is one of the busiest officers of the Government. He has to look after at least 5 districts in the province, has to supervise the work of the deputy commissioners of these districts and has to do some appellate work as well. Under these circumstances, we cannot expect the commissioner always to look to these smaller things in time and it is absolutely necessary therefore in trying to help the commissioner to appoint somebody, generally an officer of the rank of a deputy commissioner, not a naib-tahsildar nor a tahsildar, but an officer of the rank of a deputy commissioner, most likely a senior one, to take the place of the commissioner in an emergency like this. My honourable friend has, therefore, unnecessarily tried to stress the point that nobody else than the commissioner should be trusted. I submit that if a commissioner is to be trusted, a deputy commissioner should also be trusted likewise. He is an officer who deals with his district and generally gives satisfaction to the people over whom he is placed. My honourable friend, therefore, should realise that when we are taking these powers to appoint somebody to act for the commissioner for the time being in this matter, we shall exercise due regard and consider the capabilities of the man who will carry on the work of the commissioner for the purposes of this Act. I can assure my honourable friend that we will consider only one of our best officers to be delegated the powers, but I cannot bind the Government to say that it will always be one of the senior most officers of the deputy commissioner's rank who will be appointed. Exigencies of service do require sometimes that for a temporary period, as was done in the case of Lahore where we appointed Khan Bahadur Shaikh Nur Muhammad as an additional Commissioner, such appointments should be made. My honourable friend ought to trust us that we will do our best to appoint somebody who enjoys the confidence of the public. It is for the purposes of affording relief to a very high officer of the rank of the commissioner that we take these powers.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : The Honourable Revenue Minister seems to have missed entirely the point involved in the amendment moved by my honourable friend from Ambala. The Revenue Minister has been pleased to point out that the commissioner is one of the busiest officers and, therefore, it is not possible for the commissioners to discharge the duties which have been laid upon

[R. B. Mr. Mukand Lal Puri]

them under the Act. Therefore the proper and the honest course would be to relieve them of these duties and to appoint another officer by virtue of his office who would deal with these matters. If a commissioner is over-worked the district judge or any other officer can perform these duties and these duties should be assigned to him. The real point of the amendment is that these are essentially judicial duties, duties which should be performed by certain designated officers in the interpretation of a complicated Act and in the interpretation of a legislation which as is well-known is a party legislation of extremely partisan character and, therefore, persons who are to be appointed to administer the Act should be persons who are appointed by virtue of their offices and not particularly chosen by name for deciding these particular cases. In the case of selection being left to the Government, the persons appointed, as has been our experience unfortunately in the case of appointments under similar Acts during the last two years, would be persons who belong to a particular political party, or who are known to hold particular views and this is the main reason for moving this amendment. There are five commissioners. They are appointed to these posts not because they hold certain political opinion upon particular matters, but because they are capable, honest, hard working and tried men who can be expected to hold the scales of justice even between man and man and party and party. Similarly when you appoint a district judge, you appoint him on the same considerations. One commissioner is administering the Act in one district and another man is administering the Act in another district. A European is administering the Act in one and a Muslim in another and a Hindu in still another; an agriculturist in one and a non-agriculturist in another. All of these are supposed to act judicially and disinterestedly. I do not mind to whom you assign these duties, but it is admittedly a travesty of justice to designate a particular person to deal in particular party matters throughout the province. This will practically be defeating the objects which the Government professed to have in view when this legislation was passed and when jurisdiction was withdrawn from civil courts. Therefore if the commissioner is not available for these duties, appoint another equally experienced officer by virtue of his office. The Government can decide it for themselves. Let the officer be the district judge, let him be any other senior officer, with judicial experience.

Minister for Revenue : A judge of the High Court ?

Rai Bahadur Mr. Mukand Lal Puri : Appoint any person by virtue of his office. Do not select your own men to administer justice according to your own views of the particular matter. Our experience in this matter is most unfortunate during the last two years. I, therefore, support the amendment which has been moved by my honourable friend from Ambala.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I need not detain the Assembly for any length of time in this case. Probably the whole basis of my honourable friend's argument is to take away the powers of the commissioner and to give them to the district judge. My honourable friend thinks that the district judge is an officer who has nothing to do and has got a lot of leisure so that he can spare time to take up this work. Our objective is simply this. There is no question of any political idea behind this. It is only to help the commissioner. If the commissioner

is available, he will be made to do the work, but if the commissioner is not available, and is busy, in that case, we shall have to appoint somebody who shall act as commissioner. As regards the other points, my honourable friend has mentioned, my friend would like an appeal against the orders of the district judge to go to the High Court. The matter being a revenue question the appeal against the commissioner's order should go to the Financial Commissioner. In revenue cases such appeals should go to the revenue officers and not to the civil courts. That is the reason why we do not accede to the request which has been made by my honourable friend. The real crux of the whole argument of my honourable friend is that we must take away these powers from the revenue officers and give them to the civil courts.

Rai Bahadur Mr. Mukand Lal Puri : Not at all. Keep them with the commissioners.

Lala Duni Chand (Ambala and Simla, General, Rural) : I want to exercise my right of reply. I want to draw the attention of the Honourable Minister of Revenue to the analogous law under the Land Revenue Act and the Tenancy Act. Similar powers have been given to the collector and the commissioner under these Acts. There is no such delegation of powers in the case of these two Acts. The powers that are to be exercised under the Punjab Debtors' Protection Act are much greater than the powers to be exercised under the Land Revenue Act and the Tenancy Act.

We know it very well that very difficult questions arise as regards the interpretation of the Punjab Debtors' Protection Act. When similar powers are to be exercised by the collector and commissioner in the case of Land Revenue and Tenancy Acts, there are no reasons why a departure should be made from that legislative practice. I again request the Honourable Revenue Minister to reconsider the matter and agree to the practically innocent amendment that I have moved. As I have already said, if you are not going to accept this amendment, the result will be that the powers given under this Act will be exercised by collectors and assistant collectors. I again request the Revenue Minister to reconsider my amendment and do justice to those peoples, of course, whose fate will be decided in many cases under this law.

Mr. Deputy Speaker : The question is—

That in the proposed sub-section (3), lines 2—6, the words, "or any..... Chapter" be deleted.

The motion was lost.

Mumshi Hari Lal (South-Western Towns, General, Urban) : Sir, I move—

That in proposed sub-section (3), line 3, between the words "officer" and "specially" the words "not below the rank of the permanent Deputy Commissioner" be inserted.

Sir, so far as I have been able to understand the Honourable Revenue Minister, he means to give these powers to senior officers. He says so. Sir, I submit that the words "not below the rank of the permanent Deputy Commissioner" seal his object. If the Government is going to invest senior officers, senior deputy commissioners, with powers of commissioners, and if this is the intention of the Government, then why not insert those

[Munshi Hari Lal]

words in the Bill? There should be absolutely no difficulty in doing this. I would therefore request the Government to accept my amendment which falls in with their views. Sir, generally in the province of the Punjab, the powers of collectors under the Act are given to assistant collectors of 1st grade. In the definition of "Collector" in the Debtors' Protection Act we find "Collector, Deputy Commissioner or any officer having the powers of the Collector." In the Punjab generally it is the assistant collector of 1st grade that has got the power to proceed in the execution of the decrees transferred by the civil court. From his orders the appeal lies directly to the commissioner. My object in presenting this amendment is that the appeal should lie to an officer of senior rank and of some experience. There are in some cases very complicated questions that are to be solved. The officer, who will hear the appeal, should not be an assistant commissioner; he should not be an officer with no experience, nor an officer having only such experience as the assistant collector of the 1st grade has got or the collector who has practically no experience. He should be an officer of vast experience. I, therefore, submit that the officer, who is going to be invested with this power of commissioner, should be a permanent deputy commissioner and should be of that rank. The Honourable Revenue Minister has, while opposing the amendment moved by my honourable friend, Lala Duni Chand, also given out his mind that he is going to invest the senior officer with the power of the commissioner. I want to see the *bona fides* of the Government and I wish that in the Bill itself the words "not below the rank of the permanent Deputy Commissioner" be inserted, so that there should be no uncertainty. Everybody should know that when he is going to appeal, he is going to appeal to an officer, senior to the officer, that has passed the order. That is my amendment, Sir, and with these remarks I move it.

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

That in proposed sub-section (3), line 3, between the words "officer" and "specially" the words "not below the rank of the permanent Deputy Commissioner," be inserted.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): Sir, I do not think I should reply to the remarks made by my honourable friend opposite. I have already made my point quite clear that the officer who will be appointed will be a senior officer and will be eligible to act for the commissioner. Therefore, the officer who will be selected will be of such a rank from our deputy commissioners who can act for the commissioner. How could it be possible to appoint raw youths or raw hands? There will be no difficulty as long as we have got senior officers of deputy commissioner's rank. But if we agree to the amendment, then will it mean that if we have not got senior officers of deputy commissioner's rank, we should not appoint any other officer if necessity arises? I think my honourable friend ought to rest assured that if an officer is to be appointed he should be a senior officer. In case we are not able to get a senior officer or a permanent deputy commissioner, does my honourable friend mean that we should not appoint even officiating deputy commissioners? If that is the intention of my honourable friend then we cannot accept his amendment.

We have got only 29 districts in the province and all the deputy commissioners are not permanent deputy commissioners. Some officers are holding the appointment of officiating deputy commissioners. Does it mean, Sir, that we should debar all these officers from being appointed? I think this is not the intention of my honourable friend. He should trust the Government and leave to the Government the matter of appointment of an officer who is to act for the commissioner or who is to help the commissioner from amongst the seniormost deputy commissioners. The Government has got sense enough to appoint an officer who will command the confidence of the people.

Munshi Hari Lal : It has been said, Sir, that the deputy commissioner, who will be invested with this power, will be a senior deputy commissioner. My contention is that he should be a permanent deputy commissioner and not an officiating deputy commissioner. An officiating deputy commissioner may be an assistant commissioner of only one or two years' standing. I have seen assistant commissioners of two or three years' standing holding charge of districts and exercising powers of appeal. But when the question has got to be decided finally by the commissioner, because under the Debtors' Protection Act, orders of commissioners are going to be final, the appeal should be to a sufficiently senior officer. I request the Honourable Revenue Minister to save us from the assistant commissioners of two or three years' standing, who may be holding charge of districts and according to him they may be officiating deputy commissioners and thus sitting as appellate officers. No. What I submit is that the power should be restricted. The Government should

5 P. M.

invest that officer with the powers of commissioner who is really capable of exercising the powers of commissioner and who has exercised the powers of a collector for a number of years and who is well conversant with the execution of decrees and with the revenue law. That is my submission. The Government says in one word that they will appoint a senior officer and when I say that a senior officer of the rank of a permanent deputy commissioner should be inserted in the Bill, they come forward and object. As was remarked by my honourable friend Rai Bahadur Mr. Mukand Lal Puri, I do not consider this a measure to be affected by any politics. I say that in order to ensure justice, in order to inspire confidence in the people, we should have an officer of a senior rank and I submit again that the Government will be well advised in accepting my amendment.

Mr. Deputy Speaker : The question is—

That in proposed sub-section (3), line 3, between the words "officer" and "specially" the words "not below the rank of the permanent Deputy Commissioner" be inserted.

The Assembly divided : Ayes 88, Noes 62.

AYES.

Bhagat Ram Choda, Lala.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.

Dev Raj, Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.

Gauba, Mr. K. L.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapeor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.

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.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Ahmad Yar Khan, Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Mohammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.

Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 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 Captain Malik.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Shahadat Khan, Khan Sahib Rai.

Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honour-
 able Dr. Sir
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar..

Mr. Deputy Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Mr. Deputy Speaker : The amendment to clause 4 proposed to be moved by Munshi Hari Lal being a new clause, I would request the honour-
 able member to ask for leave of the House under Rule 102.

Munshi Hari Lal : Sir, I ask for leave to move this clause.

Mr. Deputy Speaker : Is there any objection to leave being granted so far as this new clause is concerned ?

Minister for Revenue : I object to it.

Munshi Hari Lal : Sir, I feel some defect in the Act which is now going to be amended. Powers are going to be given to the Financial Commissioner and I want that this Punjab Debtors' Protection Bill should be brought into line with the revenue law. My submission is that under the Debtors' Protection Act, orders passed by the commissioner are final. In practice I have seen complicated questions of law arising. When a decision of the previous commissioner or the commissioner of another division is cited, it is rejected by the commissioner who says 'I am not bound by it, it is a co-ordinate authority'. This provision of a second appeal is in accordance with the revenue law which will give great satisfaction to the litigants and it will also add to the prestige of the commissioners as well as the deputy commissioners. It does not conflict with the principle of the Bill that is now on the anvil. The mover of the Debtors' Protection Bill wants to give some powers to the Financial Commissioner. My point is that if powers are going to be given to the Financial Commissioner, let those powers be larger than they are contemplated in this Bill. It will not conflict with the principle of the proposed Bill if the power is given to the Financial Commissioner to hear a second appeal in certain cases, and not in all cases. I, therefore, submit that leave be granted to move this clause.

Mr. Deputy Speaker : The question is—

That leave be granted to move the new clause.

The motion was lost.

That before the proposed section 6-A, the following be added—

6-A. A second appeal shall lie to the Financial Commissioner if the original order passed by the Collector is modified or reversed on appeal by the Commissioner.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): Sir, The amendments of which I have given notice are purely of a verbal character. My first amendment relates to line 4, the sub-section proposed reads as follows :—

The Financial Commissioner may, at any time, call for and examine the record of any order of or the proceedings recorded by—

Instead of 'order of' my amendment is 'order passed' and instead of 'or the proceedings recorded' my amendment is 'or proceedings taken'. Therefore, under my amendment the first four lines will read thus :—

The Financial Commissioner may, at any time, call for and examine the record of any order passed or proceedings taken.....

So far as line 5 is concerned, my amendment is 'the proceedings taken by the Collector or the Commissioner'. My amendment seeks to delete the words 'Deputy Commissioner' from line 5. The reason is very simple. I have looked at the Punjab Debtors' Protection Act, 1936 and the only officer who is mentioned there is either the collector or the commissioner. The words 'Deputy Commissioner' nowhere occurs in the various sections of the principal Act except in section 3, which defines a collector to "mean the deputy commissioner of a district or any officer specially empowered by the Local Government to exercise the powers of a Collector".

Munshi Hari Lal : On a point of order. Are all these amendments going to be moved at one time ?

Mr. Deputy Speaker : He will move the first amendment, but because all these amendments are of a formal nature, he can discuss them together. However all these amendments will be moved separately and voted upon separately.

Malik Barkat Ali : I was submitting that in the original Act the word 'Deputy Commissioner' nowhere occurs. The word, which is throughout used in various sections is the word "Collector" and as section 6-A is intended to be put after section 6 by means of this Bill, it is in the fitness of things that the word 'Deputy Commissioner' be deleted from line 5 and the word "Collector" be inserted in its place. Then Sir, in the next line, the words that I seek to introduce are 'under this Act'. To make my object clear, the sub-section as the result of my amendments will read thus:—

The Financial Commissioner may, at any time, call for and examine the record of any order passed or proceedings taken by the Collector or the Commissioner under this Act for the purpose of satisfying himself as to the legality or propriety of such order.....

"Then I would like to delete the words 'the regularity of' in line 9.

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

I was trying to explain my various amendments and as these amendments are very intimately connected, I am making a speech to cover *en bloc* the formal motions regarding the separate amendments which I will move later under the orders of the Deputy Speaker. My next amendment is that the word 'any' in "any such order" be deleted. Similarly the words 'in reference thereto' be deleted and the word 'thereon' be substituted. These are purely verbal amendments. I trust the Honourable Revenue

Minister in charge of the Bill will accept these purely verbal alterations. The sub-section will read as follows if my amendments are accepted :—

The Financial Commissioner may, at any time, call for and examine the record of any order passed, or proceedings taken by the Collector or the Commissioner under this Act for the purpose of satisfying himself as to the legality or the propriety of such order or proceedings and may pass such order thereon as he may think fit.

I now formally propose my first amendment—

That in the proposed section 6-A, line 4, for the word 'of' the word 'passed' be substituted.

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

That in the proposed section 6-A, line 4, for the word 'of' the word 'passed' be substituted.

Munshi Hari Lal : On a point of order. You will kindly see that my amendment is also the same as the amendment proposed by my honourable friend Malik Barkat Ali. Shall I speak now or later on? My amendment is to the same effect that in line 5 of the proposed section 6-A, for the words 'Deputy Commissioner' the word 'Collector' be substituted.

Mir Maqbool Mahmood : On a point of order. I understand that you have only put forward amendment No. 1 of Malik Barkat Ali and that is the amendment now before the House. When amendment No. 4 is taken up that would be the stage for the honourable member to bring forward his amendment. The amendment to which he has referred is No. 4 that for the words 'Deputy Commissioner' the word "Collector" be substituted.

Malik Barkat Ali : That relates to line 5 which has not been put forward.

Revenue Minister : I accept the amendment.

Mr. Speaker : The question is—

That in the proposed section 6-A, line 4, for the word 'of' the word 'passed' be substituted.

The motion was carried.

Malik Barkat Ali : I beg to move—

That in the proposed section 6-A, line 4, the word 'the' be deleted.

The motion was carried.

Malik Barkat Ali : I beg to move—

That in the proposed section 6-A, line 4, for the word 'recorded' the word 'taken' be substituted.

The motion was carried.

Malik Barkat Ali : I beg to move—

That in the proposed section 6-A, line 5, for the words 'Deputy Commissioner' the word 'Collector' be substituted.

The motion was carried.

Malik Barkat Ali : I beg to move—

That in the proposed section 6-A, line 6, between the words 'Commissioner' and 'for' the words 'under this Act' be inserted.

The motion was carried.

Malik Barkat Ali : I beg to move—

That in the proposed section 6-A, line 9, the words 'the regularity of' be deleted.

The motion was carried.

Malik Barkat Ali : I move—

That in the proposed section 6-A, line 10, the word 'any' be deleted.

The motion was carried.

Malik Barkat Ali : I move—

That in the proposed section 6-A, line 11, for the words 'in reference thereto' the word 'thereon' be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : The next motion is not on the agenda. I, therefore, seek your permission to move it.

With your permission I move—

That the Punjab Debtors' Protection (Amendment) Bill as amended be passed.

The motion was carried.

Mr. Speaker : Is it the pleasure of the House that the business of the day may be interrupted and the House adjourned?

The Assembly signified its assent and accordingly adjourned till 12 noon on Thursday, 26th October, 1939.

APPENDIX.

Vide page 7 ante.

PRESS SECURITIES DEMANDED OR CONFISCATED.

***4732. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing the names of the newspapers and presses from which securities have been demanded as well as the names of the papers and presses whose securities have been confiscated under the Press Emergency Act since 1st April, 1937, and also state the amounts of securities so demanded or confiscated in each case?

The Honourable Major Sir Sikander Hyat-Khan : Statements giving the required information are laid on the table.

**STATEMENT SHOWING THE NAMES OF NEWSPAPERS AND PRINTING PRESSES:
FROM WHOM SECURITIES WERE DEMANDED WITH AMOUNTS UNDER
ACT XXIII OF 1931, FROM 1ST APRIL 1937 TO 31ST MARCH, 1939.**

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST APRIL 1937 TO 31ST DECEMBER, 1937.

(a) Newspapers.

		Rs.
1	Shani-Haq (Gujranwala)	1,000
2	Vedic Magazine (Jullundur) ..	500
3	Sadaqat (Gujrat)	500
4	Shola (Ferozepore)	1,000
5	Sabri (Lahore)	300
6	Azad Bharat (Lahore)	1,000
7	Muimma (Lahore)	300
8	Kirti Kisan (Lahore)	1,000
9	Bande Matram (Lahore)	1,000
10	Kundan (Lahore)	1,000
11	Naqqad (Lahore)	500
12	Kaumdi (Lahore)	1,000
13	Azad Hind (Lahore)	1,000
14	New India (Lahore)	1,000
15	Salar (Lahore)	250
16	Film Saz (Lahore)	250
17	Ashiana (Lahore)	500
18	Krishen (Lahore)	500
19	Shandar Akbar (Lahore)	1,000
20	Mira (Lahore)	500
21	Kausar (Lahore)	1,000
22	Nafas Tandusti (Lahore)	1,000
23	Morning Post (Lahore)	200
24	Sikandar (Lahore)	500
25	Railway Worker (Lahore)	500
26	Hub-i-Watan (Lahore)	500

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1st APRIL 1937 TO 31st DECEMBER, 1937—continued.

(a) Newspapers—continued.

		Rs.
27	Tarjuman-i-Muslim League (Lahore) ..	500
28	Mazdur (Lahore)	1,000
29	Subah-i-Watan (Lahore)	750
30	Sansar (Lahore)	500
31	Hatifi (Lahore)	500
32	Mukhbir (Lahore)	500
33	Shilpi (Lahore)	100
34	Nida-i-Islam (Lahore)	500
35	Hamari Shikayat (Lahore)	300
36	Nigar (Lahore)	250
37	Progressive (Lahore)	500
38	Hind weekly (Lahore)	300
39	Bajrang Sewak (Rawalpindi) ..	500
40	Salik (Rawalpindi)	500
41	Madina (Rawalpindi)	500
42	Daily News (Rawalpindi)	500
43	Kah Kashan (Rawalpindi)	500
44	Wahan (Gujranwala)	1,000
45	Daily Deepak (Gujranwala)	1,000
46	Sewak (Ferozepore)	1,000
47	Jai Bharat (Multan)	1,000
48	Dhanesh (Multan)	1,000
49	Mashir (Multan)	300
50	Dukhi Dunia (Jullundur)	1,000
51	Al Ansar (Jullundur)	500
52	Adatoon (Jullundur)	500
53	Sarjhiwal (Jullundur)	1,000

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST APRIL 1937 TO 31ST DECEMBER 1937—continued.

(a) Newspapers—concluded.

		Rs.
54	Doaba Gazette (Jullundur) ..	1,000
55	Dukhi Dunia (Urdu) (Amritsar) ..	1,000
56	Matwala Sher (Amritsar) ..	1,000
57	Ranjit Bema (Amritsar) ..	250
58	Lal Kitab (Amritsar) ..	250
59	Bir (Amritsar) ..	1,000
60	Aftab (Amritsar) ..	250
61	Sewak (Amritsar) ..	500
62	Wafadar (Amritsar) ..	250
63	Prem (Amritsar) ..	200
64	Chand (Lyallpur) ..	1,000
65	Prabhat (Lyallpur) ..	1,000
66	Azadi (Hoshiarpur) ..	1,000
67	Aurat (Gurdaspur) ..	500
68	Al-Musleh (Gurdaspur) ..	1,000
69	Comrade (Gurdaspur) ..	1,000
70	Milap (Lahore) ..	3,000
71	Siyasat-i-Jadid (Lahore) ..	5,000
72	Siyasat-i-Nau (Lahore) ..	5,000

(b) Printing Presses.

1	Nami Press, Lahore ..	1,000
2	Aftab Barqi Press, Lahore ..	500
3	Nazi Printing Press, Amritsar ..	500
4	Lakshmi Art Steam Press, Rawalpindi ..	500
5	Sarwanand Press, Bhiwani, Hissar ..	500
6	Shri Ambika Press, Bhiwani, Hissar ..	500
7	Ranvir Press, Lahore ..	500
8	Jagjit Electric Press, Lahore ..	500

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST APRIL 1937 TO 31ST DECEMBER 1937—concluded.

(b) *Printing Presses*—concluded.

		Rs.
9	Handa Press, Jullundur	500
10	Mercantile Press, Rawalpindi	500
11	Bharat Printing Press, Moga	500
12	Crescent Press, Gujrat	500
13	Azad-i-Hind Press, Lahore	1,000
14	Hedjazi Press, Lahore	1,000
15	Nurani Electric Press, Lahore	1,000
16	Amar Printing Press, Batala, Gurdaspur	500
17	Alamgir Electric Press, Lahore	500
18	Mohan Art Press, Lahore	1,000
19	Arorbans Press, Lahore	250
20	Pratap Press, Lahore	1,000
21	Awtar Printing Press, Ferozepore	2,000
22	Ferozepore Printing Press, Ferozepore	1,000
23	Punjab Art Press, Ferozepore	1,000
24	Watan Printing Press, Ferozepore	500
25	Naurang Printing Press, Montgomery	1,000
26	Prem Press, Multan	2,000
27	Gopi Chand's application to start a press at Multan	2,000
28	Punch Press, Amritsar	250
29	Pandit Phul Chand's application to start a press at Hissar.	500
30	Sasta Art Press, Jullundur	500
31	Aggarwal Printing Press, Handi Dalwari, Hissar.	500
32	Pindi Printing Press, Rawalpindi	300

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1st JANUARY, 1938 TO 31st DECEMBER, 1938.

(a) Newspapers.

			Rs.
1	Al-Maida (Lahore)	500	
2	Pashtu (Lahore)	500	
3	Pratap (Lahore)	2,000	
4	Wir Bharat (Lahore)	2,000	
5	Hindi Milap (Lahore)	500	
6	Shakti (Lahore).. ..	1,000	
7	Kranti (Lahore).. ..	1,000	
8	Malwa (Ferozepore)	1,000	
9	Hindu (Lahore)	500	
10	India and the World (Lahore)	1,000	
11	Railway Advocate (Lahore)	1,000	
12	Sitar-i-Subah (Lahore)	250	
13	Nidharak (Lahore)	1,000	
14	Sudhar of Jullundur (Lahore)	250	
15	Weekly Mirror (Lahore)	250	
16	Rah-i-Rast (Lahore)	500	
17	Financial World (Lahore)	250	
18	Model Town (Lahore)	250	
19	Lalazar (Lahore)	500	
20	State and Society (Lahore)	250	
21	Zam Zam (Lahore)	500	
22	Lok Mittar (Lahore)	1,000	
23	Azad Bharat (Lahore)	500	
24	Lutf-i-Shabab (Lahore)	500	
25	Jamhuriyat (Lahore)	200	
26	Mujahid (Lahore)	1,000	
27	Socialist (Lahore)	1,000	
28	Ahinsa (Lahore)	300	

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1938 TO 31ST DECEMBER, 1938—continued.

(a) Newspapers—continued.

		Rs.
29	Papi Dunia (Lahore)	200
30	Arorbans Samachar (Lahore) ..	500
31	Naya Chand (Lahore)	300
32	Alco Publication (Lahore)	200
33	Iqbal (Lahore)	500
34	Bharat Milap (Lahore)	500
35	Ziafat (Lahore)	500
36	Shahji (Lahore)	1,000
37	Parwaz (Lahore)	1,000
38	Ittihad-i-Millat (Lahore)	1,000
39	Bir Biragi (Lahore)	1,000
40	Monday Chronicle (Lahore) ..	500
41	Akali Darbar (Lahore)	200
42	Pritam Patrika (Lahore)	200
43	Vishwa Pratap (Lahore)	1,000
44	Tauhid (Lahore)	1,000
45	Qalandar (Lahore)	1,000
46	Kaljug (Lahore)	1,000
47	Arjan (Lahore)	500
48	Students Advocate (Lahore) ..	1,000
49	Jan-i-Watan (Lahore)	500
50	Arya Patrika (Lahore)	1,000
51	Aj (Lahore)	1,000
52	Shaharya (Lahore)	300
53	Hind (Lahore)	1,000
54	Betab (Lahore)	500
55	Maktab (Lahore)	1,000
56	Balwan (Lahore)	500

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1938 TO 31ST DECEMBER, 1938—continued.

(a) Newspapers—continued.

		Rs.
57	Sacha Dhandora (Lahore)	1,000
58	Jiwan Prabhat (Lahore)	300
59	Akali (Lahore)	1,000
60	Jarrar (Lahore)	500
61	Sada-i-Congress (Lahore)	1,000
62	Dharmik (Lahore)	500
63	Jadid Naqqash (Lahore)	1,000
64	Naya Zamana (Lahore)	1,000
65	Raunaq (Lahore)	500
66	Gulshan-i-Hind (Lahore)	500
67	Naya Daur (Lahore)	1,000
68	Lahore Advocate (Lahore)	500
69	Bahar-i-Watan (Lahore)	1,000
70	Bir Kaslad (Lahore)	500
71	Kailash (Lahore)	500
72	Aftab (Multan)	1,000
73	Bedharak (Multan)	1,000
74	Haq (Multan)	300
75	Parbhat (Multan)	500
76	Hamdard (Rawalpindi)	500
77	Nurani (Rawalpindi)	500
78	Awaz (Rawalpindi)	1,000
79	Union (Rawalpindi)	500
80	Taraqqi (Rawalpindi)	500
81	Gunnah (Rawalpindi)	250
82	Al-Hilal (Rawalpindi)	500
83	Jamhur (Rawalpindi)	500
84	Roznama Sarhad (Rawalpindi)	1,000

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1938 TO 31ST DECEMBER, 1938—continued.

(a) Newspapers—continued.

		Rs.	
85	Swarajya (Rawalpindi)	1,000	
86	Sudhar (Rawalpindi)	500	
87	Chand (Rawalpindi)	500	
88	Student's World (Rawalpindi)	500	
89	Sinth Sagar (Rawalpindi)	500	
90	Al-Hakim (Rawalpindi)	500	
91	Ghalib (Rawalpindi)	500	
92	Punjab Gazette (Rawalpindi)	500	
93	Public (Rawalpindi)	500	
94	Rahbar (Rawalpindi)	300	
95	Frontier Advocate (Rawalpindi)	500	
96	Rast Guftar (Rawalpindi)	500	
97	Hindu Vir (Rawalpindi)	500	
98	Ittihad (Rawalpindi)	500	
99	Tofa-i-Qadian (Gurdaspur)	1,000	
100	Bijli (Ferozepore)	500	
101	Atish (Ferozepore)	300	
102	Sher-i-Malwa (Ferozepore)	500	
103	Parja Mittar (Ferozepore)	1,000	
104	Salar Weekly (Ferozepore)	200	
105	Ishtiaq (Ferozepore)	500	
106	Punjab (Amritsar)	250	
107	Aftab (Amritsar)	250	
108	Mashriq (Amritsar)	250	
109	Jagat Tamasha (Amritsar)	250	
110	Punjab Patrika (Amritsar)	250	
111	Punjab (Amritsar)	500	Orders were subsequently withdrawn.
112	Piara Bharat (Amritsar)	1,000	

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1938 TO 31ST DECEMBER, 1938—continued.

(a) Newspapers—continued.

		Rs.
113	Jahad (Amritsar)	1,000
114	Nirmal Sandesh (Amritsar)	1,000
115	Akali Samachar (Amritsar)	1,000
116	Nagma-i-Kohsar (Simla)	300
117	Muslim Students Magazine (Simla)	200
118	Roshani (Hoshiarpur)	500
119	Lok Mittar (Jullundur)	1,000
120	Nawin Dunia (Jullundur)	1,000
121	Bharat Mata (Jullundur)	500
122	Prem Lehr (Jullundur)	500
123	Istri Jiwan (Jullundur)	1,000
124	Azad (Multan)	500
125	Ravi (Lyallpur)	1,000
126	Al-saif (Lyallpur)	500
127	Vijai Bharat (Lyallpur)	1,000
128	Eastern Star (Lyallpur)	1,000
129	Film Advertiser (Lyallpur)	500
130	Achhut Samachar (Lyallpur)	1,000
131	Machinery and Allied Trade (Lyallpur)	500
132	Khalsa Bir (Lyallpur)	1,000
133	Sethi Advertisement (Lyallpur)	500
134	Competition Guide (Gujranwala)	1,000
135	Panth Sewak (Gujranwala)	500
136	Malwai Sher (Ludhiana)	1,000
137	Parja Sandesh (Ludhiana)	500
138	Desh Bhagat (Ludhiana)	1,000
139	Shaitan (Ludhiana)	500
140	Filmi Sansar (Ludhiana)	250

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1938 TO 31ST DECEMBER, 1938—concluded.

(a) Newspapers—concluded.

			Rs.
141	Aftab (Ludhiana)	250	
142	Hindustani (Ludhiana)	500	
143	Malwa Patrika (Ludhiana)	1,000	
144	Desh Bhagat (Ludhiana)	1,000	
145	Vir Punjab (Rawalpindi)	500	
146	Ihsan (Lahore)	2,000	
147	Akali Patrika	3,000	

(b) Printing Presses.

1	Ittihad Press, Lahore	500	Orders were subsequently withdrawn.
2	Vir Milap Press, Lahore	500	
3	Iqbal Barqi Press, Gujrat	1,000	
4	Ramesh Press, Lahore	1,000	
5	Mercantile Press, Lahore	1,000	
6	Azad-i-Hind Press, Lahore	1,000	
7	Mukhtar Press, Amritsar	1,000	
8	Moti Press, Amritsar	500	
9	Batala Electric Press, Gurdaspur	500	
10	Mehtab Barqi Press, Hissar	500	
11	Universal Press, Jullundur	1,000	
12	Standard Press, Jullundur	1,000	
13	Ranjit Electric Press, Multan	1,000	
14	Allied Presses, Lahore	1,000	
15	Doctor Press, Lahore	500	
16	New Naqqash Press, Lahore	1,000	
17	Vir Milap Press, Lahore	1,000	
18	Diwan Printing Press, Lahore	2,000	
19	Nami Press, Lahore	2,000	
20	Akali Patrika Press, Lahore	3,000	

Serial No.	Name of Newspaper or Printing Press,	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1939 TO 31st MARCH, 1939.

(a) Newspapers.

		Rs.
1	Gujranwala Gazette (Gujranwala) ..	1,000
2	Dur-i-Najof (Lodre, District Sialkot) ..	500
3	Shanti (Lahore)	1,000
4	Arya Vir (Lahore)	1,000
5	Dur-i-Yatim (Jullundur)	500
6	Prabhat (Jullundur)	500
7	Jamalistan (Simla)	500
8	Simla Hill States (Simla)	1,000
9	Sadiq (Multan)	500
10	Namundah (Multan)	1,000
11	Marn Martand (Gurgaon)	1,000
12	Sanatan Jagat (Jhang)	1,000
13	Ittihad (Ludhiana)	500
14	Nairang-i-Alam (Ludhiana)	500
15	Foreign Friends Magazine (Ludhiana) ..	500
16	Dukhi Mazdur (Lahore)	1,000
17	Rishi (Lahore)	500
18	New India (Lahore)	1,000
19	Nirla Jug (Lahore)	1,000
20	Naujwan (Lahore)	1,000
21	Morning Star (Lahore)	500
22	Prem (Lahore)	500
23	Shahkar (Lahore)	500
24	Maharaja Bahadur (Lahore)	1,000
25	Punjabi Herald (Lahore)	500
26	Bijli (Lahore)	1,000
27	Sarshar (Lahore)	500
28	Premi Dunia (Lahore)	500

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1939 TO 31ST MARCH, 1939—continued.

(a) Newspapers—continued.

		Rs.	
29	Sanat-o-Tijarat (Lahore)	500	
30	Saif (Lahore).	500	
31	Shahbaz (Lahore)	1,000	On reconsideration the security order was withdrawn by District Magistrate, Lahore.
32	Alap (Lahore)	500	
33	Congressman (Lahore)	1,000	
34	Hindu (Lahore)	500	
35	Hedjaz (Lahore)	500	
36	Nai Awaz (Lahore)	1,000	
37	Faruq (Lahore)	500	
38	Chittar Kar (Lahore)	500	
39	Khalifa-tul-Aziz (Lahore)	500	
40	Film Director (Lahore)	500	
41	Corporation (Lahore)	1,000	
42	Panth Sewak (Lahore)	1,000	
43	Tajdid-i-Ahd (Lahore)	1,000	
44	Vidya Sagar (Lahore)	500	
45	Muawan (Lahore)	1,000	
46	Indo Beauty (Lahore)	500	
47	Ur Washi (Lahore)	500	
48	Matric Magazine (Lahore)	500	
49	Indian States (Lahore)	500	
50	Kamal (Lahore).. ..	500	
51	Naqib (Lahore)	500	
52	Al-Rafiq (Lahore)	500	
53	Sajjan (Lahore)	500	
54	Muawin-i-Police (Lahore)	500	

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1939 TO 31ST MARCH, 1939.—continued.

(a) Newspapers—concluded.

		Rs.	
55	Punjab Medical World (Lahore)	500	
56	Labour Commander (Lahore)	500	
57	Railway Voice (Lahore)	500	
58	Almas (Rawalpindi)	1,000	
59	Punjab Advocate (Rawalpindi)	500	
60	Marhatta Vir (Rawalpindi)	500	
61	Marhatta (Rawalpindi)	500	
62	Prabhat (Rawalpindi)	500	
63	Mazlum (Rawalpindi)	500	
64	Al-Jamiyat (Rawalpindi)	500	
65	Masih-ul-Hind (Rawalpindi)	500	
66	Shafa-ul-Mulak (Rawalpindi)	500	
67	Gaur Brahman (Rohtak)	1,000	
68	Mahajan (Lyallpur)	1,000	
69	Nirmal Sandesh (Amritsar)	1,000	
70	Dukh Bhanjan (Amritsar)	500	
71	Prem Sansar (Amritsar)	1,000	
72	Arman (Amritsar)	500	
73	Dastkari (Amritsar)	500	
74	Ittifaq (Amritsar)	500	
75	Farwaz (Amritsar)	1,000	
76	Beopar Sandesh (Hissar)	500	
77	Risala Guru Nanak (Sialkot)	300	Orders were subsequently withdrawn.
78	Ror Gazette (Karnal)	500	
79	Qalandar (Ferozepore)	1,000	
80	Vayapak (Ferozepore)	500	
81	Application of Tikaya Ram to start a newspaper at Multan	500	

Serial No.	Name of Newspaper or Printing Press.	Amount of security demanded.	REMARKS.
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1ST JANUARY, 1939 TO 31ST MARCH, 1939—concluded.

(b) *Printing Presses.*

		Ra.	
1	Punjab Educational Printing Press, Lahore.	500	
2	Sabir Electric Press, Lahore ..	500	
3	Virjanand Press, Lahore ..	2,000	
4	Ittihad Press, Lahore ..	1,000	The management filed an application in the High Court. It was accepted and the demand order was set aside. Consequently security was refunded to the keeper.
5	Amrit Electric Press, Lahore ..	1,000	Ditto ditto.
6	Standard Press, Jullundur ..	1,000	
7	Sanai Barqi Press, Amritsar	2,000	
8	Punjab Press, Jullundur ..	500	
9	Victoria Printing Press, Jullundur ..	500	
10	Imperial Printing Press, Ludhiana ..	500	
11	Victoria Press, Rawalpindi ..	500	
12	Commercial Electric Press, Batala, District Gurdaspur.	500	
13	Diwan Printing Press, Lahore ..	2,000	
14	Nami Press, Lahore ..	3,000	
15	Diwan Printing Press, Lahore	2,500	

**STATEMENT SHOWING THE NAMES OF NEWSPAPERS AND PRINTING PRESSES
WHOSE SECURITIES WERE CONFISCATED WITH AMOUNTS FORFEITED
UNDER ACT, XXIII OF 1931 (FROM 1ST APRIL, 1937, TO 31ST MARCH, 1939).**

Serial No.	Name of Newspaper or Printing Press.	Amount of security confiscated.	REMARKS.
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(a) Newspapers.

		Rs.	
1	Kirti Gurmukhi (Amritsar) ..	2,000	
2	Siyasat (Lahore) ..	3,000	
3	Ihsan (Lahore) ..	500	Orders were subsequently revoked.
4	Milap (Lahore) ..	1,000	
5	Akali Patrika (Lahore) ..	500	
6	Ihsan (Lahore) ..	500	
7	Arya Musafir (Lahore) ..	1,000	Management filed an application in the High Court which was accepted and the forfeiture order was set aside.

(b) Printing Presses.

8	Siyasat Electric Press, Lahore ..	1,000	
9	Nav Yug Press, Lahore ..	1,000	
10	Diwan Printing Press, Lahore ..	1,000	
11	Nami Press, Lahore ..	1,000	Management filed an appeal in the High Court which was accepted and the forfeiture order was set aside.
12	Nami Press, Lahore ..	1,000	
13	Akali Patrika Press, Lahore ..	500	
14	Hindu Art Press, Lahore ..	1,000	
15	Diwan Printing Press, Lahore ..	500	

PUNJAB LEGISLATIVE ASSEMBLY.
SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE
ASSEMBLY.

Thursday, 26th October, 1939.

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

STARRED QUESTIONS AND ANSWERS.

COMPLAINTS OF ZAMINDARS OF GUJRANWALA DISTRICT.

***4381. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state whether he has recently received any complaints from the zamindars of the *ilaga* in January, 1939, against the digging of *Sem Nali* No. 7, Head Marala in the Gujranwala district; if so, the action he has taken in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes.

Second part.—The complaint has been investigated very thoroughly and there is no justification for dropping the scheme to construct this drain as the sub-soil water level rises alarmingly after a year of heavy rainfall and if a drain is not built much valuable land will be endangered. It is, however, proposed to give priority to other schemes much in demand by the public and defer construction of the top reach of the drain for a couple of years.

Sardar Sohan Singh Josh : May I ask whether the honourable Parliamentary Secretary is aware of the fact that in connection with the digging of *Sem Nali* the officials concerned pitch flags in different fields at different times in order to exact illegal gratifications from the poor zamindars?

Parliamentary Secretary : After all these flags have to be pitched in fields. You cannot pitch them in air. However, there is no intention of intimidating or harassing anybody.

Sardar Sohan Singh Josh : What I want to ask is whether any illegal gratification has been exacted by the Government officials?

Minister : We have no information on that subject.

RAILWAY CONCESSION RATES FOR TRANSPORT OF FODDER.

***4474. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the Ambala district has not been favoured with railway concession rates for transport of fodder imported from other parts of the Punjab if so, the reasons therefor and the action that Government intends to take in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, because there has been no scarcity of fodder.

Lala Duni Chand : May I know if, in view of the transport difficulties in the Ambala district owing to the fact that the entire district is full of hill torrents, that district is not all the more entitled to a more favourable treatment in the form of railway concession?

Parliamentary Secretary : This has no connection whatsoever with the original question.

Lala Duni Chand : Does the Parliamentary Secretary deny that a larger part of the Ambala district is suffering from fodder scarcity ?

Parliamentary Secretary : The honourable member is referring to a question which has not been asked.

Lala Duni Chand : I am putting a question regarding fodder scarcity.

Diwan Chaman Lall : Is it not a fact that the question relates to scarcity of fodder in the Ambala district and railway concession not having been granted in regard to the importing of fodder into the district ?

Parliamentary Secretary : My difficulty was how to connect it with torrents.

Diwan Chaman Lall : Is it not a fact that the honourable member is alleging that the scarcity of fodder is due to hill torrents ? Is there a scarcity of fodder in the Ambala district ?

Parliamentary Secretary : No.

Lala Duni Chand : Is it not a fact that because Ambala district is interspersed with hill torrents, there are these transport difficulties ? Does he deny that ?

Parliamentary Secretary : I do not deny. It is probably true. What I said was that the Government did not think it necessary to consider the question of railway concession in that district because the fodder was enough.

Lala Duni Chand : What is the source of information of the honourable member for this allegation ?

Parliamentary Secretary : It is official.

REMISSION OF LAND REVENUE IN AMBALA DISTRICT.

***4475. Khao Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state, whether with reference to part (a) of my unstarred question 545 regarding failure of crops in half the sown area of Ambala district, the Government is prepared to remit or suspend the land revenue ; if so, the details of the concessions proposed to be granted to the zamindars of that area ; and if no concessions are proposed to be granted, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Rupees 1,70,738 were suspended and Rs. 18,232 remitted.

DAMAGE FROM HAILSTORMS.

***4489. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names of the villages in the Amritsar district, having suffered damage from the last hailstorm in the month of February, 1939 ;
- (b) the extent of damage in each village ;
- (c) the remission in land revenue, if any, granted to the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A statement is laid on the table.

AMRITSAR DISTRICT.

Statement showing details of damage done by hailstorm on 16th February, 1939, 28th February, 1939, 1st March, 1939, 30th March, 1939 and 6th April, 1939, in the villages of the Amritsar district and relief given thereon.

Name of village.	DETAIL OF DAMAGE.		Land Revenue remitted.
	Total sown area in acres.	Acres of crops destroyed by hailstorm.	
1	2	3	4
			Rs.
Banchari	747	28—91	35
Pandori	731	149—82	189
Mehman	443	15—77	22
Jhita Khurd	287	19—11	23
Bhagupura	260	6—51	10
Jhita Kalan	1,291	3—93	6
Rakh Jhita	946	24—91	33
Varpal	2,470	43—75	80
Ibban Kalan	833	259—74	340
Thanda	389	37—73	51
Fatehpur	956	90—97	130
Kot Said Mahmud	780	4—57	6
Mandiala	1,321	58—72	79
Bhom	600	24—40	36
Chak Mokand	443	19—95	30
Khasa	342	86—60	121
Khurmanian	335	1—30	2
Kathanian	808	26—61	27
Bal Sarai	371	17—66	15
Varaich	375	17—46	13
Total of Tahsil Amritsar .. ..	..	..	1,224

[Raja Ghazanfar Ali Khan.]

Name of village.	DETAIL OF DAMAGE.		Land Revenue remitted.
	Total sown area in acres.	Acres of crops destroyed by hailstorm.	
			Rs.
Boparai Khurd	292	45—00	50
Boparai Kalan	280	32—00	39
Chhiddan	570	18—00	18
Jasra-Ur	1,362	84—00	52
Ghogha	279	41—00	54
Bhindiaulakh Khurd	973	13—00	22
Tenana	151	5—00	6
Jhonj	370	10—00	14
Total of Tahsil Ajnala .. ..	..	..	255
Rataul	854	1—44	1
Sheikh	410	2—39	2
Jeobala	1,139	6—46	5
Tappa	209	10—17	7
Bargeri	315	50—55	34
Keron	2,152	127—77	109
Gopala	319	24—76	21
Koharkar	562	7—33	6
Jaura	1,264	36—65	95
Kot Dharam Chand Kalan	1,178	45—55	40
Manoochahal	2,395	52—38	46
Chicha	575	212—00	210
Bhakna Khurd	3,932	88—45	84
Kasal	2,410	29—00	34
Rakh Sarai Amanat Khan	199	48—18	39
Mahmudnagar	269	7—23	8
Nathupur	233	359—95	335
Malowal	318	48—66	50

Name of village.	DETAIL OF DAMAGE.		Land Revenue remitted.
	Total sown area in acres.	Acres of crops destroyed by hailstorm.	
1	2	3	4
			Rs.
Bhakna Kalan	614	137—00	139
Chandhiwala	709	245—49	213
Bhathel Bhaike	596	317—41	268
Kishangarh	221	118—54	91
Phailoke	802	109—91	92
Kot Muhammad Khan	321	39—84	32
Naushera Pannuan	2,447	26—99	22
Nandpur	978	94—87	83
Durgapur Gharbi	416	58—07	44
Durgapur Sharqi	67	34—36	26
Thathian	922	312—28	240
Varjah	788	32—46	28
Sirhali Kalan	4,707	629—80	521
Dhader	389	15—50	11
Pandori Sidhuwan	763	3—1	3
Pandori Hasan	469	2—97	4
Total of Tarn Taran tahsil .. ..	..	..	2,943
TOTAL OF THE AMRITSAR DISTRICT .. ..	..	..	4,422

APPLICATION OF S. SAJJAN SINGH OF VILLAGE MAKHI KHURD
REGARDING REMISSION IN ABIANA.

*4678. **Mr. Dev Raj Sethi** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Sardar Sajjan Singh and other cultivators of village Makhi Khurd, tahsil Kasur, district Lahore, submitted an application, dated 26th February, 1939, to the Executive

[Mr. Dev Raj Sethi.]

Engineer, Jandiala division, Amritsar, requesting that the *abiana* of the crops damaged or destroyed by the recent hailstorms be remitted ;

- (b) if the answer to (a) above be in the affirmative, was a field to field inspection made by the canal authorities and the decision, if any, arrived at by the Government about remission in *abiana* ?

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

(b) Field to field inspection has been made and 34 acres have been fully remitted and 55 acres given half remission, the total remission amounting to Rs. 255.

REALIZATION OF LAND REVENUE FROM OWNERS OF HOUSES IN NEW ABADIS, LAHORE.

***4802. Begum Rashida Latif Baji** : Will the Honourable Minister of Revenue be pleased to state whether the Government is aware of the fact that the owners of houses in the new *abadis* in the neighbourhood of Lahore are still paying land revenue ; if so, why ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes, town lands are liable to pay land revenue under the Land Revenue Act, provided they have previously been so assessed. Only ancient town sites which have never before been assessed are exempt from assessment. Attention is also invited to the instructions in Appendix XV to the Punjab Settlement Manual.

IRRIGATION OF LAND ALONG THE KOKRI KALAN ILAQA.

***4804. Sardar Rur Singh** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether arrangements for irrigation of land along the Kokri Kalan *ilaga* were considered and finally settled by Government ;
- (b) whether the people of the said *ilaga* were informed that a minor will shortly be dug up for the purpose ;
- (c) whether in pursuance of the above-mentioned programme the survey was completed ;
- (d) whether the scheme has been abandoned ;
- (e) the reasons, if any, if the reply to (d) above be in the affirmative ;
- (f) if reply to (d) be in the negative, the reasons of delaying the scheme ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A scheme has been prepared for a distributary for this area.

(b) and (c) Yes.

(d) No.

(e) Does not arise.

(f) Delay is on account of many land-owners protesting against the minor being taken through their lands leading to alternative alignments.

(This supersedes the reply given in April, 1939.)

Sardar Rur Singh : Will the honourable Parliamentary Secretary please state how much time will this survey operation take to complete ?

Parliamentary Secretary : I cannot give any exact date, but the reason for the delay is that the zamindars object to the canal passing through their lands and consequently the Government has to resort to alternative alignments.

Sardar Rur Singh : Has the Government recently received any representation to the effect that this survey operation may be completed immediately ?

Parliamentary Secretary : I have already stated that the Government is doing all that is possible to expedite the matter.

REPRESENTATION OF JANDIALA ILAQA.

***4806. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether inhabitants of eight villages of *ilaqa* Jandiala, district Amritsar, have recently submitted a representation to him on the subject of damage to their crops by hailstorm and praying for relief ; if so, action taken or intended to be taken in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes.

Remissions amounting to Rs. 551 and taccavi amounting to Rs. 560 have been granted.

REMISSION IN LAND REVENUE TO AGRICULTURISTS OF FEROZEPUR DISTRICT.

***4809. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government has given any remission in land revenue for the past *kharif* crops to the agriculturists of the Ferozepore district ; if not, reasons for the same ;

(b) if the answer to (a) above be in the affirmative, the names of villages and the amount remitted in each case respectively ?

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

(b) *Name of villages.* *Amount remitted.*

					Rs. A. P.
Zira	..	..	..	..	171 14 3
Nawan Zira	..	..	..	..	124 9 9
Botianwala	..	..	..	..	26 10 9
Naurang Singh Wala	..	..	..	..	218 18 0
Total	..	..	..	..	596 15 9

TUBE-WELLS IN HISSAR, GURGAON AND ROHTAK DISTRICTS.

***4825. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government has considered the question of sinking tube-wells in the arid areas of Hissar, Gurgaon and Rohtak districts, if so, where and with what result ;
- (b) what special steps the Honourable Minister has taken so far to relieve the inhabitants of Jhajjar tahsil from the hardship of drought conditions ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes, but the investigation showed that the high cost of sinking the very deep wells which would be necessary in Hissar was not commensurate with the prospects of success. Government decided, therefore, to investigate an alternative method of giving relief to some of the areas mentioned, viz., by supplementing supplies in the Western Jumna Canal from tube-wells. This investigation will shortly be concluded and reported on. Government are not in a position to formulate any definite policy until the report is received.

(b) Suspension and remission of land revenue have been granted. Test works and spinning centres have been opened to provide employment and relief to the needy. Taccavi is being given on a liberal scale for the maintenance of bullocks, camels, breeding cows and milch cattle. Stud bulls are being maintained by means of Government subsidies.

Pandit Shri Ram Sharma : May I know if the Government is going to adopt any measure for supplying canal water to tahsil Jhajjar ?

Minister for Revenue : Yes. Government is taking steps to supply canal water to the said *Ilaga*.

Pandit Shri Ram Sharma : How long will it take ?

Minister : I cannot tell my honourable friend the exact date. He may be aware of the fact that before giving the exact date the Government have got many things to do. For instance, survey work is to be done and therefore this matter has to come before this Assembly in the shape of a demand.

Pandit Shri Ram Sharma : May I know whether this work has been started by the Government ?

Mr. Speaker : The next question.

BEGAR.

***4829. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Revenue be pleased to state the steps which the present Government have already taken or intends to take to eliminate *begar* in the province ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Government have from time to time issued—

- (a) proclamations to all zamindars, shop-keepers, kamins, etc., in the Punjab ;

- (b) press *communiqués* ;
- (c) notices to zaildars and inamdars ; and
- (d) circular letters ;

prohibiting the exaction of "begar" by Government officials. These orders have also been announced by beat of drum in all villages in the province and signatures or thumb-impressions of the village lambardars and of the chief representatives of the depressed classes obtained on a certificate to this effect.

Pandit Shri Ram Sharma : Is it a fact that in Rohtak district no such proclamations have been made ?

Parliamentary Secretary : If the honourable member could say so with certainty, the Government would make an enquiry into this matter.

Pandit Shri Ram Sharma : My question is whether such proclamations have been made in Rohtak district ?

Parliamentary Secretary : In fact proclamations are made in the whole of the Punjab. If in any *ilaqa* or village proclamations are not made, I assure the honourable member that Government would look into this matter.

Pandit Shri Ram Sharma : Proclamations have not been made in the whole of the Rohtak district.

Parliamentary Secretary : If so, the Government will make an inquiry.

Sardar Kapoor Singh : Is it a fact that it is only a paper proclamation ? (*Hear, hear from the Opposition.*)

Parliamentary Secretary : I am not aware of any paper proclamation ; proclamations are made by beat of drum.

Lala Duni Chand : Does the Government realize the fact that it is a chronic disease and requires a radical treatment ?

Parliamentary Secretary : Yes.

Lala Duni Chand : May I know what action, beyond issuing instructions, has the Government taken to eradicate this evil ?

Parliamentary Secretary : If my honourable friend will make any constructive suggestion, beyond what the Government has done so far, it will consider it.

Lala Duni Chand : Is it a fact that a private Bill was introduced in this House in order to make *begar* penal and whether it is a fact that even its introduction was not allowed ?

Parliamentary Secretary : *Begar* is already illegal, therefore there was no question of any other Bill being passed.

Lala Duni Chand : May I know under what law a man who takes *begar* forcibly can be proceeded against ?

Mr. Speaker : Disallowed.

Lala Duni Chand : He asserts that it is already an offence, I want to know the law under which it is an offence.

Mr. Speaker : Disallowed. The honourable member may consult his lawyer.

Chaudhri Faqir Chand : May I know what are the difficulties before this Government in making a law to remove this evil ?

Parliamentary Secretary : No difficulties. Law is there already under which no *begar* can be taken. Government has drawn attention of the public to the existence of this law.

Chaudhri Faqir Chand : Is it a fact that district authorities do not take action according to the circulars sent to them by the Government.

Parliamentary Secretary : Government expect every officer to treat those circulars with regard and honour. If there is any officer who does not proceed according to Government's circulars, I assure my honourable friend that the Government would take action against such officer.

Lala Harnam Das : Is it a fact that some officers think that scheduled castes are not considered as part of the public ?

Premier : I assure the honourable member that when we send our officers to make inquiry into cases of corruption, people go to interview them but do not offer any evidence.

Diwan Chaman Lall : Is that in connection with *begar* ? (*Laughter.*)

Premier : No. But corruption is a greater evil.

Mr. Speaker : The next question.

Munshi Hari Lal : I want to ask a few supplementary questions about *begar*. May I know on which date or from which date to which date was this announcement made in the Multan district that *begar* is illegal ?

Parliamentary Secretary : It is very difficult to remember the time and date when this proclamation was made in a particular town or a district.

Munshi Hari Lal : I am asking if you have any information on the papers with you whether *begar* was declared illegal and an announcement made in Multan and if so on what date ?

Parliamentary Secretary : I am afraid I do not know the date.

Pandit Shri Ram Sharma : Is it a fact that in Rohtak district personal presence and stamped applications are considered to be essential in cases of *begar* complaints ?

Parliamentary Secretary : I want notice for this question.

Pandit Shri Ram Sharma : I want to know whether it is a fact that instructions have been given to the Deputy Commissioner of Rohtak to the effect that in cases of *begar* representations should be properly stamped and complainants should be present before him personally ?

Mr. Speaker : Disallowed.

Lala Harnam Das : May I know whether there are conditions laid down for taking *begar* ?

Parliamentary Secretary : I do not think so.

REMOVAL FROM SERVICE OF FORESTERS AND FOREST GUARDS.

***4849. Sardar Hari Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that on 1st October, 1926, two foresters and 15 forest guards were removed from service by the department;
- (b) whether it is further a fact that some of the above-mentioned forest guards were later taken back into service; if so, which of them and why;
- (c) whether it is further a fact that the rest of the said guards not yet re-employed have submitted many representations to the Deputy Conservator of Forests for reinstatement;
- (d) whether the question of their reinstatement has ever been considered?

The Honourable Chaudhri Sir Chhotu Ram : (a) No, but during the year 1926-27, two foresters and twenty-six forest guards were removed from the service.

(b) No.

(c) The records of all these forest guards excepting four have since been destroyed and it is, therefore, not possible to say whether any of them submitted any representation. In the case of the four forest guards whose records are still available, none of them submitted any representation for reinstatement.

(d) No.

DETERIORATION OF PRODUCTIVITY OF SOIL IN HARIANA DISTRICTS.

***4850. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state the areas where the productivity of soil has greatly deteriorated in the Haryana districts of South-East and the steps proposed to be taken by the Government to remedy this defect?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Government are not aware of any deterioration in the productivity of soil in the Haryana districts. It is however hoped that agricultural conditions in parts of this tract will improve as a result of the Bhakra Dam Project which is under consideration.

Pandit Shri Ram Sharma : May I know whether Government has ever tried to enquire as to how much land has become uncultivable in that area?

Parliamentary Secretary : I am afraid, without a notice, I am not in a position to answer this question.

Pandit Shri Ram Sharma : Notice to this question has already been given and the answer given to this question is that it is not within the knowledge of the Government as to how much land has deteriorated. May I ask if the Government have inquired into this matter?

Parliamentary Secretary : The honourable member has not asked me about the area. I have already given him the answer to his question. If he gives me notice to find out the areas deteriorated, then I would certainly try to satisfy him.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that there has been a considerable decrease in the productivity of the soil in the Ghaggar area of Hissar district ?

Parliamentary Secretary : So far as the Government is aware there has not been any perceptible deterioration in this respect.

Pandit Shri Ram Sharma : Has this deterioration taken place in any area ?

Parliamentary Secretary : It is not possible to give this information unless the honourable member refers to any particular area.

Pandit Shri Ram Sharma : May I know whether the productivity of the soil has increased in any area during recent years ?

Parliamentary Secretary : Yes.

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DAMAGE TO CROPS BY TREES ON DISTRICT BOARD AND
CANAL ROADS.

*4867. **Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the trees planted and standing on the district board roads and on the service roads of the canals and their distributaries all over the province spoil the crops grown in lands adjacent to these roads on which the trees are standing, if so, the compensation that is intended to be paid to those whose crops are thus damaged and spoiled ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Generally speaking trees do cause some damage to the crops beneath and immediately surrounding them partly owing to the shade they cause and partly through their roots utilizing the moisture in the soil around them. On the other hand, they provide wind breaks which are very necessary for the protection of crops, and their leaves contribute to the fertility of the surrounding land. The question of payment of compensation does not arise.

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LANDS HELD BY SCHEDULED CASTES IN DISTRICT OF SIALKOT AS
OWNERS, OCCUPANCY TENANTS AND TENANTS.

*4870. **Bhagat Hans Raj :** Will the Honourable Minister of Revenue be pleased to lay on the table a statement showing lands held at present by the scheduled castes in the district of Sialkot as owners, occupancy tenants and tenants, separately ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information is being collected and will be supplied to the honourable member when ready.

NEW ASSESSMENT FOR CHIMA KHURD AND KHEM KARAN IN
TAHSIL KASUR.

***4898. Sardar Partap Singh :** Will the Honourable Minister of Revenue be pleased to state whether the new assessment proposed for villages Chima Khurd and Khem Karan in tahsil Kasur has so far been announced by the Settlement Officer; if so, the rate at which land revenue is to be assessed according to that assessment and whether this rate exceeds the previous rate of land revenue for these villages; if so, reasons for the increase?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The new assessment of village Chima near Asal and Khem Karan, tahsil Kasur, has been announced by the Settlement Officer. The new demand is Rs. 1,700 as against the old demand of Rs. 1,200. The old demand of this village was very lenient, being 28 per cent. below circle rates, since at the last settlement the Settlement Officer wished to avoid a heavy enhancement. The incidence per cultivated acre of the old demand is only Rs. 1-2-4, in spite of the fact that practically the whole of the village is canal irrigated. By the sanctioned soil rates for the circle the new demand comes to Rs. 2,161, but only Rs. 1,700 have been fixed.

2. The new demand of Khem Karan is Rs. 7,500 as against the present demand of Rs. 4,998. The incidence per cultivated acre of the old demand is only Rs. 1-5-8, in spite of the fact that practically the whole village is canal irrigated. Since last settlement the *nahri* area has increased by 20 per cent. The estate is a strong one with fairly large holdings and was very lightly assessed before.

COLLECTION OF THANA-PATI BY ZAILDAR OF VILLAGE SATRAH,
SIALKOT DISTRICT.

***4921. Master Kabul Singh :** Will the Honourable Minister of Revenue be pleased to state whether the zaildar of village Satrah, Sialkot district, levies and receives a marriage tax called the "thana-pati," from the people of his zail; if so, reasons for the same, and the steps the Government proposes to take in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No such tax is levied or received by the zaildar of Satrah.

The second part of the question does not arise.

I would, however, point out for the information of honourable member that according to the *wajib-ul-arz* of the mauza a lambardar is entitled to receive *thana-patti* (marriage dues) from non-proprietors on each marriage of a daughter; the proceeds are divided between the *Mirasi* and the Brahman.

THUR AREA IN THE PUNJAB.

***4926. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total area in the province which has become *thur* or *kallar* up to 31st December, 1938;

(b) the annual addition to the *Thur* area during the last 5 years;

[Mr. Dev Raj Sethi.]

(c) the steps taken by the Government to reclaim the *thur* area as also the preventive measures adopted so far to arrest any increase in such area ;

(d) whether the Government intends to establish a Land Reclamation Department immediately to undertake the work of reclamation of such lands ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) About 5,00,000 acres. This total includes both old *kallar* and new *thur*, but separate figures for these categories are not available.

(b) The average is about 30,000 acres annually but as this figure includes old *kallar*, the greater part of which has now been booked, the addition of new *thur* may be assumed to be a smaller figure.

(c) Government undertook reclamation of "*thur*" land in certain estates some years ago with satisfactory results. Large scale reclamation operations have not so far been undertaken partly for financial reasons and partly because of doubt about the permanence of such reclamation.

It has now been found that land reclaimed by the methods in vogue has not shown any signs of deterioration since it was reclaimed eight years ago.

It is impossible to forecast the degree of permanence but there is no reason to suppose it will not cover a generation or more.

The preventive measures adopted so far is drainage, on which Rs. 47,00,000 has been spent since 1934. Drainage was designed to arrest the rise in the water-table and consequently it was believed, the spread of *thur*.

It is emphasised however that drainage is also essential to prevent disastrous flooding and is a necessary preliminary to reclamation of *thur* land in areas of high water table.

(d) Government has already started reclamation on a small experimental scale in four chaks belonging to small holders on the Rakh branch in Sheikhpura district.

Large scale operations and the setting up of a Land Reclamation Department require a good deal of money, and the question whether the necessary funds can be found at present is engaging the anxious attention of Government.

Sardar Sohan Singh Josh : In which district has the survey with regard to *thur* taken place ?

Parliamentary Secretary : In some portions of the Sheikhpura, Lyallpur, Montgomery and Sialkot districts.

Sardar Sohan Singh Josh : May I know whether the figures about the *kallar* area given by the Parliamentary Secretary pertain to these districts alone or to the whole province ?

Parliamentary Secretary : To the whole province.

Sardar Sohan Singh Josh : May I know through which agency these figures have been obtained ?

Mr. Speaker : Disallowed.

PATWARIS' DUTIES TO REPORT POLITICAL SPEECHES.

***4947. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that patwaris concerned are required to report all the political speeches delivered in the villages of the province ; if so, why and whether the Government intends to relieve them of this duty ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) No. (ii) If a political speech is of such a nature as would amount to an offence under section 124-A, or any other non-bailable offence, a patwari, among other persons, is bound under section 45 (1) (c) of the Code of Criminal Procedure to report to the nearest magistrate or officer in charge of a police station the commission of, or the intention to commit, such an offence.

(iii) Government see no reason to amend the law in order to relieve patwaris of this statutory obligation.

Sardar Sohan Singh Josh : May I know whether any remunerations are paid to the patwaris reporting these speeches ?

Parliamentary Secretary : No, Sir, and I may add that even if an honourable member of this House were to send such a report no payment will be made to him.

Sardar Sohan Singh Josh : By whose orders do the patwaris report these speeches ?

Parliamentary Secretary : The law is such that it is the duty of every citizen including the honourable member and myself to make a report whenever somebody commits by speech, etc., a non-bailable crime.

Pandit Bhagat Ram Sharma : May I know whether Government has issued any instructions to the patwaris to report all the speeches which are delivered in the villages ?

Parliamentary Secretary : As has already been stated Government have issued no instructions that speeches delivered in any village should be reported by patwaris.

Pandit Bhagat Ram Sharma : Is the Government aware that at present under the Ordinance, patwaris ordinarily report all the speeches ?

Parliamentary Secretary : Ordinarily, yes. When the patwaris find that some suspected persons are going to make speeches against the law or when they are going to commit a non-bailable offence, certainly the patwaris report their speeches.

Pandit Bhagat Ram Sharma : My question is whether there are any instructions issued by the present Government to the patwaris to report the speeches, apart from that contained in the Criminal Procedure Code.

Parliamentary Secretary : So far as I am aware the Government have issued no such instructions.

Pandit Bhagat Ram Sharma : Is the Government aware that patwaris are highly inefficient to give the transcription of the speeches and has the Government taken any safeguards to train them in shorthand ?

Parliamentary Secretary : The patwaris are not supposed to know shorthand. I think the honourable member does not know anything about the revenue work of the patwaris.

Pandit Bhagat Ram Sharma : My question is this whether the Government is aware of the fact that the patwaris are quite inefficient to report the speeches. That is my question.

Diwan Chaman Lall : May I ask my honourable friend as to how the patwaris can know, before a speech, is actually delivered, that that speech is likely to offend against the law ?

Parliamentary Secretary : The capacity of the patwari to scent the commission of such an act is a matter of surprise even for myself.

Diwan Chaman Lall : Is the honourable member really serious in regard to the statement that he has made ?

Parliamentary Secretary : What ? How the patwari comes to know that some speeches are going to be made in the village ? Is that the question ?

Diwan Chaman Lall : My honourable friend is deliberately trying not to understand the question. The question is a plain one. Will the honourable member enlighten the House as to how a patwari is likely to know that a speech is likely to offend against the law before the speech is delivered ?

Parliamentary Secretary : What the patwari does is this. Whenever he has serious apprehension that somebody is going to make a speech which will be against the law, he takes down that statement. Then, if his own commonsense says that the man has committed some offence he forwards it to the magistrate.

Diwan Chaman Lall : May I ask if standing instructions have been issued in regard to this matter to patwaris ?

Parliamentary Secretary : So far as I am aware the Government have not issued any special instructions.

Sardar Sohan Singh Josh : Since when was this practice of taking notes by the patwaris started ?

Parliamentary Secretary : This practice is in vogue since long.

Sardar Sohan Singh Josh : May I know whether this practice is a legacy of the previous Government ?

Parliamentary Secretary : There are many legacies of this nature.

Lala Duni Chand : May I know if the patwaris are required to report the speeches of the members of zamindara leagues ?

Parliamentary Secretary : There are no particular lists of speakers sent to patwaris.

Lala Duni Chand : Have any reports been received so far from the patwaris of the speeches of members of zamindara leagues ?

Parliamentary Secretary : I am afraid I do not receive reports from patwaris.

Lala Duni Chand : May I know if there has been a single case during the last 2½ years in which the speech of a member of some zamindara league has been found objectionable and he has been dealt with ?

Parliamentary Secretary : If my honourable friend gives notice of that question, I will be glad to supply the information.

Pandit Muni Lal Kalia : May I know whether these functions, which are given to patwaris, are only performed with a view to prosecute persons or only to report that a certain speech by a certain person has been made ?

Parliamentary Secretary : There are no such functions assigned to the patwaris as I have already stated.

Pandit Muni Lal Kalia : With what object do the patwaris do this thing ? Are they simply to report the incident of the meeting ?

Parliamentary Secretary : It is not necessary for a patwari to do so. Any honourable member can do so.

Pandit Muni Lal Kalia : That is alright. What I am asking is whether a patwari is required to do this thing with a view to prosecute a speaker or to report ?

Parliamentary Secretary : The patwari is usually an educated man living in the village. Whenever he finds that a speech is made, he takes down notes and if he finds that there is something objectionable in the speech, he sends it on to the magistrate concerned.

Pandit Muni Lal Kalia : Then may I take it that it is in the discretion of the patwari to send the speech or not ?

Parliamentary Secretary : Yes, certainly.

Munshi Hari Lal : May I know if patwaris take these notes in long hand or in shorthand ? (*Laughter.*)

Parliamentary Secretary : I do not think the patwaris know shorthand.

Pandit Bhagat Ram Sharma : May I know whether these patwaris are functioning under the ordinary law since the promulgation of the Defence of India Ordinance or some extraordinary circumstances have been created after the promulgation of the Act ?

Parliamentary Secretary : Certainly.

Lala Duni Chand : Has it come to the notice of the Government that good many patwaris apologise to the speakers and say, "We do not want to do this dirty work but the Government requires us to do so" ?

Minister : We have no information on the subject, Sir. (*Laughter.*)

Pandit Bhagat Ram Sharma : May I ask whether some extraordinary instructions have been issued by the present Government since this Ordinance was promulgated by the Governor-General ?

Minister : This question has been repeated so many times that I feel that it is waste of time of the House to go on with it any further.

(*Hear, hear.*) (*Laughter.*)

Lala Deshbandhu Gupta : It is for the Honourable Speaker to decide whether it is waste of time of the House or not.

Munshi Hari Lal : Mr. Speaker, why does he say that it is waste of time of the House ?

Mr. Speaker : Because he thinks so.

Pandit Bhagat Ram Sharma : May I know whether this extra duty imposed on the patwaris interferes with their ordinary duties as patwaris ?

Parliamentary Secretary : No, it does not.

DAMAGE TO CROPS IN LYALLPUR DISTRICT.

***4978. Sardar Kartar Singh :** [Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that crops in several villages in Jaranwala tahsil, district Lyallpur, have been substantially damaged by hailstorms on 24th March, 1939 ;
- (b) whether he is aware of the fact that a sackful of hails was placed before the Deputy Commissioner, Lyallpur, by the peasants of Chak No. 97-G. B., on the next day, i.e., on the 25th March, 1939 ;
- (c) whether the Revenue officials of the district have so far visited the hail-stricken area in that district to see the havoc done to crops by the hailstorms ; if so, when and which of the villages have been so visited ;
- (d) whether they have visited Chaks Nos. 95, 96, 97, G. B., 95-P. B., 92-A. B., 93-A. B. in the said district where the crops have been damaged by the hailstorm ;
- (e) if the answer to (d) above be in the affirmative, the amount of remission recommended by them for the chaks mentioned above ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Hailstorms occurred in the Jaranwala tahsil on 28th February, 1939, and 24th March, 1939, and affected 19 villages. The damage was severe in 7 villages, moderate in 5 and slight to negligible in the remaining seven.

(b) Yes.

(c) Yes, the Revenue Assistant, and the Sub-Divisional Officer, Irrigation, jointly inspected the affected areas, as under :—

<i>Number of the Chaks inspected.</i>	<i>Date of inspection.</i>
64, 66, 67, 68, 96, 97, 99, 100, 101, 102, 119 and 123-G. B.	3rd April, 1939.
51, 58, 59, 62, 63 and 67-R. B.	5th April, 1939.

(d) Chaks Nos. 96 and 97-G. B. were visited. Chak No. 95-G. B. was not inspected as there was no damage in this Chak. The remaining chaks are not situated in the Lyallpur district.

(e) The following relief has been granted in 12 chaks where the damage was substantial :—

				Amount remitted.
				Rs.
Water rate	..	..	..	5,468
Land Revenue	..	..	..	7,642
Malikana	..	..	..	227
Cesses	..	..	..	1,997
Total				14,674

DAMAGE TO CROPS BY HAILSTORM IN MULTAN DISTRICT.

*4984. **Sardar Ajit Singh** : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that wheat and fodder crops have been completely destroyed by the hailstorm on 23rd March, in the Multan district and that a telegram to that effect was sent by the zamindars concerned to the Honourable Minister; if so, what action has the Government taken or proposes to take to help the zamindars?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Hailstorms occurred in the Multan district on the 28th February, 1939, and 23rd March, 1939, and caused damage to 22,850 acres including 16,526 acres of wheat and 2,864 acres of fodder.

A telegram was received.

Relief has been granted as under :—

				Rs.
(a) Land Revenue remitted	..	..	..	75,488
(b) Abiana remitted	..	..	..	75,184
(c) Taccavi loans advanced	..	..	..	14,000

DAMAGE TO CROPS BY HAILSTORM IN LUDHIANA DISTRICT.

*4985. **Pandit Muni Lal Kalia** : Will the Honourable Minister of Revenue be pleased to state whether Government has received a number of representations telegraphically and otherwise from several villages of the Ludhiana district to the effect that extensive damage has been caused to standing crops by recent hailstorm; if so, what action the Government proposes to take to afford relief to the zamindars concerned?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes.

Relief has been granted as under :—

				Rs.
(1) Land Revenue remitted	..	..	..	36,856
Abiana remitted	..	..	..	6,680
Local rate remitted	..	..	..	7,126
(2) Gratuitous relief to the destitute	..	..	..	20,000
(8) Taccavi advanced for the purchase of fodder	..	..	..	23,005
Recovery of Taccavi suspended	..	..	..	489
(4) Concession rates were introduced for the import of fodder.				

[Pandit Muni Lal Kalia.]

(5) In order to afford relief to tenants, orders were issued under section 30 of the Punjab Tenancy Act for proportionate remission of rent.

Chaudhri Muhammad Hassan : Is the honourable Parliamentary Secretary in a position to give the number of villages affected by hailstorm ?

Minister : If my honourable friend gives notice of this question, I will supply him with the information required.

Chaudhri Muhammad Hassan : Is it a fact that the relief afforded is insufficient ?

Minister : It is a matter of opinion.

Chaudhri Muhammad Hassan : Is it a fact that the recommendation for relief made by the Collector of Ludhiana district was not accepted by the Punjab Government ?

Chaudhri Muhammad Hassan : Has the Honourable Minister considered the desirability of himself visiting the afflicted villages in Ludhiana district in order to ascertain as to what damage has been done ?

Minister : If it is necessary for the Revenue Minister to visit these places for the purpose he will do so. Rest assured that he knows his duty.

SELECTION OF OVER-AGE CANDIDATES AS PATWARIS IN CONNEXION WITH LAHORE SETTLEMENT OPERATIONS.

***4993. Sardar Muhammad Hussain :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that many over-age candidates have been selected as patwaris so far in connexion with the Lahore Settlement Operations ; if so, the number of such candidates selected from the Lahore district and other districts, separately ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : 16 : 15 from the Lahore district and 1 from outside.

PERSONS EMPLOYED IN GREY CANALS, FEROZEPORE.

***5003. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the names of persons employed permanently or temporarily in Grey Canals, Ferozepore, from 1930 to 1939 with their home districts ;
- (b) the manner in which vacancies are filled in the above-mentioned establishment ; whether the prescribed procedure was followed in filling these vacancies ;
- (c) the number and names of the candidates for posts in the above-mentioned establishment in case any list is kept ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The information required can be collected only at a cost not commensurate with the value of the results.

(b) In making permanent appointments preference is given to those who have filled satisfactorily temporary engagements, are well qualified and are of local origin, provided that the local men are fully qualified. This procedure is followed.

(c) Four. Two Hindus and two Sikhs.

Captain Sodhi Harnam Singh: Is it correct to say that according to rules issued by the Government in 1936 it is essential to advertise for each and every post?

Parliamentary Secretary: Usually this is done.

Captain Sodhi Harnam Singh: May I know whether any advertisement was issued for filling the above mentioned vacancies?

Parliamentary Secretary: You will know it.

CATTLE TAX AND TIRNI TAX LEVIED IN KANGRA DISTRICT.

***5027. Pandit Bhagat Ram Sharma:** Will the Honourable Minister of Development be pleased to state—

(a) the law under which cattle tax and *tirni* tax are levied and realised in Kangra district;

(b) whether it is a fact that the incidence of these taxes is wholly borne by the poor agriculturists;

(c) what action the Government intends to take to relieve the poor agriculturists of the burden of these taxes?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) (i) Cattle tax is levied under the Land Revenue Act, 1887, and is an integral part of the current settlement.

(ii) *Tirni* is levied under the Punjab Laws Act, 1872.

(b) No. (i) The incidence of these charges is borne by agriculturists and non-agriculturists alike whether rich or poor.

(ii) *Tirni* is charged on the sheep and goats belonging to the *gaddis* of Chamba and the resident *Gaddis* of the Kangra district, who keep the animals for trade. No such charge is levied on the sheep and goats owned by zamindars.

(c) The cattle tax being part of the settlement is not to change until the expiry of the existing settlement. *Tirni* was considered by the Punjab Government Forest Committee in paragraph 10-9-A of their report; they recommended the introduction of a sliding scale which would reduce *tirni* on small flocks and increase it on large. It is impossible to say whether this is feasible or not until the flocks of the *Gaddis* in question have been enumerated, and this is now being done.

Pandit Bhagat Ram Sharma: Is the Parliamentary Secretary sure that no tax is levied on cattle owned by private people?

Parliamentary Secretary: If I was not sure I would not have given the answer as I have already done.

Pandit Bhagat Ram Sharma : I understood the Parliamentary Secretary to say that there is no tax levied on sheep and goats owned by private individuals apart from those who are professional people.

Parliamentary Secretary : My reply is that no such charge is levied on the sheep and goats owned by zamindars.

Pandit Bhagat Ram Sharma : My question is whether the Parliamentary Secretary is aware of it and whether he is sure of it, because I know personally that there is a tax.

Parliamentary Secretary : So far as I know it is not levied.

Pandit Bhagat Ram Sharma : Am I to understand that there is no tax whatsoever levied on goats and sheep owned by agriculturists ?

Parliamentary Secretary : I have already answered that question.

Pandit Bhagat Ram Sharma : Is the Parliamentary Secretary aware that this policy of Government has resulted in the decrease in the cattle wealth of the district ?

Parliamentary Secretary : The policy of not levying *tirni* tax on zamindars ?

Pandit Bhagat Ram Sharma : *Tirni* tax on those people who belong to other tribes and *gaddis*.

Minister for Revenue : Probably my honourable friend is confused a little bit in this matter. The general policy underlying this question is that the number of sheep and goats should not increase to a large extent so as to destroy vegetation, which is the absolute necessity of the place to safeguard the land being eroded. My honourable friend and this House probably know what has happened in the Hoshiarpur district and the same thing might happen in any other district if we allow a very large number of goats and sheep to go about and eat away all the vegetation.

Pandit Bhagat Ram Sharma : May I know whether in assessing this tax any discrimination is made between those cattle which are owned by private individuals and graze on their own holdings and cattle which graze on public land ?

Minister : The question as to how this *tirni* is to be levied is left to the local officers who are aware of the situation in their districts.

RECLAMATION OF LAND LAID WASTE BY CHOS IN HOSHIARPUR DISTRICT.

***5044. Shrimati Raghbir Kaur :** Will the Honourable Minister of Revenue be pleased to state whether Government is aware of the fact that the seasonal rivulets called chos in the district of Hoshiarpur have laid waste 85,000 acres of land thus affecting adversely the well-being of that district ; if so, the steps which Government has taken or intend taking to reclaim this land ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Since the report of the Erosion Committee in 1932 Government has been devoting most anxious attention to this problem. Mr. Hamilton was appointed in

1984 to grapple with it. His programme consisted of re-afforestation, reclamation of eroded areas, protection and propaganda. A copy of Government's declared policy in this respect is laid on the table. Experimental nurseries for *shisham* were started and experiments are progressing in the growing of *lathar* grass which is a valuable product useful in paper mills. A special co-operative staff has been appointed to encourage societies for the protection of land and 149 villages have voluntarily applied for protection under the Chos and Forest Acts. In the budget for 1989-90 a sum of Rs. 1,00,000 has been provided for anti-erosion measures, a substantial portion of which will be devoted to the Hoshiarpur district.

Sardar Ajit Singh : May I know if the Government have realised the necessity of constructing a canal passing through this district in order to raise the level of wells and thus protect the district from destruction ?

Minister for Revenue : Does it arise out of this question ?

Mr. Speaker : No.

Khan Sahib Khawaja Ghulam Samad : Is the Government contemplating the problem of chos with regard to the Hoshiarpur district only or any other district of the Punjab also ?

Parliamentary Secretary : I have stated that a sum of rupees one lakh has been set apart for the purpose and that a major portion of the said amount would be spent in the Hoshiarpur district.

Khan Sahib Khawaja Ghulam Samad : Is the honourable Parliamentary Secretary aware that there are plenty of chos in the Ambala district also and the conditions in that district are similar to those in the Hoshiarpur district ?

Minister : I may inform my honourable friend that any other district which is affected by this trouble would not be overlooked. Ambala district has not been overlooked. We have got special officers appointed in Jhelum, probably in Rawalpindi, in Ambala and other places to assist deputy commissioners in this matter.

Chaudhri Kartar Singh : May I know if in the opinion of the Parliamentary Secretary 18,500 acres of land can be protected by means of the newly invented machinery of propaganda ?

Parliamentary Secretary : If my honourable friend is ignorant of the power of propaganda, then heaven knows who is more aware of it.

Chaudhri Kartar Singh : May I know if the Parliamentary Secretary is aware of the fact that the zamindar members of the Hoshiarpur District Board placed certain proposals before the previous Government to stop the flow of seasonal rivulets but so far they have not been adopted by the Government ?

Parliamentary Secretary : If my honourable friend means to say that Government are making propaganda so that zamindars may co-operate with them in overcoming this difficulty, then my answer is that they are doing good work.

Chaudhri Kartar Singh : Is the Parliamentary Secretary aware that in spite of the fact that the present Government has been in office for the last 8 years, their propaganda has been of no avail in rural areas ?

Parliamentary Secretary : It is only 2½ years since we entered office ; but the question of my honourable friend is not intelligible to me.

Chaudhri Kartar Singh : May I know whether the flow of these rivulets would be stopped in a year if classification of lands is introduced in the Hoshiarpur district ?

Minister : I think an objection will be raised by certain members and certain sections of the community if we take action in the way suggested by my honourable friend.

Khan Sahib Khawaja Ghulam Samad : Is it under the contemplation of the Government that water of *shor* in all districts in which there are chos may be collected in some *jhil* or tank so that the area affected by chos may be saved from destruction and water thus collected may be used for irrigation purposes ?

Minister : May I request the honourable member to send his suggestion which will be considered ?

Khan Sahib Khawaja Ghulam Samad : That is not a suggestion.

Minister : We are not contemplating anything of this nature because it would involve a huge expenditure of the provincial revenues, but an endeavour is being made to meet the situation which has arisen in several districts successfully and the Irrigation Department is doing its utmost in the matter.

Lala Duni Chand : May I know if the Government is really doing anything in earnest in this direction or leaving the whole thing to divine will ?

Minister : It is a matter of opinion.

POLICY.

The Punjab Land Preservation (Chos) Act, 1900.

The Government policy is to reclothe the Siwalik Range in the Hoshiarpur district with grass and trees and other vegetable growth in order to stop the rush of water that every year in the monsoon season runs down the chos into the plains and causes both damage to cultivation and floods in the river. Since the Chos Act was applied 30 years ago and goats were turned out of certain portions of the Range, a little improvement has taken place, but little more can be expected until more trees and grass are allowed to grow in the hills. In order to effect this, it is necessary to reduce the amount of cattle grazing to let more grass grow and progressively to close certain areas to grazing altogether, so that trees and shrubs may be sown or planted. Some zamindars voluntarily close parts of their shamilat to grazing and they realise what a benefit this is as they have thereby realised considerable income from the sale of grass. While it is necessary for Government to close certain badly eroded areas altogether to grazing, it is hoped that zamindars will co-operate with Government by closing voluntarily as large an area of their shamilat as possible, and that they will do their best to maintain these closures ; in this way both they and the general public will be benefited. On the other hand, in cases where zamindars do not co-operate with Government in an endeavour to improve their property by closing part of it voluntarily and by refraining from destruction of tree growth by excessive lopping, Government may be compelled, where necessary, to apply closure compulsorily under section 5 of the Chos Act.

2. In those areas in which Government thinks it fit or has thought fit to apply section 5 of the Chos Act, Government will do all that is possible, in reason, to improve the grass growth and encourage the growth of trees ; and this will eventually enrich the land owners.

3. It is strongly recommended that all cattle owners concerned should go in for stall-feeding in preference to grazing their cattle in the Siwaliks ; the cattle will be benefited by this method of feeding and there will be no difficulty about closing the shamilat in the Siwaliks to grazing when zamindars have learnt to stall-feed their cattle.

4. It may also be pointed out that the keeping of goats is highly uneconomical and should be given up as early as possible in the interests of all concerned.

FALLING OF LEVEL OF WATER IN WELLS IN DOABA.

***5045. Shrimati Raghbir Kaur :** Will the Minister of Revenue be pleased to state what concrete steps the Government proposes to take to check the falling of the level of water in wells in Doaba ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : As a result of the conferences held with officials and non-officials last year (proceedings laid on the table) the following action was immediately taken :—

- (a) A systematic record of rainfall has been instituted.
- (b) The area has been surveyed by the Government of India, Survey Department.
- (c) The survey has just been received and a plan of the canal taking off the Sutlej is being prepared and will be ready shortly.
- (d) In the Siwaliks measures for reafforestation are being energetically pushed forward.

Sardar Bahadur Sardar Gurbachan Singh : May I know if the Sub-Divisional Officer, appointed to investigate into the causes of the fall of water-level, has submitted any report ?

Parliamentary Secretary : The scheme has just now been received.

Minister for Revenue : I am afraid I cannot help the honourable member by giving any more information on the subject than what has already been supplied. The question is not being overlooked. The reports of the Sub-Divisional Officer and of the Government Engineer are being considered first by the Irrigation Branch and then it will come to the Government for final decision.

Sardar Bahadur Sardar Gurbachan Singh : Will that report be made available to the members after Government have considered it ?

Minister : After the report has been seen by me then I can decide that question.

Minutes of a Conference held at Ellerslie, Simla, on Friday, the 27th of May, 1938, to enquire into the causes of the fall in the Water-table of Jullundur and Hoshiarpur districts and to suggest remedies to counteract the fall.

PRESENT :

1. Mr. C. C. GARBETT, C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S., Financial Commissioner, Development—*President*.
2. Mr. RAM CHANDRA, C.I.E., M.B.E., I.C.S., Commissioner, Jullundur division.
3. Mr. F. A. FARQUHARSON, M.C., I.S.E., Chief Engineer, Irrigation Works, Southern Administration.
4. Mr. E. O. COX, M.B.E., I.S.E., Chief Engineer, Irrigation Works, Northern Administration.
5. Mr. E. S. CRUMP, C.I.E., Officer on Special Duty, Irrigation Branch.
6. Mr. W. N. McLEOD, I.S.E., Superintending Engineer, Irrigation Branch.
7. Mr. A. P. F. HAMILTON, I.F.S., Divisional Forest Officer.
8. Mr. W. F. G. LE BAILLY, I.C.S., Development Secretary to Financial Commissioners, Punjab.
9. Mr. E. H. LINCOLN, Deputy Commissioner, Jullundur.

10. Mr. W. J. BENSON, I.S.E.—*Secretary*.

11. Mr. M. T. GIBLING, I.S.E., Secretary, Central Board of Irrigation, very kindly attended and assisted the Conference with his advice.

THE President opened the Conference by explaining the terms of reference. The Punjab Government intend presently to call a Conference of non-officials as well as officials to recommend, if possible, action to be taken to remedy the fall in this water-table.

Before this wider Conference meets it is desirable that the Irrigation, Forest and Revenue experts should be unanimous in their advice.

A meeting had been held in Simla on 14th June, 1937, at which Financial Commissioner, Development and two of the Chief Engineers of the Irrigation Branch had been present. The present conference continued that meeting. In 1937 it had been resolved that a note should be prepared dealing with all aspects of the problem. The note had been printed and sent to all members of this Conference.

2. Recommendations of the meeting of 1937 were then considered.

(a) "Dr. McKenzie Taylor should be consulted on whether enough rainfall data was being collected."

It was reported that no action had been taken in this matter. The Secretary explained that there were only nine rain-gauge stations in Hoshiarpur and Jullundur districts. Messrs. Farquharson and Cox considered that this number was inadequate. The Secretary was instructed to get into touch with the Superintending Engineer, Drainage Circle, Punjab, and the Deputy Commissioners of Jullundur and Hoshiarpur districts and to put up proposals for increasing this number, to have effect during the monsoon, 1938.

(b) "The increase in the number of wells should be ascertained."

An appendix had been added to the printed note which was stated by the Secretary to be the only information available at present. Discussion showed that this appendix was inaccurate.

It was decided that it should be revised; that *chahi*, *ghalari* and *barani* areas should be shown separately; that a map indicating the concentration of wells by tahsils should be prepared and if possible a graph illustrating the information.

A note should be added to indicate the extent to which the additional number of recent wells was due to the programme of consolidation of holdings. A new well did not necessarily mean new water.

(c) "There should be some enquiry to discover how much water was taken out of a well and how much percolated back into the soil: also how much water lost by evaporation and plant transpiration."

Two notes had been received, one from the Director of Agriculture and the other from the Director, Irrigation Research, dealing with this matter. Unfortunately neither note gave the information required.

It was resolved to ask the Board of Economic Enquiry to assist in this highly technical and difficult work.

(d) "The question of constructing bunds across the Beins should be examined by the Irrigation Branch."

Nothing had yet been done in this matter because the Jullundur Drainage Division having been dissolved, there was no staff.

It was resolved to ask for the necessary establishment. Chief Engineer, South, promised to have the details worked out and submitted as soon as possible.

3. The Conference then considered the various physical factors suggested in the note as contributory causes of the fall. It was not disputed that a fall had occurred.

(i) *Denudation.*

It was admitted that in 1859, there had existed a scrub forest which had now disappeared: that *chos*, which Mr. Hamilton believed, had in earlier days flowed with clear water now brought down quantities of sand, and no longer reached the natural drainage system of the Beins.

Mr. Hamilton doubted if there had ever been much humus on the hills; or that they had ever acted as a big reservoir. There was a curious phenomenon in that wells immediately at the foot of the Siwaliks were very deep, while the water-table was higher some six miles from them: Nevertheless he agreed that the sand brought down by the *chos* in modern times acted as a sponge and prevented the inflow of water to that part of the district where the fall was greatest.

The Conference agreed that denudation was one of the contributory causes; the exact severity of which it was impossible to estimate.

(ii) *Diminution in Rainfall.*

Available data are admittedly scanty : and technical officers are not in exact agreement.

The Conference found on the evidence before them that there appeared to have been some diminution in rainfall : and agreed that any diminution would be a contributory cause.

(iii) *Increase in the number of wells.*

The revenue statistics showed an increase of approximately 50 per cent. since 1880. The exact importance to be attached to this increase requires further examination.

The Conference agreed that the quantity of water extracted is a more important factor than the actual number of the wells and in gauging this quantity regard must be had both to the area shown as *chahi* and also to the varieties of crops raised, e.g., sugarcane consumes more water than millet.

It was resolved to ask the local revenue authorities to examine this aspect of the problem more closely.

It was, however, agreed that extraction is outpacing recuperation and in so far as this is the case, the multiplication of wells is a contributory cause.

(iv) *The construction of the Sirhind Canal.*

The printed note claimed that this canal had no effect on the water-table of the Bist Doab. The Conference unanimously found to the contrary. The engineers, however, advised that the extent to which the canal was responsible for the fall could not be determined without fuller scientific investigation.

The Conference agreed that the construction of the canal must have tended to lower the water-table and was one of the contributory causes.

(v) *Geological Formation.*

It was agreed that no blame could be attached to the earthquake of 1905. There had, therefore, been no known change in the strata, the exploration of which would be prohibitively expensive.

4. The various contributory causes having been defined, the Conference proceeded to consider possible remedies :—

(i) *For denudation.*

Afforestation has been proceeding voluntarily and the zemindars are benefiting therefrom. The Conference were inclined to recommend that if villages proved recalcitrant, then Government might well be advised to use its powers under the *Chos Act* and enforce reafforestation.

(ii) *Gully Plugging.*

America has found this a valuable remedy and attempts in this Province in Gurgaon and Jhelum are promising. Mr. Hamilton observed that in many parts of the Siwaliks the rock was already bare and gully plugging would be impracticable.

The Conference resolved that 'where gully plugging was practicable, it should be pursued. They considered that if the proposal to form an Anti-Erosion Circle in the Forest Department matures, that circle should have charge of this remedy.

(iii) *Watbandi.*

It appeared from the general discussion that both officials and non-officials had much to learn regarding what was meant by *watbandi*, viz., the embankment of fields for the double purpose of avoiding sheet erosion and retaining water that fell on it. The President stated that Government were satisfied that *watbandi* was important and should continue to be preached and practised.

It was suggested that an earlier proposal to appoint an Irrigation Branch Officer to teach and supervise *watbandi* be revised.

It was agreed that *watbandi* was a most important remedial measure for retaining soil and water and that this activity must be pushed forward vigorously and that if the present administrative machinery required any assistance in getting this work done properly that assistance should be given.

(iv) *Dams.*

The suggestion was that gully plugging where ravines begin should be succeeded lower down by Dams. The engineers explained that the proposed bunds in the Bein were different from this kind of dam.

It was agreed that till survey had been completed no definite advice could be given.

(v) Utilising Chos.

It was observed that originally the *chos* had reached the Beins and influenced the water-table below them.

Mr. Farquharson stated that in order to draw correct scientific conclusions discharges should be observed and records compiled as soon as possible.

The Conference recommended to Government that the necessary staff be sanctioned forthwith.

(vi) Well Legislation.

As indicated in the note, legislation in similar circumstances had been found necessary in Australia and America. The Australian Acts would shortly be available to the Conference. The Commissioner and Deputy Commissioner, Jullundur, stressed the difficulty of legislation, both theoretically and practically. It was not easy to estimate the original capacity of any one well and the measure would be stoutly resisted.

The Conference agreed that other measures failing it would be necessary to resort to legislation to prevent any increase in the demand on the existing water-table.

(vii) A Cross Canal.

Mr. Farquharson explained first Mr. Nicholson's proposal for bringing a kharif canal from Talwara, parallel to the foot of the Siwaliks down to Rupar, and he mentioned the reasons Mr. Nicholson gave for not recommending this work, the most important being (a) the lining of the first 25 miles of the canal to prevent water-logging the Western Bein tract and (b) the capital cost of paying for all the necessary cross drainages, which would make the cost of the canal prohibitive.

He mentioned that the Honourable Minister for Revenue had in mind another suggestion *viz.*, to bring a seepage canal from the Beas across the Jullundur Doab into the Sutlej near Phillaur in order to raise the subsoil water-table. Mr. Ram Chandra asked if this proposal was feasible. Mr. Farquharson replied that it was of course feasible but at a price, and also that water could only be taken during the months of July, August and a part of September when supplies in the river were surplus to the requirements of the Sutlej Valley Project Canals; otherwise it would interfere with the terms of the Sutlej Valley Project Agreement. Mr. Cox drew a comparison between the Upper Chenab Canal and this scheme. The former had taken 25 years to raise the water-table 25 feet near Sheikhpura and that canal had innumerable branches and water-courses and thereby covered a much greater area of the country. The Honourable Minister's scheme could not produce results to be compared with the Upper Chenab Canal in any thing like the same time. The Irrigation Branch were, therefore, disposed to the opinion that this scheme would be very costly and as a measure for raising the water-table far too slow to be considered seriously.

Mr. Lincoln suggested the possibility of inundation Canals from the Sutlej below Rupar. Mr. Gibling suggested in addition the possibility of inundation canals from the Beas.

Mr. Farquharson suggested that these would have been constructed long ago had the conditions permitted. Nevertheless both proposals should at once be examined.

The Conference noted the advice of the Irrigation Branch that a cross canal as foreshadowed by Mr. Nicholson would probably prove impracticable, but they definitely consider that both this suggestion and also that of inundation canals to feed the wells should be fully examined by the Irrigation Branch.

A preliminary to such examination must be a detailed contoured survey of both districts and they recommend that the cost be worked out and funds provided at the earliest possible date.

Procedure for the Future.

5. The President pointed out that this question of the fall in the water-table of the Bist Doab was apt to come up for examination after unduly long intervals and he thought that a permanent Secretary for the Conference was desirable, whose business it would be to keep the question alive. Mr. Farquharson said that as far as the Irrigation Branch's activities in the matter were concerned, he would be in charge of the enquiry and he suggested that his Under-Secretary would be a suitable officer to act as Secretary. It was agreed that Mr. Farquharson's Under-Secretary should act as permanent Secretary. The President said that he would instruct the Development Secretary to Financial Commissioners to keep in close touch with Mr. Farquharson's Under-Secretary.

6. Mr. Lincoln stressed the anxiety of the public that some thing be done quickly. Agitators were busy attacking Government for its lethargy while the starvation of the agrarian zamindar, for the benefit of the distant desert dweller was an apparent injustice. He hoped to be given pamphlets for wide distribution showing that Government was tackling the difficulty in real earnest.

Minutes of a Conference of certain members of the Legislative Assembly assisted by certain officials held at Ellerslie, Simla East, on Wednesday, the 22nd of June, 1938, to enquire into the causes of the fall in the Water-table of Jullundur and Hoshiarpur districts and to suggest remedies to counteract the fall.

PRESENT :

1. The Honourable Sardar Bahadur Sardar Sir SUNDAR SINGH Majithia, C.I.E. (Minister of Revenue)—*President*.
 2. Sardar DASAUNDHA SINGH, M.L.A.
 3. Sardar Sahib Sardar GURBACHAN SINGH, M.L.A.
 4. Rai HARI CHAND, M.L.A.
 5. Rada NASRULLAH KHAN, M.L.A.
 6. Rai FAIZ MUHAMMAD KHAN, M.L.A.
 7. Mian ABDUL RAB, M.L.A.
 8. Mr. C. C. GABBETT, C.S.I., C.M.G., C.I.E., F.R.G.S., I.C.S., Financial Commissioner, Development.
 9. Mr. RAM CHANDRA, C.I.E., M.B.E., I.C.S., Commissioner, Jullundur Division.
 10. Mr. F. A. FARQUHARSON, M.C., I.S.E., Chief Engineer, Irrigation Branch (Southern Administration).
 11. Mr. W. N. McLEOD, I.S.E., Superintending Engineer, Drainage Circle (Irrigation Branch).
 12. Mr. W. F. G. LE BAILLY, I.C.S., Development Secretary to Financial Commissioners, Punjab.
 13. Sheikh MUHAMMAD ABDUL HAMID, I.S.E., Under-Secretary (South Irrigation Branch)—*Secretary*.
1. The Honourable Minister for Revenue opened the Conference by explaining the anxiety of Government to meet the difficult situation which had arisen. Administrative and technical experts had reviewed the situation and their recommendations were embodied in the minutes of the meeting of May 27th, which were before them.
2. The Conference proceeded to consider these minutes in detail.
- They accepted as correct the conclusion of the official conference that contributory causes of the fall in the level of the water table were :—
- (i) Denudation,
 - (ii) Diminution in Rainfall.
 - (iii) Increase in the number of wells, and
 - (iv) The construction of the Sirhind Canal.
- No other contributory cause was suggested.
3. The possible remedies were then discussed.

(i) *To meet Denudation.*

The Conference agreed that some action under the Chos Act will be necessary and that is possible rotational closures of areas should be introduced. If it is then found that zamindars are completely deprived of their livelihood, an effort should be made to find lands for them elsewhere.

(ii) *Gully Plugging.*

The Conference unanimously approved this remedy.

(iii) *Watbandi.*

It was agreed that Field Watbandi as now carried out by the zamindars was a very essential remedy. It was further agreed that the Canal Sub-Divisional Officer appointed to that area should report on the necessity of *watbandi* in *shamilat* areas where it was not at present being carried out. Such *watbandi* was a form of "Gully Plugging" necessary to prevent sheet erosion and the formation of ravines and to hold up rain water to sink into the sub-soil.

(iv) *Dams.*

Not only was the conclusion of the officials endorsed but it was further resolved that special attention should be given to this remedial measure.

(v) *Utilising Chos.*

The Conference agreed to this recommendation, and added that special effort should be made to promote the growth of sarkanda, shisham, etc., in these areas.

(vi) *Tube-wells.*

It was agreed that the Conference should recommend to Government to sink 4 or 5 tube-wells as an experiment and that the sinking of private tube-wells should not be encouraged until the results of these experiments are known.

It was reported that there are certain Government tube-wells in the Agricultural Experimental Farm in Jullundur and it was agreed that Government wells and private wells should be treated identically.

(vii) *Contoured Survey.*

It was agreed that a contoured survey of the whole area, including Kapurthala, should be prepared as soon as possible, so that the proposal for a seepage canal might be investigated.

4. *Collection of data regarding wells.*—It was resolved that revenue statistics regarding wells in the two districts from 1914 onwards be collected and collated; in particular the number of wells then in use, subsequently fallen out of use, and new wells sunk; whether by tubes or otherwise.

5. *Propaganda work.*—Sardar Sahib Sardar Gurbachan Singh suggested that a Committee be formed of the officials and non-officials to make further investigations and to explain to the people what Government intended to do. In discussion it was observed that the formation of such a Committee would tend to obstruct progress in the field.

It was agreed that pamphlets should be prepared as soon as possible, that all officials including patwaris and school masters should be instructed in what Government is doing and proposes to do, and that all the officers who tour should make a point of explaining this to the people. M. L. As. present would also, each in their constituency, give as much publicity as possible to the action being taken by Government.

The Honourable Minister for Revenue promised himself to tour as far as may be possible for him.

6. The Conference concluded with a vote of thanks to the chair moved by Sardar Sahbi Sardar Gurbachan Singh.

CONSTRUCTION OF BRIDGE OVER LOWER SOHAG CANAL.

***5101. Mahant Girdhari Das :** With reference to the answer to my starred question No. 4288¹ asked on 28th March, 1939, will the Honourable Minister for Revenue be pleased to state what report has been received from the local officers with regard to the construction of a bridge over Lower Sohag Canal between R. D. 85 and R. D. 127 and whether on the receipt of that report Government has decided to construct that bridge; if so, when the construction of that bridge may be expected to be completed?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The Chief Engineer has approved of the bridge to be constructed at R. D. 102,000 of Lower Sohag Branch, for the road between Wasawewala Railway Station and village Bhuman Shah and the work will be taken in hand as soon as funds permit.

EXTENSION OF MANAWAN BRANCH OF ILAHEE WAH.

***5108. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state whether the zamindars of Thathur Kalan and Thathur Khurd, Bhangali Kalan, Bhangali Khurd, Sulhani, Wara Johar Singhwala, Ghall Khurd, Arazi Kotoria, etc., have recently applied to the Deputy Commissioner, Ferozepore, and Superintendent, Grey Canals, to be given irrigation by extending Manawan branch of Ilahee Wah, if so, what action has been taken on the application?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—No.

Second part.—Does not arise.

TAHSILDARS.

***5111. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of tahsildars working or officiating at present in the Ambala division ;
- (b) the number of tahsildars appointed from amongst direct tahsildar candidates and from amongst naib-tahsildars separately and their percentages ;
- (c) whether the number appointed from amongst the naib-tahsildars is much in excess of that provided by the rules in the Ambala division ;
- (d) if the reply to (c) is in the affirmative, the reasons therefor ;
- (e) what steps, if any, does the Government propose to take in order to bring the proportion in accordance with that provided by the rules ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 28.

(b) (i) Tahsildars appointed from amongst tahsildar candidates. 8=28.57%

(ii) Tahsildars appointed from amongst naib-tahsildars. 20=71.42%

(c) Yes.

(d) A sufficient number of qualified tahsildar candidates was not available.

(e) Government await the recommendations of the Public Service Commission to whom the case of direct tahsildar candidates has recently been sent.

CHANGE OF HEADQUARTERS OF SUB-DIVISIONAL OFFICER, PARA SUB-DIVISION FROM KALEWAL TO PAKPATTAN.

***5187. Mahant Girdhari Das :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that an application has been sent by the public for change of the headquarters of Sub-Divisional Officer, Para Sub-division (Depalpore Canal) from Kalewal to Pakpattan, if so, the action taken or proposed to be taken on it ;
- (b) whether it is a fact that a bungalow was built for the residential quarters of the Sub-Divisional Officer, Para, in Canal Colony Pakpattan and that bungalow is still lying vacant ;

[Mahant Girdhari Das.]

- (c) whether it is a fact that there is a proposal for the dismantling of the bungalow mentioned in part (a) and instead of that new residential quarters for the Sub-Divisional Officer, Para, and his staff are to be constructed at Kalewal, if so, the estimated cost of the same?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Yes. The Chief Engineer is investigating the matter at site.

(b) A bungalow was not built at Pakpattan for the Sub-Divisional Officer, Para Sub-Division, but there is a vacant Sub-Divisional Officer's bungalow in the Canal Colony.

(c) No.

CONSOLIDATION OF HOLDINGS.

***5188. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the period for which the consolidation of holdings operation^s have been going on in the Punjab ;
- (b) the amount or proportion of agricultural land consolidated under the above scheme ;
- (c) the period within which the scheme is likely to materialise in its entirety ;
- (d) the difficulties experienced in carrying out the above scheme ;
- (e) whether it is a fact that there have been many complaints of unjust and unfair distribution ; if so, what measure the Government proposes to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 19 years.

(b) 964,403 acres.

(c) No limit can be foreseen.

(d) (i) Ignorance of those who do not understand the benefits of the scheme.

(ii) Disinclination of certain conservative zamindars to try anything new.

(iii) Paucity of efficient personnel.

(e) There have been applications sometimes by those who wanted more than their fair share : sometimes justly. Such are investigated and decided according to the merits of the individual case.

Although the consolidation staff here and there may naturally not be free from human failings, the work has, as a whole, been carried out with conspicuous fairness and honesty and the number of complaints gives no cause for anxiety.

Lala Duni Chand : May I know if there exists any official machinery supposed to undo the wrongs done by reason of unfair and unjust distribution of land ?

Minister for Revenue : Complaints can be made to the local officers.

Lala Duni Chand : May I know what is that machinery ? Is it not a fact that this question is left to those very people who are guilty of unfair and unjust distribution ?

Minister : He can go to the Deputy Commissioner.

FAILURE OF CROPS IN VILLAGE CHANDA KHERI,
DISTRICT AMBALA.

***5195. Lala Duni Chand :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that after the virtual failure of the *kharif*, 1938, the *rabi* crop of 1939 has also failed in the village Chanda Kheri, tehsil Jagadhri, district Ambala ;
- (b) the minimum and maximum outturn of wheat per *bigha* in the said village ;
- (c) whether in view of the above conditions the Government is prepared to grant any relief ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. The honourable member is misinformed.

(b) This information is not available.

(c) No.

Lala Duni Chand : May I know if the Parliamentary Secretary will do me the courtesy of accepting the fact from me that the information given in the question—

Mr. Speaker : Disallowed.

DAMAGE TO WHEAT CROP IN MONTGOMERY DISTRICT.

***5214. Tikka Jagjit Singh Bedi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he is aware of the fact that last wheat crop in Montgomery district, particularly in Dipalpur tahsil, had been badly damaged on account of *Kungi* ;
- (b) whether it is also a fact that the local officials recommended partial remission of land revenue for that crop ;
- (c) whether any remission has been given to Montgomery district in general and to tahsil Dipalpur in particular ?

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

(b) and (c) The question of granting relief is under consideration.

Tikka Jagjit Singh Bedi : May I know how long will it take ?

Parliamentary Secretary : It will not take very long.

Tikka Jagjit Singh Bedi : What does the Parliamentary Secretary mean by 'very long'? How long ?

Minister for Revenue : Steps will be taken as early as possible.

DAMAGE TO COTTON CROP IN MONTGOMERY DISTRICT.

***5216. Tikka Jagjit Singh Bedi** : Will the Honourable Minister for Revenue be pleased to state—

(a) whether he is aware of the fact that on account of scarcity of rain in Montgomery district the cotton crop has been considerably damaged by *tela* this year ;

(b) if the answer to (a) above be in the affirmative, what relief the Government proposes to grant to zamindars of the aforesaid district ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) I would not say "considerably"—some damage.

(b) Government awaits the result of *girdawari*.

Sardar Ajit Singh : Is Government aware of the fact that in the Montgomery district the first flowering of *kapas* No. 239 has been destroyed on account of *tela* ?

Parliamentary Secretary : I have already submitted that Government is awaiting the *girdawari* report and until then full details cannot be known.

RESTITUTION OF MORTGAGED LANDS.

***5229. Khan Muhammad Yusuf Khan** : Will the Honourable Minister of Revenue be pleased to state—

(a) the number of applications submitted to the revenue officers of the various districts of the province by the agriculturists concerned for restitution of their mortgaged lands, since the Restitution of Mortgaged Lands Act came into force ;

(b) the number of such applications so far decided ;

(c) the number of such mortgages so far redeemed and the area of land comprised therein in respect of each district of the province ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is laid on the table.

Staff for the decision of these cases is being provided during this cold weather.

Statement.

District.	a	b	c	
	Number of applications made since the Restitution of Mortgaged Lands Act came into force.	Number of such applications decided.	Number of such mortgages redeemed.	Area of land comprised therein.
Hissar	198	..	..	..
Rohtak	292	..	..	..
Gurgaon	204	..	..	..
Karnal	266	..	..	..
Ambala	375	..	..	..
Simla	NB	..	..	..
Total ..	1,245	..	..	..
Kangra	418	..	..	..
Hoshiarpur ..	2,468	..	..	..
Jullundur ..	310	..	..	..
Ludhiana ..	588	..	..	..
Ferozepore ..	689	..	..	..
Total ..	4,468	..	..	..
Lahore	164	..	..	..
Amritsar	1,100	..	..	..
Gurdaspur ..	1,558	..	..	..
Sialkot	2,983	..	..	..
Gujranwala ..	533	..	..	..
Sheikhupura ..	289	..	..	..
Total ..	6,627	..	..	..

District.	a		b		c		
	Number of applications made since the Restitution of Mortgaged Lands Act came into force.		Number of such applications decided.		Number of such mortgages redeemed.		Area of land comprised therein.
Gujrat	1,816		..		..		..
Shahpur	728		..		..		..
Jhelum	140		..		..		..
Rawalpindi ..	97		..		..		..
Attock	390		..		..		..
Mianwali	201		..		..		..
Total	3,372		..		..		..
Montgomery ..	11		..		..		..
Lyalpur	3		..		..		..
Jhang	410		..		..		..
Multan	107		..		..		..
Muzaffargarh ..	1,515		..		..		..
Dera Ghazi Khan ..	544		..		..		..
Total	2,590		..		..		..
GRAND TOTAL ..	18,302		Nil		Nil		Nil

REDEMPTION OF MORTGAGES.

***5230. Khan Muhammad Yusuf Khan:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of applications made to the revenue officers for redemption of mortgages since the Restitution of Mortgaged Lands Act came into force in the Rawalpindi district;

- (b) the number of applications mentioned in (a) above so far disposed of ;
- (c) the area of land so redeemed under the new Act ;
- (d) if the reply to (b) and (c) above be in the negative, the reasons why so far no action has been taken on any such application ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 97.

(b) Nil.

(c) and (d) The Act required the framing and the publication of Rules. These have now been published and the applications are being considered.

AMOUNT SPENT IN THE FAMINE-STRICKEN AREA OF DISTRICT
HISSAR.

***5255. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how much money has been spent by the Government in the famine-stricken area of district Hissar ;
- (b) the amount which has been paid as salary to the officers who worked in this connection ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information to reply this question is not yet ready.

CULTIVATED LAND.

***5256. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the area of cultivated land in each district of the province owned by the Government ;
- (b) how many acres out of this area are under irrigation and how many of these are barani ;
- (c) the annual income in each district of the province from the Crown land let out on temporary cultivation and its area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Statement "A" showing approximately barani and irrigated Crown land under cultivation in each district in the Punjab during the year 1937-38 is laid on the table. The area in the Punjab under cultivation in forest plantations is not known and it has not been included in the statement.

(c) Statement "B" showing the area in colony districts on temporary cultivation and the rent recovered during the year 1937-38 is laid on the table. Figures of non-colony districts are not reported and are therefore not available.

STATEMENT A.

Statement showing cultivated Crown land in the Punjab for the agricultural year 1937-38.

Name of district or colony.	Barani area.	Irrigated area.	Total cultivated area.
	Acres.	Acres.	Acres.
Hissar	25	..	25
Rohtak	1,024	..	1,024
Gurgaon	666	..	666
Karnal	10,872	..	10,872
Ambala .. ..	..	..	..
Simla	23	..	23
Kangra .. ..	..	..	..
Hoshiarpur .. ..	..	..	..
Jullundur .. ..	..	..	..
Ludhiana	1	..	1
Ferozepore	261	..	261
Lahore	7,308	..	7,308
Amritsar	32	..	32
Gurdaspur .. ..	..	..	..
Sialkot	1,513	..	1,513
Gujranwala	428	..	428
Sheikhpura .. ..	..	254,650	254,650
Gujrat .. ..	..	40,082	40,082
Shekpur	16,653	410,956	427,609
Jhelum	1,816	..	1,816
Rawalpindi	105	..	105
Attock	2,496	..	2,496
Mianwali	44,320	..	44,320
Montgomery	143	737,581	737,724
Lyallpur .. ..	..	1,667,105	1,667,105
Jhang .. ..	..	227,812	227,812
Multan	42,137	319,664	361,801
Nili Bar Colony .. ..	..	448,650	448,650
Muzaffargarh	3,193	..	3,193
Dera Ghazi Khan	42,682	..	42,682
Total	175,698	4,106,500	4,282,198

NOTE.—Separate figures of irrigated land in non-colony areas are not available, and irrigated areas, if any, outside the colonies have been included in the figures of barani area. Forest plantations and wastelands have been excluded as figures are not known.

STATEMENT B.

Statement showing area on temporary cultivation in the canal colonies in the Punjab and the rent recovered during the year 1937-38.

District.				Area on temporary cultivation.	Rent recovered during the year.
				Acres.	Rs.
Lahore	..	..	..	1,271	5,663
Sheikhupura	..	..	..	9,685	17,181
Gujrat	..	..	..	1,201	8,369
Shahpur	..	..	..	18,993	1,37,988
Lyallpur	..	..	..	51,563	1,97,251
Montgomery	..	..	..	23,588	2,65,067
Jhang	..	..	..	1,617	5,462
Multan	..	..	..	16,171	1,12,806
Nili Bar Colony	..	..	..	275,413	18,22,501
Total				399,592	25,72,288

PANEL OF CHAIRMEN.

Mr. Speaker : For the current session I nominate the following panel of chairmen :—

1 P.M.

Khan Bahadur Chaudhri Riasat Ali.

Sardar Sahib Sardar Santokh Singh.

Munshi Hari Lal.

Rao Pohop Singh.

ADJOURNMENT MOTION.

ARREST OF ACHARYA NARENDRA DEV.

Lala Duni Chand (Ambala and Simla, General, Rural) : I beg to move that the House do now adjourn to discuss a definite matter of urgent public importance, namely, the prohibition of the entry of Acharya Narendra Dev, one of the foremost Congress leaders of India, into the province of the Punjab under the orders of the Government and his consequent arrest on or about 1st July 1939 at Rohtak when he was being taken in a procession in connection with a political conference to be held there.

Premier : No objection, except perhaps that the latter part of the motion is out of order.

Mr. Speaker : As there is no objection, the member is granted leave to move his adjournment motion. The question is at what time it may be taken up.

After an informal discussion the Assembly unanimously agreed that under the provisions of Rule 45 the motion be taken up for debate at 3-50 p.m.

Mr. Speaker : From 1 P.M. to 3-50 P.M. the House will deal with Bills. Half of this time shall be devoted to Bills for introduction ; while the remaining half will be given to Bills which have already passed the introduction stage.

PREVENTION OF EXTRAVAGANT DOWRIES BILL.

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

That leave be granted to introduce the Punjab Prevention of Extravagant Dowries Bill.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : No objection.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Prevention of Extravagant Dowries Bill.

The motion was carried.

Munshi Hari Lal : I introduce the Punjab Prevention of Extravagant Dowries Bill.

ANTI-DOWRY BILL.

Rai Bahadur Lala Gopal Das (Kangra North, General, Rural) : I beg to move that—

That leave be granted to introduce the Punjab Anti-Dowry Bill.

Minister for Development : (The Honourable Chaudhri Sir Chhotu Ram) : No objection.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Anti-Dowry Bill.

The motion was carried.

Rai Bahadur Lala Gopal Das : I introduce the Punjab Anti-Dowry Bill.

THE SIKH GURDWARAS (AMENDMENT) BILL.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, I beg to move—

That leave be granted to introduce the Sikh Gurdwaras (Amendment) Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Sikh Gurdwaras (Amendment) Bill.

Minister for Education (The Honourable Mian Abdul Haye) : I object to leave being given.

Sardar Samupran Singh : According to section 106 of the Sikh Gurdwaras Act, 1925, the Gurdwara Committee cannot use their surplus funds unless they secure a majority of two-thirds of the total number of members of that particular committee—Ordinarily the number of members present at the meetings does not come up to two-thirds. The use of these funds is only for purposes already allowed by the Act, i.e., for religious, educational or charitable purposes, and my object, in moving this amendment is that this restriction which is on the Gurdwara Committee may be removed so that funds instead of being allowed to accumulate or being unnecessarily consumed under sub-clause (1), which are not so beneficial, the Committee may be able to utilise them for better purposes, for charitable and educational purposes. It is mainly with this idea that the funds may be directed in the right lines, that I have brought forward this amendment.

To elucidate this point, I would like to read portions of section 106 and section 108. Section 106 (1) requires that the funds—

“Shall be used, in the first instance, for the maintenance of religious worship and the performance and conduct of religious and charitable duties, ceremonies and observances connected therewith.”

Then part (2) of the same section requires that—

“When after providing for the purposes specified in sub-section (1) there remains or appears likely to remain any surplus sum or any income not required for any such purposes, the committee may, by resolution passed by not less than two-thirds of its members, propose to allocate a part or the whole of such surplus sum or income to a particular religious, educational or charitable purpose and may, if the Board in writing sanctions such proposal, act in accordance therewith.”

My object is that instead of compelling these local committees to spend all their funds on the purposes given in sub-clause (1) of section 106, they may be able to utilise the funds for the purposes mentioned in sub-clause (2).

Besides, as I have mentioned in the statement of objects and reasons —

“Whereas difficulties have arisen in the practical working of the Sikh Gurdwaras Act particularly in respect of section 106 (2) of the said Act and whereas the sum provided in section 108 (3) of the Act for religious, charitable and educational purposes is too meagre for the fulfilment of the main object of the establishment of Sikh Gurdwaras, namely, religious prebend, etc., it is necessary that a sum of Rs. 50,000 at least be provided for religious purposes.”

You know it perhaps that a great missionary work under the Shiromani Gurdwara Committee is going on in various parts of the Punjab and outside and under section 106 (1), that money cannot be spent except on the spot where those Gurdwaras are actually situated, and in order to make those funds available for better purposes and outside those particular towns, it is absolutely necessary that this Bill for amendment of the Act should be passed.

Minister for Education (The Honourable Mian Abdul Haye) : After hearing my honourable friend, Sardar Sampuran Singh, the sponsor of this Bill, I feel that no case is made out for leave being granted. The honourable member has referred to sections 106 and 108 of the Sikh Gurdwaras Act, and the only complaint that he has made this morning is that usually the members do not attend these meetings. I thought to day he would rise in his seat and point out the defect in the law. I thought he would tell us what lacuna there was. But his only complaint is that in spite of what one hears about their high sense of duty, the members of the Gurdwara

[Minister for Education.]

Committees and of the board are so negligent that they do not care to attend them. That being so, I submit that these safeguards are all the more necessary. I may point out, Sir, that both in section 106 and in section 108 there is provision for normal functions of the committees and the board and for extraordinary functions. So far as the normal functions of the board and the committee are concerned, both the sections provide that a decision can be taken by the majority of votes. But if after performing those normal functions there is a surplus and that surplus is to be utilised for other purposes there must be a safeguard and there must be a restriction and the mere majority of the persons should not be allowed to dispose of the surplus at their sweet will. He also stated that according to the present law it is necessary that the money should be spent in that very station or locality where the Gurdwara committee or the board is situated and he wants freedom to spend it anywhere. That reminds me of Bombay where the Prabhandhak Committee decided to establish a Sikh National College, and I understand they voted funds against the provisions of the Act, and thus exceeded the powers given to them by the Act, and if my information is correct—I am speaking subject to correction—this blessed national college established in Bombay by the enthusiastic members of the Prabandhak Committee has at least one Sikh student on the rolls. (*Interruption.*) I may be wrong. There may be two. There may be half a dozen. But they are not more than half a dozen. Then, Sir, as I have already stated, so far as normal duties are concerned, there is no handicap. So far as extraordinary purposes are concerned, it is absolutely essential that there should be these safeguards and these limitations. My honourable friend seeks to amend section 106 (2) so that if two-thirds of the members present vote for a certain course that decision would be valid in law. That means that if out of a committee of say 30 or 40 members where the requisite quorum is say 9 if six members choose to take a certain decision, they will have an absolutely free hand in the matter. I am very reluctant, very chary of saying any unkind word about any individual or any organisation, but I would be failing in my duty if I do not here on the floor of this House state that the manner in which the funds of the gurdwara committees and the board have been administered in the past has failed to inspire confidence in the minds of the people and of the Government. Complaints of criminal breach of trust—

Sardar Sampuran Singh : Let him not bring those charges here. He can go to law courts.

Minister of Education : I say it with the fullest responsibility. These complaints have been made in the past and these complaints are multiplying. (*Interruptions.*) They are increasing day by day. Cases have been taken to courts and decrees have been passed against certain recalcitrant members. There is another snag in this Bill. I should say that this Bill of Sardar Sampuran Singh has got a sting and the sting is in the tail of the Bill. After seeking to make these amendments, namely, that the decision can be taken by the majority of the members present, he wants them to spend to any extent, up to Rs. 50,000. He knows perfectly well that in the past members of these committees and the board have exceeded their powers and gone beyond Rs. 3,000 and they adopted resolutions which did not conform to the provisions of the statute. He now

seeks by virtue of the last clause to give this measure a retrospective effect. For this reason also I shall not be a party to this measure. (*Hear, hear and laughter.*) The honourable member is an experienced lawyer. He knows that there is such a thing as abetment. Some persons have in the past committed criminal misappropriation and serious irregularities. If his object is to screen them from the Punjab Government then this House shall refuse to lend their support. May I remind my honourable friend that abetment does not necessarily mean assistance given at the time of the commission of the offence? You can also abet an offence by becoming an accessory after the fact.

Mr. Speaker : The question is—

That leave be granted to introduce the Sikh Gurdwaras (Amendment) Bill.

The Assembly divided : Ayes 42, Noes 76.

AYES.

Ajit Singh, Sardar.
 Balbir Singh, Rao Bahadur Captain
 Rao.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 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, Sardar.
 Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hassan, Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.
 Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayad.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badr Mohy-ud-Din, Qadri, Khan
 Sahib Sayed.

Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.

Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Mann, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Dass, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 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.
 Sultan Mahmood, Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh, Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

REMOVAL OF CIVIL DISABILITIES AMONG HARIJANS BILL.

Chaudhri Jugal Kishore (Ambala and Simla, General Reserved Seat, Rural) : Sir, I beg to move —

That leave be granted to introduce the Removal of Civil Disabilities among Harijans Bill.

The motion was carried.

Chaudhri Jugal Kishore : I introduce the Removal of Civil Disabilities among Harijans Bill.

MUSLIM PERSONAL LAW (SHARIAT) APPLICATION BILL.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban): Sir, I beg to move—

That leave be granted to introduce the Punjab Muslim Personal Law (Shariat) Application Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Muslim Personal Law (Shariat) Application Bill.

Premier : I have no objection on the merits of the Bill. I may however suggest —

Sardar Sohan Singh Josh : On a point of order. The Honourable Premier should simply say whether he objects or not.

Premier : It will save time if my honourable friend would allow me to say a few words.

Mr. Speaker : But no speech can be allowed at this stage.

Premier : Sir, I object.

Mr. K. L. Gauba : Mr. Speaker, I am surprised that my honourable friend, the Premier, has stood up to oppose this Bill. I thought that he would be the very last person to oppose a Bill of this nature. The Bill, Mr. Speaker, is a very simple one. The Central Legislative Assembly in the year 1937 passed the Muslim Personal Law (Shariat) Application Act. In that Act, it is laid down that in all matters, with the exception of certain matters provided therein, Muslim Law was to apply to all Muslims throughout India. The present Bill, as I have said, is a very simple one and it proposes to bring into operation in this province those matters which were excluded in the measure passed by the Central Assembly. The fact of the matter is that in certain provinces, such as Bengal, Assam, Burma and North-West Frontier Province, the Shariat or Personal Law applies to all Muslims ; but in certain other provinces the Shariat applies partly in the case of certain tribes and does not apply in the case of other tribes. And our province comes in the latter category. I am not the real author of this Bill. The real author of this Bill is the Honourable Minister for Education, whom I do not see in his seat. He introduced in the Central Assembly many years ago when he was a member of that Assembly, a Bill for the application of the Shariat to Muslims. When he ceased to be a member of that legislature the Bill was dropped. Again this question was raised by Hafiz Maulvi Mohammad Abdulla in the Central Assembly, and after a passage covering two years it was eventually enacted into law in the year 1937. By clause 2 of that Bill, any custom or usage to the contrary notwithstanding, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of personal law... the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).

Mr. Speaker : The honourable member should not go into the details at this stage.

Mr. K. L. Gauba : I am only explaining this for the information of the Honourable the Premier. I am surprised that he is opposed to this motion. The Bill of the Central Assembly excluded certain subjects. The object of the Bill that I crave leave to introduce is simple ; the subjects which were excluded by the Central Assembly Bill are to be no longer excluded so far as this province is concerned. The main item that was excluded in the Act passed by the Central Assembly was succession to agricultural land. Now, I admit, Sir, that if my Bill is accepted by the Assembly, it will have very far-reaching consequences. I do not think that the Muslim members of this Assembly should really oppose this Bill, because it brings back into operation in this province the Shariat, which is the law of the Muslims as laid down in the Holy Quran. (*An honourable member : Question.*)

There is a similar Bill later on in the agenda in the name of the honourable member, Begum Rashida Latif. She asked me to introduce this Bill and the fate of the ballot has resulted in that my Bill has found a more fortunate position than hers. The whole credit of this Bill, I must say, really goes to her. My honourable sister has raised this question in the interests of the Muslim women of this province. Here in our province, wives, sisters and daughters are excluded from inheritance by the Customary Law. (*Interruption.*)

With these remarks, Sir, I ask for leave to introduce the Bill.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I wish to make it quite clear why I interrupted my honourable friend opposite. I do not wish to oppose the principle of this Bill. The main reason for which I want to oppose the motion of the honourable member is this that notice of this Bill was given by Begum Rashida Latif during the last session. I think courtesy demanded that he should have allowed Begum Rashida Latif to move this Bill and not to take the credit for moving this Bill to himself. I suggest to my honourable friend that he should allow Begum Rashida Latif to introduce it.

So far as the merit of the Bill is concerned, there may be difference of opinion, on some details, but we are not going to oppose the principle of this Bill. We will try to see if it could be suitably modified. My honourable friend is aware that under the provisions of the Bill passed by the Central Assembly every Muslim in this province or in any other province in India is entitled to declare that he will be governed by the Muslim Law (Shariat) and the courts are bound to give effect to that declaration and his successors and heirs will be bound to abide by that declaration which he has made. May I ask how many Muslims concerned have taken advantage of it ? Has the honourable member got statistics ? We are trying to collect statistics to find out whether people are taking advantage of that Bill. Thereafter it may be necessary to pass further measures. At the same time I do not want to conceal the fact and my honourable friend is perfectly aware that there is a very strong objection from certain quarters, from Muslims themselves. They may be wrong. I do not say they are right ; I think from the Shariat point of view they are wrong. I am certain that the honourable member is aware that there is a strong opinion amongst an important section of the Muslims in this province that some device should be provided in the Bill so that it may not allow the Land Alienation Act to be

torpedoed. There was a similar Bill moved in the last Council of which my honourable friend was perhaps not a member. We constituted an informal committee of Muslim members—lawyers—from that Council to study the matter. I was co-opted a member and we went through the whole question of the Shariat Bill keeping in view the strong opposition from those classes who did not want, in any way, the Land Alienation Act to be affected. We had the benefit of the views of religious people and *Ulemas*. Most prominent *Ulemas* were invited and we had long discussions with them. They gave us a clear verdict that it was not against Shariat to protect the land of a particular class or section or community. They said that the Land Alienation Act was perfectly within Shariat and it could be reconciled with this Bill, and that every opportunity should be given to do so. Moreover, it will not do any harm to the Shariat Bill as such and would not be against the Muslim law at all. We, therefore, decided that a Bill should be so drafted as to safeguard the interests of those who opposed it on the ground that it would affect the Land Alienation Act but would not in any way hamper the inheritance by daughters or sisters, which is the main purpose of this Bill. Now, that being the position, my honourable friend may rest assured that I am in fullest sympathy so far as the main object of the Bill is concerned, but, at the same time, I have to keep in view that very large volume of opinion in the province which wants the Land Alienation Act to be safeguarded in the form in which this Shariat Law becomes an Act. I am not opposed to the Bill but I would again appeal to my honourable friend that since the Government had decided not to oppose the introduction of the Bill he would be chivalrous enough not to press his motion and leave it to the honourable lady member to move her Bill. As a matter of fact, it was at her suggestion, that this Bill was drafted so that she could be given some amount of credit for introducing this Bill.

Mr. K. L. Gauba : May I say a word ?

Mr. Speaker : No. Does the honourable member wish to withdraw ?

Mr. K. L. Gauba : I might be allowed to make a personal explanation.

Mr. Speaker : But no personal explanation is needed. Has anything been said about the honourable member ?

Mr. K. L. Gauba : Yes, Sir. I resent the remarks of the Honourable Premier in which he said that it was lack of chivalry which prompted me to move this Bill. The fact of the matter is that the usual tactics adopted by my learned friend opposite and the members of his Government are that on non-official days, if they do not want a Bill to be actually introduced or adopted in this House, they raise all sorts of frivolous objections. (*Voices from Treasury benches :* No, no.) I am perfectly entitled to give the reasons why I also submitted a Bill in identical terms. It was submitted, because it was thought that it might happen that Baji Sahiba's Bill might not be reached. As a matter of fact Baji Sahiba and myself discussed this question two or three days ago and again to-day and she told me to move this Bill because it is quite possible that the Government might raise objections. (*Premier :* Question.) (*Interruptions.*) The point is that that Bill might not be reached. (*Hear, hear.*) I have absolutely no

[Mr. K. L. Gauba.]

desire to steal the credit that belongs to Baji Sahiba and if my learned friend opposite is not going to raise frivolous objections so far as the other Bills are concerned and Baji Sahiba's Bill is going to be reached to-day, then I will certainly withdraw the request that I made for the introduction of this Bill.

Mr. Speaker : Then may I take it that the honourable member is withdrawing his motion ? (*Voices from Opposition benches : A conditional withdrawal.*) Conditional withdrawal is no withdrawal at all.

Mr. K. L. Gauba : I would withdraw if there is not going to be opposition so far as the other Bills are concerned and Baji Sahiba's Bill is going to be reached to-day. (*Voices : No, no.*) Then I do not withdraw.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Muslim Personal Law (Shariat) Application Bill.

Premier : I may point out that I am prepared to give special time to Begum Rashida Latif Baji to introduce her Bill.

The Assembly divided : Ayes 46, Noes 67.

AYES.

Abdul Rab, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqr Chand, Chaudhri.
Gauba, Mr. K. L.
Girdhari Das, Mahant.
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, Sardar.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Nurullah, Mian.
Muhammad Wilayat Hussain
Jeelani, Makhdumzada Haji
Sayed.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib
Sardar.
Sant Ram, Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh, Josh, Sardar.
Sudarshan, Seth.

NOES.

- Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan, Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Das, Seth.
 Manonar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Hassan Khan Gurcani, Khan Bahadur Sardar.
 Muhammad Hayat Khan, Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad Khan, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

ANTI-DOWRY BILL.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) : Sir, I beg to move—

That leave be granted to introduce the Punjab Anti-Dowry Bill.

Mr. Speaker : Any objection? (*Voices* : No.)

The question is—

That leave be granted to introduce the Punjab Anti-Dowry Bill.

The motion was carried.

Tikka Jagjit Singh Bedi : Sir, I beg to introduce the Punjab Anti-Dowry Bill.

HARIJAN REMOVAL OF DISABILITIES BILL.

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

That leave be granted to introduce the Punjab Harijan Removal of Disabilities Bill.

Mr. Speaker : Any objection? (*Voices* : No.)

The question is—

That leave be granted to introduce the Punjab Harijan Removal of Disabilities Bill.

The motion was carried.

Lala Bhim Sen Sachar : Sir, I beg to introduce the Punjab Harijan Removal of Disabilities Bill.

PRINTING PRESSES CONTROL BILL.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) : Sir, I beg to move—

That leave be granted to introduce the Punjab Printing Presses Control Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Printing Presses Control Bill.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I object to leave being granted.

Sardar Sohan Singh Josh (*Punjabi*) : Sir, I was under the impression that the Bill moved by me would not meet with any opposition at the hands of the Government. It is quite inconceivable to me that a Minister who had the courage to bring forward a measure like the Trade Employees Bill should blankly object to leave being granted for the introduction of this Bill. It is possible that the drafting of this Bill might be defective, but these flaws could easily be removed during the select committee stage.

It is a matter of common knowledge that in the province of the Punjab whenever the number of workers in a printing press exceeds 20, the employer at once takes steps to dismiss the extra workers in order to evade the provisions of the Factories Act. In fact, there exists no requisite machinery for governing the relations between the workers and the employers for the employment or dismissal of the former. Hence it is of vital importance that we should have a measure like the Bill in question on the Statute Book in order to exercise control over the employers of the printing presses.

It goes without saying that the printing presses constitute an important industry of the province. It is this industry which caters food for our brains. The honourable members can fully realise the hard labour which the workers are required to put in while printing our newspapers, journals and books. I would not be exaggerating the fact if I say that the workers employed in the printing presses of the Punjab are put to great hardships for want of proper legislation. Whenever any voice is raised against the tyranny of the owners of the printing presses, it proves a voice in the wilderness. The protests of the workers prove ineffective before the powerful vested interests of the employers. Now that a Bill has been brought forward to help the workers employed in the printing presses, the Honourable Minister has opposed it straightaway as if he is out to make a common cause with the employers.

Now let us see what hardship the workers have to experience in the printing presses of the Punjab. There is no proper legislation to regulate or check the highbandedness of the employers who are absolutely free to exploit the poor workers to their hearts' content. They can turn out workers at a moment's notice from their printing presses even though they may have 5 years' service to their credit. No regard is paid to the length of their service. There is no law except the will of the employer. The time has come when we should afford protection to the poor workers in the printing presses against this ruthless exploitation. That is one of the reasons that have prompted me to bring forward this Bill. There is yet another reason and it is this. There is no uniformity in the hours of working in the different printing presses. Some of them employ their workers for 10 hours and even for 12 hours a day. That is nothing short of brutality.

Another evil that is rampant in the printing presses is that the rate of wages is not fixed at all, and whatever wages the employers choose to pay are not paid in time. Sometimes the workers are not paid for two or three successive months with the result that the starving workers have to knock at the door of the money-lender, who charges exorbitant rates of interest. The money-lenders from Kabul are more cruel than the local sahukars. The poor workers in the printing presses fall an easy prey to these money-lenders. I hope this House is well aware of the fact that the Honourable Minister for Development has no love for banias and sahukars. But now that I have sought to deliver the poor workers from the clutches of the money-lenders, he has adopted a hostile attitude towards this beneficial measure. Why does he not stand up and support me? Why does he not move at all?

I may also point out that there is no law to govern holidays in the printing presses. The workers are made to work even on Sundays. Again, they are not paid for overtime. There ought to be control over all these hardships of the workers in the printing presses. Steps should also be taken to provide for old age gratuity or provident fund because at present the poor workers in the printing presses are denied all these facilities. Even when they fall ill or any of them has his hand cut off due to some unfortunate accident in the printing press, no compensation whatever is paid. What aggravates the position still further is the fact that the Workmen's Compensation Act does not apply to the printing presses.

[S. Sohan Singh Josh.]

In view of the reasons mentioned above, there is a dire necessity of proper legislation for the printing presses, and in order to meet this need I have brought forward this Bill. I fervently hope that the House will allow me to introduce this measure.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu) : Sir, I may be permitted to assure my honourable friend, Sardar Sohan Singh Josh, that although it gives me no pleasure to oppose the introduction of his Bill yet I must. The argument, that since I have myself already moved in this House a Bill calculated to benefit a class of poor workers it would not behove me to oppose a Bill with a similar object, does not hold good. On the other hand I contend that the facts on the basis of which my honourable friend, Sardar Sohan Singh Josh, seeks to introduce his Bill compel me to oppose it. To begin with, his argument was that printing presses constituted a very important industry which was ultimately responsible for providing us both intellectual food and recreation, and therefore the workers in that industry should be afforded protection by this House. I may point out that if he regards it his duty to protect the poor workers in this important industry, the same duty throws great burden on the shoulders of one who, though without any particular love for capitalism, would not yet destroy any of its useful products. His own argument that this industry is very important leads me to oppose his Bill, because I for one would not like to take any hasty step which would ruin this important industry. There are very few printing presses in the Punjab which can bear the additional expenses that they will have to incur if this Bill is passed. With the exception of three or four printing presses, all others, I am afraid, will have to close their business, because their financial position is too weak to meet any additional charges. This Bill is thus calculated to do very serious harm to the important industry of printing presses in the Punjab. That is why I oppose it at this very stage. It would not be a wise policy to allow it to be introduced now and to oppose it later when the consideration stage arrives and when it is sought finally to pass it into law. There is a Persian saying—

گر بہ کشتی دزد اول

I should prefer to act according to it.

There is yet another reason which prompts me to oppose this Bill and it is this. The Bill in question seeks to add not only to the burdens of the employers in the printing presses but will also add to the financial liabilities of the Government. Under it we shall have to apply the Workmen's Compensation Act and the Payment of Wages Act to the printing presses. It will become our duty in that case to supervise the working of three more Acts and an additional staff will certainly be required for that purpose. Again, magistrates will be required to try cases under these laws. All this will add to the expenditure of the Government which at the present moment cannot afford to pay even a single additional pice. My honourable colleague, Mr. Manohar Lal, is sitting quite close to me. He constantly warns us not to do anything which may be calculated to add even a farthing to the liabilities of the provincial exchequer.

I am constrained, in view of these facts, to oppose this Bill, at this very stage so that the precious time of the House as well as that of the honourable mover of the Bill should be saved and the owners of printing presses should not be called upon to meet any additional expenditure.

I, therefore, oppose leave being given to the introduction of this Bill.

Mr. Speaker : The question is—

That leave be granted to introduce the Punjab Printing Presses Control Bill.

The Assembly divided : Ayes 41 ; Noes 79.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqr Chand, Chaudhri.
Gauba, Mr. K. L.
Girdhari Das, Mahant.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabal Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.

Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Nurullah, Mian.
Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sabib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.

Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqr Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazal Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.

Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan, Tiwana,
 The Honourable Nawabzada
 Major Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amm, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Saadat Ali Khan,
 Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.

Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chau-
 dhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 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.
 Sunder Singh Majithia, The Hon-
 ourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

RESTITUTION OF MORTGAGED LANDS (AMENDMENT) BILL.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General,
 Urban): I beg to move—

That leave be granted to introduce the Punjab Restitution of Mortgaged Lands
 (Amendment) Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Restitution of Mortgaged Lands (Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I object.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, you would recall the historic debate which took place in Simla in July, 1938, when we were discussing the Restitution of Mortgaged Lands Bill. That Bill, as is well known, evoked a very hot controversy in the province and raised issues which were rather unforeseen and I would be well justified if I observe that the Restitution of Mortgaged Lands Bill in the form in which it was enacted created a strong resentment in the province, not only in the urban areas but in the rural areas as well, because that Bill covered only a certain class of people and not all the mortgagees. Relief was claimed to be given to those people who were deserving of relief. But that Restitution of Mortgaged Lands Act did not actually give relief to the deserving cases. It gave relief in a large number of cases to those people who did not deserve relief at all. You would recall, Mr. Speaker, that the original intention of the Government when that Bill was first moved in this House was to cover only those mortgages which affected a particular class of people in the provinces, that is, the non-agriculturists. (*An honourable member :* No.) Yes. When one of the honourable members of the Opposition gave a hint to the Government that the Bill in that form might be declared *ultra vires* of the House under certain sections of the Government of India Act, as that was a class measure, it had struck the imagination of the Government that this should not cover merely the non-agriculturists but it should cover a few agriculturists as well and therefore they finally agreed to this thing, that the mortgages up to 8th June, 1901 should be covered and the mortgages effected after 1901 should not be covered by that Bill. At that time also we thought it our duty to bring it to the notice of the House that that Bill in that form was very invidious but it was unfortunate that this Assembly did not pay any heed to our suggestion. Now, Mr. Speaker, that Act has been before the province and it has been discussed threadbare and I expected that sanity and wisdom would dawn on the Government, although I was hoping against hope, and I still hope that the Government would accept this Bill because it seeks to eliminate the inequity which was inherent in the present Act. What was that? That was that those mortgages which were effected before 1901 should not be considered as having about them any particular kind of sanctity and if relief was to be given, it should be given indiscriminately whether they were effected before or after 1901. The plea was put forward by the Government in those days and even afterwards that this was not a class measure, that it did not particularly affect the non-agriculturists, that it did not particularly affect the Hindus. Mr. Speaker, you will recall that the Director of Information Bureau issued a statement to the press containing facts and figures as to how many mortgages were affected and how many Hindu mortgagees and how many Muslim mortgagees and how many Sikh mortgagees were affected by that Act. But one of the most important things was eliminated from that information and I consider it was intentional and deliberate because after that statement was issued a number of statements were issued

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by the members of the Opposition and also one by the Grand Old Man of the Punjab, Raja Narendra Nath, enquiring from the Government to let us know, not number-wise but acre-wise and wealth-wise or money-wise or value-wise. Facts and figures were given community-wise so far as the number was concerned. But Raja Narendra Nath wanted the Government to issue a statement giving statistics not of persons affected but of the actual land affected community-wise. But the Government kept mum. I cannot imagine that the Government did not have the facts and figures. It is impossible to believe that, because the Government issued instructions to the deputy commissioners and through them to the patwaris to collect these figures and all these figures were before the Government. But the Government preferred or thought it better to manipulate those figures and to throw dust in the eyes of the unsophisticated people of the province. But it did not satisfy those people who were students of agrarian reform. The injustice is there, the inequity is there still and this Bill seeks to remove that inequity, to remove that injustice which was inherent in the Act. Mr. Speaker, during the last couple of months I have gone from pillar to post in the rural areas. I have visited several villages and got myself into touch with the tillers of the soil and also with the class which is called the zamindar class. The term zamindar in this province is used in a very vague sense. The zamindar in the United Provinces is considered to be a wretched man, a capitalist and so on. But here in this province the zamindar is the sufferer, is the victim.

Mr. Speaker : The time for introduction of Bills is over.

Chaudhri Krishna Gopal Dutt : One word more. The next thing that my Bill seeks is that those people who paid land revenue exceeding Rs. 250 should not be covered by that Act. Why should relief be given to those people who do not deserve it? Those people who are carrying on very well, those who have got ample money and who can pay Rs. 250 as land revenue to the Government, why should relief be given to such people? Why should they be allowed to wipe out those debts when they are in a position to pay?

The third thing was that when there was a disparity of income between the mortgagee and the mortgagor and the income of the mortgagor was in excess of the income secured by the mortgagee, then in that case relief should not be given. But the present Act contains such clauses which still perpetrate these inequities. So in order to eliminate all these undesirable features of the present Act which has evoked a strong resentment in the province, I have sought your permission to beg leave of the House to introduce this Bill. I hope that even now sanity will dawn on the Government and they will accept my Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : My honourable friend, the mover, has said certain things in this Bill of his which were discussed threadbare when the original Act was discussed in the Assembly at Simla. I do not know whether any new things have cropped up since then to make the Government change their views on this matter. The proposals of my friend practically speaking

are for limiting the scope of this Act and trying to limit the benefits which this Act provides.

Mr. Speaker : The House will now proceed to deal with Bills already introduced.

TENANCY (AMENDMENT) BILL.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : Sir, I beg to present the report of the select committee on the Punjab Tenancy (Amendment) Bill. I also move—

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

Sir, you might remember that when in the last Session I moved that this Bill be referred to a select committee, I made an exhaustive speech. Now as the defects of this Bill have been amended and corrected, I submit again a few words for the convenience and refreshing the memories of the honourable members of this august House.

As you are aware, so far as the succession and inheritance of agricultural property is concerned there are two dominating groups in this province. The first group consists of landlords who are the owners of their land and who have got the proprietary rights and rights of cess charges and all that. The second group consists of hereditary tenants or occupancy tenants. So far as landlords are concerned, the rule of succession and inheritance in their case is embodied in the Customary Law of the Province. Supposing a landlord dies and the question of inheritance arises. In such cases who would be considered his descendants? Naturally his sons would be considered the real heirs of the deceased's property and as their claims are superior to those of others, they would get hold of the lands left to them by their deceased father. This is the custom or system under which landed property goes from one hand to another hand and this system is known as Pagwand system. Under this system, I mean the Pagwand system, descendants in the male line and failing them the females, unmarried daughters as well, are considered to be the real heirs and all proprietary rights are transferred to them and they divide equally among themselves, no matter how many widows may have been left by the deceased landlord. The widows have got nothing to do with the property left by the deceased. But the deceased's land is equally divided amongst the sons. And if a son dies, then the proprietary rights go to his widowed mother. Law of inheritance is there and we see that every possible provision has been laid down for the maintenance of male descendants and every facility is given to them. Under Chundawand system the property is equally divided by the number of wives left by the deceased. We, at the same time, feel that there is some defect in the Punjab Tenancy Act. Under this Act property of a deceased tenant is also given to his male children and it is equally divided amongst them. Despite all these facilities given to tenants there was something very important which we had, unfortunately, left untouched. My submission is that in the case of landlords, when one dies, the right of succession goes to his son and if he also dies his widowed mother gets it or has the right of maintenance from that property. But it is otherwise

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in the case of tenants. What is done in such cases is that if the only son of a deceased tenant dies, the widowed mother has no right to succeed to the property of her son, which was formerly of her husband, and if there is no near relative of the deceased son, the whole of the property is taken by the landlord or is transferred to a distant relative till death, who has not got any sympathy for the widowed mother. Thus the right of occupancy instead of devolving on the widowed mother goes to such people as have no regard for and no sympathy with the poor widow. Now suppose a certain tenant dies leaving behind a six months' old son or his widow gives birth to a posthumous son. It is clear that this child will inherit the right of occupancy. But if after six months or a year that child also dies then the widowed mother who was, during the lifetime of the boy, the owner of everything that belonged to her husband or son is left absolutely destitute. The right of occupancy goes to the collaterals of the child and if there is no such relative it is extinguished. This is really very hard on the poor woman and it is in view of this hardship that I have moved this amending Bill. A woman who had a vast area of land before the death of her child is left with no means of subsistence and consequently she has to live by doing menial labour for some rich person. The former Chief Court of the Punjab—

Mr. Speaker : The honourable member is going into unnecessary details. At this stage only the general principle of the Bill should be discussed.

Khan Muhammad Yusuf Khan : I bow to your ruling, Sir, but I am trying my level best to discuss only the principle of the Bill. You know, Sir, that under section 59 the widow cannot alienate or transfer the right of occupancy for more than one year. I think that is a very sound and reasonable restriction. The widow or the widowed mother should not be allowed to transfer the right and thus cause a loss to the landlord but at the same time she should not be left without any means of subsistence. Even the Chief Court admitted it in a ruling that it was a great hardship but nothing could be done unless the law was amended. This is what I was explaining and this is what actuated me to move this Bill. My only contention is that while the widowed mother should have no right to transfer the right of occupancy or cause any loss to anybody she must not be left in the wilderness.

It may be said that this amendment will cause some loss to the owner inasmuch as he will be deprived of the benefits of the land so long as the widowed mother lives. But this is not a strong point because if there are any collateral relatives the right will devolve on them, and even if there is no such relative the loss to the owner will be very insignificant. The owner will have only to wait for some time and the period will not be very long. Sometimes it so happens that an occupancy tenant dies and leaves behind him his widow or widowed mother and other poor relatives with nobody to support them. In that case humanity demands that some sort of provision should be made to protect the widowed mother from the clutches of poverty and pangs of hunger. This object can only be attained if we give the widowed mother of an occupancy tenant the right of inheritance of land until she dies or remarries or abandons the land. I may

also point out that such occasions would be very rare when landlords would have to wait till the death of a widowed mother of a deceased occupancy tenant for a long time. If the honourable members study carefully the amendment proposed in section 59 of the Tenancy Act they would find that in the circumstances referred to above a widowed mother could not be but aged. It is inconceivable that she can be of 16 or 17 years of age. Only in rare cases she can be young but in most of the cases she will be 40 or 50 or 60 years of age. From this we can safely conclude that a landlord would have to allow the poor widowed mother the right of inheritance of land for a small period only. In my opinion this period cannot exceed 5 or at the most 10 years. I, therefore, urge with all the emphasis at my command that it is highly necessary that we should adopt the proposed amendment and thus brighten up the last days of the widowed mother of a deceased occupancy tenant. I have every hope that all the landlords would agree to this beneficial amendment. None but an avaricious and callous-minded landlord would like to offer any opposition to this amendment and thus prevent the widowed mother of a deceased occupancy tenant from the right of inheriting the land. I do not think that there is any capricious landlord who would like to inflict miseries on an aged widow merely for the sake of providing more luxuries for himself.

Besides, you are aware of the fact that the majority of the people of India and particularly of this province are the followers of some religion or the other. I, therefore, would like to point out that if we accept the principle of this amendment and adopt it, it will, on the one hand, ameliorate the condition of widowed mothers of deceased occupancy tenants and on the other it would be regarded as an act of virtue or piety from the point of view of religion, morality, society and economic well-being of the country— **ہم غریباؤں کو رحم کرنا چاہیے**. In case we do not accept this amendment we would be simply leaving such widows to the mercy of society. In other words it means that as soon as an occupancy tenant closes his eyes his widowed mother would be left in the lurch. In these circumstances I would appeal to my honourable friends whether they are sitting on this side of the House or that side of the House to vote in favour of this amendment. If they vote in its favour they will surely deserve the prayers of all the widows who would benefit by virtue of this amendment. I do not think there is any person in the country 'with soul so dead' who can deny the right of inheritance to widowed mothers of deceased tenants.

Further if we adopt this amendment it would also save the Government from incurring new expenditure which they would have to incur for the maintenance of widows of the deceased occupancy tenants in case this amendment is rejected by the House. Thus this amendment would save the provincial exchequer from being taxed any further.

It is an admitted fact and I think all the honourable members know it fully well that the law of the land provides that a widow or a widowed mother of a landlord has the right to inherit land if her husband or son, as the case may be, dies before her. I can say without fear of contradiction that in 90 per cent of cases the widows or widowed mothers are allowed to avail of this concession. And thus they pass their lives comfortably. But it is a matter of regret that in case of the death of occupancy tenants their widowed mothers are not allowed the same privileges. I would therefore

[Khan Muhaumad Yusuf Khan.]

urge upon the Government that this kind of differential treatment should be given up at once. Equality before the law demands that justice should be offered without discrimination. There should not be one law for the widowed mothers of landlords and quite a different one for the widowed mothers of occupancy tenants. I may also point out that more often than not such widows have to support poor relatives who are entirely dependent on them. So in a nutshell the question is only of providing relief to women and children. I do not think that we can be so very hard-hearted as to allow one law to operate for the widowed mothers of landlords and deny the same kind of justice to the widowed mothers of the occupancy tenants. It is highly necessary that we should remove this inequality in law (*hear, hear*). In brief if we accept this amendment it would place widows of the landlords and occupancy tenants on the same level and thus equality before the law would be established.

So far as the sacrifice on the part of the landlords is concerned, I have made myself quite clear on the point. Although I feel and confess that majority of the honourable members sitting on these benches are themselves landlords, yet I am confident that none of them would be ill-disposed to place any obstacle in the way of the widowed mothers being granted their just and equitable right. It would be considered an act of generosity and a gesture of goodwill on their part if they extended their helping hand in procuring means of maintenance for them. With these words I move that the Punjab Tenancy (Amendment) Bill be taken into consideration at once.

Mr. Speaker : Motion moved—

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

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

That the Bill as reported by the select committee be recommitted to the same committee for re-consideration so as to consider the case of the widow of the predeceased son and unmarried daughters and sisters.

Sir, so far as the principle underlying this Bill is concerned, we are in complete accord with it. But my honourable friend has taken into consideration the case of a widowed mother alone. He has altogether excluded the case of other women who are under great hardship because of the provisions of the existing law. Now if a tenant dies leaving behind a widow, a daughter and a sister and there is at the same time another widow whose husband had died during the life-time of his father, the land will, under section 59 of the Tenancy Act, on the death of the widow, pass into the hands of his collaterals, leaving no means of subsistence for the widow or daughter or sister. This means that while you are providing for the widowed mothers, you are altogether ignoring the cases of widows of predeceased sons and also those of unmarried daughters and sisters. If the land does not pass into the hands of the collaterals but reverts to the landlord, even in that case the widow's of the predeceased sons and unmarried daughters and sisters are left with no means of maintenance.

When the Bill was being discussed in the select committee, I raised this point for clarification.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): On a point of order. May I know if my honourable friend is in order in divulging the proceedings of the select committee?

Mr. Speaker: After the report of a select committee is presented to the House, its proceedings may be referred to in debate.

Raja Ghazanfar Ali Khan: My point was that whatever may be in the report, that, of course, is public property and can be referred to on the floor of the House; but the proceedings, that are not published along with the proceedings, such as, what one member said to another in the select committee, they should not be referred to here, and should be confidential. No member has got a right to quote them in the open House.

Mr. Speaker: After the report of a select committee is presented to the House, all proceedings of that committee may be referred to in debate.

Diwan Chaman Lall: My honourable friend has referred to something else. There is a misunderstanding. He does not object to the proceedings being referred to on the floor of the House. What he is objecting to is the convention that has been established that any proceedings that have taken place in the committee itself and which are not to be found in the printed report of the committee, should not be referred to on the floor of the House. That is the convention and I think he is right.

Premier: The convention is that it should not be divulged.

Mr. Speaker: The honourable member may proceed. I will give my ruling presently.

Pandit Bhagat Ram Sharma: Sir, I was submitting that I drew the attention of the select committee to this matter when the Bill now before the House was being considered by it. The Chairman of the select committee, the Honourable Minister for Revenue, told us that this question could not be considered under rule 92.

Raja Ghazanfar Ali Khan: I must have your ruling before the honourable member is allowed to proceed further. He has made another reference to what the Honourable Minister for Revenue said in the select committee. I am quite sure that any conversation held in the select committee should be confidential.

Malik Barkat Ali: I take it that your ruling is clear and that you only want to give the authority for that ruling.

Diwan Chaman Lall: What my honourable friend is referring to, Mr. Speaker, is contained in the report of the select committee. Therefore, the objection that my honourable friend opposite is raising does not apply in this particular instance. The matter that has been referred to by my honourable friend is actually recorded in his note of dissent. Therefore, my honourable friend opposite cannot object to it.

Raja Ghazanfar Ali Khan: I am not objecting to it.

Pandit Bhagat Ram Sharma: I am of the opinion and assert it that the amendment which I want to propose to the House in regard to this measure comes within the scope of this Bill. My contention is that if they have made a provision for the maintenance of a widowed mother, what hinders them from considering the cases of the widows of the predeceased

[Pandit Bhagat Ram Sharma.]

sons, unmarried daughters and sisters? The Bill aims at ameliorating the condition of the former, but, why not of the latter? Why should there be any discrimination? In my opinion the Bill should be recommitted to the same select committee for further consideration on the point. The question of making a provision for the maintenance of a widow of the predeceased son and unmarried daughters and sisters, as I have already stated, should be thoroughly considered, specially in cases when the land passes into the hands of the collaterals or the landlord. I, therefore, move that the Bill be recommitted to the same select committee for reconsideration, so as to consider the cases of a widow of a predeceased son or of unmarried daughters and sisters.

Mr. Speaker : Now I give my ruling. According to *Campion*, page 221, the Parliamentary Practice on the point raised by the Honourable Raja Ghazanfar Ali Khan is :—

The publication of any portion of the evidence of any document, or of the report of the committee, before they are reported to the House, is a breach of privilege.

Diwan Chaman Lall : But any discussion that takes place between two members of the select committee, surely cannot be referred to on the floor of the House. We are not worried about evidence. What we are worried about is the talk or conversation between the members of the committee which does not form part of the proceedings of the select committee. How can that be referred to?

Malik Barkat Ali : If that talk or conversation does not form part of the proceedings of the sub-committee then that talk may have the character of being confidential between the members; but if that talk or discussion relates necessarily to the proceedings of the sub-committee, then, certainly that talk, after the report had been presented, becomes public property so far as this House is concerned.

Diwan Chaman Lall : The answer is this that one honourable member will get up and say, this is what was said in the select committee. Half a dozen other members would say, this is a lie: this was never said in the select committee. Where are you going to draw the line as to what is admissible and what is not admissible?

Mr. Speaker : In the words of Sir Erskine May (pages 482-83) :—

No member or any other person, may publish any portion of the evidence taken by, or documents presented to select committee, which have not been reported to the House.

According to the above quotation when no one can publish any portion of evidence or any documents which has not been reported to the House by the select committee, how can any reference be made to conversations which do not form part of the proceedings? I have more than once ruled from this chair that conversations between members and members and non-members should not be quoted or referred to in the House. Therefore anything spoken or written, which has not been reported by a select committee cannot be referred to or quoted in this House.

Diwan Chaman Lall : That is exactly what was objected to that such talk may not be referred.

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

That the Bill as reported by the select committee be recommitted to the same committee for reconsideration so as to consider the case of a widow of the pre-deceased son and unmarried daughters and sisters.

Khan Muhammad Yusaf Khan (Urdu) : Sir, I rise to oppose this amendment tooth and nail, and I have strong reasons for doing so. The idea underlying this amendment also struck me at the time when I drafted the Bill under discussion, but I had to rule it out later on for cogent reasons. In fact the proposed amendment is based on a misunderstanding. Perhaps the honourable mover is under the impression that I had overlooked this point. The very words, "widowed mother" which I have used in the Bill suffice to remove this misapprehension. A widow can only be called widowed mother when she has some children and in the case under question every widowed mother is sure to have one or two daughters born to her. Otherwise she would not be called a mother. Now the point is that whereas I seek to give some right to the widowed mother, how is it that I insist on ignoring the right of the daughter or the sister in such cases? I have a ready answer to that. The fact of the matter is that generally, the mother will be found needy and the sister or the daughter as the case may be will not stand in need of this mercy. I do not completely rule out that possibility. I admit that out of a thousand cases one case may be found out which may require the same protection which I want to obtain for the widowed mother. As a rule the widowed mother will become a widow at the age of 40 or 50 years. She will be infirm, helpless, destitute and deserving of help. The collaterals can look forward to the land returning to them after a few years as the normal age of men and women in this country is not expected to be very long. But how can the collaterals allow a sister or a daughter to occupy their land from her childhood to her youth and old age and to her death? I know the mentality of the agriculturists. I am myself a zamindar and I know that zamindars can never agree to this. But surely they should agree to a widowed mother occupying the land for a span of two years or so especially when she cannot sell or mortgage it or make a gift of it. Who will dare deny her this small mercy in her old age, failing health, useless limbs and when she has no supporter in the world? No religion, creed, society, or ethics or any rule of economics can deny this support to the widowed mother. But if we grant this title to the sister or daughter as well, we may encourage them to remain unmarried all their lives. Thus instead of helping them we may be corrupting their morals. Ordinarily a daughter or a sister is married as soon as she attains the age of puberty. She is then supported by her husband. The relatives deem it their duty to make proper arrangements for the marriage of their sisters and daughters. It is clear, therefore, that a sister or a daughter does not primarily stand in need of this support which I want to extend to the widowed mother.

Looked at from this point of view the matter becomes quite clear. There is no injustice involved in depriving the sister or daughter from such right. She being young, healthy, and about to be married, does not deserve this concession which the old and helpless widowed mother deserves. If we give such a right to the sister or daughter we will create more problems than we will be able to solve by the help of this Bill. In fact the whole law

[Khan Muhammad Yusuf Khan.]

will be interfered with, and confusion and intricacies will be caused. My honourable friend who wants this amendment to be made in the Bill ought to take all these points into consideration. He is well aware that a widowed mother, generally advanced in age, has not very long to live. She may live at the most 10 or 15 years. Besides, as she will not have the right to sell or make a gift, the property will be safe and her sons, collaterals if any or the landlord can wait till her death. But in the case of daughters and sisters, so long as they do not marry, the male heirs will be deprived of that property. There is also the possibility of the daughter refusing to marry, because she knows she enjoys that property so long as she does not marry. This is a very dangerous situation, because it might instead of being morally advantageous lead to moral degradation. If she does not marry there is naturally a great danger of moral laxity. The same equally applies to the case of the sister. Taking these facts into consideration it appears to me that this amendment will instead of helping the daughters and sisters, as it intends to do, turn out to be a source of social and moral danger to them. Apparently it seems unethical and unjust to deprive the surviving daughters and sisters of a hereditary tenant after his demise. But if we carefully consider the merits and demerits of the case it will be evident that this amendment will result disastrously for them. This amendment does not seek to get sympathetic treatment for them but on the contrary casts a moral slur on them. I submit, therefore, that the daughters and sisters of the deceased hereditary tenant should not be given any right of inheritance. So far as the mentality of the zamindars is concerned, no one can claim to know more about it than I, because I am a zamindar myself. What they dislike most in this connection is that their daughters and sisters be given the right of inheritance. Whether they are right or wrong in this attitude is a different matter. That they have very strong reasons for it cannot be denied. From the economic point of view they are justified in holding this view. Division and inter-division of lands has led to a very serious situation. Most of the holdings in our province are so small that they have become useless from the economic point of view. It threatens the whole agricultural population with ruin. The Government is alive to this grave danger and has started consolidation of lands and collective farming. They know that it will be suitable from the point of view of economic well-being and material prosperity of the zamindars to consolidate their holdings. But if the right of the daughters and sisters is also recognised it will tend further to divide the land which is already incapable of giving any subsistence to those who possess it.

Lala Duni Chand : On a point of order, Sir, I want to know whether the Government is a party to these tactics that are intended to prolong the debate, and I also want to know whether you approve of these tactics? (*Shouts of order, order.*)

Mr. Speaker : I the honourable member of the opinion that certain rules of procedure are being broken, he may certainly raise a point of order, but to attribute tactics is not fair.

Khan Muhammad Yusuf Khan : Sir, my honourable friend thinks that I am dwelling at length in accordance with the party tactics.

Mr. Speaker : The honourable member need not give any reply.

Khan Muhammad Yusuf Khan : Sir, I was submitting that from the point of view of the great economists it was essential that the lands be consolidated, that all the lands now divided and sub-divided into small bits of uneconomic holdings be collected as one whole, so that it could be worked better, irrigated properly, managed conveniently and improvements made therein. This will result in increased returns. Not only will the income of individuals be increased but the national wealth of the province will also increase and all this will result in bettering the economic condition of the people.

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

Sir, my submission is that if the amendment moved by my honourable friend is adopted, the economic conditions in the province would be further worsened. Take the instance of a deceased person who has left behind him two wives, two unmarried daughters and two unmarried sisters. Now under the operation of this amendment his property will have to be divided into 6 parts. And it goes without saying that income derived from these parts would not be sufficient for their recipients to keep their bodies and souls together. The land would be dwindled to an extent which would make it impossible for each individual survivor to fall back upon for her livelihood. It looks rather strange and ridiculous in these days to talk of dividing landed property into small unproductive and uneconomic plots when already the consolidation of holdings is being operated throughout the province. The menace of the unproductivity of the soil due to such frequent divisions and inter-divisions of land is one of the chief reasons why I venture to object to this amendment. I make bold to say that nothing would be more unpalatable and unacceptable than this idea of inter-dividing the land to those whom we have the honour to represent here in the House.

Furthermore, Sir, the amendment as it stands is highly objectionable from moral point of view also. It is sure to affect adversely the morals of the unmarried daughters and sisters of the deceased person.

Chaudhri Jalal-ud-Din Ambar : Sir, may I ask as to whether this lengthy speech does not indirectly amount to a financial strain on the State exchequer?

Lala Duni Chand : May I enquire whether the honourable member is anxious to have his Bill passed? We on this side are anxious to get it passed.

Mr. Deputy Speaker : I would request the honourable members not to interrupt.

Khan Muhammad Yusuf Khan : I am glad to see that my honourable friends opposite have realized that lengthy speeches do amount to a financial strain on the State exchequer. It is well known that their speeches happen to be a welter of irrelevancies, but they may rest assured that I do not propose to make any irrelevant speech like them. I am only bringing into light those evils and vices which are inevitable as a result of this amendment.

[Khan Muhammad Yasaf Khan.]

I am not indulging in any idle talk nor am I relating any interesting story here. What I want to do is to place some hard facts before the House. Here I am reminded of a poet who has aptly said on a similar occasion—

ہنسے ہوئے ہنسے ہوئے کیسی ہے سب سے تر کیا (Laughter.)

Sir, I would like to make it clear to the House that although the amendment moved by my honourable friend opposite appears to be a beneficial one yet it has its evil aspects too. If the honourable members were to closely and minutely study the amendment they are sure to find that extension of the right of inheritance to unmarried daughters and sisters of the deceased would mean an inducement to them to remain unmarried throughout their lives. In the beginning I also wanted to make a similar provision in the Bill for their maintenance but when I carefully studied the subject it dawned upon me that such a provision would give rise to several complications. Instead of becoming useful to the unmarried daughters and sisters it would do a great harm to their morality. I would therefore request the honourable members opposite to confine this right only to widowed mothers. I may be allowed to mention here that it is not improbable that the learned framers of the Punjab Tenancy Act of 1887 only inadvertently omitted to provide for the right of inheritance to widowed mothers therein. It is only just and proper to provide for the maintenance of these poor, destitute, old and silver haired widowed mothers whose life problem deserves all consideration. With these words, Sir, I oppose the amendment moved by my friend opposite.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban): Mr. Speaker, I congratulate the House for its favourable attitude towards this Bill presented to day before this House. Throughout India and particularly in the Punjab females are treated very badly. I thank God that the honourable legislators of this Assembly have at least become aware of the existence among them of females of the province, and have introduced this Bill which is beneficial to the welfare of women from so many points of view. This change in the existing laws is a preamble to the further betterment of women. Shrimati Raghbir Kaur and Mr. Sharma being members of the select committee have tried honestly and in good faith for the improvement of the Bill. Pandit Bhagat Ram Sharma has laid much stress in the note of dissent on giving the right of succession to the sisters of the deceased. I myself have also considered over the matter, and feel compassion for those helpless sisters whose brothers die and leave them without any proper guardian. But when these girls are given the right of inheritance their relatives will certainly bring forth difficulties and hindrances in the way of their marriages. It is well known that village girls are not educated enough to seek help from the law courts in order to get out of this trouble. I did not object to the Bill at the time of its introduction in the House, but simply agreed under the impression that the Bill did only concern the welfare of widows, and that my objection might not cause any inordinate delay in the proceedings of the select committee. But the amendment moved just now is quite against the welfare of women and if this amendment is carried I believe, it will bring so many hardships for the girls. And the poor girls will be devoid even of the necessities of life and their lives will become a burden for them and their

greedy relatives will certainly mis-appropriate their income in different ways. In addition to that from the moral point of view it will give rise to various vices. I may further add that the mover of this Bill and I both have given much consideration to this particular point as to whether unmarried girls should be given such rights to claim the property of a hereditary tenant. We arrived at the decision that they should not be given such rights. The amendment in question is, therefore, not going to benefit the women-folk and I do oppose it. If this amendment is carried it will give rise to so many corruptions. Everybody knows that the married class of women have no worries regarding their livelihood. This amendment only affects adversely the unmarried class of women, who have no means of livelihood other than this property. I do not wish that other people should get undue advantage of their income. I, therefore, request the honourable mover to withdraw his amendment. (*Cheers from the Government benches.*)

Mr. Deputy Speaker : Question is—

That the Bill as reported by the select committee be recommitted to the same committee for reconsideration so as to consider the case of the widow of the predeceased son and unmarried daughters and sisters.

The motion was lost.

Mr. Deputy Speaker : Question is—

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

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 2 stand part of the Bill.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the preamble be the preamble to the Bill.

The motion was carried.

Mr. Deputy Speaker : Question is—

That the title be the title of the Bill.

The motion was carried.

Khan Muhammad Yusuf Khan : I beg to move—

That the Punjab Tenancy (Amendment) Bill be passed.

Mr. Deputy Speaker : Motion moved—

That the Punjab Tenancy (Amendment) Bill be passed.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I have to express the sincerest thanks of the Government to my honourable friend Khan Muhammad Yusuf Khan for reminding them of one serious omission. We are all very grateful to him. I express the thanks of the Government

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to him for having brought this Bill which we consider will greatly relieve the poor widow who if her son dies has got no other means of livelihood. Therefore we are very grateful to him. But I am sorry that this harmless and very good Bill which should have been passed in ten minutes has taken such a long time because my friend on the Opposition bench moved an amendment which was dilatory in its character, that the Bill be sent back to the select committee for reconsideration. I am sorry my friend should have moved this amendment and should have used these tactics, because I think this Bill is entirely for the benefit of the poor people.

Mr. Deputy Speaker : Question is—

That the Punjab Tenancy (Amendment) Bill be passed.

The motion was carried.

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

ADJOURNMENT MOTION.

ARREST OF ACHARYA NARENDRA DEV.

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

That the Assembly do now adjourn.

Sir, the task that I have set to myself this afternoon is to explain the meaning and implications of the action taken by the Government of the Honourable Sir Sikander Hyat-Khan, the Premier, in charge of law and order, against Acharya Narendra Dev. Before I do so, it is necessary for me to tell the House who this gentleman is. Probably Sir Sikander Hyat-Khan knows a good deal about him. Other members may not be knowing so much about him. He is one of the foremost leaders of the Socialist Party in India. He is the man who is held in high esteem and great respect all over India. He has been a member of the Working Committee or the High Command, which body not only commands respect in the whole of India, but commands respect in the whole of the international world, to which Sir Sikander Hyat-Khan himself belongs. When the United Provinces Cabinet was about to be formed, Acharya Narendra Dev was the first man to be offered a seat on the United Provinces Cabinet and this fact has appeared in the press, but he declined the seat in the Cabinet on the ground that it did not agree with his socialist principles. I may further inform the House that recently Mr. Subhas Chander Bose was contesting the Presidential election, but certain members of the Working Committee did not want him to stand, so he made an offer that if the Working Committee was prepared to substitute in his place Acharya Narendra Dev for the presidential election, he would retire in his favour. These are some of the qualifications that he possesses. There is another qualification that he possesses in common with Sir Sikander Hyat-Khan. It is this that he also is a big landlord of the United Provinces as Sir Sikander Hyat-Khan is of the Punjab. (Premier: I am not a big landlord.) Very well, I consider him the biggest landlord.

I may also explain to the House the circumstances under which action was taken against him and he was arrested. The circumstances under which he was allowed to go back to Delhi are published in the *Tribune* of July 1, 1939, and they are as follows :—

Acharya Narendra Dev, who on arrival here this morning was served with an order of the Punjab prohibiting his entry into that province for one year, was arrested at Rohtak when he was being taken in a procession. Later he was driven to Delhi in a car under police escort, and released.

In an interview with a representative of the Associated Press, Acharya Narendra Dev explained his future attitude to the Punjab Government's prohibitory order.

The Acharya said "I have to preside over the Delhi Socialist Conference tomorrow and by that time the Rohtak Conference will be over. I have no other work in the Punjab at present. There is, therefore, no reason for my defying the order again. I, however, wish to make it clear that I will not allow this order to interfere with my normal political activities. Therefore, whenever an occasion arises in the future for my visiting the Punjab in connection with my political work, I will not hesitate to disobey the order of the Punjab Government.

I also invite the attention of the House to the law under which this order was passed. It was passed under section 3 of the Punjab Criminal Law (Amendment) Act, 1935, which runs as follows :—

The Provincial Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person—

- (a) shall not enter, reside or remain in any area specified in the order ;
- (b) shall reside or remain in any area specified in the order ;
- (c) shall remove himself from, and shall not return to, any area specified in the order ;
- (d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

Sir, the point that I want to make out is this that the onus lies, and lies heavily, upon Sir Sikander Hyat-Khan to prove that Acharya Narendra Dev who was to preside over the conference, by doing so was actually going to act or was about to act in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace.

Well, Sir, I put forward the indictment against the Punjab Government and I want to know from the Honourable the Premier whether he can acquit himself of that indictment, namely, that there was any justification or even a semblance of justification for serving this order which resulted in the arrest of a most prominent man like Acharya Narendra Dev. I shall wait anxiously and if he can satisfy me and the House that he was justified in taking that action, he and his Government stand acquitted, but if he does not—and I am sure he will not be able to justify his action—then he and his Government will stand condemned.

As I said in the beginning, my task in this connection is to explain to this House the meaning and implication of this action. It means the denying of even the elementary rights to a man like Acharya Narendra Dev the elementary right of free movement and free association. That elementary right was denied to him. It is a betrayal of the rights that

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every citizen can enjoy. Acharya Narendra Dev was entitled to come to Rohtak to preside over the conference and explain to the people what socialism means. If some professor had come to Rohtak and explained in the conference the principle of socialism in theory and placed his case before the audience, the Honourable Premier would have taken no objection to that. It is nothing but a suppression and a down right suppression of civil liberties. It is an extreme case of violation of civil liberty. Whenever

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any question with regard to the independence of India or socialism to be applied to India is raised, the Honourable Sir Sikander Hyat-Khan comes forward and claims to be the apostle of those ideas. I want to know whether he was in any way justified in suppressing civil liberty.

I would now like to take some time of the House in explaining the implications underlying this action of the Honourable Premier. I can do so by making a contrast between the objects that Acharya Narendra Dev had in paying a visit to Rohtak and the objects that the Honourable Sir Sikander Hyat-Khan has in paying visits to the United Provinces off and on. (*Laughter*). I may inform him that he was treated there as an honoured guest by the Honourable Mr. Pant. I might inform him that Acharya Narendra Dev will one day be the Premier of the United Provinces. I know a good deal about him. I am told that he was actually offered one of the portfolios in the United Provinces Ministry. When Sir Sikander Hyat-Khan goes there during the Premiership of Acharya Narendra Dev, he will be treated there much better than Acharya Narendra Dev was treated by our Premier. After all what was the object of Acharya Narendra Dev in coming to Rohtak? He wanted to explain to the people the doctrine of socialism, the principles of socialism. He wanted to tell the people how India will fare if socialist order was established in India. He came over to Rohtak to explain the principles of democracy, the principles of human equality. Was he, in attempting to do so, acting in a manner prejudicial to the safety of Sir Sikander Hyat-Khan? What other object did he possibly have? After all, the object that he could have was to convert the Punjab to his creed of socialism. I know Sir Sikander Hyat-Khan has been claiming sometimes to be the champion of socialism. If Acharya Narendra Dev also wanted to come to Sir Sikander's province and explain to the people the creed of socialism, what heinous crime had he committed? (*Voices from Treasury benches*: The honourable member has taken more than fifteen minutes.)

Mr. Deputy Speaker : I have discretion to give more than fifteen minutes to the mover of the motion.

Lala Duni Chand : Let us make a contrast between the objects that Acharya Narendra Dev had in mind in coming over to Rohtak and the objects Sir Sikander Hyat-Khan has had in mind when he was paying visits to Lucknow, Cawnpore and other important places in the United Provinces.

Premier : I never went to Cawnpore or anywhere else in that province.

Lala Duni Chand : I want to expose him by telling the objects (*loughier*) for which he had been going there. What have been his objects?

Premier : But I never went there, what to say of the object?

Lala Duni Chand : Acharya Narendra Dev wanted to come to the Punjab to relax the grip of British Imperialism. Can you deny for a moment that whenever you have gone there, this has been one of the objects of yours? You have been there in order to set up or encourage a communal organisation that stands to-day between India and freedom. If Mr. Jinnah, Sir Sikander Hyat-Khan and a few others belonging to that class were to join hands with the Congress, India can have complete independence—Swaraj—for the mere asking of it. What have you been doing there? You have been hatching schemes to divide India into different sovereign states.

Shaikh Karamat Ali : The honourable member is not speaking to the motion.

Lala Duni Chand : I am trying to explain that if Sir Sikander Hyat-Khan could go to the United Provinces without any let or hindrance, what reasons were there for Sir Sikander to deny a perfectly innocent visit to Acharya Narendra Dev?

Mr. Deputy Speaker : There is hardly any relevancy.

Lala Duni Chand : If part of my speech is irrelevant on the ground that it pinches the Premier of the Punjab then I can well understand that it is 'irrelevant', otherwise I cannot possibly see the irrelevancy of it and cannot see how it can be ruled out of order.

Lieutenant Sardar Naunihal Singh Man : On a point of order. May I know whether the honourable member can challenge the ruling of the chair when you have already said that he was irrelevant? He has said that if his remarks pinch the Premier then he can understand that, otherwise he cannot see the irrelevancy of his speech. You were pleased to remark that he was irrelevant. May I know whether he can challenge your ruling?

Mr. Deputy Speaker : I do not think the honourable member has challenged my ruling. (*Voices from Tresasury benches :* He has). I am sure he would not be irrelevant now.

Lala Duni Chand : I satisfied you with regard to the point raised by you and after that I understood that, according to your ruling, I was perfectly in order and I, therefore, proceeded with my arguments. (*Voices :* Question, a challenge to the chair).

Mr. Deputy Speaker : The honourable member understands the principle of relevancy well enough. I hope he would not be irrelevant any more.

Lala Duni Chand : I would like to know precisely and unless I know precisely in what way I am irrelevant, I cannot be ruled out. My point is whether, in view of the conditions prevailing in India, Sir Sikander Hyat-Khan could be justified in imposing a ban upon the entry of Acharya Narendra Dev. There is one section of the people that is infecting India with communalism, with sectionalism and all sorts of evils. If there is a gentleman who wants to establish a new order in India, and who wants to

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establish the principles of comradeship, brotherhood and equality in India, then, has that gentleman a right to visit the province of the Punjab or not? I shall stop making references to the Honourable Premier—

Mr. Deputy Speaker : The honourable member has had 20 minutes. I will request him to finish his speech now.

Lala Duni Chand : I am the mover of this adjournment motion and certain amount of latitude should be given to the mover.

Mr. Deputy Speaker : I have given the honourable member five minutes more.

Lala Duni Chand : I should have much more than that. I have succeeded, I think, in putting my point and I need not pursue any further as it is unnecessary to flog a dead horse. The point I have scored and I think a reply from the Honourable Premier is unnecessary. Let me invite the attention of the House to the conditions that are prevailing in this province regarding the application of the law, namely, Act II of 1935. It is a hard fact, a fact which cannot be denied that similar orders have been passed in dozens of cases upon distinguished and respectable people. If Mr. Acharya wants to come to the Punjab and explain to the zamindars and kisans of the Punjab in what their good lies, he is at once ordered to leave the Punjab. Is it open to the Government to say that the present Government is the only Government that knows in what the good of the kisans lies? Other people wanted to come to this province but they have not been allowed. Similarly, a number of people belonging to the Punjab have been externed from this province and from their homes. Am I not justified in saying that according to Punjab Government's own showing, it is impossible for this Government to carry on unless almost every day, if not every day, at least every week or every month lots of people are either interned or externed? May I give a scandalous instance of this jobbery? Sardar Teja Singh Swatanter was elected a member of this Honourable House.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Lala Duni Chand : A certain restraint has been imposed upon him and he is not being allowed to join the Assembly.

Mr. Deputy Speaker : That restraint has nothing to do with the question now before the house.

Lala Duni Chand : I, Sir, appeal to your legal intelligence, which you possess in abundance, that at least the question of repression is relevant in connection with this motion is so far as the implications of the Criminal Law Amendment Act are concerned under which this order was passed.

Mr. Deputy Speaker : Relevancy should be immediate not remote.

Lala Duni Chand : This is immediate. I will not go into other aspects of Sir Sikander's repressions. I am not going to deal with them. They will be dealt with on some other occasion. I will only deal with that act of repression, namely, restraint that he has been imposing upon people and internment and externment orders that he has been passing. I think, to that extent I am relevant.

Mr. Deputy Speaker : The honourable member has had 25 minutes.

Lala Duni Chand : I will not take much time. I shall finish very soon. The question upon which this House is called upon to give its judgment is whether this state of things which prevails in the Punjab, whether the circumstances, whether the suffocating atmosphere in which we are living, is to continue and that is the question of questions. I say, it is only at the point of the bayonet that this Government is being carried on. The Punjab has been infected with all sorts of political diseases. It has been infected with all sorts of evils. It is the sacred soil of the Punjab that is responsible for the growth and development of the worst type of communalism. I hope the House would realise whether it is for the good of the Punjab that this abominable state of things should continue.

Mr. Deputy Speaker : This is again irrelevant.

Lala Duni Chand : Out of respect for your ruling I think I should stop now.

Mr. Deputy Speaker : Motion moved is—

That the Assembly do now adjourn.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*): Mr. Deputy Speaker, our Government has done nothing new in perpetrating this highhandedness or committing the blunder of placing a ban on the entry of Acharya Narendra Dev in the Punjab. As a matter of fact the Unionist Government is accustomed to accord such shabby treatment to high personages. I was sorry that I had not given notice of the adjournment of the House in regard to this matter. But I am gratified to find that my honourable friend Lala Duni Chand has made amends for my error by moving this adjournment motion which is incidentally connected with the district as well as the city of Rohtak. My honourable friend the mover has rendered a signal service in bringing forward this motion because he has offered us an opportunity to give expression to our views on the floor of the House in regard to the folly committed by the Government.

Now, I would like to point out to the honourable members that Acharya Narendra Dev possesses an eminent and a distinguished personality. He is quite an innocent and harmless person. His speeches have never been considered by any provincial Government as dangerous to the peace and tranquillity of the country. My honourable friend from Ambala has copiously dealt with his qualities of head and heart. But I may add that he occupies the same high position in the Socialist Party as is possessed by Dr. Rajendra Prasad in the Congress. In fact he not only commands high esteem in the congress circles but also enjoys equal respect in various other quarters. He is a distinguished educationist and was the Principal of Vidyapith at Benares. He is a selfless worker and has more than once refused the offer of a portfolio of ministership. Leaders like Mahatma Gandhi and Pandit Jawahar Lal speak highly of him. He is a cautious and reasonable person who would refrain from hazarding any word that would offend against the law or injure the feelings of others. Sometime back he toured the central and western Punjab and delivered speeches. I would like to enquire from the Honourable Premier whether during his sojourn his speeches caused any disturbance or breach of the peace in the

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province. He came to Delhi and then to Rohtak for the purpose of presiding over political conferences. His presidential speech at the Delhi conference was given a wide publication by the press, but it nowhere proved dangerous to the peace of the country. Acharya Narendra Dev had to preside at Delhi as well as at Rohtak because two conferences were to be held at these different places. At Delhi he rather rebuked and scolded such socialists who were apt to use harsh words against others. He did not say anything objectionable. He is scrupulous and honest in carrying out the policy of 'ahimsa' and truth. He cannot therefore be expected to exhort the Punjabis to violence and disorder. It was the height of folly on the part of the Punjab Government to prohibit the entry of such a great leader of India as Acharya Narendra Dev. He is, in fact, the embodiment of peace and non-violence. There was absolutely no likelihood of his breaking law and order in the Punjab, nor could he preach lawlessness to others. The fact of the matter is that the Punjab Government is in the habit of externing and interning peace-loving citizens. Proof is not far to seek. There is a long list of important leaders of India whom the Punjab Government has either arrested or externed on the flimsy ground of law and order while the leaders in question were lovers of peace and order and were also pledged to ahimsa. For instance, Professor Ranga, Mr. Ghosh, Mrs. Satyawati are no breakers of law and yet the Punjab Government shook to its foundation when the news of their entry into the Punjab was reported to it. Let alone men, even a woman terrifies our brave Unionist Government. (*Laughter*). They feared that her entry would shatter and scatter the foundation of their ministry.

Another curious point about the Ministry of Sir Sikander is whether any outsider has a mind to enter into the Punjab or not, an order prohibiting his entry is issued forthwith. This is nothing short of insanity of the Ministry. Sawami Sahjanand had no mind to enter this province but as soon as he came to Delhi, an order was issued to prohibit his entry into the Punjab. In fact our Government keeps up the practice of interfering with the civil liberties of the citizens and does not spare even the outsiders who approach the boundaries of the Punjab. It appears as if a number of orders are kept ready in the Secretariat for use at any time. (*Laughter*). Sometimes our Government thinks that it has not committed any foolish act of annoying the citizens, then it begins a campaign of interfering with the civil liberties of the citizens.

Besides, our Government is very jealous about the district of Rohtak. No leader of importance is allowed to come into it. The entry of a single Congress leader is enough to terrify the Unionists. This district is mostly inhabited by small holders of land, and the Unionists think that if any outsider comes there to tell the truth to the people, the magazine of the Unionists will be set on fire, and it will be all ablaze in no time. The atrocities of the Punjab Government are such that no condemnation can be too strong for them. May I ask in all seriousness, if this is the way in which provincial autonomy is expected to work? I wonder why the ministry does not hang its head in shame and why it does not repent. Does the Honourable Premier realise what kind of people he is keeping out of the Punjab?

Adverting to the conference of socialists at Rohtak, I may say that I was also present at Rohtak at that time. A huge number of kisans had gathered to learn from the Congress leader how they were being duped and fleeced by the party of Sir Sikander Hyat-Khan, who is really out to safeguard the vested interests of the big land owners. I may here point out that sometimes the Unionists welcome the meetings of the socialists if a first rate leader is not expected to attend it, because in that case the Government hopes that some trouble may arise which can be made the basis of some arrests. But when a leader of great importance is coming to attend any conference, this Government takes immediate action to stop his entry. At Rohtak men of the Unionist party offered subscriptions. In connection with this conference a nephew of a minister had also promised subscription. The editor of the *Times* of Rohtak, that is, the *Jat Gazette* also gave four rupees. It was expected by the Unionists that socialists would strongly criticise the policy of Mahatma Gandhi and abuses will be hurled at me and other local congress workers. But when the Government despaired of such a thing and came to know that a very leading and reasonable person was coming to guide the conference, orders were issued on the pretext of law and order to prohibit the entry of Acharya Narendra Dev. This order was issued to prevent kisans from hearing the truth from the lips of that great leader. It is said of old times that some people were forbidden to listen to the Vedas and if any one dared to listen, molten lead was poured into his ears. (*Premier*: That was done by your forefathers). But rightly or wrongly that was said of old times. The Unionists are doing it in the modern age of civilisation by keeping the ignorant peasants of the true facts. Such orders are molten lead.

Mr. Deputy Speaker : Two minutes more.

Pandit Shri Ram Sharma : Sir, look at this Government which wants to go out to help Poland while it is terrified by the entry of a woman into the Punjab! (*Laughter*). A great leader comes to tell the zamindars how they are to be benefited, but he is ordered not to come within the sacred precincts of the Punjab. I make bold to declare that such an order constitutes a great disgrace to the whole of the Punjab and not only to the Unionist Government. Perhaps the Honourable Premier has handed over the seal of his signatures to the district magistrates or in the secretariat so that it can easily be used at the whim of the officers. Be that as it may, Acharya Narendra Dev accorded a befitting reception to this order of the Punjab Government and like a lion he decided to come to the Punjab in spite of that order. He was arrested by this cowardly Government and sent back to Delhi.

Mr. Deputy Speaker : The honourable member's time is up.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) (*Urdu*): Sir, I do not propose to say anything with regard to my honourable friends' Government, which might tend to injure their feelings. On the contrary I want to assure the Honourable Premier that the motion moved by my honourable friend has not been moved with the intention of seeking an opportunity of reviling his Government. The object of this motion is to ask the Government to take stock of their doings during the last 2 years and see whether they are satisfied with their efforts and the

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manner in which provincial autonomy has been worked in the province. It is also intended to make those sitting behind my honourable friend who blindly raise their hands at the beck and call of their party leaders and who allow themselves to be herded into the lobbies without giving the slightest thought to what they are going to vote for, to consider whether the Premier has, by imposing that absurd restriction on the entry of Acharya Narendra Dev into this province, enhanced the reputation of the province or smeared its fair name with an unseemly blot. So far as the entry of the Acharya and the order restricting it is concerned, two of my honourable friends on this side have thrown sufficient light on it. I on my part merely want to state that Acharya Narendra Dev was coming from a province which has given asylum and extended its hospitality to those persons who have been tyrannised and driven out of their homes by this Government. On the one hand our Premier wants us to believe that provincial autonomy has been a huge success in the Punjab; that the people here are happy, contented and prosperous; but on the other hand his actions belie his pious professions. The Government seems to be constantly in a state of alarm and panic lest some one from outside should come into the Punjab and rouse its people from their slumbers. They fear that visitors from other provinces may destroy their illusion of prosperity and remove the screen from their eyes. If your house is in order, why this panic? Why this need of perpetuating the deception? Why should entry of the people of other provinces be restricted? We find that not only outsiders but people of this province also are denied freedom of speech and writing. They are not permitted to give free expression to their thoughts. To condemn such action on the part of our Government it does not require any arguments. The Government stands self-condemned. The people in other provinces can only form a very bad impression of the Government from such acts. They know Acharya Narendra Dev, who is a leader of all-India repute. They are also aware of the fact that responsible persons like him do not incite people to violence, that he cannot be a menace to the peace of the province. When they find that even he is not allowed to go about in the province they cannot but think that Sir Sikander's Government has gone mad. If in spite of such acts of ruthless repression and curtailment of civil liberty the Government claims that there is peace and contentment in the province, I would say that this is the peace and quiet of a cemetery. It cannot be the peace and calm worthy of a living nation. It is high time that Sir Sikander and his ministers look back on the two years of their reign and see what an amount of repression has followed in their wake. They should realise as to how many people from outside have been refused entry and how many newspapers and presses they have throttled in the province and how many people have they banished to other provinces! Let them compare it with the state of affairs prevailing in other provinces.

I was surprised to see the statement which the Premier was hesitant to place on the table the other day. According to this statement securities have been demanded from some 300 presses and papers during the last two years. Securities of sixteen papers and presses were forfeited. The amount of the securities demanded was Rs. 2,22,000 whereas the sum forfeited was Rs. 15,500.

(Voices : Shame-shame). The Government which can impose such restrictions on the freedom of speeches and writings of its own people and still boasts of being a democratic Government with popular support at its back cannot deceive people for long. I challenge that in this respect the Unionist Government have beaten all previous records, even that of the bureaucratic Government in this very province, what to say of other provinces. You may say that we are Congressites and as such always try to find fault with your activities but there are other people who live in this province, and I am sure they too cannot approve of this state of affairs. It is becoming increasingly manifest that those who are occupying the positions of Ministers here to-day are out to do anything to please the powers-that-be above them, and can go to the extent of imposing such senseless restrictions on their own countrymen without any compunction.

I know the Premier will try to justify the action of the Government as usual by giving a stereotyped reply, but may I sincerely request him to admit the Government's mistake and raise himself in the public estimation ? In all probability he has entrusted his seal to the Secretariat which issues such repressive and tyrannical orders in his name. If that is so, let him admit that and be more careful in future; if however the case is different and he has himself been guilty of issuing such orders then I would submit that it is not a matter on which he can justly feel proud. The present Government's record of services in this respect is not such as may bring name and credit to it. One has to hang his head in shame when he finds the Honourable Ministers feeling proud on such achievements. If this adjournment motion makes them realize their mistake and they feel some remorse I would say that the object of the mover of the motion has been served. In the face of these incidents they cannot but admit that their province lags far behind other provinces in respect of the civil liberties enjoyed by the people. The record of their doings in this respect is a sufficient proof of want of foresight and prudence on their part. With these words, Sir, I whole-heartedly support the adjournment motion moved by my honourable friend Lala Duni Chand.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu*) : Sir, every citizen worth the name is well within his rights to defend his house against the inroads of riotous persons. Similarly, if the Honourable Premier wishes to protect his province against the political agitators hailing from other neighbouring provinces it is no crime on his part. In fact it is his duty to maintain law and order in the province at all costs. Since the honourable leader of the Opposition has remarked that Acharya Narendra Dev intended to visit Punjab and address meetings of zamindars, we had good reasons to fear lest he should succeed in exploiting the situation by creating misunderstanding among the simple and credulous population which is mainly illiterate and therefore there was greater danger of causing mischief. I, therefore, strongly and most emphatically object to this adjournment motion.

Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*) : Sir, my honourable friend opposite has tried to accuse the Government of resorting to the so-called repressive policy against those political workers who venture to visit the Punjab for stirring the ashes of political riots and disorders. I would like to pay him in his own coin and show him that in this respect

[Raja Fateh Khan.]

the Congress governments have proved themselves much more callous and oppressive as they do not spare even the social workers. All of us know that Allama Mushraqi has been running a purely social movement with no intention to embarrass the Government. But the Congress Government has unwisely and unnecessarily placed a ban on his movement in the United Provinces. It has passed orders under section 144 prohibiting the *Khaksars* to carry *belchas* and making formations while passing through public streets. In Bulandshahr its police has enacted appalling scenes by ruthlessly firing on peaceful *khaksars* causing death of some and injuries to others. In short the so-called just and impartial United Provinces Government has proved itself extremely tyrannical and oppressive. If such is the attitude of the congress governments against social workers, then does it lie in the mouth of the congressmen to blame the Punjab Government for taking proper actions against political workers?

Lala Duni Chand : May I know whether this speech has got any relevancy at all?

Raja Fateh Khan : Sir, what I want to drive at is that every government is responsible for keeping law and order in its province. If it has good reasons to believe that the activities of certain persons are likely to create mischief in the province it is well within its rights to take immediate and necessary steps against them. Similarly our own Government was justified in imposing restrictions on a person who wanted to visit the Punjab simply to intensify the political unrest in the province. With these words, I strongly object to the adjournment motion under discussion.

Rao Pohob Singh (East Punjab, Landholders) (*Urdu*) : Sir, Acharya Narendra Dev is very probably a very learned man and a very sincere socialist, but I maintain that so far as practical socialism is concerned he cannot compete even with an ordinary man of our province. Charity, it is said, begins at home. May I, therefore, ask my friends of the Opposition whether the learned Acharya has completed his mission of spreading socialism in his own province? If he has not so far done his duty by his own province, why did he take the trouble of favouring the Punjab with an unnecessary visit? I call it an unnecessary visit because nobody can be allowed to presume to teach us socialism. We know it in theory as well as in practice. We are proceeding on the path of socialism in our own cautious and steady way. The honourable friends sitting to my right can never, plutocrats as they are, understand or preach true socialism. Acharya Narendra Dev made a mistake in selecting Rohtak for the display of his socialist theories. He ought to have known that socialism was not new to that district. The people of that district have already become true socialists through the sincere and consistent efforts of Sir Chhotu Ram. No outsider can spread socialism in the Punjab.

Sardar Sampuran Singh : On a point of order. We are not here to discuss personalities. The Minister for Development may be better than so many other people. But that is not the point under discussion.

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

Rao Pohop Singh: It is the honourable members opposite that brought in the name of the Honourable Minister for Development. They said something and I could not desist from replying. I say you are not sincere in your professions of socialism.

Mr. Deputy Speaker : I would request the honourable member to address the Chair.

Rao Pohop Singh : Now, Sir, I want to say just a word about the people whom the Acharya had come to address. I say this with the fullest sense of responsibility that the elements gathered together in that meeting were such that if Acharya Narendra Dev had been allowed to address them the peace and tranquillity of the district would have been seriously disturbed. To give you an example I may mention an honourable member of this House who always tries to make himself conspicuous. It was the opinion of every one concerned including the congressmen that the meeting at Asaudha should be held only if the said gentleman refrained from attending it. That honourable member was avowedly present in the gathering (*Interruptions*). Thus Rohtak is already blessed with true socialism. The honourable member Sardar Sohan Singh Josh says that if Acharya Narendra Dev had been allowed to speak at Rohtak, the expropriation of landlords would certainly have taken place. There is no big landlord there. There are the small proprietors, those brave and sturdy agriculturists would shed their blood in streams before anybody took their small pieces of land from them. Anyway my contention is that even if we take Acharya Narendra Dev for a saint, the elements in the meeting would have proved highly dangerous to peace and order in Rohtak if he had been allowed to address it.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am sorry, Sir, I had to interrupt my honourable friend from Gurgaon in the middle of his speech, because I find that I have got only a few minutes to reply to the criticism made by my honourable friend opposite. In case my honourable friend wants to exercise his right of reply, he will have some time left for him.

Sardar Sampuran Singh : There is still one hour more.

Premier : We adjourn at 5-30. I am afraid, my honourable friend was not here when we decided that. We started at 3-50 and we decided to adjourn at 5-30. At any rate we suggested that we should start at 3-50 and adjourn at 5-30. My honourable friends suggested that since it was a non-official day we should not take much of the non-official time. I suggested that we shall curtail our speeches in order to accommodate them. If there is any mistake with regard to that I shall like to be corrected. We decided to adjourn at 5-30.

Dr. Gopi Chand Bhargava : At 5-40.

Premier : I thought we decided to begin at 3-50. Originally we suggested that we begin at 3-30 and finish at 5-30.

Dr. Gopi Chand Bhargava : I suggested that we begin at 3-50 and finish at 5-45.

Premier : If that is so, I shall sit down, but I thought it was going to be adjourned at 5-30 and that is why I curtailed the speeches on my side. So far as the merits of the case are concerned, there is nothing very much to answer. I was awaiting an impeachment from my honourable and learned friend from Ambala and I was trembling in my shoes and I wondered whether I would be able to reply to that impeachment which would come from him, for he has not only forensic ability but also great knowledge that it is difficult for a poor layman like myself to meet his very wide and elastic arguments which he is always ready to put forward. His main points which I very carefully noted down are these, that Acharya Narendra Dev is a very respectable gentleman, that he is respectable because he declined to accept a seat in the United Provinces Cabinet, secondly that Mr. Bose declared that he would be prepared to withdraw his candidature for the presidency of the Congress in favour of Acharya Narendra Dev and that he is a big landlord. These are the arguments that he enumerated. As a matter of fact I have also learnt that Acharya Narendra Dev is one of the few people in this country who are held in great esteem not only in the United Provinces but throughout India. I have not had the pleasure of meeting him and if I had met him, perhaps it may not have been necessary for me to issue these orders to which objection has been taken by my honourable friends opposite. I was told by a certain common friend, of his numerous attributes and achievements. After hearing these I was satisfied that Acharya Narendra Dev is one of those personalities of whom ordinarily any province should be proud. But before I go on to the circumstances which made it necessary for us to issue those instructions, I should like to tell my honourable friend opposite that these orders were not passed in any vindictive mood. I did not know at that time that Acharya Narendra Dev was a respectable gentleman of the type which I came to know later. I did not pass these orders in a vindictive spirit. I should like to explain to my honourable friend opposite that it was necessary to pass these orders for his own sake. Now my honourable friends will say that this is a very paradoxical statement. So it appears, but when I explain to them, I am sure they will agree that I have done nothing wrong and as a matter of fact if there had been any one else in my place and had the same sense of responsibility which I claim to possess, I am sure he would also have taken the same action. Now with regard to Acharya's activities we have collected information and I have that information here before me. He, as you are aware, is a well-known active socialist. I did not know that he was a big landlord and that he was a socialist of the type of my friend Mian Iftikhar-ud-din, but this is neither here nor there. He is a socialist of that harmless type who are not out to create revolution and bloodshed in the country, but who preach socialism by persuasive means in a drawing room or an assembly chamber. I hope he is a socialist of that type. If that is so, my respect for him would be greater, because I detest any other type of socialists. They create trouble. I am sure he is one of the honest type. He is a well-known and active socialist and an ex-Principal of the Kashi Vidya Pith. In the course of a visit to the Punjab in 1938, he made certain speeches which a person of his position and disposition should not have made—at least this is my view. There may be difference of opinion, but with his temperament and his achievements and cultural attainments, I in his place would not have made these speeches. It is

possible that they may have exaggerated or misreported his speeches; anyhow the report which I have received shows that he made those speeches. However, I ignore that. He again visited the Punjab in August 1938 when he addressed four meetings at Multan, Rawalpindi, Lyallpur and Lahore. This was, my honourable friends of Congress will remember, when they sent express messages to all the prominent figures in India to save them from the disintegration which had ensued as a result of the passing of the agrarian legislation. They sent S. O. S. to all leaders to rescue them. He came in response to that invitation. Acharya addressed four meetings at Multan, Rawalpindi, Lyallpur and Lahore and you can imagine what my information about him could be. Not knowing him otherwise, I only came to know of his attributes later on from a common friend. At that time I was told that he went about trying to remove the misconception of the people by saying that these agrarian Bills were not for the benefit of ignorant and poor people but for the rich people which is a common slogan with many of my friends here and outside. He also in one or two places preached revolution.

Dr. Gopi Chand Bhargava : I question that statement.

Premier : I said this was the report that I received. It is quite possible that he was misreported. There have been cases where misreporting has been done. Judging from what he has been described to be, it is very unlikely that he should have made that speech, but I know that at the spur of the moment in order to arouse enthusiasm in the audience one is apt at times to say such things.

Dr. Gopi Chand Bhargava : That is the experience of your colleagues.

Premier : It is possible that having nothing else to say, having no weapon to try to meet the position created by the passing of the agrarian Bills, he may have said something to create certain amount of enthusiasm in the audience. Speakers if they cannot find something rational say sometimes irrational things and he also may have in the heat of the moment in trying to prop up a very weak case against the agrarian Bills, said something like this. Subsequently he was elected President of the All-India

Kisan Sabha for the year 1939-40, and in July, 1939, 5 P.M. he was invited to the Punjab by the Punjab Kisan Committee for the express purpose—I should like my nonourable friend opposite to bear in mind—for the purpose of putting, as they call it, a fresh life into the so-called Kisan *morcha* at Lahore, which agitation was then on the decline. As is well-known this agitation has been causing a great deal of harassment to people—several dupes, ignorant dupes, not only agriculturists but non-agriculturists—and most of them were duped and I think suffered not only incarceration but also pecuniary loss, because they were taken away from their work and home. Under these circumstances was it not the duty of the Government to see that nothing was done in this province to give a fillip to a bogus movement which has already proved so detrimental to the interest of the Kisans—a movement which has led to rioting and bloodshed? I may have been wrong in my judgment, but that was the view that I took after reading the report, and I am sure my honourable friend would vindicate me and say that if I took any action to stop such a calamity, I was not wrong in taking that action.

Pandit Shri Ram Sharma (Urdu) : What is the source of his information to the effect that Acharya Narendra Dev's intended visit to Rohtak was in connection with Kisan *morcha* ?

Premier : People belonging to the Kisan *morcha* are sitting behind my honourable friend and he should enquire from them whether they invited Acharya Narendra Dev or not.

Mr. Deputy Speaker : If any honourable member wants to put a question, he must do so through the Chair.

Premier : I hope my honourable friend is not a member of the Kisan Committee. He cannot be.

Now, Sir, under all these circumstances what we did was that we told Acharya Narendra Dev that he should not go to Rohtak nor enter this province. His answer to the Chief Secretary was that he must enter the province and that he could not obey the suggestion made to him. It was, therefore, impossible for us to allow him to come. Under the circumstances which I have already explained, without issuing an order under the Criminal Law Amendment Act, all that I did was to issue an order that he should leave the province and I have done that on several occasions, because as I have already and repeatedly stated on the floor of this House, I believe in prevention rather than cure. Prevention is always better. It saves trouble all round. (*An honourable member* : You are afraid of women also). My honourable friend jibes that we are also afraid of women. I have great respect for women. I am, therefore, afraid of them lest we might do anything which may be conducive to create the impression that we do not respect women-folk. It is for this reason that we did not take that action which has been taken in some other provinces. My honourable friend always forces me into that invidious task. The honourable member had the audacity and cheek to say that we had betrayed the cause of our province and that in this province we are living practically on the point of the bayonet. He probably forgot that in another province, which he would remember at once when I mention the incident, it was considered illegal and an order was passed that no criticism should be made by anybody in the Press or on the platform with regard to a certain measure of taxation, which was passed by that Government. Compare this with what is happening in the Punjab. Have I ever touched anybody or asked anybody to leave the province because he abused my Government? No, not in a single case. I challenge anybody here or outside to show a single instance where I have taken action against anybody who has criticised my Government or any individual Minister.

Lala Deshbandhu Gupta : Only yesterday we read in the papers that Maulana Attallah was prosecuted under Section 124-A, Indian Penal Code, for criticising the Unionist Government, and that the sentence was set aside by the High Court.

Premier : That he might have read in his own paper.

Lala Deshbandhu Gupta : Not my paper alone. It has appeared in all other papers including the *Tribune*.

Premier : Then those papers must be on the same level as my honourable friend's paper.

I was going to say that that very case went up to the High Court and eventually the High Court upheld the order and yet my honourable friend had the audacity to say that there was a suppression of civil liberties in this province. When in another province even honest criticisms of a measure have been barred and banned, here we are abused both in this House and outside with impunity and yet we take no action, and still you say that you are living under Fascist rule. That is my honourable friends' view that they are living under Fascist rule. I can assure him that it is not a betrayal of the right of citizenship as my honourable friend Lala Duni Chand has pointed out. But it would have been a betrayal of the right of citizenship of the people of the Punjab, if I had allowed these people to come to the Punjab and light that powder magazine, which you know exists in several quarters in the Punjab; if I had allowed anybody to put a spark it would have lighted the magazine and allowed the things to be blown up if you had not taken the precaution to stop that conflagration. I only requested him to leave Rohtak and go to Delhi, which is 25 miles away from Rohtak and thus stopped conflagration, but you charge me of betraying the right of citizenship. What has happened in other provinces? My honourable friend knows all. It is not necessary for me to go into the affairs of other provinces; but I must say that it is not the betrayal of citizenship in the Punjab if the Punjab is kept tranquil. Here in the Punjab we have not used troops or sought for the assistance of regular military force to keep law and order. We have not done anything here which would create an impression amongst any section of the people that they are being oppressed. If that is betrayal of the rights of citizenship, then I plead guilty to the charge. For this betrayal of the right of citizenship I would request the honourable member to look to the other side of the Jumna and not to the Punjab. *(Cheers)*.

Now, Sir, my honourable friend in the heat of the moment, I dare say, went on to say that I had been visiting Cawnpore, Allahabad and all other places in the United Provinces. I denied it; but he would yet persist and say that I went there with the sinister object of dividing the two communities. He said: "You went there to encourage communalism and prop up the League, which is standing between India and its freedom." These are the words which he actually used. I have, on several occasions, explained why I joined the Muslim League. It is not the Muslim League which is standing in the way of freedom of India. I can assure you that if the League does that, I will be the first person to spurn it and to leave it. *(Cheers)*. I can assure my honourable friend that if we can secure a semblance of freedom—mind you I am using the words 'semblance of freedom' of a great man—it would be because that very League, which my honourable friend is now criticising, would be instrumental in securing it. He said that I went there to mature a scheme to divide India into several parts. God save us from our friends. He knows perfectly well that the ambition that has been uppermost throughout my career, is to bring the two communities together. I wonder if he has read my scheme. I put that scheme on paper in black and white with a view to concentrate opinion—Muslim opinion practically—on a scheme which would be conducive—

Sardar Sampuran Singh : Is this relevant?

Mr. Deputy Speaker : He is replying to Lala Duni Chand's remarks.

Pandit Shri Ram Sharma (Urdu) : On a point of order. Can an irrelevant speech be replied to by a similar irrelevant speech?

Mr. Deputy Speaker : Because it was allowed, I have to look upon it as relevant for the purpose of reply.

Premier : I was saying that I would be the last person to do anything of the kind. As a matter of fact, if my honourable friend knew what I had been doing, he would not have, even in the heat of the moment, used those words. I can assure him that, instead of dividing India, I have been striving and trying to bring the two communities together because I believe that unless we make up our differences, settle our differences, it would be impossible for us to make any headway in our political sphere or to improve our status. I warned several leaders on both sides that this was a splendid opportunity to make up and that they should make up immediately if they wanted to attain that ideal or objective which any patriotic Indian had before him. But, unfortunately, I am not yet successful. Still I have not lost hope. I am sure that during the next few months, if not weeks, those people who hitherto have failed to appreciate the situation will appreciate that unless we make sacrifices—sacrifices of a much bigger magnitude than you are prepared to make to-day—there would be no freedom for this country and no reciprocity if those sacrifices are not made. As I said, I am hopeful that that consummation, for which I have been working, will be achieved and I hope that when that is achieved I will have at least the satisfaction of knowing that my friend's remarks, that he made during this debate, were uncalled for, unwanted and unjust. Before I sit down, may I also point out to my honourable friend the real reason which is responsible for the adjournment motion and also for this trouble? It would not be necessary for me to pass such orders against people like Acharya Narendra Dev or people of that status but unfortunately the biggest political party—not the Opposition, they are in a minority—have allowed those elements to work into their organisation, which are not only hostile but, I know, are definitely under-mining the influence of that very body. For a momentary advantage they have allowed all kinds of heterogeneous elements to creep into the Congress and that is why you get very diverse and conflicting elements on those benches. If the Opposition were constituted only of ten members—real, orthodox and honest Congressmen—I am sure its position, both morally and otherwise, would have been much better than to have those people with them who do not believe in them actually and who thwart them and, as a matter of fact, stampede them.

Sardar Sohan Singh Josh : We mind our business very well, you mind your own.

Premier : I would, therefore, appeal to my friends of the Congress—orthodox Congressmen—to get rid of that heterogeneous medley of communalists, communists and hooligans and once they get rid of them, I am sure that the Punjab will be a much better province and the Congress in this province would be stronger than it is at present. (*Voices : Question be now put*).

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu): Sir, I realize that there is neither sufficient time at my disposal nor do I feel justified in saying things which go beyond the scope of the matter now before the House. I would, therefore, confine myself to what is strictly relevant to this matter. To begin with, I may submit that no Government worth the name is entitled to prohibit a person, a believer of non-violence, from expressing any opinions he happens to hold. And more so it is not at all justified in banning the entry of such a person into its own territory. But our Government banned the entry of Acharya Narendra Dev, a believer in non-violence, into the Punjab and served an order of externment on him under the Emergency Powers Act. If my friends had stated that Mr. Acharya Narendra Dev was in the habit of preaching violence, then the action of the Government could be justified. But if my friends served this order of externment on the ground that he was expected to preach violence then I may submit that this action on the part of the Government was quite contrary to law. Even if we take it for granted that the Government was justified in issuing such an order, still it was not decent on the part of the Government to have issued such an order against a person who believes in the creed of non-violence and has in fact never preached violent revolution. Such actions on the part of the Government are tantamount to suppression of civil liberties. That is why we say that the Government has abused its authority by banning the entry of Acharya Narendra Dev into the Punjab.

There is yet another matter which I wish to bring to your notice, that is, that the Honourable Premier while replying stated that Mr. Acharya Narendra Dev was one of the few persons who were held in great esteem throughout the country and that any country could be proud of him. But what is the use of all this eulogy when he was not allowed the ordinary liberty of expressing his own opinions? It is our Government which treats eminent persons like Mr. Acharya Narendra Dev so very badly. I am averse to making comparisons but if my honourable friends over there wish to do that they would find that the Punjab Government would be leading in the matter of suppressing the civil liberties of the people as well. I do not like to press this matter further and I leave it here.

Besides, the Honourable Premier stated in the course of his speech that Mr. Acharya Narendra Dev visited this province previously as well and on one or two occasions he actually preached revolution and he visited this province again to put fresh life in the *kisan morcha*. I repudiate this suggestion and declare it on the floor of the House that this allegation is entirely unfounded. Mr. Acharya Narendra Dev is one of those persons who would not even begin civil disobedience without the previous sanction of the High Command. I appeal to the Honourable Premier that while issuing such externment orders he should not place implicit confidence in the police reports. I would, therefore, submit that the Government have singularly failed to make out a case to justify their action in issuing orders for banning the entry of Acharya Narendra Dev. It is a thousand pities that the Punjab Government took such a drastic step as to prohibit a person of the nature of Acharya Narendra Dev who is a devotee of non-violence and truth, from entering the Punjab, while they did not move their little finger against certain responsible persons who have been openly advocating

[Dr. Gopi Chand Bhargava.]

and preaching violence and class hatred in the press and on the platform. The long arm of the law becomes ineffective in their case. My submission is that the Government should adopt a uniform principle. They should not make invidious discriminations. The law of the land should be applied to all with even-handed justice. But the difficulty is that Government exercise their powers injudiciously. Whenever they find that a certain person would unravel the hollowness of their claims and substantiate his statement with facts and figures, they bring into operation the pernicious provisions of their repressive laws and gag or restrain that person from doing so. This action is tantamount to an attack on the civil liberties of the people. I strongly deprecate this action on the part of the Government and assert that they have no right to trample upon the civil liberties of the people. With these words I support the motion now before the House.

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

Lala Duni Chand : Sir, I want to make a request to the Honourable Premier, and it is this. He has made an unfair use of his position in using the language against his opponents, which he should not. I give a challenge to the Honourable Premier that I did not say anything that was objectionable. On the other hand, I can say that he has used the language which he should not have used. He has said that the reason for a ban upon the entry of Mr. Acharaya and for his arrest was his own safety. This is an argument for the first time that anybody in the Punjab has heard. May I ask him, assuming that he was very anxious for the safety of Mr. Acharya, whether under the Criminal Law Amendment Act he could arrest him on that ground? The grounds which are given for prohibiting his entry are quite different. If he is anxious for the safety of people, then I can point out to him that almost every day murders are being committed in the Rohtak district. The offence of murder is rife in that district. If he is anxious to protect people, let him protect those who are being murdered in large numbers in that district. I am sorry to say that he cannot be praised for his actions. I may also point out that now the atmosphere of the Rohtak district is quite different from the atmosphere of 7th October when he rode on an elephant and went in a procession. Things have altogether changed. This is due to the work of the Congress that people have come to realise that it is no good doing *goondaism*. He says that he has done this thing and that thing. May I ask him whether there is any justification on the part of his Government to demand security from the Haryana Tilak paper for which an honourable member of this House, Pandit Shri Ram Sharma, has been responsible? If things of that kind are being done in the Rohtak district, certainly the Punjab Government cannot take pride for them. My last word to the Honourable Premier is this. Alexander the Great constructed a wall for the protection of his people and if the Honourable Premier is also ambitious enough to copy Alexander the Great, he should not construct *hadd-i-Sikandri*, that he has been constructing so far. Let him demolish that wall that he has been busy in constructing and let him copy Alexander the Great. Let not the wall be of the type of *hadd-i-Sikandri* that he has built.

Mr. Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided. Ayes 42, Noes 80.

AYES.

Abdul Rab, Mian.
Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lal, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gauba, Mr. K. L.
Gokul Chand Narang, Dr. Sir.
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 Hassan, Chaudhri.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captam.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsa, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.
Inder Singh, Sardar.

Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurbani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chau-
 dhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.

Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Sadiq Hassan, Shaikh.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Saraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

DURGAH COMMITTEE, AJMER.

Mr. Speaker : I have to make the following announcement. Two candidates were nominated for election to the Durgah Committee, Ajmer ; but as one of the two candidates, Khan Bahadur Raja Muhammad Akram Khan, has withdrawn his candidature, no election need be held.

The Assembly then adjourned till 2-30 p. m. on Friday, 27th October, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 27th October, 1939.

*The Assembly met in the Assembly Chamber at 2.30 p.m., of the clock.
Mr. Speaker in the Chair.*

ADJOURNMENT MOTIONS (*postponement*)

Premier : I am sorry my friend, the Leader of the Opposition, is not here. We have come to an arrangement that we should break up to-day at 5.30 P. M. on account of Ramzan, and since it will give us only three hours for work to-day, I am going to suggest that we should not take up any adjournment motion to-day, and if any is allowed it should be taken up for discussion on Monday next. I hope you will kindly allow it to be taken up on Monday and not reject it merely because it is not taken up to-day.

I also suggest to my friend who is now in his seat that to save time we should dispense with questions to-day and take up to-day's questions at the next meeting of the session, because after all it is going to be a long session and it would be no harm if questions are put off for a day. That will give us an additional hour to dispose of the other business and instead of four and a half hours we will get three hours and lose only one and a half hours. I hope my friend will agree to this suggestion. He has already agreed to the first.

Dr. Gopi Chand Bhargava : As far as the adjournment motions are concerned, the Honourable Premier and I have already agreed that none should be taken up to-day. I have no objection if the adjournment motions are not taken up to-day.

As for questions, there are very few of them and I think they will be finished in half an hour.

Premier : Very well, let us devote half an hour to questions, and then the Bills can be taken up.

Mr. Speaker : Will the Honourable Premier, please, move formal motions to have the arrangement, mentioned by him, approved by the House?

Premier : Very well, Sir. I move—

That the question hour to-day be limited to half an hour.

The motion was carried.

Premier : I move—

That the Speaker do adjourn the Assembly to-day at 5.30 P.M. without question put.

The motion was carried.

STARRED QUESTIONS AND ANSWERS.

***4723. Lala Deshbandhu Gupta :** Before you call upon any honourable member to ask a question may I put supplementaries to my question which was answered the other day ? On the 24th when the Honourable Premier answered the question¹ regarding press securities I was denied this opportunity as he could not lay the statement on the table of the House that day. I suggested that in view of the fact that the statement was not there, I must have another opportunity of putting supplementary questions. This was agreed to. May I put some supplementary questions now ?

Premier : I have no objection.

Lala Deshbandhu Gupta : May I know from the Honourable Premier whether he has read the statement which was laid by him on the table in reply to my question, and whether he knows the number of the newspapers and the presses and the amount of deposits which have been demanded as securities ; and whether it is a fact that the number of newspapers and periodicals from which security has been demanded during the last two years is 300 ?

Premier : My honourable friend has put the question whether the figures in that statement are correct. *Prima facie* they are. My honourable friend has overlooked the fact that securities are demanded by the district magistrates. They have the fullest discretion to demand them or not. It has nothing to do with the local Government, except in certain cases when the matter is referred to the local Government.

Lala Deshbandhu Gupta : Does the Honourable Premier mean that the district magistrates are free to act against the policy of the provincial Government or that they have acted against the policy of the Government ?

Premier : There is no question of policy here. It is a question of a particular law.

Lala Deshbandhu Gupta : Does the Honourable Premier approve of the action taken by the district magistrates ?

Premier : I am afraid I cannot give a general answer. If he mentions any specific case, I would inquire whether the district magistrate used his discretion properly or not.

Lala Deshbandhu Gupta : Is the Honourable Premier satisfied that the district magistrates have rightly used their discretion in demanding securities from all papers and periodicals in their districts ?

Premier : I have no reason to be dissatisfied with my district magistrates, unless a specific instance where they have erred is brought to my notice, I will continue to believe that they have used their discretion properly.

Lala Deshbandhu Gupta : When did it occur to him for the first time that the number of periodicals and newspapers from which securities have been demanded is as high as 300 ?

Premier : My friend has not followed me. This is not a question of normal or abnormal. It depends on the circumstances of each year.

¹ Vide page 7 ante.

Lala Deshbandhu Gupta : Can he state the number of periodicals and newspapers from which securities were demanded in the year 1936 or 1935 ?

Premier : My honourable friend will have to put that on paper before he can expect me to give a definite reply.

Lala Deshbandhu Gupta : What is the basis for his statement then that the figure is not abnormal when he is not in a position to give us the figures for that period ?

Premier : The number did strike me as high, but on inquiry it was found that in the circumstances it was not as high as it seemed.

Lala Deshbandhu Gupta : Can he give us the approximate number and say whether it was 100, 200 or 250 ? What was the approximate number ?

Premier : I have already said that the honourable member will have to put that question on paper if he wants a definite reply.

Lala Deshbandhu Gupta : Then he had no right to make the statement that the number is not abnormal.

Mr. Speaker : That is an uncalled for remark.

Lala Deshbandhu Gupta : Is it a fact that a large majority of cases from which securities have been demanded are such which had applied for declaration for the first time and from whom the district magistrates had absolutely no reason to demand securities ? Is he aware of that fact ?

Premier : My honourable friend is under a misapprehension. The district magistrates have every discretion to ask for a security even in the very first instance. A man may have applied for a declaration and yet the district magistrate has discretion to ask for a security, but that can be asked only if he is satisfied that it is necessary to do so and without satisfying himself he would not ask for the security. My honourable friend is moving in a vicious circle.

Lala Deshbandhu Gupta : Has the Honourable Premier issued any instructions to the district magistrates to demand securities as a rule from all the papers which apply for a declaration ?

Premier : No, Sir.

Lala Deshbandhu Gupta : Is it not a fact that it has become almost a practice in the Punjab that the district magistrates demand securities from papers at the very first instance when they apply for declaration.

Premier : It may be due to the fact that the number of scurrilous papers has increased.

Lala Deshbandhu Gupta : Does the Honourable Premier mean to imply that all these papers are scurrilous ?

Premier : Certainly not. But I do mean to imply that the security asked from these papers must be on good reasons.

Lala Deshbandhu Gupta : Does the Honourable Premier mean to say that the Government or the district magistrates are in a position to decide whether a paper is scurrilous or otherwise even before the paper takes birth ?

Premier : Yes. I can do so if I know the person who is going to publish the paper.

Lala Deshbandhu Gupta : Does he know that he freely leads the rest of India in this respect and that there is no other province in which the number of papers and presses whose securities have been forfeited and from whom securities have been demanded is so high ?

Mr. Speaker : Hypothetical question. I cannot allow any more questions. Those members who have given notice of questions for to-day have a prior right.

Lala Deshbandhu Gupta : Notice of this question was given long ago and they could easily collect all relevant information.

Mr. Speaker : I have given more than enough time to the honourable member.

Dr. Gopi Chand Bhargava : Is not the number of newspapers from which security was demanded in 1936 only 21 and the number of such presses only 20 ? Does the Premier mean to say that the answer given to my question on the 7th April, 1938, is wrong ?

Premier : I must see the other question to satisfy myself that both are about the same matter. In any case my honourable friend can put the question in black and white to get facts and figures.

Lala Deshbandhu Gupta : I rose to ask another question.

Mr. Speaker : I am not bound to allow supplementary questions in such a length and in such numbers.

Lala Deshbandhu Gupta : I wish to point out that it is a very important matter and you should give more latitude for supplementary questions.

Mr. Speaker : I will allow one question to the honourable member. Let him resume his seat.

Premier : With reference to Dr. Gopi Chand's question, my honourable friend, the Leader of the Opposition has not probably read the heading of the question. It is regarding the papers whose securities have been forfeited and not papers from whom securities have been demanded. If he will see that he will find that the number of securities forfeited is much less now than in that particular case.

Pandit Shri Ram Sharma : Is it not a fact that securities demanded from many papers have been demanded under orders of the Chief Secretary and not under the orders of the district magistrates ?

Premier : My honourable friend's information is wrong. In all cases these orders are not of the Chief Secretary. The district magistrate has full authority to ask for any sum. In some cases the Chief Secretary does get papers but he passes orders with my knowledge and permission.

Dr. Gopi Chand Bhargava : May I invite the attention of the Honourable Premier to the fact that the list I have quoted is the list of those newspapers and printing presses from whom security was required during the period of 1982-87? There are two parts of my question.

Diwan Chaman Lall : May I seek your guidance as to the stage at which one can rise to give notice of a motion for adjournment arising out of the unsatisfactory nature of the reply given by the Treasury benches?

I presume it would be quite in order if I give notice now and I presume it will also be quite in order if I give half an hour before the meeting on Monday next.

Mr. Speaker : Yes.

Premier : In 1986 there were 86 newspapers.

Dr. Gopi Chand Bhargava : Thirty-six newspapers and 25 printing presses?

Premier : If he would take a little trouble and look at the name of these printing presses and papers he will find that there are a number of mushroom papers. Action was taken against them by another Government and he now wants me to take action which I refuse to take.

Pandit Shri Ram Sharma : Is it not a fact that the paper *Haryana Titak* and its press were asked to furnish security under the orders of the Chief Secretary and that the district magistrate had nothing to do with it?

Premier : That is quite correct, because we had stopped the district magistrate from taking any action against the paper, because of you, without our orders. There were complaints against you every day and I ordered that the district magistrate should take no action against you without our approval, but when the matter went too far we had no alternative.

Lala Deshbandhu Gupta : May I know if the Honourable Premier is in a position to state in how many cases out of these 800 papers and 67 presses the district magistrates acted according to the advice from above?

Premier : Where he can use his discretion, he has not to take orders from anybody else.

Lala Deshbandhu Gupta : Was their discretion unfettered or were they obliged to take action, because the Premier or his Chief Secretary or other ministers wanted them to act in a particular manner?

Premier : My honourable friend is wholly erroneous in his presumption or assumption. He is trying to generalize from his own views what others may do.

Lala Deshbandhu Gupta : Do I understand that the local Government had nothing to do with these demands of securities?

Premier : The local Government gave sanction in certain cases and I have already told him that in those cases orders were passed with my consent. They cannot be passed by the Chief Secretary alone.

TECHNICAL TRAINING IN BEE-KEEPING.

***4800. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the number and names of students who were given technical training during the financial year 1938-39 in bee-keeping farms of Kangra district and also the names of places and their residence ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table showing the number, names and residence of students who attended the bee-keeping courses held at Nagrota (District Kangra) and Raison (Kulu) with effect from the 21st March, 1938, to the 20th May, 1938, and the 22nd August, 1938, to the 21st October, 1938, respectively.

Pandit Bhagat Ram Sharma : Are the students from the Kangra district alone taken into these schools or students from other districts also ?

Minister : If my honourable friend looks at the list, he will find that students are being taken from districts other than Kangra also.

Pandit Bhagat Ram Sharma : Is any special consideration shown to the students of the Kangra district ?

Minister : No.

Pandit Shri Ram Sharma : Will the Honourable Minister please state whether any restriction has been laid or any instruction given by the Government in connection with admission ?

Minister : Government has neither laid down any restriction nor given any instruction in this connection. If, however, any restrictions have been laid down or instructions issued on the subject by the Head of the Department I do not know.

Statement.

Bee-keeping Course held at	No. of students who were given technical training during 1938-39.	Names of students.	Place of residence of the students.
Nagrota (District Kangra).	11	Ram Kishan Chand ..	Pasu, Tahsil and District Kangra.
		Bhag Singh ..	Village Machhubi, P. O. Paprola, Tahsil Palampur, District Kangra.
		Gopi Ram ..	Village Sakri, Tahsil Nurpur, District Kangra.
		Kartar Singh ..	Haveli Chobdar, Batala, District Gurdaspur.
		P. N. Singha ..	Lahore.
		Hotu Ram ..	Village Mohanewala, P. O. Jampur, District Dera Ghazi Khan.
		Nur Alam Khan ..	Village Phulwari, Tahsil Shakargarh, District Gurdaspur.
		Ghulam Zain-ul- Abidin	Lahore.
		Fazal Muhammad ..	Hoshiarpur.
		Banai Dhar ..	Dehra Dun (United Provinces).
		Daya Ram Jugran ..	District Garhwal (United Provinces).

Bee-keeping Course held at	No. of students who were given technical training during 1938-39.	Names of students.	Place of residence of the students.
Raison (Kulu)	19	Panna Lal Gupta .. Ladli Lal Gupta .. Nihal Chand Malhotra .. Rup Chand Vaidya .. Thakur Dass Sharma .. Shiv Nath Sharma .. Ganga Ram Thakur .. Railoo Ram Verma .. M. Fazal Mahmud .. Mian Said .. Bhola Ram Kaisth .. Lala Salig Ram Verma .. Fateh Chand .. Tej Ram .. Tot Ram .. Uttam Singh .. Harish S. Sahhaen .. Nanak Chand .. Bostan Khan ..	Salogra (Simla Hills). Kotgarh (Simla Hills). Mandi State. Bajaura (Garh Estate). Bohloo (District Hoshiarpur). Adalat Garh (Gurdaspur). Charmaree (Kulu). Chauntra (Mandi). Baghbaurpura (Lahore). Hoti Mardan, North-West Frontier Province. Naggor (Kulu). Sarasi, Kothi Naggor (Kulu). Naggor (Kulu). Katrain (Kulu). Kothi Nogar (Kulu). Kulu. Kulu. Kulu, Poid. Missa Kaiswal.

STIPENDS FOR STUDENTS ADMITTED TO SPINNING AND WEAVING SCHOOLS AT PALAMPUR.

***4801. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state the total number, names and residences of the students admitted to the spinning and weaving school at Palampur in the Kangra district and whether they have to take some tests before admission ; if so, what, and whether any stipends are provided for them ; if so, how many ?

The Honourable Chaudhri Sir Chhotu Ram : A statement showing the total number, names and residences of students admitted to the Wool Spinning and Weaving School at Palampur in last September is laid on the table.

No regular tests for admission are held. The Demonstrator interviews the candidates and generally admits more than 25 students, so that after watching their work for a few days, he can make a final selection up to the number permitted for this party.

Every student is paid a stipend of Rs. 4 per mensem.

Pandit Bhagat Ram Sharma : Is the Honourable Minister aware that the arrangement so far made for the training of the students is inadequate ?

Minister : No.

Pandit Bhagat Ram Sharma : Does the Government intend to extend the school to other parts of the district also ?

Minister : I have not considered that point.

Pandit Bhagat Ram Sharma : Will he consider that point ?

Mr. Speaker : That is a request for action.

Pandit Bhagat Ram Sharma : Has the Government got any intention to extend the facilities of training to other parts of the district ?

Minister : I have not thought of that question at all.

Statement showing the total number, names and residences of students admitted for training at the Wool Spinning and Weaving Demonstration Party, Palampur.

Name.	Residence.
1. Mali	Tappa.
2. Shahzada Ram	Suliyana.
3. Paras Ram	Tika Lona.
4. Lal Man	Bunda Tika.
5. Anirud Ram	Suliyana.
6. Roshan Lal	Doolo Chak.
7. Kundan Lal	Dhira.
8. Hoshiar Singh	Bundla.
9. Moti Ram	Suliyana.
10. Prithi Chand	Sujanpur Tira.
11. Prem Chand	Pattee.
12. Karam Chand	Maniara.
13. Permasbri Lal	Sujanpur Tira.
14. Salag Ram	Do.
15. Tirloke Chand	Takkari.
16. Hari Singh	Nowra.
17. Tek Chand	Sujanpur Tira.
18. Mast Ram	Sulah.
19. Bishno Ram	Dhira.
20. Thanish Chander	Sulah.
21. Daulat Singh	Suliyana.
22. Surat Ram	Kund Hari.
23. Johan Lal	Do.
24. Jaswant Singh	Palampur.
25. Roshan Lal, II	Kund Hari.

APPOINTMENT OF DEBT CONCILIATION BOARD FOR MULTAN DISTRICT.

***4833. Pandit Muni Lal Kalia :** Will the Honourable Minister of Development be pleased to state whether it has so far been decided to appoint a Debt Conciliation Board in the district of Multan; if so, when that decision may be expected to mature and, if not, the reasons for ignoring an important district like Multan in this respect?

The Honourable Chaudhri Sir Chhotu Ram : *First part :* Yes.

Second part. The decision matured on the 16th June, 1939.

INQUIRY INTO THE CONDUCT OF MR. ABDUL RASHID KHAN, WORKS MANAGER, CENTRAL JAIL PRESS, LAHORE.

***4842. Chaudhri Kartar Singh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that some time ago a committee consisting of Mr. Bourne, Deputy Commissioner, Lahore, and Mr. Tilt, Special Expert, *Civil and Military gazette*, was appointed to make inquiries into the conduct of Mr. Abdul Rashid Khan, Works Manager, Central Jail Press, Lahore;
- (b) what were the charges against the Works Manager and whether they were substantiated;
- (c) if answer to (a) and (b) above be in the affirmative, the action that the Government has taken on the report of the committee, and, if no action has been taken, the reasons therefor?

The Honourable Chaudhri Sir Chhotu Ram : (a) An inquiry was held by these gentlemen under orders of Government into the affairs of the three Government presses generally.

(b) No charges had been framed against the Works Manager.

(c) It is not in the public interest to disclose the action taken on the inquiry report.

COURT NOTICES ISSUED BY DEBT CONCILIATION BOARDS OF PANIPAT, SONEPAT, HANSI AND GURGAON.

***4851. Pandit Shri Ram Sharma :** Will the Honourable Minister for Development be pleased to state—

- (a) the amount spent newspapers-wise on court notices by the Debt Conciliation Boards of Panipat, Sonapat, Hansi and Gurgaon separately from the time these were appointed up to 31st March, 1939;
- (b) the names of newspapers published in these four districts and whether any court notices were sent to any of these for being published?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) *First part—*

1. The *Dehat Sudhar*, Rohtak.
2. The *Haryana Tilak*, Rohtak.

[Minister of Development.]

3. *The Iqtidar*, Rohtak.

4. *The Jat Gazette*, Rohtak, and

5. *The Sitara-i-Subah*, Karnal.

Second part—

Yes.

Statement showing the amount spent newspapers-wise on court notices by the Debt Conciliation Boards.

Conciliation Board at	Newspapers.	Amount.
		Rs.
1. Hansi ..	<i>The Jat Gazette</i> , Rohtak	104
2. Sonapat ..	Ditto	819
3. Gurgaon ..	<i>Nil.</i>	..
4. Karnal ..	(a) <i>The Reformer</i> , Lahore	180
	(b) <i>The Aggarwal Hathi</i> , Lahore	24
	(c) <i>The Advocate</i> , Lahore	94
	(d) <i>The Jat Gazette</i> , Rohtak	2,958
	(e) <i>The Sitara-i-Subah</i> , Karnal	1,242
	(f) <i>The Himayat-i-Islam</i> , Lahore	414
	(g) <i>The Qaumi Delar</i>	186
	(h) <i>The Beopar Gazette</i> , Lyallpur	30

Pandit Shri Ram Sharma : May I know the names of newspapers that have been provided with Debt Conciliation Board notices for being published ?

Minister : Fresh notice is required for this question.

Pandit Shri Ram Sharma : I want to know the name of that newspaper and that is all.

Minister : The honourable member has not made that request in the original question.

Pandit Shri Ram Sharma : Is it true that that unduly favoured newspaper is the *Jat Gazette* of Rohtak started by the Honourable Minister himself ?

Minister : Yes, it is true.

Pandit Shri Ram Sharma : What are the instructions issued by the Government under which newspapers are provided with advertisements ?

Minister : The instructions issued by the Government are confidential and therefore I cannot disclose them.

Pandit Shri Ram Sharma : Are these rates at which notices are published fixed by the Government ?

Minister : No instructions have been issued by the Government in connection with advertisement rates.

Pandit Shri Ram Sharma : Are those rates fixed according to the wishes of the Government ?

Minister : No. They are fixed by the head of the department or by the papers themselves.

Pandit Shri Ram Sharma : Who is that head of the department ?

Minister : I think either the Director of Information Bureau or the Chief Secretary.

Pandit Shri Ram Sharma : May I know whether these wages are the same for all the newspapers ?

Minister : I do not know.

Pandit Shri Ram Sharma : Will the Honourable Minister take the trouble of finding it out ?

Minister : No.

Lala Duni Chand : Is it true that all these papers mentioned by the Honourable Minister for Development not only support the Unionist party but carry on propaganda on behalf of the Unionist party and in consideration thereof this *mehrbani* is shown to them ?

Minister : Some of these papers probably give expression to views which are favourable to the Unionist party.

Lala Duni Chand : Does the Honourable Minister for Development recognize the fact or is he aware that this kind of patronage corrupts public opinion ?

Mr. Speaker : Disallowed.

CIVIL AND CRIMINAL CASES FILED BY CO-OPERATIVE SOCIETIES IN
ROHTAK, AND THREE OTHER DISTRICTS.

***4852. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- (a) the number of cases, civil and criminal, filed by co-operative societies against their debtors and pending since 1st April, 1937, in the district of Rohtak, Gurgaon, Hissar and Karnal separately ;
- (b) the amount of money already spent in litigation by these societies in conducting such cases and the amount of money, if any, realized and expected to be realized as a result of such litigation ;
- (c) the number of decrees obtained so far by these societies and the extent of movable and immovable property auctioned in satisfaction of the decrees obtained and also the number of arrests made in connection with this litigation during this period ?

The Honourable Chaudhri Sir Chhotu Ram : A statement is laid on the table.

Pandit Shri Ram Sharma : Is it a fact that this state of affairs and litigation carried on by the co-operative societies are the result of the Government's policy, and that agriculturist class have lost their credit ?

Mr. Speaker : Disallowed.

Statement.

Serial No.	Name of district.	(a)	(b)	(c)
		No. of cases, civil and criminal, filed by co-operative societies against their debtors and pending since 1st April, 1937.	Amount spent in litigation by societies in conducting such cases and the amount realized and expected to be realized.	No. of decrees obtained by societies and the extent of movable and immovable property auctioned in satisfaction of the decrees obtained and also the number of arrests made.
1	Rohtak	<p>Criminal cases filed 14</p> <p>Pending 5</p> <p>No civil suits were filed but 1,938 arbitration references for civil disputes were made to Registrar for decision.</p>	<p>Rs. 747</p> <p>Amount spent on litigation .. Crown</p> <p>Criminal cases started were all Crown cases and no amount was spent. In civil cases referred to Registrar an amount of Rs. 61,270-3-9 has been realized.</p>	3,267 awards were obtained. Information regarding extent of property auctioned in satisfaction of decrees is not available. However, in a large number of cases, recovery was voluntary and was not the result of actual auction of property. Three arrests were made.
2	Karnal	<p>Criminal cases filed 13</p> <p>Pending Nil.</p> <p>No civil suits were filed but 2,149 arbitration references for civil disputes were made to Registrar for decision.</p>	<p>Rs. 404</p> <p>Amount spent on litigation .. Crown</p> <p>Criminal cases started were all Crown cases and no money was spent. In civil cases referred to the Registrar an amount of Rs. 91,635 has been realized.</p>	2,552 awards were obtained. Information regarding extent of property auctioned in satisfaction of decrees is not available. However, in a large number of cases, recovery was voluntary and was not the result of actual auction of property. Three arrests were made.
3	Gurgaon	<p>Civil cases filed and pending 610</p> <p>Criminal cases filed 3</p> <p>Two Criminal cases related to obstruction in attachment by debtors and in one case the proceedings were taken as the debtors refused to give possession of auctioned property.</p>	<p>Amount spent in conducting such cases—</p> <p>Rs.</p> <p>(i) Civil 3,964</p> <p>(ii) Criminal 28</p> <p>(iii) Amount realized 21,141</p> <p>(iv) Amount expected to be realized 6,125</p>	621 decrees were obtained. Information regarding extent of property attached is not available. No arrests were made.

4	Hisar	Civil cases filed	..	..	498	Amount spent in litigation :—	Rs.	478 decrees obtained. Property auctioned :—
		Criminal cases filed	..	..	1	(i) Civil	2,812	<i>Merable</i> —2 cows, 6 buffaloes, 2 carts of a non-cultivator, 4 bullocks, and 1 tonga with horse.
		Cases pending	..	..	12	(ii) Amount realized	Nil.	
						(iii) Amount expected to be realized	No estimate, as famine is rampant.	<i>Note</i> .—2 bullocks belonged to a non-cultivator and 2 to a cultivator, who died leaving no heir and ceasing to be a cultivator.
								9 horses—8 belonging to non-agriculturists in cities and one to an agriculturist who possessed 5 horses.
								One person was arrested and put in civil jail. He was a wilful defaulter possessing a lot of property. He was arrested after his appeal was rejected by the District Judge.

CORRESPONDENCE WITH PLANNING COMMITTEE SET UP BY CONGRESS PROVINCES.

***4861. Pandit Muni Lal Kalia :** Will the Honourable Minister of Development be pleased to state whether any correspondence has passed between the Planning Committee set up by the Congress provinces and the Punjab Government ; if so, whether he will be pleased to lay it on the table of the House ?

The Honourable Chaudhri Sir Chhotu Ram : Yes. Government do not consider it in the public interest to lay this correspondence on the table.

IRON AND STEEL ROLLING MILLS.

***4862. Dr. Satyapal :** Will the Honourable Minister for Development be pleased to state—

- (a) the names and numbers of and places where iron and steel rolling mills are working in the province ;
- (b) working hours of these mills and how these are regulated ;
- (c) whether these factories were inspected by the Chief Inspector of the Government, if so, whether any complaints were received and recorded by him and the action taken on those complaints ;
- (d) the number of accidents which took place in these factories in 1938 and the compensation paid to the injured persons ?

The Honourable Chaudhri Sir Chhotu Ram : As the answer is lengthy I lay it on the table.

Pandit Shri Ram Sharma : On a point of order, Sir. I want to invite your attention to Rule 27 (1) which runs as follows :—

“Lengthy answers to starred questions may, on statement by the Minister concerned, be placed on the table of the Assembly without being read, but a copy in such case shall, if possible, be delivered to the member interrogating, one day in advance of such answer being placed on the table.”

Then why has it not been possible for the Minister concerned to send an advance copy of the statement to the member interrogating, so that he may be in a position to put supplementary questions ?

Minister : Necessary instructions would be issued to meet the wishes of my honourable friend in future.

(a) List of iron and steel rolling mills in the Punjab registered under the Factories Act is given below :—

1. Ravi Verma Steel Works, Ambala Cantonment.
2. Khan Bahadur Chisty and Sons, Steel Rolling and Iron Foundry, Ravi Road, Lahore.
3. Habib Ullah-Ghulam Muhammad Iron and Steel Works, Lahore.
4. Raghu Ram-Tulsi Ram Steel Rolling Mills, Badamibagh, Lahore.
5. The Lahore Steel Rolling Mills, Lahore.
6. Mukand Steel Rolling Mills, Badamibagh, Lahore.
7. Karori Mal-Sita Ram Rolling Mills, Badamibagh, Lahore.
8. Lall's Ltd., Steel Roller Mills, Chheharta, Amritsar.
9. The Partap Steel Rolling Mills, Chheharta, Amritsar.
10. Ahmad Bux and Bros., Rolling Mills, Lahore.

(b) The working hours of the mills are given below :—

Serial No.	Name of factory.	1ST PERIOD.		2ND PERIOD.	
		From	To	From	To
		A. M.	NOON.	P. M.	P. M.
1	Ravi Verma Steel Works, Ambala Cantonment.	7.30	12	1	5.30
2	Khan Bahadur Chisty and Sons, Steel Rolling and Iron Foundry, Lahore.	8	12	1	6
3	Habib Ullah-Ghulam Muhammad, Iron and Steel Works, Lahore.	8	12	1.30	6
4	Raghu Ram-Tulsi Ram, Steel Rolling Mills, Badamibagh.	8	12	1	6
5	The Lahore Steel Rolling Mills, Lahore ..	6	12	1	4
6	Mukand Steel Rolling Mills, Badamibagh ..	7.30	12	1	5.30
7	Karori Mal-Sita Ram Rolling Mills, Lahore ..	8	12	1	5.45
8	Laul's Ltd., Steel Roller Mills, Chheharta ..	7.30	12	1	5.30
9	The Partap Steel Rolling Mills, Chheharta ..	8	12	1	6
10	Ahmad Bux and Bros., Rolling Mills, Lahore	8	12	1	6

(c) List of factories inspected by the Chief Factory Inspector during 1988-89 :—

1. Mukand Steel Rolling Mills, Badamibagh, Lahore.
2. Raghu Ram-Tulsi Ram, Steel Rolling Mills, Badamibagh, Lahore.
3. Khan Bahadur Chisty and Sons, Steel Rolling and Iron Foundry, Lahore.
4. Habib Ullah-Ghulam Muhammad Iron and Steel Works, Lahore.
5. Karori Mal-Sita Ram Rolling Mills, Badamibagh, Lahore.
6. Ahmad Bux and Bros. Rolling Mills, Lahore.

The undermentioned complaints were received against the working of these mills :—

Four complaints were received from the General Secretary, Foundry Workers' Union, Lahore, against the overemployment of workers, failure to report accidents and non-payment of compensation. So far as overemployment and not reporting of accidents is concerned, they were investigated by the Inspectors and found to be baseless. In one case, i.e., in the case of Karori Mal-Sita Ram Rolling Mills, Badamibagh, it was found that they had failed to report one accident which they ought to have done under the rules, for which legal action has been taken against the manager. As regards non-payment of compensation no action could be taken as the law does not provide for action by this department.

One complaint was received from the Secretary, Amritsar Labour Federation, and two anonymous complaints from Amritsar against the working of Laul's Ltd., Steel Rolling Mills, Chheharta. These complaints on investigation by the Additional Inspector, Amritsar Circle, were found to be baseless.

[Minister of Development.]

(d) Statement of accidents which occurred in steel rolling mills during the year, 1938 :—

Name of factory.	Injured person's name.	Date of accident.	Classification of accident whether fatal, serious or minor.
1. Mukand Steel Rolling Mills, Badamibagh.	Indar Sain	14-2-38	Minor.
	Banke Ram	10-3-38	Minor.
	Lachman Das	23-5-38	Minor.
	Vishva Nath	28-5-38	Minor.
	Kaim Khan	27-8-38	Minor.
	Sohan Lal	5-9-38	Minor.
	Moti Ram	26-9-38	Minor.
	Sham Lal	4-10-38	Serious.
	Kehar Singh	8-11-38	Minor.
	Jaswant Singh	17-11-38	Minor.
	Panchan	16-12-38	Serious.
2. Lal's Ltd., Steel Roller Mills, Chheharta.	Mehar Chand	23-12-38	Minor.
	Dogar	4-3-38	Minor.
	Tara Singh	12-5-38	Minor.

APPLICATION OF SARDAR HARI SINGH FOR LEAVE OF ABSENCE.

Mr. Speaker : I have received an application, dated the 18th of October, 1939, from the honourable Sardar Hari Singh. It runs as follows :—

I am serving my sentence of 9 months' simple imprisonment in Lahore Central, Jail, under Section 117/188, Indian Penal Code, and my release is due on 27th June, 1940. I shall not be able to attend sittings of the Assembly till the date of my release. Therefore, I have the honour to submit, through you, to the House the following application for leave of absence.

"I heroby beg leave of the Assembly to excuse my attendance at sittings of the House till my date of release from prison, i.e., 27th June, 1940, where I am serving my sentence of 9 months' simple imprisonment under Section 117/188, Indian Penal Code."

The question is that the permission be granted.

The Assembly agreed.

FACTORIES (PUNJAB AMENDMENT) BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I beg to introduce the Factories (Punjab Amendment) Bill.

I also move—

That the Factories (Punjab Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1939.

Sir, while making this motion I may say just a few words to explain the object which this amendment has in view. In this province industrial development is taking place at a fairly rapid pace. It is expected that while the war is in progress, this pace will be accelerated still further. Therefore, it is necessary to see that nothing happens which will lead to what is known as cut-throat competition between one industrial concern and another. With this end in view this amending Bill has been introduced so that haphazard growth of industrial concerns at a few centres only may be avoided. Another object which this amendment has in view is that there should be no unnecessary congestion of labour in a single centre or at a few centres in the province. Therefore, what is proposed by this Bill is that no industrial concern should be started or worked except with the permission of the Government and under a registration certificate which will be issued by an authority to be prescribed by Government.

Another minor object is to get a little revenue out by means of prescribing a registration fee so that at least a part of the working expenses of this department should be met by receipts from registration fees.

With these words I commend the motion to the acceptance of the House.

Mr. Speaker : The motion moved is—

That the Factories (Punjab Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1939.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Speaker, I rise to oppose this motion moved by my friend, the Minister for Development. At the very outset I wish to point out that my honourable friend, as is his usual habit when presenting a Bill before this House, confines himself to the briefest of brief statements regarding his intentions in propounding a measure before this House. I should have thought that by now he might have found it necessary to take those of us who are fairly ignorant, not quite so wise or intelligent or as well informed as my honourable friend opposite, into confidence and to tell us something more definite than he is in the habit of telling us with regard to all measures which he wishes to propound.

Now, after listening to his very brief statement one would run away with the impression that it is an absolutely innocuous measure meant for the good of the province and for the effective advance of industries in the Punjab. Mr. Speaker, I do not wish to doubt the sincerity of my honourable friend in wanting to propound a measure for the objects which he has mentioned. But I am afraid I do not see eye to eye with him in regard to the aims and objects of this measure. There are two essential points to be considered and kept in view by this House before it gives my honourable friend necessary leave to circulate this measure.

Those two points refer, firstly, to new factories which may be started in the province and, secondly, to the existing factories. Now remember that if this measure is passed the result will be that not a single factory will be

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allowed to start operations in this province unless and until my honourable friend desires that that particular factory should be set up. He said that authority will be given to somebody to be appointed by the Government by name later on. He may be a district magistrate of the type about whom we have heard this morning and who is capable of asking for securities from 300 journalists in the brief period of one or two years. He may be an individual who may have a particular bias in regard to the class who may want to start an industry. He may be a particular individual who may be opposed to or against the starting of all industries. His word is going to be the official and final word in regard to the setting up of a new factory in the province. The second point is that it is the same individual, who that individual may be I do not know, but it appears that it must be the same individual to whom the application is to be made by the existing factory owners. The object, therefore, of my honourable friend is two-fold, that is, to keep complete control and hold over industrial development of the province and to rule the province in regard to its industries by the fiat of a dictator appointed by my honourable friend, and that only those industrialists and those individuals whom the Government favours should start industries or be allowed to start industries in this province. That is a very valid fear in the minds of those who wish more enlightenment from my honourable friend. My honourable friend is wishing to amend section 5 and section 9 of the Factories Act. The new section is to be called 5-A. 5-A has absolutely no relevance to Section 5. Section 5 says:—

"5. (1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may,"

Now, clause (j) of section 2 refers to the definition of a factory. What is a factory? A factory, under this Factories Act, is a premise—a place—where twenty or more workers are engaged in the process of manufacture by power. Section 5 says that notwithstanding that limitation which has been placed in clause (j) of section 2, the Government shall have the power to declare any other factory, employing a lesser number of men than twenty, whether worked by power or not worked by power, to be a factory. That is the power given to the Local Government to exempt them from these provisions and bring those factories within the provision of this measure which is not covered by clause (j) of section 2, namely, where twenty or more people are working and in any part of which a manufacturing process is carried on with the aid of power.

This section is sought to be expanded by my honourable friend. But where is the relevancy of the two? Here is a power given to rope in more factories under the Factories Act but my honourable friend, by suggesting amendment under section 5-A does not want to rope in more factories but control the existence and growth of factories by means, as I have stated, of a dictator. So, it has no relevancy to section 5. It is absolutely a new thing which he could have brought not by means of an amendment but by means of a substantive Act considering that it has absolutely no connection with the section that my honourable friend is wanting to expand. The same thing is true of section 9. Section 9-A is sought to be added to section 9 and it says:—

"9-A. (1) No factory shall be worked or permitted to be worked by a manager or an occupier unless a registration certificate has been granted in respect thereof."

I ask my honourable friend to look at section 9 which says :—

- "9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing—
- (a) the name of the factory and its situation,
 - (b) the address to which communications relating to the factory should be sent,
 - (c) the nature of the manufacturing processes to be carried on in the factory,
 - (d) the nature and amount of the power to be used, and
 - (e) the name of the person who shall be the manager of the factory for the purposes of this Act.
- (2) Whenever any other person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.
- (3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

Section 9-A has no relevancy to this section. Why is my honourable friend wanting to impose the restrictions of a registration certificate? I started by saying that my honourable friend should have at least enlightened this House in regard to this matter. What is the necessity? You have factories working which are controlled by this Act and if this Act were to be followed and if my honourable friend's inspectorate were to examine the factories properly as they should examine, if staff is provided for, which is not the case at the moment, my honourable friend would have no difficulty whatsoever in controlling the process of manufacture and conditions of work in those factories according to the law of the land; but wishes to go beyond that. Every existing factory, according to this measure, must obtain a certificate of registration. What for? My honourable friend has not enlightened the House in that respect and I think I have the consensus of opinion in this House with me when I say that there is not one honourable member here who understands the relevance of the desire of my honourable friend's part to demand a registration certificate in regard to an existing factory. My honourable friend's main argument was that industrial development is proceeding at a rapid pace in the Punjab. He should at least have enlightened the House and told us at what pace industrial development is advancing in the Punjab. He should have given us facts and figures. He has got the Director of Information to help him in the matter of collection of material for his speeches, he has got the Director of Industries to give him information. He has got the report of the Chief Inspector of Factories. He should have at least informed the House in regard to the rapid pace at which he states that industrial development in the Punjab is taking place. He should know that apart from very few new factories that have been set up, most of this rapid pace is represented by seasonal factories such as the cotton ginning factories. We have, during the last few years, had two or three important major factories set up in the province like the Okara Textile Mills, the Lyallpur Textile Mills and we have a few rolling mills set up in the province. Does my honourable friend mean that it is this rapid industrial development which is

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leading him on to the suggestion that the industry of this province has to be controlled by purely Fascist and Nazi methods of control? (*Premier* : Hear, hear). My friend says, "Hear, hear." He knows more of Nazi control than I do considering that he is engaged in controlling the province on purely Nazi lines. (*Opposition Cheers*.) My honourable friend should have said that industry in the province must be planned. He should say, 'We have a plan for the development of industry. We have worked out a plan regarding the industrial development of the Punjab. We have collected all the facts and figures in regard to what the Punjab is fit for in the matter of industrial development.' He then might have been in a position to say, "Gentlemen, here is my plan and according to this plan I wish you to give me control of industrial development." He considers that we are a pack of utterly ignorant men who have to be treated in a most ignorant manner and that because he has a certain majority behind him it is not necessary for him even to take the trouble to read his own files or the report of his department in order to enlighten the House in regard to the statement that he makes. I ask him, has he got a plan of industrial development? Has he worked out a plan of industrial development? Does he, at this stage, know what the possibilities are in the matter of industrial development of the Punjab? My honourable friend does not know because if he had known, he would have enlightened the House. We know it for a fact that no planned system has been worked out regarding the development of industry in the Punjab. Nobody has attempted to do so. The National Planning Committee in Bombay attempted to do so on an All-India basis. When we ask questions about correspondence that took place between the National Planning Committee and my honourable friend's department, we get the reply that it is not in the public interest to disclose the correspondence that has passed between the Punjab Government and the National Planning Committee; far from assisting that Committee, as that Committee should have been assisted by working out plans (and I hope even now my honourable friend's department will take the working of those plans in hand and find out exactly what the position in the Punjab is in regard to the question of industrial development), far from having done that, my honourable friend tells the House that it is not in the public interest to let us know what correspondence has passed between him and the National Planning Committee. If he were to say that we are going to nationalise industries from tomorrow, take under our own control every industry that is operating in the Punjab and because we are taking a particular industry under our control and we want to see that proper development of industries takes place in the Punjab according to the plan that we have worked out and we fear that if that plan is not adhered to, there is going to be disaster, nobody would object to empower him thus, but to give these powers to this Government means that those powers are liable to be abused. When one dictator is appointed we can say 'yes' or 'no' if any particular industry shall or shall not operate in the province. I say this is a very far-reaching thing that my honourable friend is asking in an innocuous and innocent manner and honourable members have been left completely in the dark in regard to the real object that he has in mind.

I submit that this is a serious thing which my honourable friend is asking us to do. Nobody objects to the planning of industries in the province. That is one thing. But do not put the cart before the horse. Plan first and then ask for necessary powers, nationalise first and then take necessary powers. But so long as industry is left in the hands of private capitalists, there is a danger. The danger is what we find in the agreement which my honourable friend's predecessors entered into between the Punjab Government and a very powerful European Syndicate handing over some of the richest resources of this province at the rate of 4 annas per acre to that concern. I hold in my hand the statement which was laid on the table of the House giving a copy of the agreement entered into on 2nd November, 1934, between the Government on the one side and the Imperial Chemicals on the other. Some of the richest resources were handed over to a foreign monopoly to be exploited by the foreign concern at the rate of 4 annas per acre. They take millions of gallons of water from your rivers and pay one thousand rupees in the course of a year. No other concern of this nature can possibly operate under the terms of this agreement. The monopoly to this foreign concern is a mortgage of the assets of this province to a handful of rich capitalists who come from abroad. This was done by my honourable friend's predecessors. What guarantee is there that a similar thing will not happen again if these powers are given to my honourable friend? Is there any guarantee that there will be any public control exercised over that particular individual, appointed as a dictator of industries in the province? Is there any guarantee that even a committee of this House, or honourable members, docile as they are, will be associated with that particular dictator?

I come to another point. My honourable friend talked about the congestion of labour and said that in order to avoid a congestion of labour these powers are being taken so that factories may be regularised on a particular basis. Surely, it only means that my honourable friend has not really gone into the question of industrial development at all. A factory, which starts on a particular site, because it is a paying proposition to start it on that site, does not start because my honourable friend does not wish to start it there. For the manufacture of paper no factory is going to be started in Lahore and Amritsar, it must be started on the banks of the river Jhelum because of the proximity of raw material and no power can be exercised to compel them to start their operation a 100 miles away from the source of raw material. Therefore, this is the particular power, which my honourable friend is taking under the cloak of suggesting that there is likelihood of a congestion of labour. May I ask him again, has he gone into the facts? Does he know the facts? The congestion in Chheharta is on the increase. The Chief Inspector of Factories said in regard to Badamibagh that it should be brought within the purview of the municipal limits of Lahore and it has been done. But my honourable friend should have given us the facts to substantiate his statement. According to the 1937 report of the Director of Industries there has been an increase of 6,000 workers and the number of new factories that have been established is about 80 in the course of a year. Forty have gone out of business and the total increase of industrial labour working under the Factories Act may equally have been working in various factories, and in factories where there are less than twenty workers working

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the manufacturing process without power. Does my honourable friend really mean to say that this increase of 6,000 workers is such a terrible increase in a population of 25 millions that it can be called congestion? I ask him to have patience in regard to this matter. This is not the method to invite industrialists of the province and ask them to develop the province and the natural resources of the province. He would be a hardy industrialist who would be willing to come to the Punjab and invest his money after the passing of a measure like this, when he knows that at any time the registration demanded of him may be refused by a particular individual who has no backing and who has no public opinion to restrain him. Whatever action he chooses he may take to put an end to the development of a particular industry because in his opinion, right or wrong, the development of that particular industry is not desirable. He would be a very hardy individual who, after the passing of a measure like this, would take his capital from another province and bring it to the Punjab, unless that individual happens to be a favourite of the Government, like the Imperial Chemicals, who are granted a monopoly. Does my honourable friend give an assurance to this House that under this provision there will be no danger of monopolies being granted to some particular firms? There is every danger and that danger is to the detriment of the development of industries and to the detriment of the interests of the people of this province. Therefore, I submit that I oppose this measure and that it should be withdrawn by my honourable friend. It is definitely detrimental both to the interests of the working classes and of the province as a whole. (Cheers.)

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu): Sir, the sponsor of the Bill has advanced two main reasons for introducing this measure. First is to the effect that as industrial development is rapidly taking place in the province, Government consider it desirable to regulate the establishment of large factories for the promotion of key industries in order to avoid the evils resulting from uneconomic competition and congestion of labour in a few big cities and frame rules for that purpose. Secondly, it is proposed to levy a fee for registration of factories in order to meet the cost of the inspectorate. I am of the opinion that the real thing is only the second one the first one being only a camouflage. This shows how the mind of the Government is working. They want to make money out of everything. Now this Bill consists of four main sections. In one of the sections it is laid down that factories cannot be established without obtaining licence or permission from the provincial Government. The other section provides that no factory shall be worked or permitted to be worked by a manager or an occupier unless a registration certificate has been granted in respect thereof. In the third one it has been laid down that any person guilty of infringement of section 5-A shall be punishable with simple imprisonment for a term which may extend to one year or with a fine which may extend to one thousand rupees or with both. In the last one it is laid down that any manager or an occupier who contravenes the provisions of section 9-A shall expose himself to punishment with fine. These provisions do not show as to how Government would be able to eradicate the evil of uneconomic competition which is causing great havoc to commerce. I fail to understand how this Bill would prove instrumental in redressing the grievances which are daily being brought to the

notice of the Honourable Minister in this connection. I can easily anticipate the answer of my learned friend. He would most probably try to meet this objection by saying that rules would be framed under this Bill in such a manner as would prove highly effective in removing those complaints and stopping the uneconomic competition.

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

Perhaps my honourable friends opposite will reply by saying that the Government will make rules which would be calculated to eliminate uneconomic competition in the industrial field. But let me hasten to tell them that clause 9-B precludes such a possibility because it is clearly laid down that the Government may make rules:—

"(a) as to the authority by which, the form in which and the conditions according to which, a registration certificate may be granted under section 9-A, and

(b) prescribing the fee on payment of which a registration certificate may be granted or renewed under section 9-A."

It follows from this that the Government will not be authorised to make rules for any other purpose except for these two purposes which I have quoted above. My objection still stands that the Government has not provided for preventing uneconomic competition. If the only purpose of the proposed measure is to charge more income-tax or fees, then the Government could have very well called it "The Punjab Income-tax (Amendment) Bill," (laughter) or "Development of Industries (Resources) Bill."

It will not be out of place to mention here that when the Honourable Minister went to Ludhiana, not in connection with any industrial problem but in some other connection, a deputation of Hosiery Manufacturers' Association, Ludhiana, waited upon him and placed the grievances of the Association before him. The deputationists related the hardships arising out of uneconomic competition in the industrial field. The Honourable Minister was good enough to promise a sympathetic consideration of their difficulties and later on a letter was sent to the Hosiery Manufacturers' Association, Ludhiana, in which this point was acknowledged. I seek your indulgence to quote two paragraphs from this letter. This letter was from Mr. S. K. Kirpalani, I.C.S., Secretary to Government, Punjab, Electricity and Industries Departments. It was dated Simla-East, the 7th of August 1939, No. 2031-S.-91-39/4490-S. It reads as follows:—

I am directed to acknowledge your letter No. 0-381, dated the 3rd August, 1939, in which you urge upon Government the necessity of enacting "some sort of legislation" to regulate the future working and further development of the Hosiery Industry.

2. I am to point out that apart from mentioning that as a result of uneconomic competition and the growth of mushroom factories the industry as a whole is steadily deteriorating; you do not state the particular evils which should be controlled nor do you make any concrete suggestions along which suitable legislation might be undertaken. Your letter would appear to imply that legislation might control:
 - (a) establishment of new factories;
 - (b) prices of manufactured goods;
 - (c) wages of operatives.

If this assumption is correct, I would welcome concrete suggestions on point (a); for instance, Government would like to know what should be minimum requirements to be satisfied before the establishment of a new hosiery factory should be permitted.

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by the grant of a licence. Unless a clear case is made out, (b) is a very difficult matter to legislate upon. (c) is a matter upon which, apart from the inherent difficulties of the case, legislation would appear to be inadvisable at present.

3. I am to request that the matter be resubmitted to your Association for submission of concrete suggestions and proposals enacted.

In reply to this letter of the Government a detailed letter was sent by the Hosiery Manufacturers' Association of Ludhiana stating therein the various ways and means adopted in Japan, Germany and other countries to prevent uneconomic competition in the industrial field. A copy of the Japan Spinners Act was also sent to the Government. According to that Act private enterprisers are bound to become members of a recognised factory. No person is allowed to export goods through different small factories of his own. Our Government could have easily adopted any of these measures to prevent uneconomic competition between private factories.

I know there are a few hosiery factories in the Punjab and Ludhiana leads all other cities in this respect. There are some factories at Amritsar, Lahore, Jullundur and a few other cities. These must have been started by investing several lakhs of rupees. But uneconomic competition has discouraged them all. The Government had better propose some preventive measure. Private persons are successfully competing with these factories because the former have to spend little and gain more.

Again, there is no check upon any person who would like to escape from the provisions of the Factories Act by dividing his industrial workmen into two groups of 15 each and go on taking work from those 30 workmen without coming under the purview of the Factories Act, that is, without obtaining a registration certificate from the Government.

Another serious handicap for the industrialist, proposed in the Bill, is laid down in section 9-A. According to it no factory can be extended without the permission in writing of the Provincial Government or such person or persons as it may direct. Supposing an owner wishes to add one more machine, a room or a ventilator or employ a few more workmen, he will have to apply every time for the permission of the Government because this will constitute an extension of the factory. This will become an obstacle in the way of further development of the hosiery factories.

Now I will come to the different rates of fees which will be fixed for different factories. No representative of the factories will be taken into confidence by the Government for proposing these rates. It is not fair to leave this matter in the hands of the inspector of factories alone. He may arbitrarily fix any rates that may suggest themselves to him, without having time to consider them carefully with regard to the merits of the case.

Sir, I beg to submit that the motion for the circulation of a Bill such as this has no justification at all. The Opposition has brought forward better Bills than this one, but the motion for circulation in that case has always been turned down under the plea that it is mere waste of public time and money. Those Bills were much wider in scope than this; which has practically no scope at all and still it is sought to circulate it for eliciting public opinion and thereby waste the public time and money.

I wonder which are the key industries in this province which it is sought to protect and wherein does the great industrial activity manifest itself. There are only a few large industries worth the name in our province but a long list has been given. It is said that the Bill is going to benefit the hosiery, cotton ginning, chemical, cement and glass industries, etc., etc. May I ask how many glass factories there are in this province? Does the existence of one or two factories justify the assertion that glass industry is making progress at a rapid pace? Now let us take the manufacture of chemicals. Apart from the Imperial Chemical Company, whose case has been mentioned by my honourable friend representing labour, how many other such factories exist? How ridiculous it seems on the part of the Government to embark on legislation for the control of the industry which is non-existent!

Before permitting the Government to obtain income through registration fees which seems to be its real object, we want to know what they have done to subsidize such industries? How much money has been invested in them in order to encourage their expansion? The Congress governed provinces formed a planning committee in order to determine which were key industries and which deserved state aid to flourish. It was the object of that committee to devise ways and means for better guidance and better support of the various industries. Your co-operation has been very lukewarm. How many industries out of these 8 or 9 enumerated by you have received the benefit of your aid? Probably the textile industry is the one in which your aid has taken the form of an investment. Loans have been advanced in some cases, but could it really be called any substantial help?

First of all it seems desirable that this Government should win the confidence of those who risk their funds in starting new enterprises. But wherever such initiative is taken, no efforts are made by the Government to keep it alive. The Government do not even care to reply to the letters of the industrial associations. How can there be any industrial activity in a province, where the Government's attitude is so unsympathetic? The Honourable Minister for Development, who is all the time busy in delivering speeches on behalf of his Government and carrying on its propaganda, all of a sudden wakes up and realizing that he must live up to his designation brings forward this headless and tailless measure before the House. Nobody knows the whys and wherefores of this Bill, nor is anyone aware of any evils to avoid which this provision is sought to be made. Still this Government makes bold to put forward the claim that it leads the country in introducing such measures. Probably it leads in filling its coffers at all costs rather than in anything else. In October, last year, the Hosiery Association, Ludhiana, submitted certain suggestions to the Government for improvement of the hosiery industry and for providing facilities in obtaining raw materials, but the Government have not even cared to reply.

So far as wool industry is concerned, the two important markets in this respect, Panipat and Fazilka, have received practically no attention from the Government. Nothing has been done apart from opening a school at Panipat. The school plods on without any assistance from the provincial

[Pt. Muni Lal Kalia.]

Government. The plea put forward is, that it is not possible to make any provision in the budget. The House will be surprised to know that the wool required for manufacturing woollen articles in this model school is imported from other countries. If the Government were to give a sufficient grant for buying machinery, better woollen fibre could be made locally. This industry can be important from another aspect also. It could be instrumental in removing the economic hardships of agriculturists, if they start sheep rearing and supplying wool to such factories.

It is a matter of regret, that legislation is entered upon by our Government without its having any knowledge of the number of industries. It intends to tax the agency, so that what little industry exists may be ruined. The number of cement and allied factories is not mentioned, nor is the method of stopping competition and the tax, etc., to be imposed specified. It has also not been made clear as to which are the key industries.

If at all the Bill can only benefit Abohar and Giddarbaha and the cotton markets at Khanna and Ludhiana to a little extent, then does it justify that all this is entered upon for stopping uneconomic competition?

In the end let me ask the Honourable Minister to define the position of the Government with regard to this measure. So far as this Bill is concerned our position is that we have the fullest sympathy with its principle. When you want to help industries with money or by providing facilities in connection with labour, etc., we are with you. But we cannot be expected to support a Bill which may be brought forward simply with the object of increasing your revenues. Again, this does not mean that we grudge any increase in your income. Nothing of the sort. Our object is to save the people from unnecessary burden which is going to fall on their shoulders. We want to help them in earning their livelihood. I hope the Minister has now realized the defects of his Bill, and, therefore, I would request him to withdraw it and bring forward a better measure. He is very fond of putting forward "golden measures" and now let him come forward with a really golden Bill for the industrialists.

Rao Pohop Singh (Eastern Punjab Landholders) (*Urdu*): Sir, my honourable friend, Diwan Chaman Lall, has, in the course of his remarkable speech, given expressions to certain fears and apprehensions lurking in his mind with regard to the Bill under discussion. But it is a matter of regret that he has sought to take only the darker side of the matter. He ought to have first studied the brighter side of the Bill and attempted to find out the real object which the Honourable Minister has kept before him in moving it. I need hardly say that it is not an easy job to start and organise any factory or mill. Besides other handicaps the organiser of a factory runs a great risk in investing enormous amount of money on his industrial concern. I need not take an instance of any big and large factory to illustrate my point. I shall cite an instance only of a flour mill which does not require more than 6 or 7 thousands of rupees to invest thereon. The man who first starts such a mill in a particular area is sure to earn something. Now a second capitalist finds that the former is running a very profitable and lucrative business, so he too being actuated by the desire of multiplying his wealth sets apart a portion of his money for setting up a similar mill in

the same area. Now it goes without saying that the existence of two mills in a particular area would effect a division of the profit between both of them whereas it was formally derived by only one person. Then enters another capitalist into the field and starts a third mill in the same area. This would further decrease the profits, for the increase in the number of mills in a particular area would lead to uneconomic competition among the millowners; so much so that they would be prepared to grind flour even at the rate of one pice per maund. Such cut throat competition always results in an utter ruination of the whole industry. It is not unlikely that big capitalists may survive such competitions but the average mill-owner cannot be expected to undergo this economic ordeal successfully. Thus, being steeped in debt and misery he retreats from the industrial field in a pitiable condition. Although the lorry service cannot be treated as an industrial concern, yet it bears a positive analogy to the instance I have just given. The man who first started this service must have earned a lot. Attracted by his colossal profits certain other persons invested capital on it. They too earned something, but later on some more adventurers entered into the arena, floated enormous sums of money, and thereby ruined the whole lorry service. Had there been any official check or restraint on the late-comers in the field they would have been saved in time from utter disaster.

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

Sir, at present industrial development is taking place rapidly in the province. My honourable friend, Diwan Chaman Lall has himself stated that as much as 80 new factories have been recently started in the province. These figures definitely necessitate the enactment of such a Bill in order to avoid the possibility of cut-throat competitions among the mill-owners and congestion of labour in a few big cities. We are passing through a transitional period which enjoins upon us to place an effective check on unnecessary and uneconomic industrial expansion. In industrial centres like those of Cawnpore and Ahmadabad the situation has got out of control now. The congestion of labour only in these areas has worsened the economical condition of the labourers. Due to an increase in the supply of labour the wages have been considerably lowered. The labourers have often struck work as a mark of protest but without avail. When they are thrown out of work, others come in to express their willingness to work even at much lower wages. In short the congestion of labour has led to such a chaotic condition that even public spirited persons living in those districts have miserably failed to find out any satisfactory solution of this problem. Had it been done a few years ago the evil consequences of this congestion would have been averted. Thus it is exceedingly desirable to bring forth a measure of this kind for protecting and safeguarding the industrial growth in the province from uneconomic competitions and congestion of labour. If you are really anxious to promote industries here, in the Punjab you must have to regulate their establishment. Whenever and wherever it is found that the output of a certain industrial concern is sufficient to meet the demand, other capitalists should be refused permission to start a similar industry in the same area. It is a pity that in spite of constant endeavours and sincere efforts of the Government to bring about industrial development in the province, an atmosphere of mutual suspicion and lack of faith is being created by the honourable friends on my right. Yesterday, when a motion for circulation of the Trade Employees

[Rao Pohop Singh]

Bill was made by the Honourable Minister in the House, my honourable friends, Chaudhri Krishna Gopal Dutt and Diwan Chaman Lall, while paying tribute to the Government for allowing the Bill to be moved could not desist from imputing motives to the latter.

Mr. Speaker If possible, reference to the proceedings of the previous days should be avoided.

Rao Pohop Singh : If we carefully go through the Bill we are sure to find that it aims at avoiding the uneconomic competitions and congestion of labour in a particular area. It is far from the intentions of the Government to cause any undue loss or damage to anybody's interests.

A single man can plough land no doubt. But in case of factories a single man can do nothing. As you are aware, a large number of labourers are required to work in factories, on which thousands of rupees are invested. I would like to let you know what is being done in factories of other provinces. Seventy-two per cent. profit is taken by the mill-owners and as far as poor labourers are concerned they are left to starve. That is why I submit that the factories of the province should be controlled by the powerful hands of this responsible Government.

I may further tell my honourable friends sitting on the opposite benches, that if they do not agree with us, we have got other remedies also to improve industry and control factories as well. In passing I should assure my honourable friends who are sitting on the opposite benches that they should take it for granted that those incidents which occur outside this province would not occur here at all. They may not also ignore this fact that the Bill under consideration seeks to improve the growth of the industry in a planned manner. When this is the foremost function of this Bill I do not see any rhyme or reason as to why the opposition hesitates to welcome it. May I submit that the Bill is neither going to be passed at this moment nor is it being referred to a select committee. The motion before the House is that the Bill be circulated for eliciting public opinion thereon. I believe there is no harm in eliciting public opinion because by doing so the Government would be able to know the opinion of those persons who are directly connected with factories. Moreover the experts would get a chance to express their valuable and weighty opinions regarding this Factories Bill.

Then it has been said by the opposite benches that this Bill should be dropped. I submit that if this Bill is at all detrimental according to the convictions of my honourable friends who are sitting on the opposite benches how can it be dropped at its first stage? I, therefore, submit that they are not justified in saying so. If they consider the matter dispassionately, I am sure they would find that this Bill would prove a remedy for thousands of diseases which are eating away the very roots of the industry in this and other provinces. I, therefore, think that they should co-operate with us in making this Bill a grand success. But what a pity it is, that they are opposing this Bill without considering it dispassionately.

Sardar Sohan Singh Josh (Amritsar North Sikh Rural) (Punjabi) : Sir, we are very much pleased to hear from the Honourable Minister for

Development that industry is progressing rapidly in this province. It is a good news to us because no province has ever progressed without the help of industry which is the only solution of the problem of poverty of a province. As a matter of fact, a province cannot prosper without industry and that is why we are in complete accord with the Honourable Minister for Development on this point. But when we study the Bill we are very much surprised to know that the Bill drafted as it is by the Honourable Minister in charge, does not encourage and improve the industry of the province. The progress of the industry, I am sure, will come to an end, if this Bill is passed, because the provisions of the Bill are very restrictive and they may stand in the way of people investing their money on industrial works. I, therefore, submit that this Bill is detrimental to the interests of the province.

Then the Honourable Minister for Development has raised the bogey of cut throat competition. He says this Bill would stop the cut throat competition. I beg to differ. First let me submit what that cut throat competition is. Supposing there are two cotton mills producing the same commodities and competing in the province, if two more are started, our Honourable Minister for Development says, there will be cut throat competition. May I submit to him, through you, Sir, whether he has erected high walls round this province in order to protect it from import. No, he has not done so. It means then that cotton goods can be imported in the Punjab from other neighbouring provinces at any time, and therefore, his argument does not hold water. His excuse that he wants to stop cut throat competition is a lame excuse. He cannot do so, as all sorts of ways and means are open to Cawnpore and other mills to supply cloth and cotton yarn to this province. Secondly, it has become a fashion to talk of planning, since the U. S. S. R. began its first five-year plan. I may also add here that wherever planning in a capitalist country has been done it has proved a failure. Why? Because planning can never be successful in a capitalistic system. Planning requires socialistic order.

Then it has been stated that the Government wants to stop congestion in factories and they do not want that thousands of labourers may work in factories. I beg to doubt if the Government could succeed in this matter. I am afraid, the Honourable Minister for Development has conveniently forgotten the fact that climate and other geographical conditions are the most important factors for the progress of a certain industry. He might have seen that cotton industry can only prosper under a certain kind of climate, and under certain kind of geographical conditions. Has he ever considered as to why cotton industry is so much prospering near Berar than in any other province? I, therefore, submit that a certain industry which is progressing rapidly at one place cannot progress at another place. The objection, therefore, raised in connection with congestion by the Honourable Minister is not very strong. I may tell him that I fully understand where the shoe pinches. He is not afraid of congestion. But he is afraid of something else. He fears lest labourers should mass together at one place, organise themselves by forming unions and thus harass the mill owner by making demands. That is what he fears. But let me tell him that he cannot stop it. He may be aware of the fact that the progress of big towns depends on industry. Progress of big towns and their industry go hand in

[S. Sohan Singh Josh.]

hand and, therefore, no big town has ever made progress without the help of industry. Take Bombay, for example. You would be surprised to know that the average income of each labourer is Rs. 30 or 35 per month. The number of labourers at Calcutta or Bombay has gone up to 3 or 4 lakhs and their standard of life is so high that it cannot be dreamt of by the poor labourers of this province where even the minimum wage has not yet been fixed.

Before I finish my speech, I may submit that this Bill discourages industry. It stands in the way of labour massing in cities and organising themselves and hence raising their standard of life. If the Government is bent upon carrying it through, let the Minister incharge do whatever he likes. But before I resume my seat I feel it my duty to submit to the House that this Bill is detrimental to the interests of labourers and the prosperity of the province and therefore it should not be passed.

Minister for Development (Honourable Chaudhri Sir Chhotu Ram) : Sir, I was surprised very much to find that gentlemen who belong to a party which claims to be socialistic, at least in its tendencies, fight shy of State control. Two or three members who have spoken about this Bill have suggested that the extent of control exercised by the State will be so great that instead of doing any good to any industry it will lead to monopolisation. What is socialism? Is it not a form of monopolisation, state monopoly in vital spheres? State control is the most essential factor of socialism and people who claim to believe in socialism should be the last to fight shy of any control sought to be exercised by Government in the interest of the community at large.

Another point which was raised by Diwan Chaman Lall was that my poor self may set up a dictator here, another dictator there and a third dictator in a third place and so on with the result that these dictators will be in a position to determine whether a factory should or should not at all be started or whether A should start a factory or B. My honourable friend conveniently forgets that I am a responsible Minister, a member of a Government which is responsible to this House and this House has been elected entirely by the popular vote. How can a minister, who belongs to a Government which is responsible to a wholly elected House, act in such an arbitrary or irresponsible manner as my honourable friend suggested?

Sardar Sohan Singh Josh : Are you a socialist and is your Government a socialist Government?

Minister for Development : We are moving gradually towards socialism as time passes.

Then another cheap argument which was put forward by Diwan Chaman Lall was : "Here is a minister who puts in a clause after the existing section 5 and calls it clause 5-A. What is there in common between the subject matter of clause 5 and the proposed clause 5-A?" Who told him that there was anything in common between the subject matter of section 5 and clause 5-A? I never said anything of that sort. But my honourable friend was absolutely wrong in thinking that clause 5-A must necessarily deal with the same subject matter as section 5 of the existing Act. I will just draw the attention of the House to the point, so that honourable

members may not be misled by that cheap argument, to section 153 of the Indian Penal Code. It deals with the subject of wantonly giving provocation with intent to cause riot; while section 153-A deals with promoting enmity between classes. Is there anything in common between the subject matter of these two sections, 153 and 153-A? Again, I may draw the attention of the House to another instance which occurs in section 171 of Chapter IX and section 171-A of Chapter IX-A of the Indian Penal Code. Section 171 deals with the offence of wearing garb or carrying token used by public servant with fraudulent intent; and what has the subject matter of this section to do with the subject matter of section 171-A, which deals with malpractices in connection with elections and for the conduct of inquiries in regard to disputed elections to legislative bodies? Is there anything in common between the subject matter of section 171 and section 171-A of the Indian Penal Code? Absolutely nothing. Therefore, no mistake has been made and no impropriety committed by numbering clause 5-A as such simply on the ground that it deals with the subject matter which does not occur under the existing section 5 of the present Act.

Then my honourable friend was extremely angry for the reason that I made a very brief statement. My object was quite clear. It was to save the time of this honourable House. As the motion is only one for circulation, I did not think it was necessary for me to make a long statement. After all the general object of the Bill has been stated in the Statement of Objects and Reasons and the clauses are before the honourable members of this House for them to see what the subject matter of this amendment is. Again, we are not going to pass this amendment Bill into law to-day. We are not considering the individual clauses of this Bill. I have only moved a motion that this Bill should be circulated for the purpose of eliciting public opinion thereon. There will be plenty of time for the honourable members of this House, as well as the general public to express their opinions on the merits or demerits on the amending provisions of this Bill, and for me to dilate thereon.

Again, Sir, two honourable members were pleased to state that no case had been made out for an amending Bill. They said that industrial progress, if there is any in this province, is of a very limited character, and, therefore, there was no occasion for making an attempt to introduce order where, no prospects of chaos and confusion could even be suspected. The gentleman representing labour said: Why should there be an attempt at planning where there has been no industrial growth? Why make a law when you have not yet come to any planning of your industries? Here again, the reason is quite clear. My honourable friend, if he would like to see truth and reason, ought to admit that planning takes place beforehand so that there may be no unhealthy or undesirable concentration of industrial activities in a single centre or at a few selected centres. It is absolutely essential to make provisions beforehand. Suppose we come forward with this Bill after the mischief has been done, what purpose would this amending Bill serve? I would draw the attention of the House to one instance which shows how the absence of such a measure resulted in immense mischief in the United Provinces when sugar industry became popular there. Individuals started setting up factories pell-mell. Where one factory

[Minister for Development.]

had already been started, another was started in the immediate neighbourhood, with the result that both factories were in danger of being entirely ruined. I will quote one instance where a factory has been set up in the immediate vicinity of another factory, or within a few miles of the existing factory, and the United Provinces Government intervened in a stern manner. The new comer was compelled to set up his factory at some other place. He had already done something in the way of erecting buildings and setting up a plant; but he was asked to dismantle that factory and take it somewhere else. Because the United Provinces Government were convinced that if any other factory was allowed to be set up in the immediate neighbourhood of an existing factory, the result would be a cut throat competition.

Diwan Chaman Lall : Under what law was this done ?

Minister : I do not know under what law but that is a fact which my friend can ascertain for himself.

Diwan Chaman Lall : Which was this factory ?

Minister : I would refer my friend to Chaudhri Mukhtar Singh who is managing a factory in that neighbourhood. He will be able to tell him what the other factory was which the United Provinces Government refused to allow to be set up.

Diwan Chaman Lall : Under what law ?

Minister : There are so many other ways in which pressure can be brought to bear—

Diwan Chaman Lall : According to those ways you can also do the same here.

Minister : Anyway this is a fact which my honourable friend should not deny. If he has any doubts he can make inquiries from the United Provinces Government or some of his friends there.

I may also draw the attention of my honourable friend to the fact that zoning forms a very important factor in the tentative programme which has been drawn up by the National Planning Committee. I am sure my friend will have some faith in that redoubtable socialist, Pandit Jawahar Lal Nehru, if he has no faith in anybody else. Pandit Jawahar Lal Nehru is the President of the National Planning Committee and he has insisted that zoning should be introduced from the very first moment before any industrial expansion on a large scale takes place. Zoning is essential according to Pandit Jawahar Lal Nehru. So, if I err at all, I think I err in very good company.

Again, I will draw the attention of honourable members to ginning factories in our own province. Are not the honourable members aware of the fact that there are many places in the province where a larger number of ginning factories were set up than the ilaqa could bear ? What is the result ? The result is that half of the factories remain closed and all the owners of

factories have to enter into a sort of pool. Why? Because a large number of factories were allowed to be set up whereas half of the factories would have met the requirements of the ilaga. I may also state for the information of my honourable friends that the owners of hosiery factories at Ludhiana are very apprehensive that unless something is done to prevent the setting up of fresh factories, their trade will be ruined. Can anybody deny it? No. In the same manner I have been informed by some very respectable and reliable gentleman that—

Pandit Muni Lal Kalia : Have you received any protest from the owners of Ludhiana hosiery factories?

Minister for Development : Does my honourable friend deny it? If he ventures to deny then I will refer him to the owners of the existing hosiery factories. I was saying that information was given to me by a very reliable and highly educated gentleman in regard to the manner in which factories were being set up in places where they were not needed at all.

Diwan Chaman Lall : The very Hosiery Manufacturers' Association, that my honourable friend referred to, have sent a letter to the effect that if the said Bill, in its present form, is passed, it will not give any relief to industry and labour at all.

Minister : I know these gentlemen may object to the form but they do not object to the principle of the Bill. You are here attacking the underlying principles of the Bill. They naturally object to the form because in one direction it touches their pockets and that is also the reason why so many of my friends occupying those benches are feeling impatient. While they sail under the flag of the Congress they have, for obvious reasons, to speak in the language of capitalists.

The honourable member representing labour also brought in the Imperial Chemical Industries Ltd. I really do not understand why my honourable friend should have tried to shower criticism on me on account of the setting up of that factory. It was never started in my time. (*Interruption.*) I know my honourable friend made it clear that it was started in the time of my predecessor but why did he make mention of it at all here?

Diwan Chaman Lall : But you were a great supporter of your predecessors. Can you deny that?

Minister : I may or may not deny. But why bring it in at all? I am not concerned with it.

Diwan Chaman Lall : Because similar monopolies will now be started.

Minister : You have now a responsible Government which you can dislodge at any moment. No irresponsible thing can be done now. But why do you drag the old Government in now?

The re is one thing to which I should like to draw the attention of the House. My honourable friend, Diwan Chaman Lall, stated that it must be some hardy industrialist alone who can come to the Punjab. My friend does not know that industrialists are fleeing from Congress provinces and are seeking shelter of the Punjab Government. (*Laughter.*) (*Voices : Question.*)

[Minister for Development.]

I have received messages from very nearly half a dozen industrialists who want to shift to the Punjab and flee from a province which is being governed by a Congress ministry. (*An honourable member* : Because there will not be nepotism there.) The real difficulty seems to be that those who are at heart capitalists seek to assume the garb of the friends of the poor in order to be better able to protect the interests of capitalism. That may be one of the real reasons of the attitude of the Opposition. Anyway, my friends may rest assured that the Punjab is regarded as a province where industries can flourish better than in any other province in India at the present moment.

Chaudhri Krishna Gopal Dutt : By stifling it.

Minister for Development : Therefore, the argument that it would be only a hardy industrialist who would come to the Punjab is an argument which has absolutely no weight. It is even lighter than my friend himself.

One of my honourable friends said that it would be much better to call this amending Bill an Income Tax Amending Bill. That suggests another reason, which is pinching most of the occupants of the Opposition benches. They are capitalists, they are friends of the capitalists and they cannot bear to see the enactment of a law which will help Government to get some money out of the pockets of rich people. Why are they afraid? Why are they afraid of a little money coming out of the pockets of the rich?

Diwan Chaman Lall : What money? What money? Does the Honourable Minister realize that the money he is likely to get will not pay his travelling allowance Bill for 15 days? (*Laughter.*)

Minister : My travelling allowance is much lighter than what my honourable friend causes to be wasted here daily. However, I never made a secret of the objects of the Bill. I stated quite clearly that one of the objects of this Bill was to get a little money out of the pockets of rich people in order to be spent for the welfare of the poorer sections of the community. At present the Bill is not a regular revenue measure, but I hope that some day it will develop into a regular revenue measure which may be used to bring in more money. There is no reason why it should not be like that. This is probably the real difficulty which my friends of the Opposition are feeling; at least some of them; I do not say all. However, whatever the view they take, this Bill will go before the public. The public will be at perfect liberty to give expression to any views it likes. After the public has been given an opportunity to express its views, the Bill will again come here. A motion for reference to a Select Committee will have to be made. During the period of circulation there will be an opportunity for the public to criticize the objects of this Bill or the provisions of this Bill in detail. At the select committee stage the individual clauses of this Bill will be subject to revision or modification. Then lastly the Bill will come up for being passed, and my honourable friends will have plenty of time to let off fire works then. They may wait in patience until then.

Mr. Speaker : The question is—

That the Factories (Punjab Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1939.

The Assembly divided : Ayes 75, Noes 86.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 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, Khan Sahib Sayed.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsb, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, Mian.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Das, Seth.

Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan.
 Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan, Leghari, Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Sidhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sadiq Hussain, Shaikh.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honour-
able Dr. Sir.
Suraj Mal, Chaudhri.

Talib Hussain Khan, Khan.
Tikka Ram, Chaudhri.

NOES.

Abdul Rab, Mian.
Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lal, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Gauba, Mr. K. L.
Girdhari Das, Mahant.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.

Kishan Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Mukand Lal Puri, Rai Bahadur
Mr.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir 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.
Sudarshan, Seth.

STATE AID TO INDUSTRIES (AMENDMENT) BILL.

Minister for Development (The Honourable Chaudhri Sir Ghotu Ram) : Sir, I beg to introduce the Punjab State Aid to Industries (Amendment) Bill.

I also beg to move—

That the Punjab State Aid to Industries (Amendment) Bill be referred to a select committee consisting of—

Mir Maqbool Mahmood ;
Chaudhri Muhammad Yasin Khan ;
Rai Sahib Chaudhri Het Ram ;
Chaudhri Muhammad Hussain ;
Shaikh Sadiq Hasan ;
Sardar Gopal Singh ;
Sardar Sampuran Singh ;
Chaudhri Muhammad Hassan ;
Lala Bhim Sen Sachar ;
Rai Bahadur Lala Gopal Das ;
Sardar Balwant Singh.

The quorum of the committee shall be five.

Sir, I hope I shall not give any offence to my friends of the Opposition if here again I make a short speech because the longer the speech the more stinging it is likely to be in response to frequent interruptions which some of the members of the Opposition cannot resist. Then it will become very unbearable for at least a portion of the members of the Congress party. (*Voices from the Opposition*: No, no.) Some of them welcome my thrusts at capitalism I know, but there are others who find it difficult to stand them.

The object of the present amending Bill is two-fold : one is the encouragement of cottage industries and village industries for which, I am sure, all the members of the Congress party will profess a great deal of sympathy. A number of them are quite sincere while others may profess sympathy for the encouragement of village and cottage industries but not deeper than what is known as lip-deep sympathy. The other object is to avoid certain difficulties which have either already arisen, or, it is apprehended, will arise from certain incidents of the Hindu joint family system, for one thing, and for another, from certain provisions of the Land Alienation Act (*Voices from the Opposition benches*: What is lip-deep sympathy?) If my friends do not know English I cannot teach them now. (*Lala Duni Chand*: Are you quite sure that that is correct English?) The difficulties to which I was making a reference arose from the incidents of the Hindu joint family system in the case of business class Hindus from the provisions of the Land Alienation Act in the case of certain tribes and from the operation of the Customary Law in the case of those borrowers who are governed by custom.

The original Act did not define the expression 'cottage industry or village industry.' Nor did it make any distinction between one kind of industry and another.

(*At this stage Mr. Speaker left the Chair which was occupied by Mr. Deputy Speaker*).

Therefore, all State aid was dispensed to all industries on the same lines. It could not be extended in the case of one and could not be restricted in the case of the other, that is, village industries, cottage industries and general industries were, all of them, on the same footing. And it was found that while subsidy could be granted in the case of larger industries for the purpose of research, no subsidy was practicable under the law as it stands in the case of village industries and cottage industries. However, the truth is that subsidy is most needed in the case of cottage industries and village industries. Therefore, one of the amendments is the addition of a definition of "cottage industries" and "village industries." Another important amendment is that which seeks to make a distinction between village industries and cottage industries on the one hand and other industries on the other in the matter of giving a subsidy. At present subsidies are permissible only in the case of larger industries for the purpose of research. Now research in the case of cottage industries and village industries is out of question. Thus as the law stands it entirely excludes cottage industries and village industries from that particular type of help and subsidy which is most essential in the case of these industries. Therefore, the existing section 17, where various forms in which State aid can be given are defined, has been amended so as to permit subsidy in the case of village and cottage industries for any purpose while in the case of other industries subsidy will continue to be permissible only for

[Minister for Development.]

the purpose of research. Another amendment which is consequential to this amendment has been proposed in section 32.

With regard to the difficulties which it is apprehended are likely to arise on account of certain incidents of the Hindu joint family system, it has been suggested that certain additions be made in section 24, so that if any objection is raised on the basis of any of the principles of Hindu joint family system by a relation of a borrower it may be possible for that objection to be met in a court of law.

Then there were numerous complaints on the part of statutory agriculturists who had taken to industries and found themselves excluded from the benefit of loans because they could not offer anything but their agricultural land as security, and Government could not accept agricultural land in security because any mortgage effected on agricultural land could neither be foreclosed nor realized in any manner. We pleaded our inability to help them in the absence of a good security and they stated that they had only agricultural land to offer and, therefore, their difficulties required to be solved in some manner. The manner in which we are trying to solve that difficulty is that if a man belonging to a notified agricultural tribe takes a loan from the Industries Department, then that particular area of agricultural land which he mortgages with the Department of Industries shall be exempted from the operation of the Land Alienation Act. In the present Bill we have made a suitable provision to this effect. Neither the agricultural borrower nor his relations will be in a position to call in question any mortgage effected to secure a loan from the Department of Industries.

I want to make one thing quite clear. By offering a certain area of agricultural land by way of security, the man who offers that security will not himself cease to be a member of a notified agricultural tribe. He will continue to enjoy all the privileges and suffer all the disabilities which flow from the Land Alienation Act, but in respect of that particular area alone which he offers as security he will be regarded as a man not belonging to a statutory agricultural tribe, the idea being that while the land mortgaged will be available for being foreclosed the owner himself will continue to enjoy the protection of the Land Alienation Act in all other respects.

Yet another difficulty was that even if a man offered his land as security, his reversioners were in a position to file a suit in the civil court to the effect that he had no valid necessity for offering his land as security for the loan and that the mortgage was not binding on them. Therefore, we have also provided that no plea raised on the basis of such custom will be entertained by any court hearing that suit.

These are the only important amendments which have been embodied in the amending Bill. I think I have made the object of the Bill quite clear and have also stated all the facts which will enable the House to judge whether there is or there is not a real necessity for this amending Bill. I think there is the necessity and I hope the House will agree with me and allow a reference to the select committee without any avoidable delay.

Mr. Speaker : The motion moved is—

That the Punjab State Aid to Industries (Amendment) Bill be referred to a select committee consisting of—

Mir Maqbool Mahmood;
 Chaudhri Muhammad Yasin Khan;
 Rai Sahib Chaudhri Het Ram;
 Chaudhri Muhammad Hussain;
 Shaikh Sadiq Hasan;
 Sardar Gopal Singh;
 Sardar Sampuran Singh;
 Chaudhri Muhammad Hassan;
 Lala Bhim Sen Sachar;
 Rai Bahadur Lala Gopal Das;
 Sardar Balwant Singh.

The quorum of the committee shall be five.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I want to say a few words. I am glad that the Honourable Minister for Development has moved this amending Bill which will be, I am sure, welcomed by all sides of the House (*cheers*). I assure you further that any sympathy which we give expression to in this House on this Bill will neither be "lip-deep," nor skin-deep but neck-deep. But, Mr. Speaker, I take this opportunity to draw the attention of the Honourable Minister to the fact that it was the Congress members in the Board of Industries who urged him to bring forward such a measure, so that the aid granted to the urban industries may also be extended to the cottage industries. The second thing is that we have several times in the Board of Industries drawn attention to the fact that the present aid which is given to the key industries and which is now being extended to the cottage industries is very, very insufficient and the conditions under which we give that aid are so very stringent that they are not calculated to develop either the cottage industries or the big urban industries. The need of the hour is to go beyond this measure and revise the whole conditions under which we give loans to industries, whether cottage industry or the big industry. You will be surprised to know the conditions under which we are going to give aid to the cottage industries as well as to the big industries. I think those conditions are exactly the ones which a blood-sucking money-lender has for the private debtor. (*Laughter.*) Mr. Speaker, I have studied those conditions. I am a member of the Board of Industries on behalf of my party. I have several times pointed out to the Honourable Minister for Development that he goes out into the province and condemns the money-lender for giving loans to the industrialists under very hard and stringent conditions, but that the conditions which the Government have laid down—

Mir Maqbool Mahmood : I rise to a point of order. I submit that at this stage the House is only concerned with the principles of the Bill. The questions how these detailed provisions are to be modified and how rules are to be framed cannot obviously be discussed at this stage.

Chaudhri Krishna Gopal Dutt : Mr. Speaker, if this is not the occasion, I wonder which occasion I can avail of. We have accepted the principle to the extent that aid to the cottage industries should be given and

[Ch. Krishna Gopal Dutt.]

the Honourable Minister for Development gave an undertaking on behalf of the Government that he was willing to help cottage industries. This is the occasion when we can avail ourselves of for drawing the attention of the Government and of the House that this measure would be inadequate and insufficient. It will be merely an eye-wash. I believe that when the question of giving aid to cottage industries is brought before the House, surely we have every right to voice our feelings so that Government should know that this Bill is not calculated to bring about the development of cottage industries in the province because the money sanctioned is already insufficient. We have not enough money even for developing our key industries or our big industries in the province and now this money which is going to be allowed for the cottage industries is going to come out of that money. If the Honourable Minister gives us an assurance that he will increase the amount set apart for this purpose, then, of course, we accept the utility of the Bill. The Bill is all right. The Honourable Minister had the audacity to say that in wishing the welfare of cottage industries, the members of the Opposition have only shown lip-sympathy. Now, the boot is on the other leg. Here is a practical point before the House. The House has to take this fact into account that the money which Government has set apart for this purpose is inadequate and the conditions under which the aid is given are, in my opinion, Shylock-like. (*Laughter*) With these words I support the motion.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, I would like to say only a few words in connection with this proposition. So far as this wordy warfare is concerned as to who is the real supporter of village and cottage industries, I do not think that this House is the proper place for settling such immaterial controversies. Anyhow, I thank God that the Government has deemed it fit to admit on the floor of the House that as long as it does not promote and aid the village and cottage industries in an agricultural province like that of the Punjab, the economic condition of the poor zamindars would remain unameliorated. If we impress upon the Government the necessity of aiding village and cottage industries it is because we believe it to be highly essential for the industrial development of the province. I do not claim any undue credit for a thing which we have not done. We mean what we say. We are only workers and we do not fight shy in doing what we believe to be right. We believe that by using *khaddi* we will be able to help and promote cottage industries and thus we prefer it to all other kinds of cloth. Not only do we use it ourselves but we advise others also to wear it. Anyway I am glad to say that the Government has accepted the principle of subsidizing cottage industries.

I understand that to-day the Government is taking a step to fulfil its duty towards the people. I should hope that at the time of making laws the Government must pay attention towards village industry, and I assure the Government that village industry will also pay the Government in response. I am after this that the Government may help us by helping village industry. I feel with regret the absence of Khan Bahadur Mashtaq Ahmad Gurmani from the House. Had he been present, he would certainly have supported my proposal. So many times I have asked him to start sugar industry in Muzaffargarh,

5 P.M.

his native district, where date trees grow so abundantly, but I regret that the Government have not given permission in this matter so far. And the Government in reply to this, proposed to start sugar industry in some other district and to this proposal of the Government also, I offered my help.

I have done something in this connexion and the Government can start this business in that district at any moment, and I will be prepared to give every help. The rich people laugh at the income of the village workers but the fact is that even the small money which the poor people get through industry is sufficient for them because the average income is very low. If the Government is really intent upon helping village industry, let them help. We welcome this step for it is indeed a favourable and supporting step.

It were better if the Government had fixed some earlier date for the select committee to submit its report. But even now I presume that the Honourable Minister for Development would not allow to lapse a day more than two months for the committee to report. Certainly I am glad to find such helping and good intention of the Government.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*): Sir, I did not want to speak on this occasion but my honourable friend Chaudhri Krishna Gopal Dutt by giving expression to his inner thoughts has compelled me to speak a few words on this matter.

First of all, I have to thank the Honourable the Leader of the Opposition for his straightforwardness with which he has welcomed this Bill. But I beg to differ with the feelings which my honourable friend Chaudhri Krishna Gopal Dutt has expressed before this House. He said that if the Government had not got sufficient money to increase the grant for industries, they should spend all the existing amount on big industries.

Chaudhri Krishna Gopal Dutt: This I did not say.

Mir Maqbool Mahmood: My learned friend may deny it now but may I ask him whether he did not insinuate this?

Chaudhri Krishna Gopal Dutt: No, no. This I did not say, I have repeated so many times. If the honourable member has learnt his speech by heart that is another thing. (*Laughter*).

Mir Maqbool Mahmood: Sir, I think that my learned friend Chaudhri Krishna Gopal Dutt must have now realized that the attitude he took, is untenable and would not serve him. And I am pleased to know that he has revised it and is now professing some sympathy with the poor zamindars of this province. But it is very regrettable at the same time that my honourable friend Chaudhri Krishna Gopal Dutt instead of receiving this Bill with warm reception, has tried to criticize it unduly.

Pandit Bhagat Ram Sharma (Kangra, West, General, Rural) (*Urdu*): Sir, The Honourable Minister for Development when he moved this Bill was pleased to tell us that representations were received from the zamindars to the effect that no help was given to them in connection with cottage industry. Keeping these representations in view, the Honourable Minister introduced this amendment Bill. I must submit that if the Honourable Minister had read, the Punjab State Aid to Industries Act, 1935, and the rules framed thereunder he would have known that rules had

[Pt. Bhagat Ram Sharma.]

been laid there for granting loans, which are highly stringent. But what a pity it is that the Government is bringing this amendment Bill without repealing those rules and they still persist in their professions of sympathy with zamindars ! I think it is far better for a zamindar to take a loan from a private person.

The rules made by the Government under Act V of 1935 are such that if any unfortunate person takes a loan in the hope of earning his livelihood, he virtually invites trouble and ruin. If for some reason he is not able to repay the amount or any part of it at the prescribed time he loses everything. Even the money already paid is forfeited. Now if in the presence of all this the Minister or the Government think that the measure is a boon to the small industrialist and that the Government wants to help and encourage him then I must say that they are hoodwinking the ignorant people. (*Cries of order, order and withdraw.*)

Mr. Speaker : The word "hoodwinking" is unparliamentary.

Pandit Bhagat Ram Sharma : I did not use any objectionable expression but if that is your ruling I withdraw the word.

Pandit Shri Ram Sharma : On a point of order. Is the word "hoodwinking" unparliamentary ?

Mr. Speaker : Yes. It means "deceiving" or "dodging."

Pandit Bhagat Ram Sharma : I am sorry that even the Chair has misunderstood me. I did not mean offence to any one. All that I said was that if the Government knows all that I have stated and still persists in its professions of sympathy with the small industrialist by bringing forward the present measure then it is nothing but hoodwinking. The Honourable Minister was pleased to tell us that representations were received from the zamindars. But my submission is that if this is what they do in response to the representations of the zamindars and still they have the cheek to say that they are overflowing with sympathy for all poor people then God help this province and this Government.

Rao [Pohop Singh (East Punjab Landholders) (Urdu) : Sir, I shall confine my speech to a few remarks only. The honourable Leader of the Opposition has requested the Honourable Minister to ask the select committee to submit its report at any early date. It is a matter for gratification that he realizes the usefulness of the Bill and wants to see it enacted into law without unnecessary delay. But after that he went on to say that the sympathy professed by the Congress members was spoken of as only lip sympathy by the Honourable Minister. In this respect I would invite your attention to the revised list of business for to-day. In that list you will find two amendments for circulation of the Bill standing in the names of my honourable friends Pandit Shri Ram Sharma and Lala Duni Chand, respectively. One of these gentlemen wanted the circulation by the 1st December and the other by the 31st December. This is enough to show whether it is the Honourable Minister or the Opposition who wants to pass the Bill soon. Anyway, I am glad that the speech delivered by the Honourable Minister went home and these gentlemen realizing the inadvisability of moving their amendments, desisted from moving them.

The Honourable Dr. Sahib has stated that the Honourable Chaudhri Chhotu Ram has no sympathy for the zamindars and is in fact treating them badly. Granted that, if he is not meting out a fair treatment to the zamindars let him have his way a while. We would be grateful if our friends over there do not create obstacles and hindrances in his way. With these remarks I resume my seat.

Lala Duni Chand : I wish to make a brief request to the Honourable Minister for Development.

Mr. Speaker : I cannot allow the honourable member to speak. I called him a few minutes ago but he neither spoke on the main question nor did he move his amendment.

Lala Duni Chand : I want to speak now in regard to the motion before the House.

Mr. Speaker : The honourable member has not understood me. He had given notice of an amendment to the main question that the Bill be referred to a select committee. When I called him he could have spoken on the main question and moved his amendment as well if he liked. But he did not avail himself of that opportunity.

Lala Duni Chand : I always consider it a privilege to be enlightened by you. But the point is if I did not want to move the circulation motion, does that preclude me from speaking on this motion ?

Mr. Speaker : Certainly not. But the honourable member was given an opportunity to speak and he did not choose to speak.

Sardar Sampuran Singh : You called on the member to move the motion which stood in his name.

Mr. Speaker : I simply called his name and thus gave him an opportunity to speak.

Sardar Sampuran Singh : If that motion were not there you would not have called him at that time.

Mr. Speaker : It was open to me to call him even then. The question is—

The Punjab State Aid to Industries (Amendment) Bill be referred to a select committee consisting of—

Mir Maqbool Mahmood ;
Chaudhri Muhammad Yasin Khan ;
Rai Sahib Chaudhri Het Ram ;
Chaudhri Muhammad Hussain ;
Shaikh Sadiq Hasan ;
Sardar Gopal Singh ;
Sardar Sampuran Singh ;
Chaudhri Muhammad Hasan ;
Lala Bhim Sen Sachar ;
Rai Bahadur Lala Gopal Das ;
Sardar Balwant Singh.

The quorum of the committee shall be five.

The motion was carried.

VILLAGE PANCHAYAT BILL.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I present the report of the select committee on the Village Panchayat Bill.

I also move—

That the Punjab Village Panchayat Bill as reported on by the select committee be taken into consideration.

Mr. Speaker : Motion moved—

That the Punjab Village Panchayat Bill as reported on by the select committee be taken into consideration.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu) : Sir, I beg to move—

That the Punjab Village Panchayat Bill as reported on by the select committee be further sent for reconsideration to the same select committee with instructions to report by the 15th December, 1939.

Sir, so far as the principle underlying the Punjab Village Panchayat Bill is concerned, there can be no two opinions about it. We are in entire agreement with it. I am rather of the opinion that panchayats are the age-old institutions in our country, which were founded on the fundamental principles of democracy. I, therefore, think that the introduction of such a measure as would bring about the establishment of effective panchayats in our province, is not only necessary but also of vital importance to our national existence. Its principles are par excellence. But the difficulty is that in practice they have proved to be retrograde. The honourable members are aware of the fact that the old Panchayat Act has been in force in our province for the last 18 or 19 years. But so far no useful results have been obtained. The Government reports which have been issued from time to time about its working amply prove that it has miserably failed to achieve its object. Even responsible officers like commissioners have often remarked in their reports about the working of this Act that from the practical point of view it has not met with marked success. Besides, I may submit that the present Government dismissed all the old panchayat officers with one stroke of the pen, without considering the efficiency of any of them. But we were surprised to find that after a few months the Government deemed fit to recruit fresh panchayat and assistant panchayat officers four or five times greater in number as compared with the dismissed ones. We fail to understand the inconsistency of the Government in removing the old incumbents without rhyme or reason on the one hand and making fresh recruitment of officers in unusually large numbers on the other.

Mr. Speaker : The honourable member is discussing the details of the Bill. May I draw his attention to Rule 86, which runs as follows :—

“ 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.”

Which principle of the Bill is the honourable member discussing ?

Pandit Shri Ram Sharma: Sir, I am not discussing the details. Only permit me to proceed with my speech. I have already stated that so far as the principle underlying the Punjab Village Panchayat Bill is concerned, there exists absolutely no difference of opinion about it.

Parliamentary Secretary (Shaikh Faiz Muhammad): On a point of order, Sir. I should like to know whether this amendment as it stands is in order. If you will kindly turn to Rule 96, you will see that a motion of this kind may be moved only for two purposes.

Mr. Speaker: The Rule referred to by the honourable member applies only when the motion of recommitment is moved by the member in charge of a Bill; such motions when moved by other members, fall under sub-rule (2) of Rule 96.

Parliamentary Secretary: That is exactly what I am referring to. Under Sub-rule (2) the words "circulation" or "recommitment" are with reference to previous rules, otherwise the mere recommitment is meaningless. It must be recommitment for some specific purpose.

Mr. Speaker: A recommitment may be general, that is, for the reconsideration of the whole Bill, or only of its particular provisions or clauses.

Pandit Shri Ram Sharma: Sir, I briefly wanted to state the reasons as to why the Punjab Village Panchayat Bill should be recommitted to the same select committee. But my honourable friend has been unnecessarily restive to interrupt me. I was going to say that although none could deny the usefulness of this Bill, yet the reason why I consider it necessary to refer it again to the select committee, is that the select committee has failed to make any material changes in it. The Bill almost retains its original form. I, therefore, submit that the select committee should be provided with an opportunity again to go into the matter thoroughly. This is an important Bill intended to bring about a change in the rural economy. The Bill as reported by the select committee vests powers of far reaching nature in the hands of the Government in regard to matters relating to franchise, election, suspension of panchayat, etc. It is an anomaly that on the one hand the Government profess to introduce democratic principles in the village economy while on the other they retain all executive powers in their own hands. If that is to be the case, may I ask the Government as to what is the difference between the new Bill and the old Act.

The only difference that I can discern between the old Panchayat Act and the new Panchayat Bill is that a few more powers are proposed to be given to the panchayats in the future but I wonder if a meagre addition of powers will make up the deficiency and render the panchayats what they ought to be in a democratic country. The very principles of democracy which can constitute a real panchayat are absent from the proposed measure. It is too much to expect that the rules which will be made later on will supply what has been denied in the text of the Bill. The select committee has not improved it at all. The fundamental principles of democracy have been ignored in drafting the Bill. The method of election and of voting as well as of enfranchisement is very defective. For instance, one of the conditions laid down in the old Act is that only that person can stand for the panchayats who pays a sum of Rs. 5 as land revenue. This rule will deprive the poor classes. Particularly the Harijans, for whom the Unionist Government

[Pt. Shri Ram Sharma.]

professes sympathy, has been excluded from the panchayats. They neither possess any land nor do they pay any land revenue. There ought to be an adult franchise in the panchayats. Every adult person in the villages should be allowed to vote for the panchayat without any restriction whatsoever.

There is yet another serious defect in the Bill. The Government reserves the right to suspend a panchayat or its panches. The root cause of all these defects is that the Government always keeps its own party interest in view and does not follow the true canons of democracy. It is always concerned to prolong its existence and add to its strength or help its supporters by fair means or foul. It looks at every problem through party point of view. What is needed most is the fact that a Government should regard itself to be the custodian of the rights of the whole province and of all the parties. In the absence of such a viewpoint our Government has brought about such a state of affairs as was not seen even under the old foreign bureaucracy. In fact our Government is worse than its forerunner. It is very essential that the panchayats should end unnecessary litigation in the villages but instead of that the Government wants to make them a means of securing votes in the provincial elections.

Another evil present in the Bill is that it empowers the panchayat to impose taxes on the villagers who are already groaning under the heavy burden of taxation. I may sound a note of warning to the Government that the villagers are too poor to pay any additional tax. It will prove the last straw to break their back. There are already too many taxes besides the land revenue which the poor village folks have to pay like the professional tax and malba. The greatest evil of this Act would be that the Government will acquire a new weapon to suck the blood of the poverty-stricken dwellers of the villages to further their party interests.

At this stage the Assembly adjourned till 12 noon on Monday, 30th October, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 30th October, 1939.

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

STARRED QUESTIONS AND ANSWERS.

HOURS OF WORK IN MUKAND IRON WORKS, BADAMI BAGH, LAHORE.

***4884. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the General Secretary of the Foundry Workmen's Union, Lahore, wrote a letter on January 21, 1939, to the Chief Inspector of Factories, Punjab, stating that the Workmen working on rolling mills of the Mukand Iron Works, Badami Bagh, Lahore, have to remain in the factory for more than 14 hours in contravention of the Indian Factories Act ;
- (b) the reply given by the Chief Inspector of Factories to the letter ;
- (c) the action, if any, taken by the Industries Department ;
- (d) the visits, if any, he paid to the said works after receiving the letter ?

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

(b) A copy of the Chief Inspector of Factories' reply along with a copy of another letter, dated the 6th April, 1939, issued by him on the subject is placed on the table.

(c) and (d) The Mukand Iron Works, Badami Bagh, were inspected by the Chief Inspector of Factories on the 11th March, 1939, and were found to be working in order.

Copy of letter No. 475, dated the 7th February, 1939, from the Chief Inspector of Factories, Punjab, to the General Secretary, Foundry Workers' Union (Registered), Lahore.

In reply to your letter No. 2-X, undated, I would refer you to paragraph 4 of your letter IX also undated, in which you stated that the shifts outlined by you as being in force in the Mukand Iron Works are not in accordance with Factory Regulations.

As the hours of work shown do exceed 10 per day, your remarks are correct.

[Minister for Development.]

On receiving your first communication, the District Inspector was requested to make an inspection of the Factory, sooner than he would do in the ordinary course of his duty, and he will as usual scrutinise the system of working hours in force.

The Inspector's report when received in this office will be acted upon with a view to assuring that Factory Regulations regarding hours of work are complied with.

I would, however, point out the improbability of workers on blast furnaces being employed 14 hours a day, even if engaged on 2 hours shifts, as the work is strenuous and fatigue would cause carelessness in work, which in time would result in loss to the employer far exceeding the cost of additional labour.

*Copy of letter No. 1177, dated the 6th April, 1939, from the Chief
Inspector of Factories, Punjab, to the General Secretary,
Foundry Workmen's Union (Registered),
Lahore.*

In reply to your letter No. 5-X, dated 24th February, 1939, I have to inform you that I have made enquiries amongst the metal work factories at Badami Bagh and find that the hours of work there are less than the maximum permitted under the Factories Act. There is therefore no infringement of Factory Regulations on that point.

Regarding the reporting of accidents, I find that the only accident not reported relates to Muhammad Shafi and in this case it is doubtful if it can be termed a reportable accident. Injuries to the worker were stated by the factory manager and factory workers to have been so slight that the worker did not report to the manager or a doctor. The injured worker is said to have taken the pay due to him and absented himself from the factory. The worker does not appear to have gone to a doctor for treatment; it is therefore difficult to establish the fact that he was injured sufficiently to be off duty for more than 48 hours. I would suggest that in future you advise workers that when receiving injuries necessitating their going off duty at all, they should at once report to the Assistant Surgeon, Lahore, and get the fact recorded showing the extent of their injuries; such a record is necessary to claim compensation and without such a record a case for compensation is very weak.

I would point out to you that the method of operating blast furnaces is the same in Amritsar and other parts of India as it is in Lahore and as this is the recognised method of work, which also is in accordance with Factory Regulations, it is not possible to interfere in it.

RURAL UPLIFT WORK.

***4885. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

- (a) in which tahsils and of which districts in the Punjab the intensive rural uplift work as promised last year with the aid of Special Development Fund has been started and the rate of progress made;
- (b) the amount spent so far on this rural uplift work and the specific nature in detail of the work undertaken in this connexion?

The Honourable Chaudhri Sir Chhotu Ram : (a) A list of the tahsils concerned is laid on the table.

(b) Apart from the disproportion between the labour involved in collecting the information asked for and the results likely to be obtained an answer to this part of the question is beside the scope of an Assembly question.

Statement showing the tahsils elected 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	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	Ferozepore	Moga	Fakirka.
11	Lahore	Kasur	Lahore.
12	Amritsar	Ajnala	Amritsar.
13	Gurdaspur	Gurdaspur	Shakargarh.
14	Sialkot	Daska	Sialkot.
15	Gujranwala	Wazirabad	Gujranwala.
16	Sheikhupura	Sheikhupura	Shahdra.
17	Gujrat	Gujrat	Phalia.
18	Shahpur	Shahpur	Khushab.
19	Jhelum	Chakwal	Jhelum.
20	Rawalpindi	Rawalpindi	Gujarkhan.
21	Attock	Attock	Indigheeb.
22	Mianwali	Mianwali	Bhakkar.
23	Lyallpur	Lyallpur	Toba Tek Singh.
24	Jhang	Jhang	Chiniot.
25	Multan	Kabirwala	Multan.
26	Muzaffargarh	Muzaffargarh	Leiah.
27	Dera Ghazi Khan	Dera Ghazi Khan	Jampur.
28	Montgomery	(a) Okara (Shahbore, Okara, Kalasan, Kissan, Renala, Hussaingarh, Mari Din Salah Zails). (b) Divalpur (Shah Yakka, Divalpur, Shergarh, Man-Chirian, Hujra, Dhuiana Zails).	(a) Okara (Kaman, Mopalke, Jandraka, Mirak, Satghara, Dilbagh Fattuana, Gogera, Akbar, Niami Zails). (b) Montgomery (Mir Shank, Pakhi, Katorwala, Jhilwala, Nur Shah, Khunda, Montgomery, Ballewala, Budhwala, Naiwala, Muradke, Kathia, Harapa, Sherwala Dadfatiana Zails).

Lala Duni Chand : May I know how much money has been spent so far on this work ?

Minister : I have already given an answer to that part of the question.

Chaudhri Muhammad Hasan : Is the Honourable Minister in a position to give names of villages selected for rural uplift work in Samrala tahsil ?

Minister : No, Sir.

Pandit Muni Lal Kalia : Has the Honourable Minister visited the places named by him ?

Minister : I have paid visits to some of the villages where I was told that intensive activities were in progress.

Chaudhri Muhammad Hasan : Is the Honourable Minister aware that no rural uplift work has yet begun in Samrala tahsil of Ludhiana district ?

Minister : I cannot believe it.

Chaudhri Muhammad Hasan : Has the Honourable Minister visited Samrala ?

Minister : A Minister cannot be expected to pay visits to each village in a tahsil selected for intensive work.

Pandit Muni Lal Kalra : Am I right in assuming that no other places except those mentioned now have been visited by the Minister during the last recess ?

Pandit Shri Ram Sharma : May I know as to when the rural uplift work was started in Jhajjar and what progress it has made so far ?

Minister : I have already given the answer to that part of the question.

Pandit Shri Ram Sharma : May I know what work has been done in Sonapat ?

Minister : Information cannot be collected for a question like this.

Lala Bhim Sen Sachar : Does the Honourable Minister know anything about the rural uplift work in Samrala tahsil ? Has there been any opportunity for the Honourable Minister to—

Minister : I cannot give any details.

Lala Bhim Sen Sachar : Therefore the Honourable Minister cannot definitely say whether any work has or has not been done in Samrala tahsil.

Mr. Speaker : That is an inference.

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Minister went to Samrala, yet he did not see that rural uplift work was—

Minister : Quite possible.

Lala Duni Chand : Has the Government drawn up any scheme so far in regard to the work to be done in various tahsils ?

Minister : Yes.

Lala Duni Chand : May I know what are the chief characteristics or chief items of that scheme ?

Pandit Muni Lal Kalra : Have all the visits made to these places been in connection with rural uplift work ?

Minister : In some cases, yes.

Pandit Muni Lal Kalra : In how many cases have these not been in connection with rural work ?

Lala Duni Chand : Does the Honourable Minister mean that the visits to areas mentioned resulted in economic betterment ?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Has the Honourable Minister's attention been drawn to the fact that the work of rural uplift serves the purpose of Government propaganda ?

Premier : Propaganda there will be inasmuch as the people will know how far the Government is striving for their welfare.

DEATH OF COWS IN GOVERNMENT CATTLE DAIRY FARM, HISSAR.

***4897. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Development be pleased to state whether it is a fact that some cows died suddenly in Government Cattle Dairy Farm, Hissar, very recently; if so, how many have died and what was the cause of their death ?

The Honourable Chaudhri Sir Chhotu Ram : Yes, 38 cows died suddenly at the Government Cattle Farm, Hissar, from the 11th to 18th March, 1939. They were not out of the Dairy cows, but were the most emaciated ones from the general herd and ordinarily they would have been marked for auction had they not been taken up for experiment.

An experiment with bone meal was being conducted. On the 10th March, 1939, however, sodium fluorosilicate, which was in stock, was accidentally issued to the cows by the Storekeeper and resulted in their death due to poisoning.

IRON AND STEEL ROLLING MILLS.

***4953. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of iron and steel rolling mills registered as factories in the province in 1938 ;
- (b) the working hours in each such mill ;
- (c) the number of visits that the Factory Inspector paid to each such mill during the same year ;
- (d) the number of accidents that took place in each of these mills during this period ;
- (e) the number of cases, if any, in which compensation was given to the victims of these accidents ?

The Honourable Chaudhri Sir Chhotu Ram : (a) There were 10 iron and steel rolling mills registered as factories working in the province during 1938. A statement showing their names is laid on the table.

(b) A statement showing the working hours of each factory is laid on the table.

(c) A statement showing the number of visits paid by the Inspector of Factories to each mill during 1938 is laid on the table.

(d) Accidents were reported in only 2 out of the 10 mills, 12 accidents occurred in the Mukand Steel Rolling Mills, Badami Bagh, of which 10 were minor accidents and 2 serious ones. Two minor accidents occurred in Laul's Limited Steel Roller Mills, Chheharta.

(e) Information regarding the number of cases in which compensation was given to the victims of the accidents is not readily available.

Sardar Sohan Singh Josh : On a point of order. No statement regarding this question has been supplied.

Mr. Speaker : It should have been supplied to the honourable member at least one day before.

Statement showing the names of iron and steel rolling mills registered as factories working in the province during 1938.

1. Ravi Verma Steel Works, Ambala Cantonment.
2. K. B. Chisty and Sons Steel Rolling and Iron Foundry, Ravi Road, Lahore.
3. Habib Ullah-Ghulam Muhammad Iron and Steel Works, Lahore.
4. Raghu Ram-Tulsi Ram Steel Rolling Mills, Badami Bagh, Lahore.
5. The Lahore Steel Rolling Mills, Lahore.
6. Mukand Steel Rolling Mills, Badami Bagh, Lahore.
7. Karori Mal-Sita Ram Rolling Mills, Badami Bagh, Lahore.
8. Lau's Limited Steel Roller Mills, Chheharta, Amritsar.
9. The Partap Steel Rolling Mills, Chheharta, Amritsar.
10. Ahmed Bux and Brothers Rolling Mills, Lahore.

Statement showing working hours of each Iron and Steel Rolling Mill in the Province..

Name of factory.	1ST PERIOD		2ND PERIOD	
	From	To	From	To
	A. M.	NOON.	P. M.	P. M.
1. Ravi Verma Steel Works, Ambala Cantonment.	7-30	12	1	5-30
2. K. B. Chisty & Sons Steel Rolling and Iron Foundry, Lahore.	8	12	1	6
3. Habib Ullah-Ghulam Muhammad Iron and Steel Works, Lahore.	8	12	1-30	6
4. Raghu Ram-Tulsi Ram Steel Rolling Mills, Badami Bagh.	8	12	1	6
5. The Lahore Steel Rolling Mills, Lahore ..	6	12	1	4
6. Mukand Steel Rolling Mills, Badami Bagh	7-30	12	1	5-30
7. Karori Mal-Sita Ram Rolling Mills, Badami Bagh.	8	12	1	5-45
8. Lau's Limited Steel Roller Mills, Chheharta.	7-30	12	1	5-30
9. The Partap Steel Rolling Mills, Chheharta	8	12	1	6
10. Ahmed Bux and Brothers Rolling Mills, Lahore.	8	12	1	6

*Statement showing the number of visits paid by the Inspector for
Factories to each mill during 1938.*

Name of factory.	Number of visits paid by Factory Inspector.	REMARKS.
1. Ravi Verma Steel Works, Ambala Cantonment.	2	
2. K. B. Chisty and Sons Steel Rolling and Iron Foundry, Lahore.	1	
3. Habib Ullah-Ghulam Muhammad Iron and Steel Works, Lahore.	2	
4. Raghu Ram-Tulsi Ram Steel Rolling Mills, Badami Bagh.	1	
5. The Lahore Steel Rolling Mills, Lahore ..	..
6. Mukand Steel Rolling Mills, Badami Bagh ..	6	
7. Karori Mal-Sita Ram Rolling Mills, Badami Bagh	2	
8. Lall's Limited Steel Roller Mills, Chheharta ..	..
9. The Partap Steel Rolling Mills, Chheharta ..	..
10. Ahmed Bux and Brothers Rolling Mills, Lahore	..	Registered in November, 1938.

DEATH OF COWS IN GOVERNMENT CATTLE FARM DAIRY, HISSAR.

***4962. Dr. Sant Ram Seth :** Will the Honourable Minister for Development be pleased to state whether it is a fact that some cows died suddenly in Government Cattle Farm Dairy, Hissar, very recently ; if so, how many have died and what was the cause of their death ?

The Honourable Chaudhri Sir Chhotu Ram : The honourable member is referred to the answer given to question No. *4897¹, a little while ago.

DEATH OF COWS IN GOVERNMENT CATTLE FARM DAIRY, HISSAR.

***4965. Sardar Sohan Singh Josh :** Will the Honourable Minister for Development be pleased to state whether it is a fact that some cows died suddenly in Government Cattle Farm Dairy, Hissar, very recently ; if so, how many have died and what was the cause of their death ;

The Honourable Chaudhri Sir Chhotu Ram : The honourable member is referred to the answer given to question No. *4897¹ a little while ago.

Pandit Shri Ram Sharma : Was any punishment given to the servant who was responsible for the death of the cows ?

Minister : No, he was not punished.

Pandit Shri Ram Sharma : Was he rewarded then ?

RECOMMENDATIONS ADOPTED BY PUNJAB GOVERNMENT IN PURSUANCE
OF RECOMMENDATIONS OF PUNJAB GOVERNMENT FOREST COMMISSION.

***5021. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state in detail the recommendations adopted by the Punjab Government up to 10th April, 1939, in respect of Kangra district, in pursuance of the recommendations of the Punjab Government Forest Commission, 1937-38 ?

The Honourable Chaudhri Sir Chhotu Ram : Government have accepted the following recommendations made by the Punjab Forest Committee in respect of the Kangra district (excluding Kulu Sub-division):—

1. *Paragraph 10·7-A* that rakhs be allotted nautor in special cases.
2. *Paragraph 10·8-A* that the rules prohibiting cutting of thorns without the lambardar's permit be rescinded.
3. *Paragraph 10·9-A* (a) that in gaddi flocks no tirmi should be charged on lambs under six months old.
4. *Paragraph 10·10-A* that revision of the river rule prohibiting the crossing of timber on the river Beas be made.
5. *Paragraph 10·1-B* that the dates of departmental burning of *Chil* forests be advertised well ahead.
6. *Paragraph 10·3-B* that sufficient notice of auction of grass in *trihais* be given.
7. *Paragraph 10·4-B* that lambardars be authorised to mark Kharshu oak trees on emergency in Kothi Kohr and Swar.
8. *Paragraph 10·5-B* that timber distribution be made annually in Kothi Kohr and Swar.
9. *Paragraph 10·2-C* that *Sowanas* in Kothi Kohr and Swar be demarcated.
10. *Paragraph 10·4-C* that the exercise of rights in more than one 'tika' be permitted if expedient.
11. *Paragraph 10·5-C* that revenue papers include a record of trees planted by the *zamindars* themselves.

The other recommendations are under consideration.

COMMUNITY-WISE NUMBER OF MEMBERS OF THE DEBT
CONCILIATION BOARDS.

***5041. Rai Bahadur Lala Binda Saran :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of Debt Conciliation Boards existing in the province at the present time with the total number community-wise of members of these boards ;
- (b) the number and percentage of members among them belonging to statutory agricultural tribes ;

- (c) the number and names of Conciliation Boards in the province on which there is no representative of the money-lending classes ?

The Honourable Chaudhri Sir Chhotu Ram : (a) *First Part.*—28 Boards.

Second Part.—84 Members including 28 Chairmen ; Muslims—89, Hindus—82 and Sikhs—18.

(b) 56 members and 66 per cent.

(c) There is no Board without a representative of the money-lending interests, although in one Board, that of Sheikhpura tahsil, the representative of the money-lending interest happens to be a statutory agriculturist.

Lala Duni Chand : Has the Government received so far any reports in regard to the inefficiency of any of the members appointed ?

Minister : Does this question arise out of my answer ?

Mr. Speaker : No.

Lala Bhim Sen Sachar : Is there in the view of the Honourable Minister or the Government any difference between the viewpoint of agriculturists and that of money-lenders ?

Minister : A very substantial one.

Lala Bhim Sen Sachar : In view of the answer given, how is the Honourable Minister satisfied that an agriculturist can safeguard the money-lending interest on the Sheikhpura Board ?

Minister : A statutory agriculturist may belong to a family which does the business of money-lending.

Lala Bhim Sen Sachar : How does he reconcile both viewpoints ?

Minister : This gentleman was recommended to me by eminent men who represent money-lending interest in this House.

Lala Bhim Sen Sachar : Is he more an agriculturist or a money-lender ?

Minister : I did not quite analyse his mentality.

Lala Deshbandhu Gupta : Does the Honourable Minister realise that there is a large number of statutory agriculturists carrying on money-lending business ?

Minister : I know it.

Lala Deshbandhu Gupta : Does he feel that there is no necessity of any distinction between these two classes of money-lenders ?

Minister : Yes.

Lala Deshbandhu Gupta : Is there any proposal under the consideration of the Government to treat such people who are statutory agriculturists, indulging in money-lending business, as ordinary money-lenders ?

Minister : For one purpose they have already been treated as such.

Lala Duni Chand : Has the Government taken care to see that creditors are represented on every conciliation board ?

Minister : I have already answered this question.

GRADES OF PAY OF THE VETERINARY COMPOUNDERS.

***5060. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that according to circular No. 5 of 1936 of the Veterinary Department, Government fixed the grades of veterinary compounders; if so, the number and names of the district boards in the Punjab which have adopted and enforced these grades in the veterinary hospitals under their control and also of those district boards which have not so far adopted those grades with the reasons for not doing so?

Parliamentary Secretary (Shaikh Faiz Muhammad): In the circular referred to by the honourable member Government have only recommended for adoption by local bodies an appropriate scale of pay for compounders in veterinary hospitals. The scale has been adopted by the District Boards of Ambala, Sialkot, Hoshiarpur, Ferozepore, Montgomery, Muzaffargarh, Jhelum, Shahpur, Gujrat and Attock. The District Board of Lahore has sanctioned only two posts in the revised grade and the District Board of Rawalpindi only one. The other district boards have not been able to adopt the suggested scale on account of paucity of funds.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state whether the attention of the various district boards who refused to adopt these grades has again been drawn to this matter?

Parliamentary Secretary : Their attention has been drawn to it but the question is of money. Unless they have funds they cannot enforce these grades.

Pandit Shri Ram Sharma : Is there any other consideration excepting that of funds?

Parliamentary Secretary : If there had been any other consideration I would have communicated it to the honourable member.

Pandit Shri Ram Sharma : Has the District Board, Rohtak, also refused to adopt these grades on the plea of paucity of funds?

Parliamentary Secretary : This question refers to a particular district board and therefore a notice is required for giving the required information.

INDUSTRIAL LOANS.

***5086. Sardar Hari Singh :** Will the Honourable Minister for Development be pleased to state—

- (a) the number and particulars of industrial loans sanctioned for payment by the Punjab Government last year and this year and the purposes for which they were sanctioned;
- (b) whether all such loans have been paid to those in whose names they have been sanctioned;
- (c) cases in which loans have not been paid as yet, the obstacle in the way of such payments and the steps intended to be taken to overcome the same?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) With the exception of items 28, 38 and 44, loans shown in list I of the statement and loans shown at items 1 to 9 in list II have been disbursed.

(c) As regards the three undisbursed loans, viz., shown at items 28, 38, and 44 in list I, the issue of a notification under the Punjab Alienation of Land Act, exempting the agricultural holdings offered as security, from the provisions of that Act, is still under consideration.

As regards items 10 to 28 in list II, the title deeds are either under scrutiny with the Law Department or other formalities are being settled.

Statement showing loans sanctioned under the Punjab State Aid to Industries Act during 1938-39, and from 1st April, 1939, to 30th September, 1939.

Serial No.	Name of the Applicant.	Amount of loan.	Industry assisted.
<i>List I (1938-39).</i>			
		Rs.	
1	C. M. Deen and Company, Sialkot ..	3,245	Manufacture of silver trophies.
2	Kesho Narain, Kulu ..	200	Weaving.
3	Nathu, Weaver, Ludhiana ..	500	Do.
4	Chaudhri Gurdial Singh, Lahore ..	4,000	Engraving.
5	Lakha, Addharmi, Jullundur ..	1,000	Tanning.
6	Sheikh Muhamimad Yusuf, Hissar ..	4,500	Do.
7	Moti, Addharmi, Jullundur ..	100	Do.
8	Surgical Dressing Company, Amritsar	20,000	Manufacture of surgical dressings.
9	Harichand and Kuljas Rai, Amritsar..	3,000	Textile.
10	Sardar Bahadur Hari Singh, Lahore ..	15,000	Manufacture of juices.
11	Mr. Benjamin, Ludhiana ..	2,000	Weaving.
12	Sheikh Muhammad Yaqub, Talagang	5,000	Tanning.
13	Mr. V. Izat, Lahore ..	1,155	Manufacture of essences.
14	Kanshi Ram, Addharmi, Dhaliwal ..	250	Tanning.
15	Jai Mal, Addharmi, Dhaliwal ..	400	Do.
16	Lala Ram Nath, Batala ..	2,000	Weaving.
17	Lala Moti Ram, Rawalpindi ..	4,000	Chemicals.
18	M. Ghulam Ali, Kamalia ..	800	Manufacture of Durries.
19	Sardar Narayan Singh, Amritsar ..	35,000	Embroidery, ribbon and trimming.

[Minister of Development.]

Serial No.	Name of the applicant.	Amount of loan.	Industry assisted.
<i>List I (1938-39)—concluded.</i>			
		Rs.	
20	Chaudhri Muhammad Din, Sialkot ..	10,000	Manufacture of silver utensils, medals and trophies.
21	Dr. Prem Nath, Lahore ..	20,000	Manufacture of biscuits.
22	Neki Ram, Weaver, Fazilka ..	200	Weaving (The borrower died before the disbursement of the loan).
23	Kulu Ram, Weaver, Fazilka ..	150	Weaving.
24	Kenya Lal, Weaver, Fazilka ..	100	Weaving (The borrower died before the disbursement of the loan).
25	Ram Nath, Weaver, Fazilka ..	150	Weaving.
26	Lala Mulk Raj, Pleader ..	5,000	Do.
27	M. Ahmad Din, Lahore ..	2,500	Manufacture of motor parts.
28	M. Abdul Hamid Sabir, Proprietor, Agricultural Foundry and Workshop, Lahore.	2,000	Manufacture of agricultural pumps.
29	Bhai Harnaranjan Singh, Ludhiana ..	2,500	Weaving.
30	M. Abdul Aziz, Weaver, Fazilka ..	99	Do.
31	Lala Bhagat Ram, Kulu ..	5,000	Manufacture of leather boxes, etc.
32	Lala Goverdhan Das, Jullundur ..	20,000	Manufacture of brass cocks and furniture.
33	Pandit Nand Lal, Lahore ..	800	Manufacture of writing ink.
34	S. Sulakhan Singh ..	1,851	Manufacture of white cement and plasters.
35	H. Khurshed Ahmad of Batala ..	2,500	Manufacture of agricultural implements.
36	M. Abdul Ahad Qureshi, Jullundur ..	1,800	Manufacture of wooden <i>takkies</i> for school boys.
37	Sheikh Abdul Rahman, Pleader ..	2,000	Manufacture of soap.
38	Chaudhri Khair-ud-Din, Lahore ..	2,500	Thread ball making.
39	M. Muhammad Shafi, Sialkot ..	1,200	Tanning.
40	Lala Harbans Lal-Purshotam Lal, Indian Celluloid Works, Lahore.	5,000	Manufacture of celluloid articles.
41	M. Ghulam Muhammad, Amritsar ..	2,500	Printing press machinery.
42	Lala Terbeni Sahai, Hansi ..	2,000	Weaving.
43	M. Din Muhammad of Negoki ..	1,000	Do.
44	Messrs. Harphul Singh-Shive Das, Amritsar.	5,000	Manufacture of silk saris, curtain.
45	Mr. V. Izat, Lahore ..	2,000	Manufacture of essences.

Serial No.	Name of the applicant.	Amount of loan.	Industry assisted.
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List II (from 1st April, 1939, to 30th September, 1939).

		Rs.	
1	Messrs. Khairati Ram-Vaishnoo Das, Proprietors, Krishna Oil Mills, Batala.	2,000	Manufacture of oil.
2	Mr. Som Datt Puri, Proprietor, Purison and Company, Lahore.	5,000	Manufacture of educational gramophones.
3	Bibi Kesra Devi, Proprietor, Imperial Cutlery Works, Wazirabad.	2,000	Cutlery works.
4	M. Saeed Ahmad Mirza, Proprietor, Dutch Dairy Farm, Lahore.	4,500	Tinning of butter and manufacture of cheese.
5	Sardar Sulakhan Singh, Lahore ..	1,649	Manufacture of white cement and plaster.
6	Lala Jahangiri Mal Khanna, Amritsar	5,000	Weaving.
7	Lala Amin Chand, Proprietor, Ram Garhia Iron Works, Ludhiana.	1,500	Manufacture of hosiery machines.
8	Pandit Parkash Nath, Proprietor, Parbhakar Hosiery, Ludhiana.	2,000	Hosiery.
9	Messrs. Qutab Din-Gulab Din, Hide and Leather Merchants, Sialkot.	10,000	Tanning.
10	M. Feroze Din of Sialkot ..	1,000	Manufacture of steel pipes and door protectors.
11	Pandit Uma Datt, Advocate, Jhajjar	5,000	Weaving.
12	M. Fazal Din of Sialkot ..	1,000	Paper industry.
13	Sheikh Ghulam Muhammad, Jalalpur Jattan.	300	Tanning and manufacture of leather goods.
14	Lala Harish Chand of Multan ..	5,000	Manufacture of soap.
15	Lala Jeoti Sarup, Kulu ..	500	Weaving.
16	Messrs. M. Abdul Qayum-Fazal Muhammad and Company, Jullundur.	5,000	Foundry.
17	M. Muhammad Ishaq of Ludhiana ..	600	Hosiery.
18	Pandit Sundar Lal of Palampur ..	500	Weaving.
19	M. Muhammad Yaqub Mahmud of Sialkot.	400	Perfumery and soap.
20	Messrs. Khem Chand-Raj Kumar, Jullundur.	15,000	Crucibles.
21	M. Rashid Ahmad, Turner of Sialkot..	1,700	Surgical instruments.
22	M. Tufail Muhammad of Ludhiana ..	2,000	Hosiery.

[Minister of Development.]

Serial No.	Name of the applicant.	Amount of loan.	Industry assisted.
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List II (from 1st April, 1939, to 30th September, 1939)—concluded.

Rs.

23	Chandhri Muhammad Din of Sialkot..	700	Tanning.
24	Ram Kishen Metal Works, Batala ..	4,000	Metal work.
25	M. Abdul Wahid of Amritsar ..	400	Sewing machine parts.
26	The Eastern Pharmaceuticals, Limited, Lahore.	4,500	Pharmaceutical preparations.
27	The New Golden Hosiery, Rawalpindi	2,000	Hosiery.
28	M. Abdul Aziz, Proprietor, Rai Foot-wear Company, Lahore.	1,800	Manufacture of child shoes.

ROYALTY FOR COLLECTION OF LIMESTONE.

***5112. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether any royalty is being charged by the Punjab Government or through the Punjab Government by Government of India for collection of limestone from private or *shamilat* lands in Salt range area (Khewra) ;

(b) if so, their respective amounts ?

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

(b) Does not arise.

DEBT CONCILIATION BOARD, AMBALA.

***5197. Lala Duni Chand :** With reference to the answer to question No. 2279¹ (starred) will the Honourable Minister for Development be pleased to state—

(a) the number of cases decided by the Debt Conciliation Board, Ambala, so far ;

(b) the number of days on which the said Board has worked so far ;

(c) average number of hours devoted to the work per day ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 2,289 cases.

(b) 396 days.

(c) 8 hours.

APPLICATION FOR ERECTING OIL EXPRESSERS BY MESSRS. B. C. G. A.,
LIMITED, KHANEWAL.

*5205. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the date when application for sanction of erecting oil expressers by Messrs. B. C. G. A., Limited, Khanewal, under the name of Khanewal Oil Mills, Limited, was received ;
- (b) the date when application was sanctioned ;
- (c) the date when construction was started ;
- (d) the date when it was completed ;
- (e) whether any other application for erection of oil expressers at Khanewal was received ; if so, when, and by whom and what action was taken on it by the Government ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 27th February, 1939.

- (b) It has not yet been sanctioned.
- (c) First week of June, 1939.
- (d) Last week of August, 1939.
- (e) An application was submitted to the Sub-Divisional Officer, Khanewal, for the erection of an oil expeller by Messrs. Mahesh Chandar-Mohan Lal, on 24th April, 1939. It is under the consideration of the Commissioner, Multan division, and has not yet been received by Government.

Dr. Gopi Chand Bhargava : May I know whether the factory has started work ?

Minister : Yes.

Dr. Gopi Chand Bhargava : Without the application being granted ?

Minister : Yes.

Dr. Gopi Chand Bhargava : Does Government propose to take any action ?

Minister : Action under the rules would be taken.

Lala Bhim Sen Sachar : Since when is the factory working without permission ?

Minister : The application has not been sanctioned. There is a breach of the rules and breaches of rules are dealt with according to rules.

Lala Bhim Sen Sachar : Since when has it started working ?

Minister : I am afraid I cannot give you the exact date.

Lala Bhim Sen Sachar : May I take it that there has not been sufficient time for Government to take any action ?

Minister : Naturally, we have come to know now that the factory has been built and action will be taken in due course.

Lala Bhim Sen Sachar : Then, do I take it that the Honourable Minister has come to know of it for the first time from the Leader of the Opposition ?

Minister : No, we have come to know separately from the reports received.

**IRREGULARITIES IN APPOINTMENTS IN OFFICE OF DISTRICT AND
SESSIONS JUDGE, MULTAN.**

***4872. Sardar Ajit Singh :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether certain serious irregularities in the matter of offering new appointments have come to the notice of the Government in the office of the District and Sessions Judge, Multan ;
- (b) whether, for example, it is a fact that the new clerk of court appointed was neither a candidate for this post nor had he any such experience, training or educational qualifications ;
- (c) if so, his special qualifications and the number of other candidates whom he superseded and their claims and qualifications ;
- (d) the action that the Government propose to take in the matter for this preferential treatment ?

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

(b) No.

(c) and (d) Do not arise.

SCHEDULED CASTE PRISONERS WORKING AS SWEEPERS IN JAILS.

***4879. Pandit Shri Ram Sharma :** Will the Honourable Minister of Finance be pleased to state—

- (a) the caste-wise number of prisoners belonging to scheduled castes who are working at present as sweepers in the Punjab jails ;
- (b) whether it is a fact that even such of the prisoners belonging to scheduled castes as never did the work of sweepers before their incarceration, are required to do sweepers' work in jails ;
- (c) whether there are any such prisoners in the Punjab jails at present who do not belong to scheduled castes but are required to do the work of a sweeper ; if so, the reason why such prisoners are required to do that work ?

The Honourable Mr. Manohar Lal : (a)—

Ad Dharmis	..	..	..	1
Bowaria	..	..	..	9
Chamar	..	..	..	2
Chuhra or Balmiki	..	..	..	160
Sansi	..	..	..	35
Bangali	..	..	..	1
Dhanak	..	..	..	6
Gagra	..	..	..	4
Sirkiband	..	..	..	3
Ramdasis	..	..	..	2
Total	..	..	..	228

(b) and (c). Sweepers' work is allotted only to persons who have been classified by the courts as sweepers, sometimes, however, persons who have not been classified as sweepers by the courts volunteer to do this work either because of the greater remissions sweepers earn or because they are, in fact, professional sweepers. Such volunteers are given sweepers' work.

Lala Deshbandhu Gupta : Is the Honourable Minister in a position to say definitely that it is always a case of volunteering and not of forcing any person, who is not a sweeper, to do the scavenger's work ?

Minister : I have already stated that either the courts record their names as professional sweepers, who do the work, or other persons volunteer. It is only in these two circumstances that anybody is given the sweeper's work.

Lala Deshbandhu Gupta : Will Government make enquiries to find out whether there are any instances where persons who were not really sweepers were made to do sweepers' work because of the paucity of sweepers ?

Minister : I made enquiries only the other day when I went to a jail and I found these two conditions fully satisfied. Nobody is compelled because of the paucity of sweepers to do sweepers' work. I have already said that if there is paucity of sweepers and men are not available, then we shall have to engage professional sweepers on paid salary.

Lala Deshbandhu Gupta : Will he issue instructions to that effect ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : What are the rules and practice with regard to the work of sweepers in the jails ?

Minister : That is exactly what I have stated in the answer to the question.

— — —
LUDHIANA BAR ROOM.

*4892. **Pandit Muni Lal Kalia :** Will the Honourable Minister for Finance be pleased to state—

- (a) under whose charge and in whose possession the Ludhiana Bar Room has been since its construction ;
- (b) whether he is prepared to lay on the table of the House the correspondence that passed between the District Magistrate, the Superintendent of Police and the District and Sessions Judge, Ludhiana, and between the Ludhiana district authorities and the Premier and the High Court and also between the District and Sessions Judge and the Bar Association, Ludhiana, on this subject before it was decided to lock up that building ;
- (c) whether any consultations were held on the phone between the Premier, the local authorities and the High Court on 15th and 16th February ; if so, the nature of such consultation ;
- (d) whether the Superintendent of Police, Ludhiana, was instructed by the Government to interview Pandit Jawahar Lal Nehru and the former went to see the latter ?

The Honourable Mr. Manohar Lal : (a) Till May 1929, in the charge of the Deputy Commissioner ; since then under the control and management of the Honourable Judges.

(b) and (c) Government cannot undertake to disclose the contents of official correspondence in a matter of this kind.

(d) Government understand that acting in consultation with the Deputy Commissioner the Superintendent of Police sought an opportunity of meeting Pandit Jawahar Lal Nehru and explaining the position to him.

EXPLANATION BY FORTY MEMBERS OF LUDHIANA BAR.

***4893. Pandit Muni Lal Kalia :** Will the Honourable Minister for Finance be pleased to state whether any explanation has recently been asked for from some forty members of the Ludhiana Bar, by the High Court; if so, the names of those members who have been asked to give the explanation ?

The Honourable Mr. Manohar Lal : The matter is under the consideration of the Honourable the Chief Justice, and it is regretted that no information can be given until a final decision is reached.

BAR ROOM AT LUDHIANA.

***4894. Pandit Muni Lal Kalia :** Will the Honourable Minister or Finance be pleased to state—

(a) whether it is a fact that the District Judge was informed by Mr. Bhagat Ram Dogra, Advocate, on 16th February that the item of lunch and address in the Bar Room was dropped from the programme of Pandit Jawahar Lal Nehru ;

(b) whether it is also a fact that Pandit Jawahar Lal Nehru informed the Superintendent of Police on 16th February, that he was not going to the Bar Room ;

(c) if the replies to parts (a) and (b) are in the affirmative, the reasons why the authorities have not removed the lock from the building so far ;

(d) whether he is aware that the practising lawyers and the litigant public are being put to great inconvenience by the building being locked up since 15th February ; if so, when it is expected to be opened to the lawyers and the public ?

The Honourable Mr. Manohar Lal : (a) Government understand that this is correct.

(b) Yes.

(c) and (d) The Bar Room has long since been re-opened. The circumstances in which its closure was ordered, and the conditions under which permission was subsequently given for it to be re-opened, were explained in a Press Note issued under the orders of the Honourable the Chief Justice in June last.

ACCOUNTS OF INSOLVENCY ESTATES.

***4942. Chaudhri Kartar Singh:** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the accounts of Insolvency Estates were formerly audited by the auditors of the Accountant-General's office ;
- (b) whether it is a fact that since some time this practice has been stopped and these accounts are now audited by an auditor of the High Court ; if so, why this change has been introduced ?

The Honourable Mr. Manohar Lal : The normal rule is for the accounts of Official Receivers to be audited by the Examiner of Local Fund Accounts, but at the request of the High Court Government have lately sanctioned an amendment allowing the Honourable Judges to utilise the services of private auditors in any particular case where this seems to them the better course, having regard to the cost, nature and scope of the audit. The application of the amendment is confined to insolvency cases dealt with in the High Court itself.

TARA SINGH, PRISONER.

***4959. Sardar Hari Singh:** Will the Honourable Minister of Finance be pleased to state—

- (a) whether there is at present confined in the Old Central Jail, Multan a prisoner by the name of Tara Singh, son of Jawala Singh, of village Sarhala Mundian, district Hoshiarpur, who has been deported from Shanghai ;
- (b) his present weight and weight on admission and the general state of his health ;
- (c) the normal date of his release ;
- (d) whether he is allowed usual remissions and concessions for good conduct in jail ?

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

(b) His present weight is 119 lbs. and his weight on admission in the Multan Old Central Jail was 123 lbs. His general state of health is good.

(c) 3rd September, 1948.

(d) Yes.

FRAUD IN OLD CENTRAL JAIL, MULTAN.

***4963. Chaudhri Kartar Singh:** Will the Honourable Minister Finance be pleased to state—

- (a) whether it is a fact that there was a huge fraud in the Old Central Jail, Multan, in 1935-36 which was detected in April, 1938, by the Superintendent then in charge of that Jail ;
- (b) whether it is also a fact that the special auditor deputed on the request of the Superintendent mentioned in (a) held that there had been cases of excess payments and also that certain

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payments had been made for articles which had never been supplied to the Jail and further that the records in the matter had been tampered with ;

(e) if the answer to (a) and (b) above be in the affirmative, whether any action has been taken against the persons in fault, and if not, why not ?

The Honourable Mr. Manohar Lal : (a) and (b) Certain irregular payments were reported by the Superintendent and the Special Auditor.

(c) The Inspector-General of Prisons has held an inquiry and his report is at present under consideration of Government.

Lala Bhim Sen Sachar : Has the Minister any idea of the amount ?

Minister : I have no precise idea, because the matter has not yet been fully studied by me. So far as I know the amounts are not very large.

Lala Bhim Sen Sachar : Any rough idea ?

Minister : I could not give any rough idea.

CENTRAL JAIL, LAHORE.

***4981. Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state whether the Superintendent of the Central Jail, Lahore, caused a search of the jail godown to be made on 1st April, 1939 ; if so, whether anything incriminating was found in the said godown, and, if so, whether any punishment has been awarded to the culprits ?

The Honourable Mr. Manohar Lal : A check of the grain godown only was carried out by the Jail Superintendent on the 1st April, 1939, and nothing incriminating was found during the check. The latter part of the question does not arise.

REMOVAL OF LIQUOR SHOPS FROM MUNICIPAL LIMITS OF AMBALA CITY.

***5013. Lala Duni Chand :** Will the Honourable Minister for Finance be pleased to state—

(a) whether the Municipal Committee, Ambala City, passed a resolution unanimously asking for the removal of liquor shops from the Municipal limits of Ambala City ;

(b) what action, if any, the Government has taken thereon ?

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

(b) A referendum will be held by the Municipal Committee, Ambala, in due course, as required by section 5 of the Local Option Act.

LIQUOR SHOPS IN JAGADHRI.

***5014. Lala Duni Chand :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that in pursuance of a referendum taken under the Punjab Local Option Act the liquor shop situate in Jagadhri town, district Ambala, was removed ;

- (b) how far from the limits of the Municipal Committee, Jagadhri, the business of the said liquor shop is now being carried on ;
- (c) where the stock of liquor belonging to the said shop is kept ;
- (d) whether it is proposed to shift the liquor shop from its present site permanently to some other place ; if so, to which place ?

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

(b) From half to three-quarters of a mile.

(c) In a tent or *chholdari* temporarily.

(d) No. It is proposed to construct a building on the present site.

LIFE CONVICT PESHAWARA SINGH.

***5043. Shrimati Raghbir Kaur :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether there is a life convict named Peshawara Singh of village Kamania, district Lahore, repatriated from Andamans on medical grounds possessing a blotless history ticket confined in the Old Central Jail, Multan ;
- (b) whether it is also a fact that he has already undergone a term of 14 years including remissions ;
- (c) if the answer to the above be in the affirmative, the reasons why the said prisoner has not been released so far ?

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

(b) The actual period of confinement undergone by him is 9 years, 4 months and 16 days only. He has technically earned remissions amounting to 7 years and 7 months.

(c) Government has not considered the question of release of this prisoner as yet.

UNDER-TRIAL POLITICAL PRISONERS JAGAN NATH AND RAM KISHAN.

***5072. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the reasons why under-trial political prisoners Jagan Nath and Ram Kishan were fettered in the first week of May, 1939, in the Sub-Jail at Hoshiarpur ;
- (b) how long they were kept in fetters ;
- (c) whether further they were kept locked-up in their cells ; if so, for how long ?

The Honourable Mr. Manohar Lal : (a) Jagan Nath was fettered for disorderly behaviour. Ram Kishan was fettered for refusing to take food and instigating other prisoners to do the same and also for insolent and threatening behaviour towards jail officials.

(b) Jagan Nath for four days and Ram Kishan for one day.

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(c) Jagan Nath was kept in a separate cell for 4 months and 21 days and Ram Kishan for 2 months and 18 days, not by way of punishment but in order to segregate them from other prisoners according to the provisions of paragraph 659 (d) of the Punjab Jail Manual.

Lala Duni Chand : In view of the fact that these two gentlemen are political prisoners, was the object of putting fetters on them the crushing of the spirit of humanity out of them ?

Minister : That was not the object. One of them was a prisoner under section 115 which is not a political offence, it is an abetment of an offence punishable with death or transportation for life. The other one was under section 124-A undoubtedly. But they were both misbehaving. It is not a question of humanity or non-humanity.

Lala Duni Chand : May I know the precise misbehaviour for which they were punished ?

Minister : That is exactly what I have stated.

Diwan Chaman Lal : What did the unruly behaviour consist of ?

Minister : It was insolent behaviour towards the jail officials—threatening to hit them or assault them.

Diwan Chaman Lal : Has my honourable friend satisfied himself about the correctness of the report ?

Minister : If it is desired that I should look into the case further, I shall do so. The question is, what was the nature of behaviour and I have adequately answered this inquiry.

HUNGER STRIKE OF UNDER-TRIAL PRISONERS IN AMRITSAR.

***5073. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that about 50 under-trial prisoners in Sub-Jail, Amritsar, went on hunger strike in the first week of May, 1939 ;
- (b) the reasons for which they went on hunger strike ;
- (c) whether all of them were beaten by the Jail staff for their temerity for going on hunger strike ;
- (d) the action, if any, taken in the matter against offending officials ;
- (e) steps taken to ensure an impartial inquiry ?

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

(b) to (e) Do not arise.

SAVING EXPECTED AS A RESULT OF THE CENTRAL GOVERNMENT UNDERTAKING TO MAINTAIN LAW AND ORDER ON RAILWAY PREMISES.

***5093. Diwan Chaman Lal :** Will the Honourable Minister for Finance be pleased to state the amount expected to be saved during the current financial year by the Punjab Government as a result of the Central Government undertaking to maintain law and order on railway premises as well as the recurring amount thus saved annually ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret that the answer to this question is not ready.

Diwan Chaman Lall : May I take it that the Honourable Minister who should have answered the question is not in his seat ?

Parliamentary Secretary : This department has been transferred to the Public Works Minister and it is on that account that the answer has been mislaid.

Diwan Chaman Lall : Is the honourable member aware that at least four months ago notice was given of this question ?

Parliamentary Secretary : I am prepared to accept it, but owing to a change of department the answer has been mislaid and I can assure the honourable member that it will be communicated to him.

PERSONNEL FOR PUNJAB STORES DEPARTMENT.

***5094. Diwan Chaman Lall :** Will the Honourable Minister for Development be pleased to state—

- (a) the personnel selected for the Punjab Stores Department ;
- (b) what system of checks, relating for example, to the orders to be placed in order to ensure that they are not in excess of requirements, has been ordered in respect of the Punjab Stores Department ;
- (c) whether any maximum limit has been prescribed in respect of Stores ; and if so, by what authority ;
- (d) the procedure adopted for Stores verification ;
- (e) whether independent Audit has been established for the purposes of Stores verification and whether the audit department is independent of the department controlling the stores ;
- (f) what system has been adopted for ensuring—
 - (i) that value accounts tally with the accounts of works and departments connected with stores transactions ;
 - (ii) periodical re-valuation of the stores ;
 - (iii) purchase of stores according to sanction ;
 - (iv) acceptance of the lowest tender (or else adequate reasons recorded) and purchase by tender ;
 - (v) tallying of rates paid with the terms of the contract ;
 - (vi) provision of certificates and quality ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The superior staff of the department consists of three officers ; a Stores Purchase Officer at the head with two Assistant Stores Purchase Officers to assist him. For the present the Director of Industries is working as the Stores Purchase Officer in addition to his other duties. On the recommendation of the Public Service Commission Government have appointed Mr. K. P. Thukral, Assistant Stores Purchase Officer (General) and Mr. Abdul Hamid, Assistant Stores Purchase Officer (Engineering). The office staff consists of seven clerks including one stenographer.

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(b) The Department does not stock stores. Purchases of goods of capital nature are arranged on receipt of indent from different departments. As regards maintenance stores, or articles likely to be required by several departments as occasion may demand, running rate contracts are arranged. Departments may purchase these stores or articles at the fixed rates from the approved firms under advice to the Store Purchase Department.

(c) Does not arise.

(d) Specifications are prescribed by the indenting department and the Assistant Stores Purchase Officer concerned checks the goods supplied to verify that they conform to those specifications.

(e) In view of the reply to part (b), this does not arise.

(f) (i) and (ii). Do not arise.

(iii) Indenting departments obtain the sanction of the Minister-in-charge and the concurrence of the Finance Department where necessary before placing orders with the Stores Purchase Department.

(iv) Tenders are invariably invited and it is the practice to accept the lowest tender, provided that supply according to specifications is assured.

(v) When a tender has been accepted, a contract deed is drawn up. This is then sent to the indenting department which prepares bills accordingly. The Audit Department verifies that payments made by the indenting departments agree with the terms of the contract deed.

(vi) Reference is invited to the reply to part (d).

CHAUDHRI ATMA RAM.

*5257. **Chaudhri Kartar Singh** : Will the Honourable Minister or Finance be pleased to state—

(a) whether Chaudhri Atma Ram, Member, District Board, Hoshiarpur, who has been charged with an offence under sections 117/188, Indian Penal Code, has been placed in C class ;

(b) if so, the reasons for placing the prisoner who has the status of a member of a District Board, in C class ?

The Honourable Mr. Manohar Lal : (a) He is being treated as an ordinary under-trial prisoner.

(b) The classification of under-trial prisoners is a matter for the courts.

ADJOURNMENT MOTIONS.

ENFORCEMENT OF INDIAN PRINCES' PROTECTION ACT IN THE PUNJAB.

Diwan Chaman Lal : I want your instructions with regard to my adjournment motion, No. 4¹ on the agenda, whether you admit it now or whether we are postponing it for another day.

Mr. Speaker : I think the motion requires Governor's consent. Its copy has been forwarded to His Excellency and his decision is awaited.

¹To 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, making applicable certain provisions of the Indian Princes' Protection Act to all districts of the Punjab.

INTERFERENCE WITH LIBERTY OF THE PRESS.

Pandit Shri Ram (Southern Towns, General, Urban) : 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, unjustifiable interference with the liberty of the press by the Punjab Government as evinced in demanding the security of Rs. 1,000 from the 'Haryana Tilak', Rohtak, *vide* order, dated the 14th August, 1939. In this connection, I propose to say a few words.

Mr. Speaker : The honourable member is referred to rule 48.

Pandit Shri Ram Sharma : My submission is that you have always allowed us to clarify our viewpoint so that you may have everything before you before you give your ruling.

Mr. Speaker : May I ask whether the order is appealable ; and if so, whether an appeal was preferred ?

Pandit Shri Ram Sharma : No appeal has been preferred. The rule requires that the matter should not be *sub judice* and since two months have already elapsed, no appeal can be instituted now. Thus the case is not *sub judice* and there is no likelihood of its coming before a court.

Mr. Speaker : The question is whether the aggrieved person was entitled to appeal ?

Pandit Shri Ram Sharma : No doubt the aggrieved person had the right of appeal but in this case the right has not been availed of.

Mr. Speaker : If he had a right of appeal and did not exercise it, has he a right to be heard by this House through the honourable member ? Is this Assembly a court of appeal in cases in which a right of appeal is given by the law of the land ; but is not exercised by the aggrieved person ?

Pandit Shri Ram Sharma : My submission is that this motion does not offend against any of the restrictions mentioned in the rules relating to adjournment motions. So far as the right of appeal is concerned, our rules have nothing to say about it and we in this House are not concerned with it. Even some murder and suicide cases in the police custody have been allowed to be discussed on a motion for adjournment in this House. In those cases too there was a right of appeal. So, I submit that the question of right of appeal should not be allowed to wreck this motion.

Mr. Speaker : The motion raises a merely individual grievance, and is, therefore, out of order on that ground as well.

Lala Deshbandhu Gupta : On a point of order. May I point out that you have ruled earlier in a similar case, *viz.*, in the case of "The Siasat," that it should be discussed as an adjournment motion ?

Mr. Speaker : The honourable member has probably forgotten that I expressly ruled, when I allowed that motion, that my ruling shall not form a precedent.

Pandit Shri Ram Sharma : My submission is that the motion—

Mr. Speaker : No further discussion, please. In my opinion an adjournment motion must be of urgent public importance and must raise a larger issue than a merely individual grievance.

Pandit Shri Ram Sharma : You did not ask me whether the appeal—

Mr. Speaker : The honourable member has stated that no appeal was made.

Pandit Shri Ram Sharma : With regard to the appeal I have already made my point clear. So far as its being a personal and individual case is concerned, I submit that it is not so. The 'Haryana Tilak' is simply an instance. It is the interference with the liberty of the press that is to be discussed. My submission is that this case is an instance of the Government interference with the liberty of the press, which was abundantly proved in the answer recently given to Lala Deshbandhu Gupta's question.

Mr. Speaker : When the honourable member hands to me a motion which is properly worded and otherwise in order I shall gladly consider it.

Pandit Shri Ram Sharma : May I know whether you would be prepared to consider a fresh notice of a motion in the matter if it is couched in a better language and the bar of its now being ruled out of order will not stand in the way ?

Mr. Speaker : I cannot make any promise. When the honourable member hands to me his fresh motion, I will consider it. The present motion is out of order.

APPLICATION OF DEFENCE OF INDIA ORDINANCE IN THE PUNJAB.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : 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 abuse of the Defence of India Ordinance on the part of the Punjab Government in the form of indiscriminate arrests of a large number of respectable political workers in the province.

Mr. Speaker : Are these arrests made under orders of the Government ?

Diwan Chaman Lall : In all the police arrests the administrative responsibility of the Government exists.

Mr. Speaker : But are they made under orders of the Government ?

Chaudhri Krishna Gopal Dutt : May I draw your attention to the declaration made by Sir Zafrullah Khan in the Central Assembly that so far as the responsibility for the administration of the Ordinance was concerned, it rested with Provincial Governments.

Mr. Speaker : I agree that the administrative responsibility in the Punjab is that of the Punjab Government. Does the honourable member wish to move motion No. 24¹ which includes motion No. 19 ?

Dr. Gopi Chand Bhargava : If you admit that, we will not move the other one.

Chaudhri Krishna Gopal Dutt : May I take it that you do not rule my motion out of order ? It seems to be only a matter of adjustment.

¹Lala Duni Chand, M.L. A., 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 intensified and aggravated campaign of repression embarked upon by the Punjab Government.

Parliamentary Secretary (Mir Maqbool Mahmood) : We would like to submit certain objections to the admissibility of the adjournment motion No. 24 before you give your ruling.

Mr. Speaker : The honourable member may say what he has to say about motions Nos. 19 and 24 and after hearing him I will give my ruling.

Mir Maqbool Mahmood : Would you like me to make my submission with regard to 19 or 24 ?

Mr. Speaker : Both.

Mir Maqbool Mahmood : There are certain objections which are common to both adjournment motions 19 and 24 and I would, with your permission, cite them first. Under the rules of procedure of the House an adjournment motion to be in order must relate to a definite matter and in this connection I would invite your attention to page 247 of May's Parliamentary Practice. It is impertinent to invite attention to this particular reference as you have cited it many times yourselves, but I wish to refresh the memory of the House through you about this particular statement that a motion—

Under the standing order must be restricted to a single specific matter of recent occurrence.

I beg to invite attention also to page 133 of Campion where it is stated—

That it must not be framed in general terms but must deal with a particular case.

I submit that so far as both these adjournment motions are concerned, they are open to the objection cited above. Now, I will submit my objections to motion No. 19. They are, first, that it does not deal with any definite matter. It does not deal with any specific matter. It is a general rambling motion and I submit that if the honourable members opposite wish to discuss the question of the policy of the Government with regard to this matter it is open to them to do it on a substantive motion. We do not shirk a discussion of the policy of the Government in the application of the Defence of India Ordinance or the Act or the general policy of the Government. If that is the purpose of the Opposition, we would submit that let that question be raised on a substantive motion and not on an adjournment motion. Secondly, I submit that so far as No. 19 is concerned you will agree that the Defence of India Ordinance ceased to exist after a few days after which it became an Act. Therefore it will have to be clearly distinguished as to which portion of the discussion relates to the Ordinance and which to the Act. Thirdly, as you pointed out, there have been no arrests by the Government as such. That is the third objection that we have to raise. Fourthly, it will probably be impossible for the House on an adjournment motion of this nature to discuss the relative merits of each individual action taken by Government with regard to this matter and since an adjournment motion must deal with a particular matter of recent occurrence it is impossible for the House to debate properly a general motion of this nature. I understand from one of my friends that a precedent is being cited that there was once in the Central Assembly under the chairmanship of the late Mr. Patel a

[Mir Maqbool Mahmood.]

general discussion with regard to some question of this nature which was allowed. In the first instance I do not agree that we are bound by all the precedents of that irresponsible House and secondly you will find with reference to the Debates of that Assembly that all those arrests took place on a *particular* day and the motion by the late Pandit Moti Lal Nehru related to arrests and raids which happened on a particular day. That being so he with his forensic ability made all the action taken by the Government on that particular day a single matter which could be taken up on an adjournment motion.

Now coming to adjournment motion 24, the words are—

“Recent intensified and aggravated campaign of repression embarked upon by the Punjab Government.”

It does not say what the word ‘recent’ means. It does not say what is the campaign embarked upon by the Government and I submit that if it relates to any matters which took place sometime ago and on which a resolution could have been tabled, it should have been tabled and as no resolution was moved it is out of order and if it relates to later occurrence, it should be specific so that we can discuss it on merits. I therefore consider that both of them are out of order, being vague and indefinite.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : May I be permitted to say a word ? My honourable friend is always very clear and always very intelligent. Therefore I regret that he should have stood up in support of a case which is not a valid case. My honourable friend has raised certain objections which I might detail as three objections and he has also made a reference to a ruling of the Central Assembly and I would deal, therefore, Mr. Speaker, with these three objections and the ruling given in the Central Assembly in strict reference to the rules of procedure which govern us. Now let me take the first objection that my honourable friend has raised. In referring to the ruling of the Central Assembly, he said we are not bound by the rulings of that House. But it is at any rate open to us to discuss that particular ruling in reference to our own rules of procedure and see if at all it differs in spirit or in letter from the procedure that we adopt in this House and whether it is relevant to that procedure. Now my honourable friend would certainly not rule out the Central Assembly ruling merely because it happens to be a ruling given in that Assembly. I take it that this could not possibly be the position of my intelligent friend, Mir Maqbool Mahmood. The objection that he raises is that the arrests and searches there took place on one single day and therefore that is not a case parallel with the case that we are considering now. I am afraid I do not know where my honourable friend got the information that arrests and raids took place on one particular day. My honourable friend must remember that a short notice question was tabled by the honourable Pandit Moti Lal Nehru with regard to what is known as the Meerut Conspiracy Case. To that short notice question a very detailed reply was given by the Honourable Sir James Crerar who was the Home Member at the time. That reply led to a series of supplementary questions in which I notice I myself figured on two or three occasions (*hear, hear from treasury benches*) and led later on to the giving notice of an adjournment motion by the late Pandit Moti Lal Nehru in reference to the arrests and the raids and the searches

that had taken place not in one spot, not against one individual or even a group of individuals but against a group of individuals all over India ranging over a day or two days or three days may be.

Parliamentary Secretary (Mir Maqbool Mahmood) : Read the wording of the motion.

Diwan Chaman Lall : I will come to the wording of the motion, but let me now draw my honourable friend's attention to what the Government then said.

In pursuance of these processes, searches and arrests have taken place all over India. Therefore the objection that my honourable friend raised about one individual subject does not hold good.

Parliamentary Secretary : What was the wording of the motion ?

Diwan Chaman Lall : My honourable friend need not be in too great a hurry, I will come to the wording of the motion. I have read it and my honourable friend has read it. A complaint was laid before the magistrate. There were 31 individuals who were arrested including my honourable friend Sardar Sohan Singh Josh. The complaint was placed before the House and then Pandit Moti Lal Nehru got up to raise a motion for adjournment. This is what he said—

I beg leave to move the adjournment of the House on a definite matter of urgent public importance, namely the policy of and the action taken by the Governor-General in Council in sanctioning and taking steps for the wholesale raids and arrests.....

Not one individual indivisible matter, but wholesale arrests and raids in several parts of the country simultaneously of—

Public workers belonging to labour and peasant organizations, youth leagues and other lawful associations.

I know that arrests, searches and raids were not completed on that day. They took place on that particular day and continued until they were completed. My honourable friend's

objection, that as all these arrests took place on a particular day, and therefore the two cases are not parallel, does not hold good. May I remind the honourable member that the Government did not take such an untenable or frivolous objection ? What the Government said was that the matter was *sub judice*, therefore it could not be raised on the floor of the House to which the Honourable Mr. Patel gave the reply that what is sought to be raised and discussed was the censure motion against the action taken by the Government and not the *sub judice* cases that were pending before the courts or which might come before the court. In giving this ruling he upheld the motion and said :—

I am satisfied that the matter proposed to be discussed is a definite matter of urgent public importance. It is not denied that the matter is of recent occurrence. What is contended is that the matter proposed to be discussed is *sub judice*. As I understand the Opposition Benches, they propose to discuss the policy underlying this large number of raids and arrests, and not the merits of the cases that are to come before the Court for adjudication. I am quite satisfied that the matter proposed to be discussed is not *sub judice*, but I am bound to say that if, during the discussion of the motion for adjournment in the afternoon, any attempt is made to discuss the merits of any of the cases that are proposed to be lodged, the Chair will take steps to see that such discussion is not permitted. I hope honourable members, when discussing this matter, will confine themselves strictly to the policy underlying these arrests and not refer to the merits of the cases that are to come before the Court. I rule that the motion is in order.

Now the second point raised by my honourable friend is that you cannot discuss the policy of this Government or rather you cannot censure the policy

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of this Government by an adjournment motion. For this a substantive motion against the Government must be brought in. I submit that my honourable friend is not correct in that interpretation that an adjournment motion is not a censure motion. It is considered to be a censure motion and if it is not a censure motion, it has no validity at all. I myself in 1927 moved an adjournment motion in the Central Assembly regarding the Finance Member's withdrawal of the Reserve Bank Bill. In moving that adjournment motion my first sentence was that "I do not want to censure the Finance Member, but to compel him to reintroduce the Reserve Bank Bill." The Honourable Mr. Patel, the then President of the Central Assembly, ruled me completely out of order and remarked that that adjournment motion was necessarily a censure motion and no honourable member could get out of that proposition. There are many ways of censuring the Government. One of them is to defeat it on a specific matter, and that is to bring in a substantive motion, and the third is the adjournment motion. But at present we are concerned with this particular matter, namely the use to which the Defence of India Ordinance is being put or has been put by the administrators, who are under the authority of this Government. This is the matter which we want to discuss. This Government is responsible for the administration of this particular measure, and we want to censure the Government for the action which they have taken or may take under the Defence of India Ordinance. It would be absolutely wrong to hold that such an adjournment motion is not a censure motion.

The third point was that the motion does not deal with a specific matter. What is a specific matter? The specific matter does not necessarily mean one little item like the one raised by my honourable friend here in reference to his own newspaper regarding which security was forfeited, and which you ruled out of order. A specific matter does not mean a matter of that nature, but a matter which is specified and raises a matter of public importance which is capable of being discussed by an adjournment motion. Can my honourable friend say that the action taken by the Government in reference to the Defence of India Ordinance, is not a specific matter? Ask the poor gentlemen, who have been put in jail. Ask my honourable friend, Lala Bhagat Ram, who is sitting behind me and who has been a victim of this measure, whether or not this is a specific matter. There is nothing vague about it. Vagueness comes in only in one's imagination, but in reality there is none. Specific action has been taken against a specific individual of a specific nature and on a specific occasion. There can be nothing more specific about it than this.

Finally my honourable friend quoted from page 247 of the May's Parliamentary Practice and Procedure, and further quoted from Campion in regard to the definite nature of a particular action stating that motion under Standing Order 10 must be restricted to a single specific matter and so on. What is the matter here? The matter is the action taken under the Defence of India Ordinance. Is that not a single specific matter? The result of that action may be that 20 people might have been arrested and put behind the jail bars. It is immaterial whether they were 20 or 200 people. But the matter is definite and specific, namely the action taken under the Defence of India Ordinance. Even in accordance with the May's

Parliamentary Procedure and Practice there is absolutely no prohibition to the effect that this is a matter which is not capable of being discussed by way of an adjournment motion. Then again May says further on that the matter to be discussed must be of an urgent nature and so on. My submission is that there are other restrictions as well such as so many members should stand up to support such a motion. All such restrictions have been obeyed in this motion.

Now let me come back to the rules of procedure. Rule 48, to which you referred a little while ago, says —

Leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

Then, if the Speaker finds that the requisite number of honourable members rise in their places, he should allow the motion. Rule 46 says :—

(i) not more than one such motion shall be made at the same sitting ;

We are within the rules. It further says :—

(ii) the motion must relate to a single specific matter of recent occurrence ;

Now, in regard to "single specific matter" I have already dilated enough but let me, in passing, refer to the other portion of this sub-rule, that is, 'recent occurrence'. Is it or is it not a recent occurrence? Was notice given the very first day of the meeting of this Assembly or not? It was and it is a matter of recent occurrence as far as that matter goes. It is of recent occurrence and no earlier notice could be given excepting on the first day when the Assembly met. Therefore, my honourable friend will admit that not only it is a single specific matter but it is a matter of recent occurrence (*An honourable member* : Single) and, therefore, covered by the rules. My friend says, "single". Now, let me once again, if I have not been able to make myself quite clear, inform him that 'single' means a single matter that is to say a matter on which the attention of this House can be undividedly concentrated. The discussion of the use of the Defence of India Ordinance or Act, as it is at the present moment, is a single matter. The use of it is what we are discussing at the present moment. One might call it the abuse of it. Is that a single matter or not? We are not concerned with what the Defence of India Ordinance or Act was, we are not concerned with how many people have been arrested for the moment for the purposes of getting this motion admitted. All we are concerned with is, whether this Defence of India Ordinance has been put into use under the administrative authority and responsibility of this Government and if it has been, then we are here to move an adjournment motion to show that it should not have been used as it has been used. The putting into use of the Defence of India Ordinance is a specific single matter that we are here to discuss. The terms of the motion are :—

* 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 abuse of the Defence of India Ordinance on the part of the Panjab Government.

That is a single matter—the use or abuse of this order. Now, if this is the position my honourable friend will agree with me that it is within the

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definition, namely, that it is a single matter, a specific matter of recent occurrence. Then Mr. Speaker, the third sub-rule of Rule 46 is :—

(iii) the motion must not revive discussion on a matter which has been discussed....

It does not apply. The fourth sub-rule is—

(iv) the motion must not anticipate a matter which has been previously appointed—

This does not arise. Sub-rule (v) is—

(v) the motion must not deal with a matter on which a resolution could not be moved.

It does not arise. The last sub-rule is—

(vi) the motion must not relate to a matter of privilege or a matter debatable only upon a substantive motion.

Now, that is the point which my honourable friend raised that it is debatable only on a substantive motion. I differ very strongly from my honourable friend. If that were so and knowing—realising—that every adjournment motion can be a censure motion, then no such adjournment motion would be capable of being discussed on the floor of the House, it would be impossible to discuss an adjournment motion. What is it? A censure motion discussing the administrative responsibility of the Government. All that we are concerned with is this. It is this motion which relates to the abuse of the Defence of India Ordinance or Act. Does this motion mean or does it not mean that the administrative responsibility of the Government is being discussed or is capable of being discussed and capable of being censured? If that is so, we are allowed, we have the privilege to discuss the administrative responsibility of the Government in relation to an urgent specific matter which is of recent occurrence. A no-confidence motion may arise over the general policy of the Government leading if passed to its defeat. There is no restriction of the nature that is imposed in reference to the adjournment motion but adjournment motions must only relate to the administrative responsibility of the Government and must be of recent origin and occurrence. Now that that condition is fulfilled, I submit that there is no force in the argument that it is only by means of a substantive motion that we can come before the House and suggest that since Government have utilised the powers under Defence of India Ordinance, therefore, we can only censure them by means of a substantive motion and not by means of an adjournment motion referring to a specific matter. All the four points raised by my honourable friend have been dealt with by me and I think my honourable friend will agree with me that following the precedent of the Central Assembly in this matter, where a similar matter arose and the President gave his ruling that he would confine the debate strictly not to the merits of the case that might arise or which had arisen but strictly to the matter in hand, we are well within our rights in asking permission of this House to move this adjournment motion. I submit that you would also, Mr. Speaker, strictly confine the debate to the issue in hand and not permit any reference to any individual case that might have arisen under the Defence of India Ordinance or Defence of India Act but I have no doubt you would permit discussion of this measure because it is within the four walls of the rules of this House.

Premier : There is one submission that I would like to make with your permission. My honourable friend opposite has laid stress on the point that since we are responsible for administering that Act, therefore, it is

perfectly in order that a member of this House should censure the Government for any abuse of power under the Defence of India Act. I would like to point out to you that this is an Act of the Central Legislature and this House is not responsible for passing that Act. It is an Act which was passed by the Central Legislature and it empowers certain officers by name or designation as given in that Act. It does not give me the power to stop those officers from taking action. The only action that I can take and which my honourable friend opposite would like me to take is not to co-operate with the Central Government and not to work the Defence of India Ordinance. That I am not prepared to do. But, apart from that I or any of my colleagues have got no power whatsoever to stop any deputy commissioner or district magistrate from taking action under this Act if somebody in his opinion has committed an offence under the Defence of India Ordinance. If a deputy commissioner has abused his powers or if there has been an error of judgment or if that political section of the Act has not been properly applied, then it is for the parties aggrieved to go to a civil court. The case will go before the civil court and it is for them to plead that there has been abuse of power under this particular section or that this particular section has been erroneously applied in that particular case or for that matter in the case of several people in that district or the deputy commissioner has vindictively or frivolously applied that Act and it is for the law court and not for this House to decide whether that action had been correct and judicious or otherwise. I want to submit that we have got no power to take any action against any officer under that Act and if my honourable friend would point out to me how I can take action for that abuse of power by a district magistrate, I will be glad to concede that in that case I would be to some extent responsible for administering that Act but the only part that I play is that I want clear working of the Central Act in this province and the only thing that I can do is to refuse that and I am not prepared to do it. Therefore, it is not for me to question the action of the deputy commissioner and it is open to every one to question his action in a court of law. That is the point which I wanted to submit and, therefore, the word 'abuse' used in this adjournment motion, "namely, the abuse of the Defence of India Ordinance on the part of the Punjab Government" does not apply to the Punjab Government. The Punjab Government has nothing to do with it. The abuse is of a particular officer in a district or in several districts but that should be brought to my notice when that particular officer or officers are not taking action according to law or doing it in a vindictive spirit so that I may take executive action against that officer as I might consider necessary, but it is not abuse by the Government at all. That is my point. Therefore, the adjournment motion does not seem to be in order at all.

Mr. Speaker : Under the law in force, can the Punjab Government interfere with arrests, ordered by district magistrates? An arrest is made, the case is submitted to a law court and right of appeal is given in case of conviction. The question is whether the administrative responsibility of Punjab Government is involved; and if so, how?

Chaudhri Krishna Gopal Dutt : That is what I want to tell you. I do not want to go into the specific cases. I ask one question from the Honourable Premier, who is the head of the Punjab Government, whether

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the responsibility of the Government in the application of the Defence of India Ordinance comes in or not when I tell him that the Punjab Government knowingly arrested persons on the 3rd of September when the Defence of India Ordinance was promulgated from Simla. The Ordinance was not even published in the newspapers then.

Mr. Speaker : That is a different matter.

Chaudhri Krishna Gopal Dutt : That is the abuse of the Ordinance which was promulgated on a particular date from Simla and on that very date a large number of persons in the province were arrested on the basis of speeches delivered on that particular date when it was not within the knowledge of those persons who were arrested that there was any such thing as the Defence of India Ordinance promulgated in the Punjab.

Premier : Ignorance of law is no excuse.

Chaudhri Krishna Gopal Dutt : This is for the House to decide whether it is an abuse or not and whether the responsibility of the Government is involved or not. When the Ordinance was not published in newspapers and people at large were not aware of it, then how do you expect people to know that there was some such thing as the Defence of India Ordinance? As soon as the Ordinance was promulgated at Simla, half an hour after that, speeches were delivered and after two or three days the police came and arrested those people. That establishes the abuse of the Ordinance and the Punjab Government has intentionally made a bad use of the Ordinance.

Diwan Chaman Lall : The legal position that my honourable friend, the Premier, has debated before the House is as follows :—The Defence of India Ordinance in section 2, sub-clause (3) (iv) says—

The rules made under sub-section (1) may further confer power and impose duties upon any provincial Government, their officers and authorities of any provincial Government as respects any matter, notwithstanding that that matter is one in respect of which the Provincial Legislature has no power to make laws.

It is perfectly true that the Act is the Act of the Central Legislature. The Central Legislature having passed this measure has impinged upon the authority of the provincial legislatures in respect of the portfolio of law and order. They have passed that authority on to the provincial Governments by virtue of this particular clause that I have read out. The authority has been left completely in the hands of the provincial Governments. This power is capable of being conferred upon the provincial Governments. Suppose a man makes a speech, then who takes down that speech? It is taken down by an official of the provincial Government and it is then referred again to the officials of the provincial Government. Whether any reference to the Central Government, is made or not, it is a matter between them and the provincial Government and not between us and this House. They, then either *suo motu* on their own report or by reference to my honourable friend, who holds the portfolio of law and order, take necessary action. When the necessary action is taken the expenses of the prosecution devolve upon provincial revenues. They do not devolve upon central revenues and the responsibility of the provincial Government is there and it cannot be

said that it is possible for a district magistrate to receive orders direct from the Central Government. In fact no district magistrate receives orders direct from the Central Government. Every district magistrate, who acts under this Act, acts by virtue of the authority that is vested in the provincial Government and utilises provincial funds, utilises provincial machinery and provincial officials for the purpose of taking that necessary action.

Mr. Speaker : On what date was the Ordinance enforced ?

Chaudhri Krishna Gopal Dutt : It was published in the *Punjab Gazette* on the 5th September, 1939.

Mr. Speaker : Were all these arrests made under section 88 of the Ordinance or under any other law ?

Diwan Chaman Lall : My honourable friend will be in a better position to say that. But retrospective effect was given because whatever arrests were made under the Ordinance, they were tried under the Act. They could not obviously be tried under the previous Ordinance which has been superseded by this Act. So retrospective effect has been given to the provisions of this measure.

Mr. Speaker : Chaudhri Krishna Gopal Dutt has said that certain arrests were made before 3rd September.

Chaudhri Krishna Gopal Dutt : I have stated precisely what I meant. It is an abuse and its importance is enhanced by the fact that the Government of India gave an assurance that this Ordinance will not be abused. Our contention is that it is abused and the responsibility rests with the provincial Government. It is up to you to admit it or not.

Mr. Speaker : Does the honourable member mean that the alleged abuse is evidenced by the fact that a very large number of arrests have been made?

Diwan Chaman Lall : Also special tribunals have been suggested under Chapter 3. It is the provincial Government which has been authorised to set up this thing. It is said :—

The provincial Government may, for the whole or any part of the province, constitute special tribunals which shall consist of 3 members appointed by the provincial Government..

No person shall be appointed as a member of the special tribunal unless he is so and so...

Then it goes on—

The provincial Government may, by general or special order direct that special tribunal shall try any offence whether committed before or after the commencement of this Ordinance or any class of offences triable under the provision of chapter 15 of the Code by any court having jurisdiction within local limits and the jurisdiction of the special tribunal and may in any such order direct the transfer to the special tribunal of any particular case from any other special tribunal or any other criminal court not being a High Court.

The special tribunal may take cognizance of offences without the accused being committed to it for trial.

I do not understand how my honourable friend can get out of the position in which essentially, originally and finally the responsibility of the provincial Government is involved. When even one anna is spent on a prosecution under the Defence Act, the responsibility rests with my honourable friend's Government.

Lala Duni Chand : I want to know if my motion is also being discussed along with this ?

Mr. Speaker : Of course.

Lala Duni Chand : Then I want to say something with regard to this point.

Mr. Speaker : Order, order, will the honourable member please resume his seat ?

Premier : Sir, my honourable friend tried to make two points to bring in the responsibility of the Government. My responsibility to a certain extent is there. My friend says every anna spent on any of the cases will be borne by the Punjab Government. My honourable friend has not studied his brief. If he had studied his brief he would have found that in section 124 of the Government of India Act it is laid down as follows :—

An Act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities thereof to be designated for the purpose by the Ruler.

Where by virtue of this section powers and duties have been conferred or imposed upon a Province or Federated State or officers or authorities thereof, there shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra costs of administration incurred by the Province or State in connection with the exercise of those powers and duties.

That answers my honourable friend's argument that every penny will be spent from the provincial revenues. It is not necessary that it should be spent from the provincial exchequer. We hope that we will be able to get at least a portion of the costs of such cases from the Central Government.

The second point was whether the abuse was before the Ordinance came into force or after it came into force, the responsibility was entirely of the Government. I entirely agree with him that even if any of my officers abuses the power the responsibility is mine. But I should like to know definitely what charges they have got against any officers. If my honourable friend has got facts and figures that in a certain district an officer has indiscriminately arrested 20 persons, while in another district similar speeches were made but no arrests were made and therefore I should take action against the officer concerned for those indiscriminate arrests for speeches for which in the neighbouring district no action was taken, I submit that it will be a question of discretion. I have to see whether the discretion has been abused or not, whether he has abused the authority and power, and whether the action taken by a particular deputy commissioner has been vindictive. If my honourable friend has got these facts and figures of districts, I will be only too glad to examine them. The proper course for them would have been to put a question, a short notice question, to elicit facts and on the basis of those facts to bring in an adjournment motion. But since they have not taken the trouble—and they never take the trouble to elicit facts because you are very lenient to them—I submit that they are abusing this power of adjournment motion. Fancy there were 44 adjournment motions, out of which 18 have already been disallowed and perhaps a few more will be disallowed. Perhaps you will placate them by agreeing to one or two motions. If they want to discuss the policy of the Government I will be ready to give time, as is done in the House of Commons. If my friends want to

censure Government I will give them time, as I did on the last occasion. With regard to this motion if my honourable friends have got facts and figures they should move the motion ; if not, they should ask me to collect those facts and figures on the basis of which to consider whether to move this motion or not. It will be to the benefit of the House and it will be to my benefit. We would know where we stand and how matters stand. In the absence of facts they merely make a general allegation that so many arrests were made between the 3rd and 5th before the Ordinance came into force. I can assure my honourable friend that no such thing was done ; and if it has been done our judicial courts will take cognizance of the facts and quash the proceedings against those persons. If they have been arrested under the Ordinance before the Ordinance came into force it will be the duty of the law courts to take cognizance of it and quash the proceedings. If my honourable friends have got statistics I will be too glad to listen and try to answer. I have not such statistics with me. I can assure my honourable friend that at this moment it would be absolutely of no use to move the motion as I will not be able to give any reply except a general answer which has already been stated.

Dr. Gopi Chand Bhargava : Sir, I want to reply to the second part of the arguments advanced by the Premier. If he says that as Government has not got the necessary information on the point and therefore the adjournment motion should not be taken up to-day I agree with him. If he says that after he has collected the necessary information the adjournment motion should be taken up I have no objection, but this cannot be an argument for opposing the moving of the motion. Then he said we have been abusing the right of moving the adjournment motions. I submit that the right of moving an adjournment cannot be abused unless it is permitted by you. When you permit us to move any such motion it does not mean that there is any abuse of the right of moving an adjournment motion. Therefore it is not we who are abusing the right of moving an adjournment motion. It is not so. Rather when we discuss any abuse on the part of the Government we ought to be permitted to do so. The Premier said that he is prepared to give time if we want to discuss his policy or censure him. Well there are censures and censures. There are points on which Government might be censured. It may not be such an important point and therefore we do not want the Government to go. We only want to censure a particular action. That is why it is laid down that it must relate to a particular matter. An adjournment motion cannot be moved if a case is being tried in a court of law. It is in respect of a particular action of the Government that adjournment motions are moved. It is for that particular action for which we do not want the Government to go. I submit that you would rule this motion to be in order and fix any day for its discussion if the Premier says that he is not ready with the necessary material.

Mr. Speaker : I wish to say a few words as to the object of an adjournment motion before giving my ruling. The object of the motion is not always censure. Sometimes it is made in order to obtain fuller information than can be given by an answer to a question ; sometimes in order to rivet attention on a subject ; yet it does furnish a method by which without notice a debate can be precipitated and votes taken upon a specific act or omission of the Government. The motion is used as one of the expedients of parliamentary

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tactics and as such it is called a 'dilatatory motion' i.e., one meant to cause delay. This much as to the object of the motion.

Motion 19, which is intended to discuss the abuse of certain provisions of the Defence of India Ordinance or Act, is *prima facie* in order. Administrative responsibility of the Punjab Government for whatever takes place in the province cannot be denied. Whether the Defence of India Act was passed by the Government of India or by the Government of England, if it is in force in the Punjab or if any action has been taken under it and that action is prejudicial to the interests, sanitation, or health of the people of the province, the responsibility of the Punjab Government is there. That cannot be denied, otherwise it might be argued that the Indian Penal Code was not passed by the Punjab Government and that therefore any action taken in the Punjab by a magistrate under that Act, absolves the Punjab Government of its responsibility, because the Punjab Government had not passed that Act. So long as the provincial Government is there, its administrative responsibility is there.

As regards the adjournment motions Nos. 19 and 24, No. 24 is much wider. In fact it relates to several matters including the one under the Ordinance or the Government of India Act. An adjournment motion should relate to a definite matter, or specific matter. As this motion relates to several matters, I rule it out of order.

As regards adjournment motion No. 19, I think it is in order. (*Loud Opposition cheers.*) But it is for the House to give leave for moving it.

Chaudhri Krishna Gopal Dutt has asked 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 abuse of the Defence of India Ordinance on the part of the Punjab Government in the form of indiscriminate arrests of a large number of respectable political workers in the province.

Premier : I do not object.

Mr. Speaker : Now the question is at what time the motion should be taken up.

It was agreed that the motion be taken up at 3-30 p.m.

ANNOUNCEMENTS BY PREMIER.

Premier : I have to make two formal announcements. One is that I propose allowing Friday, the 3rd November, for discussing the War resolution.

So far as the adjournment for the 'Id' is concerned, I suggest that the House should adjourn from the 7th to the 20th. We meet again on the 20th. A formal motion will be made in due course and I propose to put it before the House, but on the 7th after finishing the work of that day we will disperse and then meet on the 20th.

VILLAGE PANCHAYAT BILL.

Mr. Speaker : The Assembly will now resume discussion on Pandit Shri Ram Sharma's amendment—

That the Punjab Village Panchayat Bill as reported on by the select committee be further sent for reconsideration to the same select committee with instructions to report by the 15th December 1939.

Pandit Shri Ram Sharma (Southern towns, General, Urban) (*Urdu*) : Sir, the day before yesterday when my amendment was under discussion the House rose for the day. The object of my amendment was to recommit the Punjab Village Panchayat Bill to the same select committee for further consideration. In support of my motion I advanced certain arguments which I do not propose to reiterate in the House now as on the previous occasion I had made my view point abundantly clear. I therefore do not find any necessity of making any long speech. But one thing which I want to impress upon the House is that the democratic principle underlying the establishment of panchayats should be followed throughout the Bill. When it is being provided in the Bill that the panches and panchayats would be elected from among the inhabitants of the panchayat area then it is only desirable that these electorates should also have the final power to abolish panchayats. It does not seem compatible with the principle underlying the Bill that the powers of suspending panchayats should be retained by the Government. The inhabitants who have the power to return their representatives should also have the final power in the matter. Otherwise it is very likely that whenever the question of abolishing panchayats and removing any panch arises the Government would be swayed by party considerations. Justice and impartiality would be thrown to dogs and party interests would only decide the issue. I therefore submit that when this Bill is recommitted to the same select committee it should give special and careful consideration to my points. I have enumerated all the points which I wanted to put forward and therefore I resume my seat.

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

That the Punjab Village Panchayat Bill as reported on by the select committee be further sent for reconsideration to the same select committee with instructions to report by the 15th December 1939.

The remaining amendments also will be discussed now but they will be put to the vote of the House separately, if necessary.

Chaudhri Ram Sarup (Rohtak Central, General, Rural) (*Urdu*) : Sir, I was very much pleased to hear that the Opposition Party has agreed with the principles of many Bills which have been introduced by the Government in this session. But I may point out that although they have agreed with the principles of the Bills, yet they deem it fit to offer opposition to them when they are taken up in the House. To my mind this attitude on their part is not justified. When a person agrees with the principle of a measure he should not at least oppose it at the preliminary stage, i.e., whether it should be considered at all or not. If he wants to oppose it he should do so when the Bill in question is considered clause by clause.

Now, Sir, the question before the House is whether the Panchayat Bill should be taken into consideration or not. As I have already stated, my friends have agreed with the principle of the Bill but they are opposing it

[Ch. Ram Sarup.]

on the ground that it contains such things which go against the panchayats. In my opinion they are not justified in opposing this Bill at this stage. It would be well for them to offer such opposition at the time the Bill is considered clause by clause. It seems that my friends are playing a double game. This attitude on the part of my friends reminds me of a story. It is said that a certain *bania* was passing through a jungle. As he was proceeding on his journey night crept on. The poor fellow was very much frightened. As he was going he saw at some distance a bush and he thought that it was some thief. Now different kinds of ideas arose in his mind. In the first place he thought that if he fought with the thief, he would be killed. So he ruled out this suggestion. Then he was afraid that if the people came to know of this incident that he was terrified by a bush it would be a great disgrace for him. So after good deal of thinking he composed the following verse and read it aloud :—

اگر تو ہے جہاز جاتا تو نیا...
اگر تو ہے چور چکا تو بیا پتھر تیرا

(*Laughter*) Similarly my friends of the Opposition Party are acting.

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

Chaudhri Ram Sarup : My submission is that my friends over there have agreed to the principle of the Bill, but in fact they are opposing it. My point is simply this that their opposition is not justified. They are supporting the principle of the Bill because the Congress High Command has instructed them to do so. The Congress has already issued instructions that whenever a Bill is brought forward for the benefit of the poor the Congress party should not oppose it. So, in view of these instructions my friends cannot oppose the principle of the Bill. If they oppose it in that case they will have to explain their conduct before the Congress High Command. But as such Bills are bound to affect their pockets, so in reality they cannot help opposing them. They think that if such Bills are enacted into law the result would be that they would starve.

Mr. Speaker : I request the honourable member not to speak in that strain.

Chaudhri Ram Sarup : Very well, Sir. I was submitting that outwardly my friends of the Opposition Party have agreed with the principles of the Bill, but in reality they are opposed to it.

Mr. Speaker : The honourable member is repeating his own arguments.

Chaudhri Ram Sarup : I may point out that my friends cannot help doing so. If they do not show some sort of opposition to this Bill, they are liable to displease their paymasters. That is the reason why they are playing this double game.

Mr. Speaker : The honourable member is irrelevant. He should avoid all personal attacks.

Chaudhri Ram Sarup : I am not making any personal attacks. My submission is only this that the motion, that the Punjab Village Panchayat Bill as reported on by the select committee be further sent for reconsideration to the same select committee, is not at all necessary and therefore I oppose it.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, I rise to support the amendment moved by my honourable friend Pandit Shri Ram Sharma. My reasons for this are that the report of the select committee which is now before the House contains some such important matters which have not so far been taken into consideration. Let me point out at the very outset that the present system of panchayats is being governed by the Act passed in 1921. Now we see that under the working of that Act only 1,080 panchayats have so far been established in 87,000 villages of the Punjab. After an experience of 18 years a new Bill has been introduced by the present Government and at this time the report of select committee is under the consideration of the House. Let us see whether the defects which were present in the last Act have been removed or not? To our amazement many defects which were present in the previous Act have not been removed at all. Let us suppose that this Bill if enacted into law will result in the increase of panchayats so much so that each and every village of the Punjab would have a panchayat for itself. Then the question is, how the panchayats would be worked. The success of the panchayats depends largely on their financial position. If they have plenty of revenues at their disposal, they would work successfully, otherwise not. The duties which have been entrusted to the panchayats are many in as much as they will have to manage public ways, wells, ponds, tanks, relief of the poor, public gardens, medical relief, and so many other duties. But may I know how it would be possible for them to perform their duties? When we take into consideration this fact whether the panchayats have been granted any sources of income for the carrying out of these duties, we find that the Government has done nothing in this respect. As a matter of fact no provision has been made for procuring necessary funds for the panchayats. In the circumstances so long as the select committee has not considered all these matters and suggested that a part of the funds should be contributed by the district board or suggested some other proposal such as that a certain percentage of hand revenue should be set apart for the panchayats, then these panchayats cannot function properly. The number of panchayats at present is very small. Out of a hundred villages only three have panchayats. It means that 97 villages are still without any panchayats at all. So in view of these circumstances I suggest this Bill be recommitted to the same select committee for reconsideration and the committee should be asked to make some specific provisions for the procuring of funds for these panchayats and for increasing their number.

2 P. M.

The next point to which I wish to invite the attention of the House is that the Bill does not include any clause which may make it obligatory on the part of the Government to establish panchayats in some villages. With a certain minimum of population I may point out that a Bill of this kind is also being proceeded with in the Bombay Legislature. The Government of Bombay have made a provision in that Bill that panchayats should be compulsorily established in all such villages where the population is found to consist of 2,000 individuals or more. I suggest that a provision on these lines for villages with a population of 1,000 or more should be incorporated in this Bill. This is a very important matter and deserves the fullest consideration at the hands of the Government.

[Mr. Dev Raj Sethi.]

Then there is another point. The Bill seeks to vest almost all the powers relating to the panchayats in the hands of the provincial government. This centralisation of powers seems anomalous to me especially when decentralisation of powers is being contemplated everywhere. In this connection I may be permitted to say that before the advent of the British Raj in India there was a net work of panchayats spread all over the country. But after the British had established themselves in India, they adopted the policy of centralisation of powers with the result that the panchayats were rendered impotent and lost their authority over the people. Now a change has come over the country. The people have become democratic minded. I, therefore, suggest that the same net work of panchayats should be spread all over the province. But these panchayats should not be panchayats in name only. Effective powers should be vested in them. Delegation of very wide powers to the deputy commissioner to interfere with the working of the panchayats is not desirable. I am of the opinion that whatever duties are assigned to the panchayats, whether it is adjudication of civil or criminal cases or performance of civic duties, they should be granted full powers of self-government. It is then alone that any solid work will be done.

One word more and I have finished. There is no finality about the judgments passed and other functions to be carried out by the panchayats. This fact reduces the importance of the panchayats to a great extent. This is a drawback which deserves to be remedied. All the arguments which I have advanced amply prove the absolute necessity of the Bill being referred back to the select committee for further consideration of the points raised by me. With these words I strongly support the motion under discussion.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu) : Sir, I rise to oppose the motion now before the House. The first and foremost argument which my honourable friend over there advanced for referring the Bill to the same select committee, was to the effect that the Bill did not provide an effective machinery for the people to appoint or remove the panches at their own sweet will. My submission is that if powers of such a far-reaching nature are vested in the people, the panches would never be sure of their term of office. As a matter of fact panchayats would become a plaything in the hands of the rural people if it is entirely left to them to appoint or throw out any member of the panchayat whenever it suits them. As the honourable members are aware, the term of office of a member in the case of Legislative Assembly, district boards or local bodies is fixed by law. I am, therefore, of the opinion that if the panches are left entirely at the mercy of the rural people, the great work which we are going to initiate may not meet with appreciable measure of success. As a matter of fact it would become well nigh impossible for the panches to discharge their duties honestly.

The second point raised by my honourable friend was that as the panchayats under the old Act did not prove a success owing to lack of provisions for sufficient revenues, the Bill should be recommitted to the select committee for further consideration on the point. I may submit that the failure of panchayats was mainly due to the fact that no machinery had been provided for in the old Act to control and supervise the panchayats effectively. In

fact there were no officers to guide the panchayats and write criticism in regard to their working. Now that difficulty has been overcome. Our Government have appointed a panchayat officer in every tahsil and I am sure that the appointment of these officers would prove to be of great help in the successful working of the panchayats. As regards my honourable friend's suggestion that a certain percentage of the income of the district boards should be earmarked for supplementing the revenues of the panchayats I may point out that this suggestion is not tenable because it would result in reducing the funds of the district boards which are already depleted. I consider panchayat work as a missionary work. If the panchayats are worked honestly, I see no reason why the question of revenue should stand in our way. Ample provision has been made in the Bill in this respect.

An honourable member : But where would you get the necessary money from ?

Mian Sultan Mahmud Hotiana : By levying fees, etc. My honourable friend raised another point. He remarked that the judgments passed by the panchayats were not final. This argument does not find favour with me. The honourable members must be aware of the fact that the judgments passed by the panchayats are not subject to appeal. What more finality does he want ? Now that this drawback which existed under the old Act has been removed by this Bill, great importance would be attached to their judgments. I, therefore, see no reason as to why the Bill should be referred back to the select committee while the expediency demands that in the interest of the rural people it should be passed into law with as little delay as possible. With these words I strongly oppose the motion under discussion.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu) : Sir, I not only appreciate the principle underlying this Bill, but also approve of certain provisions made therein. (*Hear, hear.*) I have not the slightest hesitation in admitting the fact that this Bill can prove to be of great benefit to the people. I am of the opinion that our civil and criminal courts should be relieved of a large number of cases which should be entrusted to the panchayats. I have been cherishing this idea since long. (*Hear, hear.*) I am sure if that is done, the rural people would be saved unnecessary and ruinous litigation to a large extent. It is my firm belief that panchayats can do a lot to save the villagers from the evil of litigation provided they are constituted in a proper manner. I, therefore, hold the view that it is immaterial to me whether this Bill is recommitted to the select Committee or not, but what I care most is that the defects of the Bill must be removed in the best interests of the rural community. We on this side of the House desire and strictly speaking it is our earnest endeavour to get this useful measure passed into law in such a manner as would prove highly effective and beneficial to the people. I, therefore, request the Honourable Minister for Public Works to accept our suggestions which we would place before the House.

Now there are some very important matters which I would like to bring to the notice of the Honourable Minister. Whereas it is expedient that panchayats should be constituted, it is extremely desirable that the election of panches should take place in such an honest manner, that only those

[L. Duni Chand.]

persons who enjoy the confidence of the people and whom they consider to be fit to hold office, should get into the panchayats. It is only these honestly elected panches who would be able to carry out this stupendous task in a responsible manner. I have serious apprehensions that under the prevailing circumstances selfish people would seize power and use it to grind their own axe. I wish only those persons to get into the panchayats who are fully alive to their responsibility and who would administer law to agriculturists and non-agriculturists with even-handed justice. But I have great misgivings about the ability of panches. I am afraid that on account of their poor education and ignorance of law they would not be able to adjudicate upon cases in an effective manner.

My submission is that an effective control of the panchayats must be provided for in this Bill. To achieve that end the district judges and senior sub-judges should be permitted to entertain appeals arising out of the orders of the panchayats. In case the right of appeal before these authorities is granted, the panchayats can prove very useful, otherwise in the absence of an effective control on the panchayats this Bill can be a potent source of danger to the people of this province.

Our villages are notorious for party factions. The question of zamindar and non-zamindar is prevalent everywhere. In these circumstances it is very essential that the interest of the non-agriculturists should be safeguarded. For that purpose it is required that the necessary spirit of public service should be created.

It is a well known fact that particular classes such as non-agriculturists and the members of the scheduled castes are very badly treated in the villages. All sorts of excesses are resorted to by the proprietary body, who have from the very first been taught to commit atrocities upon the have-nots. It is on account of such facts that I desire a provision to be made in the Bill, in order to put an end to these atrocities.

Now, Sir, I take the case of election to the panchayats. Although the method is there, still elections are only elections in name. The tahsildar who conducts the election sends for the people eligible for giving votes and makes them do whatever he likes. My submission is that whatever provision is made in this connection, should be such as to make these elections worthy of their name, and not a mere farce. The Bill should be worked in such a spirit that no distinction should be made between agriculturists and non-agriculturists. Only those persons should be elected to the panchayats who enjoy the confidence of the people of that area. Not a few persons having that qualification can be found. If this thing is achieved, I think, the Panchayat Bill will be a success. The reason why it has been unsuccessful so far is, that it has not been conducted on the right lines. The principle that people should decide their disputes between themselves without having recourse to litigation is a very noble one. It can prove a blessing for the people living in rural areas.

In the end I want to emphasize that I have taken great pains in going through this Bill, and I consider it to be a life-giving elixir for the village people. It is, therefore, necessary that any poison therein should be taken out of it.

Whether it is sent back to the select committee or not, is no concern of mine, but it will give me entire satisfaction if it is worked in such a spirit as to be of the greatest possible benefit to the people of this province.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, I do not propose to take much time of the House. I merely want to emphasize the fact that if the Government will work this Bill on right lines it will immensely benefit the zamindars. The causes of failure of earlier panchayats were party factions in rural areas and dishonest panches. Even now I think the present Government who claims to be a zamindar Government will not be able to remedy these causes. The rules that it has to make and the sections under which those rules have to be made will be such as to prove quite ineffective in dealing with this evil.

The Government intend to use them for strengthening their own party as the Honourable Premier himself remarked on the occasion of Panchayat Officers' Conference. I have strong suspicions, as I was just now submitting that the present Government will use this act for the purposes of party propaganda. The Honourable Premier's speech before the Panchayat Officers' Conference gives the clue. There he tried to raise the question of agriculturists and non-agriculturists and thus caused a split among them. He instructed the panchayat officers to help the zamindars as against the non-zamindars.

Premier: I never said that.

Sardar Kapoor Singh: I will appeal to the Government benches that if they have the interest of the zamindars at heart and if they want to save them from unnecessary litigation, they should bear in mind that the panchayat officers whom they appoint should be above reproach. They should be persons of tried honesty and should be above party politics.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I am glad to say that nothing substantial against the principles of the Bill has been said and it is agreed that the early establishment of the panchayats is in the best interests of the villagers. When that is the case, I do not see what useful purpose would be served by referring this very Bill again to the same select committee. That is generally done if any fresh facts have come to notice or an important aspect of a measure has been ignored or overlooked and requires reconsideration. Nothing of the sort has happened in this case. Criticism has been made about certain details but these are the very points which were thrashed threadbare in the select committee for two weeks and if a reference is again made to the same select committee, though opinions sometimes do change, I can safely say that the result would be the same in this case and it would be only a waste of time and money. The delay would be detrimental to the villager himself whose interest we claim to have at heart. Many troubles at present arise in the villages and if these are properly dealt with, it would lead to better relations amongst the villagers. But what happens now? All of you know that factions take place which lead to riots involving the villagers in enormous costs of litigation and his ruin. So, if we wish him well, we should proceed at once to pass this Bill so that these troubles can be dealt with as quickly as possible. You know we have recently appointed

[Minister for Public Works]

a fairly large staff of panchayat officers. They are waiting to start their work of reviving these panchayats but they are being hampered at present due to the Bill not being passed. So, if we do so as quickly as possible, then these officers will take up their work early. It has been said that the old Bill was defective. We did not claim perfection for it. It is because that Act was out of date that we have come forward before this House with a comprehensive measure. It has been further said that the Government is taking over powers of supervision and control and powers of supersession of these panchayats. If those powers are not taken over by the Government, who should have those powers? Some panchayats may be good and others may be bad. If there are inefficient panchayats that begin to work in a way that results in miscarriage of justice—corruption—then should not those be weeded out? Is there any novel procedure whereby these panchayats should be governed? Similar power has been reserved by other governments in other provinces. So, I think this is not a matter which should stop us from proceeding with the consideration of the Bill. It has further been said that certain other matters which have been left over, e.g., the rules, should be dealt with now. How can the rules be made at this stage when the real Act giving us the powers has not yet been passed? If we attempt anything of the kind, it would be putting cart before the horse. So, we must wait and consider all the criticisms. The new rules would be made in such a way that they would be suitable in every respect. If we do not have the rule, making power the trouble would be that for any slight change it will be necessary for the Government to come before this House. It is to avoid constant amendments that the rule-making power has been taken by the Government in all other Acts and the same is provided for in this Bill. Reference has been made by the honourable member from Ludhiana to the Rs. 5 qualification and trouble over fees. I am fully conscious of that as well as the point of view of depressed classes and I may assure him that all will receive careful consideration of the Government when the time comes to make the rules but this is a matter which need not be discussed at this stage. Another criticism was made by the same honourable member that panchayats would be used as vote securing agencies by the Government. The present Government does not stand in need of any such agencies. Panchayats are not so constituted as to serve as vote securing agencies for the Government. They will be elected—all of them—and no nominated element is there to present the Government point of view. So, unless the honourable member means that every individual living in the villages is in favour of the Government, these panchayats would no more be vote-securing agencies and if that is not the case I do not think—

Pandit Shri Ram Sharma : I said this of panchayat officers. They will be used as agents of the Unionist Party and efforts would be made to use panchayats for this purpose.

Premier : No more than panchayat officers of the United Provinces. They have appointed twelve hundred.

Minister of Public Works : The honourable member misquoted the Honourable Premier as having said that a split would be caused in the ranks of zamindars and the non-zamindars. That is not the case. It is to remedy that that we want these panchayats to be established. They will know

all these troubles and they will be elected by the widest possible franchise and represent all communities. The panchayat officers are expected to be above party considerations. They will have the villagers' interest at heart and if by that the honourable member means serving the party purposes then we plead guilty. (*Hear, hear*). It has been said that powers of taxation have been given to these panchayats. One honourable member opposite said that the Bill should be recommitted to the select committee because powers of taxation are not enough and panchayats would have no funds. Another said that this will create hardship and burden on the tax-payer. Nothing of the sort is contemplated. These panchayats would be elected bodies and are given the powers of taxation. They are loath to tax unless they have the unanimous support of the villager and even if they do tax to some extent, I would call it voluntary contribution and not taxation because it will be only enough for local purposes and would be self-imposed by the villagers themselves. That is the position so far as the hardship of taxation is concerned. As to the lack of funds, I do not think the honourable members need worry. The panchayats—when working—will have certain sources of income. They can always put in voluntary work which requires no capital and can at the same time serve the needs of the villager. I will not take up any more time of the House at this stage and all I would say is that no useful purpose would be served by referring the Bill to the select committee. Detailed criticism can be brought against various sections and we can consider them when the stage for clause to clause consideration arrives. With these words I oppose the motion for reference to select committee. (*Cheers*).

Mr. Speaker : Question is—

That the Punjab Village Panchayat Bill as reported on by the select committee be further sent for reconsideration to the same select committee with instructions to report by the 15th of December, 1939.

The motion was lost.

Mr. Speaker : Question is—

That the Punjab Village Panchayat Bill as reported on by the select committee be taken into consideration.

Chaudhri Krishna Gopal Dutt : But there is another amendment.¹ (*Voices : You were not here. You were not present to move the amendment.*)

Mr. Speaker : I called the honourable member; but he was not present. However, if he wishes to move his amendment, he can do so even now without making a speech.

Chaudhri Krishna Gopal Dutt : Then you do not want me to throw light on the fact as to why I want that the Government should provide for rules regarding the franchise, suspension, etc., in the Bill itself.

Mr. Speaker : I regret to say that however able some of the honourable members are, they are not well conversant with the parliamentary procedure and practice. The original motion that the Punjab Village Panchayat Bill, as reported on by the select committee, be taken into consideration was moved by the member in charge. As three counter amending

¹That the Punjab Village Panchayat Bill be recommitted to the same select committee to frame rules relating to franchise, election and suspension and to place them before the House along with the Bill.

[Mr. Speaker,]

motions were given notice of, I had to allow all these amendments to be discussed together along with the original motion. So, I called the different honourable members, who had given notices of amendments, but the Honourable Chaudhri Krishna Gopal Dutt was not present. However, if he wishes to put his motion to the vote of the House, he is welcome to move it, without, of course, making a speech.

Chaudhri Krishna Gopal Dutt : I have already submitted that I was not present in the House when you declared that.

Mr. Speaker : Whether the honourable member was present or not, that cannot make any difference. The question is whether a motion can be allowed to be discussed three times. Each of the three amending motions is intended to take the place of the original motion. Consequently, every one of them could be discussed together with the original motion; but, if necessary, each one of them will be put to the vote of the House separately on being moved without any speech.

Chaudhri Krishna Gopal Dutt : Your ruling is perfectly correct. I think I have not swallowed the reflections that you made on the knowledge of the members.

Mr. Speaker : I did not mean to cast any reflection. All I said was that some members are not well conversant with the Parliamentary practice and procedure.

Chaudhri Krishna Gopal Dutt : It is not a question of lack of knowledge of rules of procedure; the question is that I was not present in the House at that moment. I think you should have called upon me to speak on that motion.

Mr. Speaker : Had the honourable member been present he would have been allowed to speak.

Chaudhri Krishna Gopal Dutt : After the Honourable Minister has spoken, I think, no member of the Opposition will have a right of reply.

Mr. Speaker : Yes.

Chaudhri Krishna Gopal Dutt : That will not be his final speech. After that he has again got a right of reply.

Mr. Speaker : If any other member is allowed to speak; but not otherwise.

Chaudhri Krishna Gopal Dutt : That has been the practice in this House.

Mr. Speaker : Can the honourable member cite a single instance?

Sardar Sampuran Singh : Anyhow, he should have been called by you to speak.

Mr. Speaker : He was called but was not present.

Sardar Sampuran Singh : Give him 5 or 10 minutes.

Mr. Speaker : Sorry, I cannot. But if the honourable member wishes to move his amendment, he is welcome to do so. The question is—

That the Punjab Village Panchayat Bill as reported on by the select committee be taken into consideration.

The motion was carried.

Chaudhri Krishna Gopal Dutt : Now, as the ayes have it, according to Parliamentary Practice, I can move my motion.

Mr. Speaker : Now, the House will proceed to take the Bill into consideration clause by clause.

Chaudhri Krishna Gopal Dutt : Either we should stick to an individual convention that you want to establish or to the convention which has already been established in other legislatures.

Mr. Speaker : I shall be obliged if the honourable member will quote a single instance from the proceedings of this House or of any other legislature.

Chaudhri Krishna Gopal Dutt : My submission is that there cannot be two propositions before the House.

Mr. Speaker : In this connection I may quote the following paragraph from May's book, page 282 :—

"The object of an amendment may be.....to present to the house an alternative proposition either wholly or partially opposed to the original question. This may be effected by moving to omit all the words of the question after this first word, "that", and to substitute in their place other words of a different import. In that case the debate that follows is not restricted to the amendment, but includes the motive of the amendment and of the motion, both matters being under the consideration of the house as alternative propositions.

It is clear from this quotation that the original motion as well as each of the three amendments intended to take its place, could be discussed together.

Chaudhri Krishna Gopal Dutt : In that case you should allow all the amendments to be moved first and to be discussed later.

Mr. Speaker : The honourable member is again wrong. More than one amendment cannot be allowed to be moved or placed before the House at the same time. They can be discussed together in certain cases; but must be moved and put to the vote of the house separately.

Chaudhri Krishna Gopal Dutt : The procedure that we have in this House is quite different from the procedure which is being followed in other legislatures.

Mr. Speaker : The honourable member is not right.

Chaudhri Krishna Gopal Dutt : I can give you specific instances that all the amendments are allowed to be moved first and discussion follows later on.

Mr. Speaker : No so far as I know.

Chaudhri Krishna Gopal Dutt : They are moved together and discussed together but voted upon separately. I will show you that.

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

Preamble.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : Sir, I beg to move—

That in line 1, between the words "notification" and "declare", the words "in the Gazette" be inserted.

I do not think that I should make any speech to explain this amendment. This is only a verbal amendment and should be accepted without debate.

Minister for Public Works : I accept the amendment.

Mr. Speaker : But I consider it unnecessary. The word 'notification' as defined in clause 2, sub-clause (36) of the Punjab General Clauses Act, means a notification in the Government Gazette. Therefore this amendment is not necessary.

Minister : It is not necessary.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, I beg to move—

That at the end the following further proviso be added :—

Provided no village should be included in Panchayat area constituted of another village or villages without consent of the majority of voters of that place.

My object in moving this amendment is that each village by itself is a separate entity and no village should be forced against its will to be attached to other villages where possibly that village may not be able to have a majority of its own. In certain cases adjoining villages have a standing enmity and there are factions in villages. People in a village should feel that in their own village they will not be interfered by the majority of another village. For that purpose I would submit that so far as each village is concerned, if the people want to have their own panchayat, they should not be forced against their will to be attached to another village where their voice may not be heard.

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

That at the end the following further proviso be added—

"Provided no village should be included in Panchayat area constituted of another village or villages without consent of the majority of voters of that place."

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I oppose the amendment. I do not think we can accept a rigid rule like the one proposed. Generally speaking the views of the villagers would be taken into consideration. Officers would take care that no village is linked to another village without the consent of both as has been pointed out by the honourable member. But a few cases might arise where a small village, which is not prepared to join another village and is not being enough to have its own panchayat, would be left without any such panchayat. The trouble we had in the working of the last Panchayat Act was that where there was the question of consulting the voters and some people like the lambardars and zaildars who feared that their powers would be interfered with when the panchayats came into existence always stirred opposition. It is to guard against this that Government requires some power. I do not think any hardship would ensue. I therefore oppose the amendment. I assure my honourable friend that care would be taken that in such cases they are linked with villages where the majority of the people are willing to join.

Sardar Kapoor Singh: Sir, I support the amendment. As has been stated by the Honourable Minister there might be small villages where it may not be possible to have separate panchayats, but there is danger at the same time if such villages are joined with certain big villages. Suppose one village has got three times the population of another small village it would mean that from that big village the number of the panches would be three times the number from the small village. It would mean that the small village would be dominated by a big village. The result would be that a sort of faction would be created among those villages. Instead of being helpful the panchayats would prove harmful in creating parties in the villages. These panchayats will be called upon to decide certain cases under the Cattle Pounds Act. Suppose the cattle of one village go astray into the field of another village the result would be that the panches of that village into which the cattle go astray would like one way or the other to help the people of their village and go against the people of the other village. Under such circumstances there shall be no justice. I support the amendment and press that no small village should be linked to a big village. If small villages are joined together in that case there is a possibility that they might be able to send equal number of panches. For these reasons I support the amendment.

Mr. Speaker: Question is—

That at the end the following further proviso be added—

"Provided no village should be included in Panchayat area constituted of another village or villages without consent of the majority of voters of that place."

The motion was lost.

Mr. Speaker: The question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clause 5.

Mr. Speaker: The question is—

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

The motion was carried.

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

That in sub-clause (2)—

- (i) line 2, for the word "three" the word "five" be substituted.
- (ii) line 3 for the word "seven" the word "nine" be substituted.

The object of my amendment is quite clear and that is that the minimum number of panches should be fixed at not less than five and the maximum number at not more than nine. In my opinion this is a very salutary amendment and many cogent arguments can be advanced in its favour. To begin with it is stated in the Bill under consideration that the area of a panchayat would comprise of one tahsil or a part of it. In view of this if my honourable friend wishes to make the panchayat scheme a feasible one it is necessary for him to include 10 or 15 villages in one panchayat. I know that there are very few big villages in the Punjab where a panchayat can be safely established for each one of them. Besides, in every village the number of disputes is not generally so very large as to justify the establishment of a panchayat for each village. So, I would request the Honourable Minister that if he wishes to make this law a workable one he should with few exceptions include 10 or 15 villages in each panchayat.

Further if the suggestion referred to above is accepted in that case it should be borne in mind that when a panchayat is established its head-quarters should be located in a village centrally situated. In no case should the distance from the head-quarters of the panchayats exceed 2 or 3 miles. For instance if 10 or 15 villages are included in a panchayat, then the central village should be declared as the head-quarters of the said panchayat so that the distance between it and other villages should not exceed 3 miles.

Now, Sir, if 10 or 15 villages are included in a panchayat in that case three panches cannot adequately represent the interests of different communities residing in those villages. The reason for this is not far to seek. There would be many communities residing in those villages. For instance, there would be acchuts, kamins and agriculturists. (*An honourable member* : There are no kamins in the Punjab). May I know whether my honourable friend is living in the Punjab? I assure him that if he goes to villages he would find many kamins residing there. Adverting to the subject proper I may submit that there would be many communities to whom adequate representation should be given on these panchayats. I will illustrate my point by citing an example. Suppose a panchayat consists of 15 villages and only 3 panches are appointed as its members. It would simply mean that all the various communities consisting of agriculturists and non-agriculturists would not get any representation on the said panchayat. Therefore in order to create confidence among the different communities and sections it is necessary that the number of panches should be such as could easily represent all the different interests in the panchayats. If my friend wishes to keep the word "three" intact in that case it would be very difficult to attain the above mentioned object. If there had been big villages in the Punjab I would have conceded that a panchayat should consist of only

three panches. But as many villages would generally be included in the panchayats it would be better to substitute the word 'five' for the word 'three'.

My friends are also fully aware of the fact that when the panchayat will hold its meeting, it cannot be said for certain that all the panches would turn up to attend its meeting. For instance, if a panchayat consists of three members and one of the panches absents himself on the ground of illness, marriage, or death, then only two panches would be left. In that case the meeting of the panchayat cannot be held at all. Even if they hold the meeting their judgment cannot claim the same amount of confidence as the judgment of three panches can. If we fix the minimum number of panches as five, in that case even if two panches do not turn up at least three would be present to conduct the meeting and to arrive at decisions with regard to matters concerning their panchayats. In the circumstances it is highly necessary that the minimum number of panches should be increased to five and maximum to nine.

I request the Minister in charge that if he wants to make these panchayats useful, he should accept my amendment. If on the other hand he wishes to follow the wrong path he is entitled to do so. But I assure him that in that case his Government would receive a great set back. Naturally he would have to bear all the consequences of the failure as well. I can also assure him that I know much about the rural life. For the last 30 or 40 years I have come in contact with the rural people. I can safely say on the basis of the past experience that this measure can benefit the people only if the above mentioned suggestions are incorporated in the Bill. To-day I was astonished to hear from the lips of the Honourable Minister for Public Works that there were no kamins in the Punjab. He may be a zamindar but I would request him that if he has not any knowledge about the rural life of the Punjab he should at least have that knowledge from others who are prepared to enlighten him on the subject. In the end I again request him to accept my amendment. I can assure him that if he accepts my amendment it will not give any undue influence to the Congress party. With these words I resume my seat.

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

That in sub-clause (2) of clause 5 (i) in line 2, for the word "three" the word "five" be substituted and in line 3, for the word "seven" the word "nine" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : There is no sanctity attached to any particular figure. I might explain why we have put down these figures of 3 and 7. They occur in the last Panchayat Act and these figures were arrived at after full consideration. Even now there is an amendment for an increase in the number and there is another amendment standing in the name of a member on this side asking for a decrease. I would say that the figure as it stands in the Bill is all right. As to the number 3, it has only been fixed to meet the cases of small units because as some members were saying there might be villages that might not like to join other villages. In those cases number 3 can be fixed. After giving every consideration to the case I think the figures should be retained. I do not see how matters will improve if we increase the number from 7 to 9 or from 3 to 5. The successful working of the panchayats would depend on how the panches work and not on their

[Minister for Public Works.]

number. But in fixing a number we should also take care that we do not make these bodies cumbersome. Therefore I would oppose the amendment.

I would like to say a word about the reference to "kamins". We believe that to apply the word "kami" to some people non-agriculturists and others who carry on various professions, is objectionable, and we do not want to describe those brethren of ours by this word. (*An*

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honourable member : The word is "kamin"). The word "kamin" or "kami" is just the same thing.

Mr. Speaker : Question is—

That in sub-clause (2), line 2, for the word "three" the word "five" be substituted.

The Assembly divided : Ayes 84, Noes 75.

AYES

Balbir Singh, Rao Bahadur Captain Rao.	Muhammad Hassan, Chaudhri.
Bhagat Ram Choda, Lala.	Muhammad Iftikhar-ud-Din, Mian.
Dev Raj Sethi, Mr.	Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed.
Duni Chand, Lala.	Mukand Lal Puri, Rai Bahadur Mr.
Duni Chand, Mrs.	Mula Singh, Sardar.
Faqir Chand, Chaudhri.	Muni Lal Kalia, Pandit.
• Gopi Chand Bhargava, Dr.	Partab Singh, Sardar.
Hari Lal, Munshi.	Raghbir Kaur, Shrimati.
Harjab Singh, Sardar.	Rur Singh, Sardar.
Harnam Das, Lala.	Sahib Ram, Chaudhri.
Jugal Kishore, Chaudhri.	Sampuran Singh, Sardar.
Kabul Singh, Master.	Santokh Singh, Sardar Sahib Sar-dar.
Kapoor Singh, Sardar.	Satya Pal, Dr.
Kartar Singh, Chaudhri.	Shri Ram Sharma, Pandit.
Kishan Singh, Sardar.	Sohan Singh Josh, Sardar.
Krishna Gopal Dutt, Chaudhri.	Sudarshan, Seth.
Mazhar Ali Azhar, Maulvi.	
Muhammad Abdul Rahman Khan Chaudhri.	

NOES

Abdul Hamid Khan, Sufi.	Barkat Ali Malik.
Abdul Haye, The Honourable Mian.	Chhotu Ram, The Honourable Chau-dhri Sir.
Abdul Rahim, Chaudhri (Gurdas-pur).	Faiz Muhammad Khan, Rai.
Abdul Rahim, Chaudhri (Gurgaon).	Faiz Muhammad, Sheikh.
Ahmad Yar Khan, Chaudhri.	Farman Ali, Khan, Subedar-Major Raja.
Akbar Ali, Pir.	Fateh Khan, Khan Sahib Raja.
Ali Akbar, Chaudhri.	Fateh Muhammad, Mian.
Amjad Ali Shah, Sayed.	Fateh Sher Khan, Malik.
Anant Ram, Chaudhri.	Fazl Ali, Khan Bahadur Nawab-Chaudhri.
Badar Mohy-ud-din Qadri, Khan Sahib Sayed.	

Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Inder Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Nawabzada Major Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurhani, Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.

Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib 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.
 Sikandar Hyat-Khan, The Honourable Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

Mr. Speaker : Question is—

That in sub-clause (2), line 3, for the word 'seven' the word 'nine' be substituted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : Question is—

That clause 5 stand part of the Bill.

The motion was carried.

Clause 6.

Mr. Speaker : Question is that—

Sub-clause (1) of clause 6 stand part of the clause.

The motion was carried.

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

That in sub-clause (2), line 2, between the words "authority" and "and", the words "who will be either a first class magistrate or a first class subordinate judge" be inserted.

The amendment moved by me is to the effect that the person whom the Government are going to appoint as the prescribed authority must not be a person below the rank of a sub-judge first class or a first class magistrate. This is one of those amendments whose acceptance will strengthen the panchayats.

'Prescribed Authority' will be that person who has been authorised to conduct and supervise the elections and also to announce the results thereof.

Parliamentary Secretary (Shaikh Faiz Muhammad) : On a point of order, Sir. This amendment appears to be out of order, because the word 'prescribed' has been defined in clause 3 and it means "prescribed by rules made by Government". Clause 3 has been passed and now I think it is too late to put forward the amendment which my honourable friend wants to move. The effect of the amendment would be that after the word 'prescribed' the words "who will be either a first class magistrate, etc." will be added and it will have the effect of amending the definition of the word 'prescribed' which we have already passed.

Pandit Muni Lal Kalra : The word 'prescribed' occurs 30 or 40 times in this Bill. Does it mean that all these clauses cannot be discussed?

Lala Duni Chand : An able Parliamentary Secretary like Shaikh Faiz Muhammad should not have raised such a point of order. I was submitting that by this clause the Government have been empowered to appoint, the prescribed authority for conducting the elections. But my contention is that the Government should not be given that power. I do not want to take away that right but I desire that the rule-making power which the Government wants to keep to itself should be restricted. That restriction can be imposed by specifying that the rank of such 'prescribed authority' will not be below that of a magistrate of the first class or a first class subordinate judge. The authority may be higher in rank but in no case below it.

The Government should not act in such a way as to confirm the suspicion as was pointed out by my honourable friend Sardar Kapoor Singh, that they want to set up these panchayats in order to strengthen their party and not to benefit the people living in rural areas.

I do not see any reason why the Government should not accept this amendment because the subordinate-judges and magistrates whom it seeks to appoint as 'prescribed authority' are a part of their own machinery. They have a sense of responsibility and honesty. It is in the fitness of things, therefore, that the authority appointed must not be below the

rank. Only if such officers are appointed will the panchayats be successful. The authority should not be vested in tahsildars, naib-tahsildars or thanedars and sub-inspectors of police. The elections conducted by the tahsildars and naib-tahsildars are not elections in their true sense. You also authorise them to decide the results of these elections but this provision does not make the panchayats useful. The Government should appoint those officers who enjoy the confidence of the public.

If the Government desire to keep this power into their own hands they should do so in the interest of the people and not in order to further their own ends. The Panchayat Bill should not be utilized by them as an instrument for consolidating their own position and for strengthening their own party. It is a pity that the Treasury Benches are not disposed to accept even this simple and innocent amendment which is not going to cause any harm to the interests of the Government. It may rest assured that the acceptance of this amendment will not entail any extra expenditure. We understand that the Government has got more than sufficient number of subordinate judges and magistrates on the roll. It is a fact that they are at present exceeding by one third of the requisite number. If the Government were to allot some more work to them they would not suffer much. I think the better course for the Government is to scrutinize the list of these officers and see that they are given sufficient work to do. The extra number of these officers is proving a heavy financial burden on the State exchequer. It is, therefore, highly desirable for the Government to delegate the powers of confirming the elections of panches to these high officials. Now, I would like to ask the Government as to whether it really wants to see these panchayats functioning most effectively and efficiently. I warn the Government that if it fails to appoint reliable and trustworthy officers as prescribed authority, the panchayats would not be able to command any influence in their respective areas, nor the public would have any confidence in such panchayats. Confirmation of the elections effected by any authority other than these responsible officers would give rise to many doubts in the public mind. Thus I request the Government to accept my amendment which definitely proposes the delegation of powers to its friends and not to its enemies. I do not intend to say that the Government should be barred from retaining to itself the rule-making power. On the contrary I do admit that it is absolutely essential for the Government to retain it to itself. But what I want to suggest is that this power should be limited to a certain extent.

Mr. Speaker : The question is whether the honourable member's amendment is inconsistent with what the Assembly has already passed and also with the expression "prescribed authority". The word "prescribed" is defined in Clause 3 (1) (f). It means "prescribed by rules made by Government under this Act". It gives absolute power to Government to make rules; while the honourable member's amendment restricts that authority. If so, it is inconsistent with what this House has already decided.

Lala Duni Chand : This much has been decided that Government can make rules and the Government is authorised to make rules consistently with the scope and the object of the Bill. The Government is not given power to go beyond the scope of the Bill.

Mr. Speaker : The power conferred upon the Government is not very much restricted ; while the honourable member's amendment shall restrict it.

Lala Duni Chand : The power is given to make rules consistent with this Bill. Whether that rule making power should be restricted or limited is my object. I do not want that this power should be taken away from the Government.

Mr. Speaker : The honourable member wishes to take away that power.

Lala Duni Chand : I am not taking away that power. I am simply qualifying that power.

Mr. Speaker : By qualifying the honourable member will take away that power.

Sardar Sampuran Singh : On a point of order. This objection which has been raised goes to the very root of the authority of this House. No rule made by the Government can take away the authority of this House. The House has a right to define the "prescribed authority".

Mr. Speaker : Is that a point of order ?

Sardar Sampuran Singh : I have not completed my point of order.

Mr. Speaker : The honourable member has stated what he calls a point of order.

Sardar Sampuran Singh : I have not.

Mr. Speaker : The honourable member has stated his point of order. So, I am not going to allow him to make a speech. The position is that the proposed amendment is said to be out of order, because it is inconsistent with the decision of the House already taken.

Lala Duni Chand : Legal opinion should be obtained on this point. You may ask the Advocate-General to give his opinion and I would be satisfied.

Diwan Chaman Lall : May I say a word with your permission, Mr. Speaker ? One thing you will notice, that the words used in the clause are "prescribed authority". The word "prescribed" is defined as prescribed according to the rules and whatever authority may be appointed under the provision of this Bill, would certainly be the authority according to the rules. Rules cannot possibly go outside or beyond the scope of the Bill. The amendment of my honourable friend certainly does not go beyond or outside the scope of the Bill. A first class magistrate will only deal with a particular matter. The definition of the word "prescribed" is not being restricted or extended. The rules would have to be made in conformity with the amendment of my honourable friend.

Mr. Speaker : I will propose this motion to-morrow. The House will now proceed to discuss the adjournment motion.

(At this stage Mr. Speaker left the Chair and it was occupied by Khan Bahadur Chaudhri Riasat Ali of the panel of chairmen).

POINT OF PRIVILEGE.

Diwan Chaman Lall : I have a point of privilege to raise and that relates to information that has just now been conveyed to me that my adjournment motion No. 4 has been disallowed by His Excellency the Governor. By this adjournment motion I wanted 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, making applicable certain provisions of the Indian Princes Protection Act to all districts of the Punjab.

Premier : This is not the occasion to raise that question. Do not take advantage of Mr. Speaker's absence.

Diwan Chaman Lall : If my honourable friend, the Premier, had waited, he would have realised in a second that I am not in a mood to take advantage of the Chairman. I know this is not the proper time but I want some time to be appointed for the discussion of this matter. I am drawing your attention to the fact that information has been conveyed to me that this adjournment motion of mine has been disallowed by His Excellency the Governor while apparently acting under section 84 of the Government of India Act and according to the rules promulgated by him and as this is a matter which affects the position of this House, it is of very grave importance and I would, therefore, request you to appoint the time for discussion of this matter in this House.

Mr. Chairman : This is not the proper time to raise the question.

ADJOURNMENT MOTION.

APPLICATION OF DEFENCE OF INDIA ORDINANCE.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : I beg to move—

That the Assembly do now adjourn.

Mr. Chairman : I quite realise that as a result of the ruling given by the Speaker, the discussion on this adjournment motion will be hedged in by certain restrictions and limitations and it will not be permissible to refer to cases which are *subjudice*. So, conscious of my responsibility in the matter I assure you and the House that it is not my intention to refer to those particular or individual cases which are at present pending before various courts in the province. But you will certainly allow me the opportunity of referring to those cases generally and not specifically, because without making a reference to them although I will not be naming the accused, I feel that we cannot genuinely and really discuss the proposition which is before the House. Mr. Chairman, although I confess that the object of the motion is to censure the Punjab Government for the abuse of the Defence of India Ordinance, there is yet another object of the adjournment motion and it is that we, as custodians of the liberties of the people of the province, should see whether a particular measure, and especially an extraordinary measure, is rightly applied or whether it is being abused and, through this House, when we come to a particular decision, we should invite the attention not only of the people of the Punjab but also of the Government of India that this Ordinance which was wretched in

[Ch. Krishna Gopal Dutt.]

itself, has been very grossly abused in this province by the Punjab Government. I was very much surprised to-day when the Premier, whose politics I have never been able to understand, who blows hot and cold in the same breath, refused to accept responsibility for the application of the Ordinance to people of the Punjab, for the administration of the Defence of India Ordinance in the province. Although our Honourable Mr. Speaker was perfectly justified in declaring that the Punjab Government did share the responsibility in the matter, I felt at that time as if the Premier was pleading innocence and the Speaker was involving him in the matter merely on technical grounds. What I want to impress upon the House is this, that I have got sufficient evidence to believe—although it may not be possible for me to cite that evidence before the House—that a number of respectable people in the province have been arrested not only with the knowledge of the Premier but actually at the connivance of the Premier of the Punjab Government. Mr. Chairman, the Honourable Premier refuses to accept responsibility for the abuse of the Ordinance in this province. May I draw the attention of the House to a statement which was issued by the Premier on the 9th or 10th of September? I tried to secure a copy of the newspaper in which it was published but I find that the back issues of September are not available in the library. Therefore, with this handicap it was not possible for me to actually read out that statement in original before you but the sum and substance of that statement was that the Premier was under the impression that quite a number of political workers in the province were violating the Ordinance, that they were making speeches against recruitment of people in the army for the sake of war and he issued a warning to the people that as Premier of the province, as the Minister in charge of law and order in the province, he could not stand this violation of the Defence of India Ordinance in the Punjab and that if the people continued to violate the Defence of India Ordinance by speaking against recruitment or making undesirable speeches on the subject of war, then he would set the whole machinery of law and order into motion and would not hesitate to arrest and convict people in the province. And now to-day before the House he comes and pleads innocent like a child as if he had nothing to do with the indiscriminate arrests. My contention, not only my contention but my belief and my sincere belief, is that some of the more prominent persons in the province have been arrested with his previous sanction and not without his knowledge. Mr. Chairman, although I would not like to refer to any individual case, may I draw the attention of this House, of those members who are as much jealous of the liberties of the people and of their own liberties as I myself am, to the fact that one of the most distinguished members of this House has been the victim of that abuse of the Defence of India Ordinance in this province? It should be a matter of shame for any Government to allow the prosecution of a member of the House who has never been guilty of any violent speech. I do not refer to that particular case, I have no intention to refer to the evidence which is being produced before the court, but I do want to draw the attention of the House to the fact that merely on the basis of a report prepared by the police, the Punjab Government sanctioned the order for the arrest and trial of a distinguished member of this House.

Premier : Which member ?

Chaudhri Krishna Gopal Dutt : Pandit Bhagat Ram Sharma.

Premier : Who ordered the trial ?

Chaudhri Krishna Gopal Dutt : The Government and when I say this you know what I mean.

Premier : Does the honourable member mean the local Government, because the local officers issued the order ?

Chaudhri Krishna Gopal Dutt : May I put it pointedly to the Honourable Premier whether he realises his responsibility in this matter or not ? Is it that he could not prevent the arrest of Pandit Bhagat Ram ? Has he no control ?

Premier : No.

Chaudhri Krishna Gopal Dutt : With what face could the Honourable Premier, when he has no responsibility in the matter of the application of the Defence of Indian Ordinance, issue a statement warning the people that they should not talk against recruitment, and if they did they would be put behind the bars ? What was the sense in it ? Now, he has no argument but only a face-saving smile on his lips. Mr. Chairman, the cat is out of the bag. He has got no answer. What is the cause and what is the basis of all these arrests ? As I have said, the basis is the report of the police. Whether the report is correct or not, it is not for me to say, it is only for the magistrate who is trying those cases to say so. May I invite the attention of the House to the fact that in the case of Pandit Bhagat Ram the report of the police, which has been produced before the court by the prosecution, is a one-page report, written in a very beautiful and legible hand. Pandit Bhagat Ram spoke for full one hour on the subject and what is the report of the police ? It is only a one-page report. The report of the speech should have been full but the police produced before the court one single page of their report on the basis of which he is being tried in a court. (A voice : That case is *subjudice*). I made it clear that sometimes it becomes very difficult in discussions like this to draw a very clear distinction and I hope that you will not perpetuate this by another ordinance. Give me a little bit of latitude to refer to certain cases.

Mr. Chairman (Khan Bahadur Chaudhri Riasat Ali) : If they are *subjudice*, then I will request the honourable member to make as brief a reference to them as possible.

Chaudhri Krishna Gopal Dutt : If it is your sweet pleasure I shall respect it. Sir, my first point has been established that the Punjab Government cannot divest itself of the responsibility for the abuse of the Ordinance which is going on in this province and I have seen no valid argument, no tangible reason, given by the Honourable Premier which divests him of that responsibility. In fact the statement made by him amply justifies my contention that he and he alone is mainly responsible for the reign of terror that is going on in this province. Why he and he alone ? Because I believe that such matters are not brought before the Punjab Cabinet. The Honourable Premier will get up and say that this is a wrong statement. I am certainly open to conviction, but my knowledge is that most of the

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members of the Cabinet do not take much interest in such matters and whatever the Premier does, they say ditto to it. Therefore, I say that technically speaking it is the Punjab Government which is responsible for the abuse of the Ordinance and that really speaking it is the Premier alone who is responsible for this reign of terror in this province. I make it clear to the Honourable Premier that no member of the Opposition, and in fact no responsible Congress worker of the province, is prepared or is willing to pander to any violence in the province, whether in deed or in speech. I hold no brief to-day for those people who have actually violated the Ordinance. It is not my business to-day to discuss the desirability of that Ordinance. It is a matter of law. The Ordinance was later consolidated into a regular enactment, simply because an undue advantage was taken of the fact that the members of the popular party in the Central Legislature were absent on that occasion, and the Act was passed in the teeth of opposition in the country. But, as I have said, it is not my business to-day to discuss this aspect of the question. My business is only to see whether the administration of that Ordinance is justified or not. Therefore, I do not hold any brief for those people who have been making violent speeches on the platform and condemning the Government for recruitment. It is not the policy of the Congress Working Committee at present to say anything against recruitment. In fact, we here in the Punjab, or rather I should say, the Provincial Congress Committee issued instructions to the workers of the Provincial Congress Committee particularly and to the public generally that they should restrain themselves from saying anything which is irresponsible, that they should not utter a word which is not on the lines of the statement issued by the Congress Working Committee, that they should not make any speeches which savour of violence and that they should behave as a disciplined army. Mr. Chairman, I have satisfied myself that quite a number of people, who have been arrested under the Ordinance, did not at all violate any of the provisions of the Ordinance. You will be surprised to know that people in this province have been arrested under the Ordinance for not having made any speech whatsoever in the province at all, to say nothing of those people who have been arrested, tried and convicted for speeches which were not violent at all and which could by no stretch of imagination be considered to violate the provisions of the Defence of India Ordinance. I have got very many cases with me and the honourable Leader of the Opposition has got statistics on this matter. But since it is your pleasure that I should not refer to those cases because they are pending in courts of law, I can only appeal to the Honourable Premier to have a talk with the honourable Leader of the Opposition on the subject, so that his attention may be drawn to specific cases, and I am sure that the honourable Leader of the Opposition will be able to convince the Honourable Premier, if he is open to conviction, that the Defence of India Ordinance has been grossly abused in this province and innocent persons have been put behind the bars.

Premier : My honourable friend is again trespassing that particular rule. He said that innocent persons have been arrested. How does he know that they are innocent? I think he is not justified in referring to cases which are *sub judice*.

Chaudhri Krishna Gopal Dutt : Mr. Chairman, what I said was that a number of innocent persons have been arrested in the province. I did not refer to any particular case at all.

Premier : That is why I say that you are generalising.

Mr. Chairman (Khan Bahadur Chaudhri Riasat Ali) : When the cases are *sub judice*, how can the honourable member be in a position to say whether those persons are innocent or not ?

Chaudhri Krishna Gopal Dutt : When we discuss the repressive policy of the Government or the abuse of penal sections, we are perfectly at liberty to say in general that persons have been arrested and some of them are innocent.

Premier : Certainly not. It is for the court to decide whether they are innocent or not. My honourable friend cannot anticipate the decision.

Chaudhri Krishna Gopal Dutt : I am not referring to any particular case which is *sub judice* and which may prejudice the judgment of the court.

Premier : They are all *sub judice*.

Chaudhri Krishna Gopal Dutt : I did not say that all persons are innocent. I said that some persons were innocent and this does not mean that all persons are innocent.

Premier : These persons must be out of the persons arrested and under trial.

Sardar Sampuran Singh : That is our contention.

Premier : If my honourable friend says this thing outside the Chamber, he will know what would happen to him.

Sardar Sampuran Singh : You may say so because you do not know the law. I am sure nobody will arrest me, if I say so outside the House.

Premier : I am sure my honourable friend will never do that.

Chaudhri Krishna Gopal Dutt : The belief that most of the persons arrested are innocent is inherent in the proposition which is before the House. What is the use of discussing the adjournment motion if you are not ready to allow me to say that these persons are innocent. Otherwise your case has been established.

Premier : I strongly protest against my honourable friend using the word again and again in respect of cases which are *sub judice*. It is for the court to decide those cases.

Chaudhri Krishna Gopal Dutt : This is going too far. Mr. Chairman, I give you another instance of the abuse of the Ordinance in this unfortunate province. The war was declared by His Majesty the King on the 3rd September. In my opinion it was declared at 12 noon on the 3rd September; and immediately after that His Excellency the Viceroy promulgated this Ordinance. This means that according to Indian time it was about 5-30 when the war was declared, because in the Ordinance it is stated that this Ordinance is being issued as a result of the war. It means that at 5-30 the war was declared. On the 2nd and 3rd September there was a political conference at Khanewal in Multan

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district and it was addressed by quite a few responsible leaders and workers of the province. On the 3rd I believe Mr. Tika Ram Sukhan who has now been convicted—and I am referring to the case of Tika Ram because he has already been convicted and sentenced to two years—

Mr. Chairman (Khan Bahadur Chaudhri Riasat Ali) : Has his appeal also been disposed of?

Chaudhri Krishna Gopal Dutt : I do not know about that : it has not been filed up till now. I am not going into the merits of the case. The Punjab Government took an undue advantage of the Defence of India Ordinance and applied it to wrong cases—

Premier : Sir, I again strongly protest. My honourable friend is again referring to cases which are *sub judice*. He says they are wrong cases : it is for the courts to decide.

Chaudhri Krishna Gopal Dutt : I think I have a right to inform the House what our case is for the abuse of the Ordinance and what the evidence is. There should be some evidence before the House before it makes up its mind whether the Ordinance has been abused or not. I should be permitted to cite cases although I should not go into the details or the decision of the court. I am not doing that.

Mir Maqbool Mahmood : On a point of order. I beg to invite the attention of the honourable member to rule 68 sub-clause 2 (iv) which says—

Shall not refer to a matter of fact on which a judicial decision is pending.

Not only he cannot go into the merits or demerits of the case but he cannot even refer to it.

Chaudhri Krishna Gopal Dutt : He has been convicted to two years. This case is not *sub judice*. If a person is likely to bring an appeal before the High Court it is not mentioned in the rule which is quoted that if the case is *sub judice*—

Premier : Has the period for an appeal lapsed?

Lala Deshbandhu Gupta : Does the Honourable Premier mean that even when an appeal is not pending before the Appellate Court the case is *sub judice*?

Premier : Yes. (Voices from the Opposition benches : “No, no”). My honourable friend wants to take away the right of appeal.

Munshi Hari Lal : An appeal may not be preferred at all.

Premier : Why anticipate that?

Chaudhri Krishna Gopal Dutt : The object of the Premier is to stifle the discussion.

Mr. Chairman : The honourable member has taken more than half an hour and I would request him now to wind up, and to make as little reference as possible to the cases which are *sub judice*.

Chaudhri Krishna Gopal Dutt : I will take two hours if I am robbed of my time by interruptions or points of order.

I was referring to the conference held at Khanewal. I would not name the gentlemen if you so desire. It was held on the 2nd.

and 3rd September. Some people were arrested on the basis of speeches made in that conference. The Ordinance was promulgated at 5-30. Could you expect those gentlemen who delivered speeches to know that there was the Defence of India Ordinance? I ask the House if it is not a clear case of the abuse of the Ordinance in this province.

Shaikh Karamat Ali : Ignorance of law is no excuse. If a person is ignorant of law it does not exonerate him from liability in the eye of law.

Chaudhri Krishna Gopal Dutt : That is a clear proof of the abuse of the Ordinance. May I draw your attention to the fact that it was on the 3rd September that the Ordinance was published in the gazette in the province. It was promulgated on the 3rd. It was on the 6th or 7th September that the Ordinance was published in the newspapers. Since it was promulgated on the 3rd it could not be expected that it could be published in the newspapers on the 3rd : at the most it could be published on the 4th. I feel that the Honourable Premier welcomed this measure at a time when his whole administration and his whole Party was tottering to the ground. (*Voices from the Unionist benches : "Oh, oh, oh".*) Mr. Chairman, I have a feeling, as I have stated, that the Honourable Premier took an undue advantage of the Ordinance. Anybody can go in the province and enquire from the people what their feelings are about the repressive policy which he is at present following.

Mir Maqbool Mahmood : Bye-elections !

Chaudhri Krishna Gopal Dutt : I have gone to the people, mixed with them and enquired from them.

(At this stage there was great uproar in the House.)

Sardar Sampuran Singh : In this way a lot of time is wasted. I think that unless a member has to raise a point of order, he should not disturb the Speaker and waste the time

4 P. M.

of the House.

Chaudhri Krishna Gopal Dutt : A case has been cited by the members of Government that my honourable friend, Shaikh Sadiq Hassan, was elected on the Unionist ticket and that it was a proof of the confidence of the voters in the Unionist Government. It was only the silly electoral machinery that was responsible for it. The question is how many people voted against the Unionist Party. Shaikh Sadiq Hassan got a little over 4,000 votes and the other gentleman who was an Ahrar got 4,000 votes and the Congress member got some 2,000 votes. In other words there were more than 6,000 votes cast against the Unionist member. It is why students of Political Science have been asking for a reform in the electoral system, it is for that reason that they have been asking for a system of representation known as the proportional representation by a single transferable vote, so that such silly things may not happen. There are 6,000 people in the constituency who are dissatisfied with the policy of the Unionist Government and still those people are not allowed to be represented in this House and the gentleman who represents a minority in the constituency is declared elected. My contention is perfectly justified by facts. This was a digression and I am sorry for it.

Mr. Chairman (Khan Bahadur Chaudhri Riasat Ali) : The honourable member may now wind up.

Chaudhri Krishna Gopal Dutt : Not only in Kangra, but in Gujranwala also the same thing happened. Now out of a little bit of regard for the Premier and not for Sir Sikander Hyat-Khan, I do not refer to specific cases in Gujranwala. I do not refer to the names of those who have been arrested under the Ordinance in Gujranwala, but I would make a general statement that there are quite a number of people who have been arrested in Gujranwala on the basis of a speech made at one of the villages in Gujranwala on the 3rd of September, on the very day when the Defence of India Ordinance was promulgated. The Provincial Congress collected all these facts, and we have a regular list. We have the names of the gentlemen who have been arrested and the dates on which they were arrested and the dates of the speeches on the basis of which they were arrested. If it is the object of the Honourable Premier to throw out the adjournment motion and if he is not in a mood to listen to facts or reason, then I have absolutely no complaint whatever, but I take it that he is prepared to go into the particular cases I have mentioned so that he may revise the whole policy on the basis of which the application of the Defence of India Ordinance in this province has been made. Otherwise what is the use of the Opposition? The Opposition is here to act as a break on the free-wheel of the Government, so that if Government is guilty of any excesses the Opposition should draw the attention of the Government as well as of the people to those excesses and the remedy lies with the Government as also with the members of the House. There is a reign of terror going on in the province. A large number of persons who were not guilty of any violent speeches have been arrested and they have lost their liberties while their wives and children are starving and have no means of livelihood at all. They were living from hand to mouth and now that they have been put behind the bars their wives and children are starving in their homes and the Premier is sitting here fiddling just as Nero did when Rome was burning.

Before I resume my seat, I would mention one other fact. Is it only the Punjab where there is agitation against the British Government? Is it only the Punjab where there are revolutionaries? Is it only the Punjab which is the home or the hot bed of revolutionaries? Are there no political workers in other provinces? Are there no Congress workers in other provinces? But may I remind you and, through you, the House that in all the Congress governed provinces there has not been a single case of the application of the Defence of India Ordinance? In fact the Congress Governments have refused to apply the Ordinance to their provinces. *(Loud uproar.)*

Mr. Chairman (Khan Bahadur Chaudhri Riasat Ali) : Please resume your seat.

Chaudhri Krishna Gopal Dutt : I am not going to sit down like this. I only wanted to wind up the whole thing in one sentence and that was to ask the Premier to give a reply not to irrelevant facts as to whether there is a reign of terror or not, but to the facts I have mentioned whether certain gentlemen and quite a good number of them were arrested on the 3rd September or not and whether the Defence of India Ordinance was promulgated on the 3rd instant or not.

Mr. Chairman : The motion moved is—

That the Assembly do now adjourn.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*): Sir, if an honourable member alive to his responsibility, wishes to get a wrong righted, the only way open to him for achieving his object is to place before the House all the true facts relating to the matter. I am, therefore, of the opinion that it is the business of the courts to give their verdict in regard to the persons arrested under the Defence of India Ordinance, whether they are innocent or guilty of an offence under the said Ordinance. I may assure the honourable members that the courts would pass judgments after considering the cases of the accused from all possible points of view. But if I or some one else in the House or all the members of a party stand up and without realising their duty begin to say that the arrested persons were innocent or otherwise, then I am sure, the opinions thus expressed would carry no weight. No one, whether of any consequence or not, who feels his responsibility, can vouchsafe as to the guilt or innocence of any such person. The courts are there to find out if the accused persons have been guilty of the alleged offence or not. It is for them and them only to decide that the arrests made were lawful or not, or whether the charge laid against them was true or false.

I beg to submit, Sir, that the Opposition takes a very mild view of the acts of its adherents and wants us to believe that there is nothing seditious about their utterances, but quite the reverse is the truth. It is daily brought to our notice that the members of their party use abusive language in regard to the Honourable Ministers and call them all sorts of names. It seems to be a part of their programme to spread every possible falsehood and use filthy language about the Unionist Ministers.

Lala Deshbandhu Gupta : Is the honourable member in order in using this expression? I think this rightly applies to the Minister for Development.

Rao Pohop Singh : It is contended by the honourable members opposite that repression is resorted to by the Unionist Government in order to strengthen its party and to crush the Congress. I wonder what has made them think that our party is in any way in need of such methods to strengthen itself. Our strength lies in our achievements. We are men of action and therein lies our strength. The recruiting campaign will make this crystal clear that our claim of immense strength is not an idle one.

Sardar Sohan Singh Josh : Trying to blow your own trumpet.

Rao Pohop Singh : Wait till the 3rd and I will show how loud I blow my trumpet. Punjab is a martial province and as such it had to conform to a high standard of discipline and organisation. To hinder recruiting is bad but it is all the more so in this province on whom India's salvation depends. If my own community were to come under the spell of the "chatter boys" of the Congress and were to deviate from the path of loyalty I would not break a blade of grass to save my community from consequential damnation. All kinds of tactics are adopted by the Opposition to belittle the efforts of the Unionist Government, and in their public utterances in rural areas they leave no stone unturned in stirring public opinion against recruitment. They try to make the martial races deviate from loyalty and devotion to military discipline. In spite of all this the attitude of our benevolent Government is most surprising who have steered themselves in such a way

[Rao Pohop Singh.]

that they are not in the least affected by this propaganda. The Honourable Premier only smiles at it and dismisses the matter as if to say that this is the only parliamentary attitude to adopt. The hard-worked officials who have to face the music are given epithets such as 'worthless' and 'inefficient' by the Congress. Still they go on affording protection to men who bite the very hand that feeds them. Even if a little is said against recruiting, strong action should be taken against them. I warn the Government that even if a little clemency is shown to these people it would be a bad day for the country. The Honourable the Premier would be doing a great injustice to the people of this province by showing leniency to them.

The relief that is being granted to the famine-stricken people, the rapid progress that the province is making under the Unionist regime and the great advancement that has resulted from the passage of numerous good Acts is not taken into consideration. But if a single person's entry into the province is objected to, or a man is shut up behind the bars, a cry goes up to the skies that there is neither liberty nor peace in the province. We believe in liberty of action and unlike our honourable friends opposite do not believe in mere talk with no achievement.

Even if the progress of our province were to stop at the stage that has already been reached, other provinces will lag behind for full fifty years yet to come. Provinces like the United Provinces can have no comparison even after the lapse of half a century. An unnecessary hue and cry is being raised over the Defence of India Act, but let me assure them that in the Punjab no innocent person will be proceeded against under the said Act.

In the end I appeal to my friends opposite to stop being a stumbling block in the way of progress. The days of crying '*Toddy tacheha, hai hai*' are no more. These are the true representatives of the zamindars whom you see on the Ministerial benches. Let them fulfil their mission, and give new life to the peasantry in this province. You talk of liberty in other provinces, come and co-operate with the Government in its task of giving universal liberty and peace to the people of this province and do not waste your breath in delivering speeches against the Defence of India Act in order to mislead people.

Dr. Satya Pal (Sialkot-Amritsar, General, Rural) (*Urdu*): Sir, I rise to support the adjournment motion moved by my honourable friend, Chaudhri Krishna Gopal Dutt. I was anxious to know the line of argument which the Unionist Government would adopt to meet my honourable friend's irrefutable statement of facts. I was wondering what could be said on behalf of the Government in reply to the charges laid at their door. It is a matter of great import to the Government that it has found in Rao Pohop Singh a great eulogiser of its so-called achievements. Here is an honourable gentleman for whom I would request the Unionist Government to create a new portfolio. His sole charge should be to sing the praises of the Unionist Ministry in season and out of season. With the exception of repeating the phrase "Defence of India Act" a number of times I have not been able to find a single relevant fact to the subject under discussion. His speech is marked for saying irrelevant and unnecessary things which by

no stretch of imagination could seem to approach coherent talk. We expected the ministerialists to tell us whether the promulgation of the Defence of India Act was at all necessary in the province and whether the people apprehended under the said measure were really political offenders as defined therein. But instead of this they cried hoarse that the Congress workers have showered filthy abuses on the ministry and its supporters on certain occasions. My honourable friend, Chaudhri Krishna Gopal Dutt, has already remarked in the course of his speech that even if the Government were to prove that any Congress worker had ever uttered anything in contravention of the canons of morality, the Congress would be only too glad to take the responsibility for such utterances. It is only people belonging to the category of Rao Pohop Singh who cannot refrain from using obscene language against their adversaries. In fact the Unionist Government has given a free hand to its supporters to do all sorts of heinous acts against the Congressmen, create disturbances in their public meetings and make them victims of all atrocities.

Now, Sir, our contention is that the Act which is playing a havoc in the province at present is not at all an Act. It was enacted at the time when the right-thinking part of the Central Assembly—I mean the Congress party—was not present in the House. And that is the reason why other Congress ministries have not thought it fit to promulgate it in their respective provinces. The Punjab Government should take note of the fact that the maintenance of law and order by means of repression and persecution is not at all creditable on the part of a government which claims to be a popular one. It is a fact that not a single person has been apprehended in other provinces under the Defence of India Act whereas our Government has made a crop of arrests here in the Punjab under the same measure. Does the Government want to prove by making wholesale and indiscriminate arrests that subversive elements are at work in the Punjab? We have good reasons to believe that the Government intends to strengthen its position by throwing its political antagonists into jails. Moreover, it wants to curb the nationalist spirit in the province.

Our object in moving this adjournment motion is to show that the Government is not sincere in saying that the Defence of India Act has been promulgated simply to allow recruitment to be made without any let or hindrance. On the contrary it is our firm belief that it has been brought into operation with the sole object of strangling the civil liberties of the people. Otherwise the Congress has not issued any orders with regard to recruitment as yet. If you go through the notes of those speeches which have led to the arrest of several Congressmen you are sure to find therein only those things which are being uttered by every self-respecting Indian. The Congress workers have reiterated only the same questions which have recently been asked by Mahatma Gandhi as to whether the principles which are being defended by giving battle to Germany and which have been approved of by the Allies are not such as could be applied to India. If Englishmen are fighting in the name of democratic principles why should they not be asked to promote democracy in India? The Congressmen are only asking the British Government as to what would be the gain to India if her sons take arms against Hitlerism. If Englishmen are anxious for the freedom of Poland and Danzig, should they not also

[Dr. Satya Pal.]

be prepared to free India and her countrymen? We have been told that no innocent person has been arrested under the said measure. Now my question is whether people uttering things in the light of the Congress Working Committee's resolution have offended against any law, and whether their arrests were at all called for. It has been alleged on the floor of the House that the Government would carefully scrutinize every individual case and if it finds that certain persons were really innocent it would release them forthwith. But my 20 years' experience shows that once a political worker is apprehended he is not allowed to go unpunished. His conviction is sure and certain. A person arrested by the Punjab police cannot be acquitted by any lower court. The trouble is that, with the exception of the Honourable High Court, every officer and every court in the Punjab dreads the police department. Moreover, how can a magistrate when surrounded by the police and the ministry be expected to return an independent verdict? It is a matter of regret that in the Punjab Congress leaders are awarded sentences merely on the evidences of patwaris who do not know who Hitler is and what democracy is. Moreover, a magistrate cannot dare acquit a person arrested under the Defence of India Act especially when he knows that it has been enacted at the instance of the Honourable Sir Sikander Hyat-Khan. In fact every servant does what his master wants him to do. When such is the state of affairs prevailing in the province no magistrate can be expected to commit the folly of acquitting any accused person. If by chance any magistrate were to do justice in such cases he is sure to run the risk of foregoing his increments and getting declared unfit for further promotions. Thus by moving such an adjournment motion we do not hope at all that the Honourable Premier would immediately issue orders instructing his magistrates to do justice in future. What we want to show is that his professions have hardly ever been consistent with his actions. He should bear in mind that we are not afraid of his Defence of India Act. Let the time come and we would show to the world that we were not cowards. We would most willingly offer ourselves to be thrown behind the bars. To-day fortunately or unfortunately we are here to speak on behalf of those who have disappeared behind the prison walls for the sake of their mother country but when our turn comes nobody would remain here in the House to speak for us. I may further submit that we do not stand in need of Government's sympathy, we do not even expect sympathy from them. What I want to submit is that the honourable members who are sitting on the opposite benches have gained power at the cost of our sacrifices. We have been feeding the tree of liberty with our own blood but this is the fruit which that tree has borne. (*Cheers from the Opposition*) My submission is that one of the objects of this adjournment motion is to let the public know that it is only the Punjab Government which is so keen to help Imperialism in the teeth of the opposition of other provinces of India. I may also submit that Government have been considering Kangra district quite a safe place for the last so many years but since the Congress activities have started in that district the Government have begun taking vindictive steps towards the Congress activities in that district. I think, it would not be out of place if I submit that the Government is now afraid of Kangra district as far as their propaganda work is concerned, and that is why Nawab Ahmad Yar Khan Daulatana

a prominent and a very distinguished member of the Unionist Government, has made that district his place of residence for summer. And having failed in crushing the Congress activities in that district our kind-hearted and generous Government have begun arresting a large number of respectable political workers under the Defence of India Act. I submit with all the emphasis at my command that these unclean methods adopted by the Government would not be appreciated at all in any corner of India. Sir, this is our belief that more they trim the candle of liberty the more light it gives. (*Hear, hear*).

In the end I would appeal to the Government not to create a false impression that they are making arrests in the fair name of justice while in reality they want to crush the political activities in this land of five rivers. As falsehood has no legs to stand upon and it has never been of any use, I would like to submit that the Government of Sir Sikander should always play a fair game straight-off instead of hoodwinking the people who have fortunately become too wise to understand their tactics. The discussion on this adjournment motion would also make it crystal clear as to how the magistrates and other executive officers of the Unionist Government have been treating the public at large since the enforcement of the Defence Act. And moreover the agents of the Unionist Government have always been trying to crush the voice raised against Imperialism and whenever and wherever such a voice has been raised they have even tried to pull the tongue out of the mouth of the speaker. Is this a fair game?

Khan Sahib Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural): Sir, the honourable mover started his speech on the adjournment motion with two different reasons in view, which are, I think, contradicting each other. First, he said that there was no need of the enforcement of the Defence of India Act. After that he went into some doubts saying that there was a need of this Act but the arrests that had been made were unfair. He then said that the charges made against the arrested were not fair, correct and justified. May I ask my honourable friends who are sitting on the opposite benches as to how they came to know about it? What we know from newspapers is that those persons against whom the charges were made under the Defence of India Act have refused to defend their case. It is quite clear from this that they have committed the crime. Then my honourable friend, Dr. Satya Pal, was pleased to ask as to what was the need of Defence of India Act in the Punjab. I may tell him that where there is property protection is needed. I remember a verse from Iqbal and I think that aptly suits here—

مے بگف والے کہ سلطانی ہرد

مے بدل نورے کہ شیطانے ہرد

I was submitting that where there is property there is danger. Are my honourable friends who are sitting on the opposite benches aware of the fact that it is the Punjab only which supplies 60 per cent. recruits to the army and therefore not to protect Punjab means not to protect India? The world is also aware of the fact that Great Britain is fighting for the sake of democracy against Nazism which is

[K. S. Raja Fateh Khan.]

bent upon the ruin and destruction of populated areas of the world in order to torpedo democracy. As a matter of fact Nazism leads people to destruction and utter ruin.

Chaudhri Krishna Gopal Dutt : What about British Government ?

Shaikh Sadiq Hassan : What about the Congress Nazism?

Khan Sahib Raja Fateh Khan : Be patient, I will answer all these questions. Sir, I was submitting that on one side there is the incorrect principle of Nazism which is the precursor of destruction, and on the other hand there is democracy with whose blessings my honourable friends sitting on the opposite benches have reached the present stage of independence. We are confident enough that if they take reasonable steps with sense and foresight they will get their objective of independence after the present war, as it had been bestowed upon Newzealand. Under these critical circumstances to make a demand for independence is just like a demand for freedom made by a patient who does not care to follow the instructions of the doctor in connection with diet, etc. But the doctor does not permit him to do according to his wishes, as that sort of freedom in the doctor's opinion is likely to bring about the death of the patient. Such freedom, therefore, which creates indiscipline and disorder in the country is detrimental to the interests of India.

As far as freedom of speech is concerned, I would like to draw your attention to free countries where in the event of war every possible attempt is made even to avoid this privilege of freedom of speech. Take England, for instance. Mr. Churchill used to oppose Mr. Chamberlain before the present war. But as soon as the war broke the circumstances changed and the question of life and death of the country arose, he left aside all his differences with Mr. Chamberlain and only for the interest of his country and to maintain peace and discipline he stood shoulder to shoulder with Mr. Chamberlain. (*Interruptions.*) I was submitting that generally every step is taken according to circumstances. In my opinion at such a critical juncture this sort of freedom that my friends over there want to attain tantamounts to nothing but death. And as far as the enforcement and use of the Ordinance in India is concerned, I must submit that it involves the question of life and death of India and to violate the Ordinance under such circumstances when the dark clouds of war are overhanging amounts to a heinous crime and a great blunder.

Then, Sir, the Opposition could not refer to a single case in which any injustice or excess has been done to any person under the Ordinance. One question has been put from that side which I would like to answer. The question was as to why this sort of an Act has not been enforced in the United Provinces and why it has been enforced in the Punjab. The reason is obvious. My friends who were pleased to put this question have conveniently forgotten certain facts. They should not ignore that greater martial spirit is found in the Punjab than in any other province in India and therefore only this province is said to be the sword arm of India. In this hour of agony and danger what is required is unity, sacrifice and discipline. We do not need those steps which are calculated to divide the country and bring about a state of disorder. Much has been said in favour of

freedom of speech from the opposite benches. May I ask these preachers of freedom as to why Mr. Bose has been excluded from the Congress on account of his being in favour of freedom of speech? What answer have they got to this question of mine?

My submission is that no organisation becomes powerful unless it maintains its discipline. I, therefore, submit with all the emphasis at my command that India's survival lies in opposing Nazism and supporting Nazism means endangering whole mankind.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*) : Mr. Chairman, I have been the General Secretary of the Punjab Provincial Congress Committee for the past one year. Although previously I knew to some extent where the Unionist party stood as compared with the Congress, yet it is only during the past year that by working among the simple and poor masses that I came to know the exact political significance of the Unionist party and the extent to which it differs from the Congress in respect of its policy and programme. The speech which I propose to make this evening would definitely revolve round this very difference with special reference to the Defence of India Ordinance promulgated by the Central Government. The point which I like to impress upon the Treasury benches is that the Ordinance has been unduly given retrospective effect by the all powerful Unionist Government in the Punjab. It is a pity that the speakers who delivered speeches several days before the Ordinance was actually framed have been the victims of this terrific piece of legislation. I have specific instances to quote that many Congress workers especially Muslim workers have been thrown in jails by means of this measure who have been most peacefully working in the rural areas for the last 2 or 3 years. Their only fault was that they were conveying the Congress message to the simple-minded Muslims living in the remote areas of the Rawalpindi and Multan divisions. I need hardly lay much stress on the fact that these peaceful workers carrying on extensive propaganda in favour of the Congress have shaken the very foundations of the Unionist party in those ilaqas. The honourable members opposite were anxiously awaiting any opportune and favourable moment to throw them behind the bars. There is a well known Punjabi saying which can aptly be applied to this attitude on the part of the Government. They say

بہی دے یا کہیں چکا ہے

Thus the Ordinance afforded a golden opportunity to the Government to turn its political adversaries out of the field. It is frequently experienced that the Honourable Premier has shown courage in admitting certain matters inside or outside the House. After the enactment of the Army Bill by the Central Legislature he honestly and frankly admitted that the said Bill was sponsored and introduced only at his instance. Similarly here also we smell the rat and expect the Honourable Premier to finish the matter by openly admitting that the present Ordinance is a result of his advice to the Central Government. The thing which astonishes us most is the promptness with which the Government of Sir Sikander Hyat-Khan had taken action against its antagonists under this Ordinance. I do not exaggerate when I say that the Punjab Government prepared warrants of arrests against certain political workers even days before the Ordinance was actually put

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into black and white. It was waiting for a propitious moment to arrest all those people who had been undermining the already tottering edifice of the Unionist Government. In areas which were formerly considered to be the stronghold of the present ministry its joy knew no bound when it found a deadly weapon placed into its hands by the Central Government to deal with the nationalist forces corroding with its very structure. The crop of arrests that were made in connection with the political conference held at Khanewal is a sufficient proof of Government's inexpediency in the matter. With the exception of Mian Iftikhar-ud-Din and myself all the speakers were arrested under section 88, Defence of India Ordinance. It will be interesting to note that even those people were not spared who only read out certain verses to the conference. At Dunya Pur certain political workers were busy forming local Congress committees in the adjoining villages. They too had the same lot. They were also arrested under the same Ordinance. Similarly the Congress President in the Rawalpindi division and with him certain other workers were apprehended and made to disappear behind the high prison walls. It has been alleged on the floor of the House that the Government has taken special care not to arrest any innocent person. But I have good reasons to refute this profession of the Government. The Ordinance was brought into operation in such a haphazard manner that sometimes the police committed Himalayan blunders in arresting the wrong persons. The ubiquitous police was after a certain person, Abdul Karim by name, but it wrongfully apprehended Abdul Karim Wazirabadi. *(Laughter.)* But when after 2 or 3 days the police came to know of its folly the doors of the prison were opened to the poor fellow. In short the Ordinance has undoubtedly wrought a havoc in the province.

Somebody has told us that the Government intends to first prosecute all the Muslim political workers and after that it wants to lay hands on the Sikh nationalists in the Punjab. The object of the Government in taking such a drastic measure seems to be the fear lurking in the mind of the Government lest they should launch agitation against recruitment in their respective communities. The campaign of repression and high-handedness carried on against the Ahrar workers is already well known. But it is not my subject. I want to confine my submissions only to the Congress workers.

One thing which I specially want to bring to the notice of the House is that the Punjab Cabinet holds a steadfast belief that it always gives lead to other provinces in all political and social matters. But my two and a half years' experience shows that this Government gives lead to other provinces only in the wrong direction. The results of this lead have always been prejudicial to the best interests of the country at large. An honourable member on my left had made certain references to the Congress ministries. But he ought to know that they are not infallible. They might have made certain mistakes. But it is a matter of gratification that they had hardly ever attempted to curb the civil liberties of their subjects. It will be a source of satisfaction to all the right-thinking persons that not a single arrest has been made under the said Ordinance in the Congress provinces. The more we go into details the more we get convinced of the idea that the Punjab Government is dancing to the dictates of the Government of India.

in bringing the Ordinance into a successful operation. The Congress has made history in abstaining from contaminating its hands by bringing the measure into force. In a neighbouring province a newspaper gave publication to an article which seemed to be prejudicial to recruitment operations in that part of the country, and a certain political worker made a speech on the same subject. But my honourable friends opposite would be awfully disappointed to hear that both of them were only given a mild warning to the effect that they should be careful in future. But had they been here in the Punjab their lot would have been quite different. My friend Rao Pohop Singh has sermonised that there should not be any grumbling on our part as the political expediency and emergency had necessitated the operation of the measure. But he ought to know that to laugh at others' misfortune is one thing and to suffer it is quite another.

Again, it is a matter of surprise for me that the Ordinance was promulgated on the 3rd September; it was published in the *Punjab Gazette* on the 5th; but on the 9th the Director of Information Bureau gave publicity to the orders of the Honourable Premier to the effect that any person found tampering with anybody's loyalty towards his Sovereign and thereby affecting the recruitment campaign adversely would be severely dealt with. But in spite of all this the Government deemed it fit to issue orders for the arrests of those who delivered speeches in the Kangra district several days before the promulgation of the Ordinance. Would the Honourable Premier enlighten us as to why the Ordinance was given a retrospective effect? The trouble is that the Congress is an organised and disciplined body. It acts in accordance with the advice of the Congress Working Committee, which enjoins upon every Congressite to maintain the spirit of discipline within its ranks. Sir Sikander knows this very well. Under these circumstances the Punjab Government could not catch hold of those persons who had been peacefully undermining its stability. Thus it thought it fit to raise a hue and cry that the Congress activities in the Punjab were detrimental to successful recruitment. But may I know why these arrests were made so very hastily? The answer is quite simple. My honourable friends over there thought that the much sought for opportunity had come and they should avail themselves of it. If they had not taken that action so very quickly it was feared that the people would have accepted the policy of the Congress. So, with a view to drive away the influence of the Congress my friends had recourse to this repressive policy.

Now what is the policy of the Government at present? They are in favour of recruitment and wish to help Britain at this critical juncture. But along with this they also want to suppress the voice of the Opposition. Not only this they even do not want to allow the Congress party to criticise their policy. Every body knows that the Congress has expressly asked Congressmen to show restraint of word or deed so that nothing might be said or done which was not in keeping with India's honour or the principles for which the Congress stood. So in view of these clear instructions no Congressman can say anything which would give a setback to the Congress or defeat its object. The policy of the Congress is simply this that it wants to make India independent and in pursuance of that policy it wanted to have an unequivocal promise of independence from the British Government. The people of India asked the British Government, who had declared her to be

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the saviour of small States, independence and democracy, to give the above-mentioned unequivocal promise. But that request has been turned down and India has been given merely pious hopes.

In the end I may submit that we are prepared to fight against Nazism but we wish to make it clear that we can only participate in the fight as equals and as independent people? We should be assured that this war is not being fought for the sake of upholding the old policy of Imperialism. If we wish to suppress Nazism we cannot ignore Imperialism for the latter is the elder brother of the former. We are prepared for all eventualities and we will not shirk even if we will have to fight to the last drop of our blood. With these remarks I support the adjournment motion now before the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I regret that I cannot give way to my honourable friend Chaudhri Kartar Singh who wants to speak on the motion because there are only thirty minutes left at my disposal within which I have to reply to so many speakers. Before I proceed with the matter now before the House I would like to refute two or three allegations of my honourable friend, Dr. Satya Pal, which he has levelled at the Unionist Government. In the first place he remarked that the magistracy in this province is not independent. I do not like to dwell at length on this vast subject, for, if I do so, I am afraid it will take away the whole of the time at my disposal. However I would say simply this that every one judges things according to his own views. If I say that our High Court is most praiseworthy and judicial minded, it is just possible that my honourable friend, if he has ever been punished by this High Court, may remark that it is the most blame-worthy. I, therefore, say that one always judges things in the light of his personal experience. Anyhow that is a matter of opinion. I assure my honourable friend that most of the people think that the magistracy in this province is far more independent than the magistracy of other provinces.

Further it has been said that the Congressmen here have been arrested for speeches made by them on the Congress resolution. As to this I would assure my honourable friend that that has not been the case. The fact of the matter is that those arrests were made because of anti-recruitment activities. So far no person has been arrested merely on the ground that he was a Congressite and that he had made a speech on the Congress resolution. Let me tell my honourable friend over there that when time comes for general arrests he will not come forward to court arrest but it will be others who will bear the whole brunt. Besides, may I ask my honourable friend if it is not the explicit order of the Congress whose commands he professes to obey so ardently that nothing should be said or done against recruitment? It seems that my honourable friend has easily forgotten that command of the Congress. Otherwise what I have done is quite in consonance with the Congress instructions. In this matter the Congress is on my side. It is therefore wrong to say that the arrests have been made for making speeches on the Congress resolution.

Again, it has been said that a new *portfolio* of a Propaganda Minister should be created so that he may sing praises of the Unionist Government. This idea has probably occurred to my friend because of such a *portfolio*

being in existence in other provinces where propaganda ministers are functioning in the interest of their Governments. But let me tell my honourable friend that according to a Persian proverb—*مشی نیست که خود پیروز نکند عمار بگردد*—

we do not feel the necessity of a propaganda minister here. (*Interruptions.*) When my honourable friends were speaking I never interrupted them and I therefore request them to keep patience and hear me silently. At present I am simply replying to their arguments.

Then again my honourable friend was pleased to remark that according to Rao Pohop Singh the Congressites indulge in abusive language against the Unionists. Abuse is a minor thing as compared with assaults that are sometimes made on the Congress leaders. My honourable friend, Dr. Gopi Chand Bhargava, was assaulted and the assault was so very severe that even his life was imperilled. But for all this the blame was laid to-day at my door and it was said that the police did nothing to control the disturbance. Perhaps Dr. Gopi Chand knows who assaulted him. He also knows what Dr. Kitchlew feels about the matter. My friend does know how far election was the cause of rowdiness. Let me point out that these assaults are not made by the Unionists but by persons on the other side whose actions belie their professions.

When the last speaker, I mean Sardar Sohan Singh Josh, was making his speech I was reminded of either the Hyde Park where such speeches are made or a friend of mine who like him got training in Russia where one is taught the art of making speeches. I once asked my friend as to how he was taught to make speeches and I was told that one should make speeches very loudly and in shrill voice for that was bound to leave some impression. My honourable friend was doing the same to-day in the hope that he would thereby impress the other side. But let him remember that the people of this province are very sane and reasonable and they understand arguments and know what is real and what is fraud. So my honourable friend need not have been so loud, for simple loudness without reason cannot make any impression.

Again my honourable friend remarked that he was opposed to Nazism. But to me this remark of my honourable friend appears to be meaningless because his spiritual leader, Stalin, was hand in glove with Nazism.

Sardar Sohan Singh Josh: What does your spiritual leader, Mr. Churchill, say?

Premier: Mr. Churchill may or may not be my spiritual leader but he has spoken out his mind unreservedly. He has said

5 P.M. that two evil forces, i.e., Nazism and Bolshevism, have united with a view to dominate the whole world and it is, therefore, our foremost duty to oppose this unholy alliance tooth and nail. Now my honourable friend over there cannot hurl a fling at Nazism because his great spiritual leader has embraced the Nazi leader. Now that being so, what my friend says against Nazism is most unreal and unconvincing.

Now let me advert to the points raised by the honourable mover. He has accused me of shirking the responsibility that should ordinarily lie on my shoulders for making arrests under the Defence of India Ordinance. I may tell the honourable members that we have never shirked our responsibilities.

[Premier.]

and we shall never allow ourselves to do that. What to say of this minor responsibility, we have shouldered heavier ones in connection with the administration of the province. If we fail to discharge our responsibilities, then nothing will differentiate us from the honourable members opposite. It has been said that the provisions of Defence of India Ordinance have been abused. I may assure the honourable members that that is altogether unfounded. In fact I issued definite instructions to the officers that the Ordinance should be applied only to those who indulge in anti-recruitment activities. I may therefore point out that all those who have been arrested under the Ordinance were arrested for making anti-recruitment speeches and none for abusing me or my colleagues or the Unionist Party. Besides, in dealing with the unlawful activities of the people, why should we seek the help of Ordinances when we have in our armoury Acts like the Criminal Law Amendment Act to cope with any emergency? My honourable friends may rest assured that no persons under the Ordinance were arrested for activities other than the anti-war activities.

Chaudhri Krishna Gopal Dutt : What about those persons who were arrested before you issued instructions?

Premier : My honourable friend is unnecessarily getting restive. I am coming to that point also. He stated that certain people had delivered speeches long before the promulgation of the Ordinance on the 3rd September. But on the very day of its enforcement indiscriminate arrests were made for their speeches delivered previously. In this connection I may tell the honourable members opposite that in the first instance no arrests under the Ordinance were made for activities other than anti-recruitment activities. But if any persons were arrested for speeches delivered before the promulgation of the Ordinance, they could inform the courts about that. Again, if the courts fail to help them, they should come to me. I would see that all such cases are withdrawn in which it is found that the speech for which a person has been arrested was made before the promulgation of the Ordinance.

An honourable member : But you are not an appellate court.

Premier : Quite right. But my honourable friend has himself remarked that the executive are invested with powers to show mercy to the accused or in some cases to set aside the verdict of the courts. But all the same I have issued instructions to all the officers concerned that the Ordinance should not be applied to such persons. However, if those persons who have been arrested had no respect for law and order they should have at least respected the wishes of the Congress. Those who deliver speeches against recruitment not only play false to the ideals of the Congress but also betray the interests of their country. Thus they play false to God and man alike. (*Hear, hear.*) I wonder why they do not rebuke those who have tried to break the law and order, and why they try to impeach me for their faults.

My honourable friend then insinuated that I was aware of the arrest of a particular honourable member of this House and I deliberately desisted from preventing his arrest. He used words to the effect that "a distinguished member of the House was made a victim of the Defence of India Act." If the honourable member referred to Pandit Bhagat Ram Sharma, I cannot

say anything in that connection since the case is *sub judice*, but if on the other hand he meant Sardar Hari Singh I can assert without fear of contradiction that it is absolutely incorrect. So far as Pandit Bhagat Ram Sharma's case is concerned it is said that he did not utter a single word that could offend against the provisions of the Defence of India Act. Well! if that is the case, the court will take cognizance of the fact and decide the case accordingly.

Two of my honourable friends, Sardar Sohan Singh Josh and Dr. Satya Pal referred to another matter. They said that the Unionist Party had weakened and it was for this reason that repression was being resorted to. I have no need to refute this transparent mis-statement, but I cannot refrain from referring to the two recent bye-elections. In the bye-election held at Multan, where my honourable friend contended that Muslims of his way of thinking preponderate and a number of arrests were made; my honourable friend, Shaikh Muhammad Amin, was successful and in the other bye-election held at Amritsar, not only did that puny little man over there (Shaikh Sadiq Hassan) defeat the President of the Provincial Congress Committee, but also gave a crushing defeat to a very big leader of another party. In spite of all this the Opposition does not feel ashamed and continues its campaign of falsehoods against the Unionist Party. I am reminded of a story in this connection. A certain weaver who was hit by an arrow said, "May it prove untrue that an arrow has hit me." The same is the case with them. (*Hear, hear.*)

Again, it has been said that I issued a warning to those who were making speeches against recruitment, that if they did not stop their activities they would be severely dealt with. My reply to that statement is very simple. The warning was issued because it is my firm belief that prevention is better than cure. Thus whenever I find that there is danger of some 'epidemic' breaking out I at once issue a warning. I have stated more than once that law cannot and should not be expected to respect personalities. It should be clearly understood that the Punjab is the sword arm of India and, therefore, this law has much more importance here than in other provinces which have no military traditions. I made it clear even to the big leaders of the Congress that there was a big ocean's difference between their position and ours. When they asked what that difference was, I told them that if the political brethren of my honourable friend, Sardar Sohan Singh Josh, from Russia attacked India the Congress leaders will be sitting comfortably in their chairs in the Central Provinces, Bihar, the United Provinces, etc., and it is the Punjab that will have to bear the brunt of such an attack. Is it not well-known as to who came forward to defend the country when Duranis and other northern people attacked India? Similarly, if the people from across the northern borders come with the intention of creating wreck and ruin in India I and my friends will have to draw swords in the defence of our country and countrymen. (*Hear, hear.*) If a tribesman wants to burn my house to ashes there is no reason why I should not defend it. Again if those tribesmen are accompanied by the friends of Sardar Sohan Singh Josh, the position will be still worse. Of course we Punjabis will do everything in our power to drive them off our borders, but if I fall and they reach Delhi most of my Congressite friends will be the first to come forward to give them a rousing reception and present an address of welcome saying that the old

[Premier.]

imperialists were detestable oppressors but the new conquerors are gods-incarnate. (*Hear, hear.*)

Thus so long as I believe that the Punjab should join hands with the Allies for the successful conclusion of war it is my duty to see that the provisions of the Defence of India Act are not allowed to be contravened. I have already issued a warning in this connection and now I again warn all concerned that whoever offends against this law shall be severely dealt with—be he my own son or the biggest leader of the country. I will not spare even a single mischief-monger in the province.

Dr. Sant Ram Seth : It is flattery run riot.

Premier : I am not flattering anybody. I am only requesting my friends opposite to desist from creating obstacles in my way. Whatever I intend to do is to help my honourable friends over there at this critical juncture.

Dr. Sant Ram Seth : We do not stand in need of your help.

Premier : It is my firm belief that they do stand in need of my help. When their time would come they would be free to adopt the policy of submission and resignation, but to-day I must do my level-best to defend my country and countrymen from all possible attacks.

I deem it my duty to take action to save the country and the good name of my province and guard against those who break law and protect Chaudhri Krishna Gopal Dutt and Dr. Sant Ram Seth. I am sure they will be the first to run away with their shoes in their hands if any revolution breaks out. (*Cheers.*) The honourable members who are sitting on the opposite benches may rest assured that God willing I will save all without any distinction of caste or creed. (*Cheers.*)

Chaudhri Krishna Gopal Dutt (Urdu) : Sir, I have attentively listened to the speech made by the Honourable Premier but I am sorry to say that he has discussed only irrelevant matters and he has not spoken a single word in connection with the proposition which is at this time before the House. Throughout his speech he has been praising the British Government and condemning Nazism. Now as he has touched these questions I deem it my duty to answer those points.

Before I draw the attention of the House to any other important matter, I want to tell them that if they have made up their minds to believe what the Premier has said, right or wrong, then that is another matter. (*Interruptions.*) I submit that if there was a right for the freedom of speech then the Ordinance has been misused. The Premier has not spoken even a single word about the arrests made under the Defence of India Ordinance throughout the country before or after its enforcement. But he has mentioned Pandit Bhagat Ram Sharma in passing. He has confessed that Pandit Bhagat Ram Sharma was arrested under the Defence of India Ordinance. But he has not cared to say anything about Pandit Bhagat Ram Sharma, a very distinguished member of this august House who was handcuffed not once but several times in a very insulting manner. The Honourable Premier has not uttered a single word about it also. (*At this stage Mr. Speaker resumed the chair.*)

Now, Mr. Speaker, you have come. You do not know what remarks the Premier made in your absence. He has said many irrelevant things about the present war and also stated that Nazism is a menace to everybody. But he has not said that Imperialism is as dangerous as Nazism. He has not the courage to say so.

Then the Honourable Premier referred to the attacks made on India by foreign invaders. As far as foreign invaders of India are concerned, I will submit to the Honourable Premier that it were his ancestors who helped them. The Punjab was ruled by Punjabis in those days. It were his forefathers who put the yoke of slavery round our necks. Only those people brought the slavery.

They ought to know that the menace of Nazism is a remote one. The immediate danger which is threatening our very existence is the danger of the British Imperialism. To-day the Honourable Premier is pleading the cause of the British Imperialism by bringing forth the menace of Fascism and Nazism. But had the British Government been at war with any democratic country such as the United States of America, Denmark, Holland or Switzerland, he would have been the first even then to exhort his fellow countrymen to lay down their lives in defence of this very Imperialism.

The Honourable Premier was pleased to announce in the Zamindars Conference held at Niaz Beg that after the successful conclusion of the war, India would be given complete independence. But now the Viceroy has told us in unequivocal terms that even dominion status could not be possibly conferred upon India immediately after the war. The Viceroy says that it will be by slow and steady degrees that India would be allowed to proceed towards its political goal—the dominion status. Now I ask the Honourable Premier in all seriousness as to what attitude he proposes to adopt in view of the Viceroy's declaration which has turned out to be contrary to his professions. It is up to him to reconsider his decision in the light of the declaration and state as to whether it would be in the fitness of things to offer unqualified help to the British Imperialism under the present circumstances. So far as the Ordinance is concerned every person is well within his rights to offer healthy criticism against its abuse though I admit that one should avoid uttering things against recruitment.

The Honourable Premier has remarked that the Unionist party is very popular among the masses and he has tried to give instances of the Amritsar and Multan bye-elections in support of his contention. But I think it is well known to him as to how far these elections based upon moral and ethical principles were immorally conducted in those constituencies. (*Voices: "No, no."*) Honourable members may say "No, no" at the top of their voices but it is just like "my lady protesting too much." I am sure my honourable friends opposite would bear me out that the Honourable Premier has made out a very flimsy case and has miserably failed to satisfy the Opposition by his arguments. Not only it is not said that such an Ordinance is not required to be enforced in the Punjab but it is straightaway enforced here. We ask, was it at all necessary that this Ordinance should be enforced here? The Honourable the Premier in the first instance denies responsibility for the enforcement of this Ordinance and then he expresses his regret at the turn which this situation has taken. Under these circumstances, was it not his duty

[Ch. Krishna Gopal Dutt.]

to inform the Government of India that in his province the state of affairs was not such that could justify the application of the Defence of India Ordinance? But he has done nothing of the sort. May I know why, when other provincial governments have done the same, has he not deemed it advisable to do so? Does he consider himself to be a greater champion of freedom than others that he has not thought it worthwhile to do so? Does he in any way regard Mr. Rajagopala chariar, Mr. Pant and Dr. Kher inferior to himself? They have been to jails for the sake of their country. They are prepared to make any sacrifices for it. Can he in any way compare himself with them? Are they the enemies of their motherland and you the torch bearer of democracy, independence and self-government that you cannot do what they have done? If Mr. Rajagopala chariar can inform the Government of India on behalf of his Government that the Defence of India Ordinance should not be extended to his province, why could not my honourable friend over there see his way to inform them that he too was not prepared to apply the wretched Ordinance to his province? This is the first point on which I contend that my honourable friend over there has violated the rights of the people of the Punjab. As my time is practically over I conclude by appealing to the House that my adjournment motion may be accepted.

Premier : I would like to reply very briefly to two points. My honourable friend opposite has said that many arrests have been made under the Defence of India Ordinance and that not only those persons have been arrested who made anti-recruitment speeches but even others have been run down. I have already fully explained to my friend that not a single person has been arrested who did not indulge in anti-recruitment activities. Of course those who indulged in such activities have been apprehended. I have got a list of persons who were guilty of making anti-recruitment speeches. Besides, I have already explained my feelings on the point that I regard every such person who makes anti-recruitment speeches as the worst traitor of his country and nation. My honourable friend, Sardar Sampuran Singh, is smiling. The mention of the services rendered by him during the last Great War is made in the official record of the Lyallpur district. He rendered all that assistance to Government because war then was the main concern of the Britishers. But in the present war which is equally the concern of this country my friend would not do all he can to win it. (*Interruptions.*) My honourable friend opposite has also stated that I have not informed the House as to what was my view about the aims and objects of the present war. What reply can I give him when even the biggest of statesmen have not been able to give any opinion of their own? I am not an irresponsible person like my honourable friends opposite that I should say anything which may spoil the whole matter. I would like to tell the Viceroy and the leaders of the various parties that the main cause of our failure is that what we demand from the Britishers, we are not conceding the same thing to our own brethren, and if the latter were conceded, the English could not have dared to reject our demand. I may assure my honourable friends that they will certainly have full independence after war. By that time all enemies of our country would have been crushed. But the pity is that our friends indulge in diplomacy and bargaining and so long as they continue to do so they are sure to come into conflict with the Britishers. But if my honourable friends

abide by what I say and secure good will of the reasonable elements of all sections I will get them dominion status within 15 days what to speak of 15 months. (*Loud applause.*)

Mr. Speaker : Question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 40, Noes 85.

AYES

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhim Sen Sachar, Lala.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqr Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
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.
Lal Singh, Sardar.

Mazhar Ali Azhar, Maulvi.
Muhammad Hassan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir 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.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
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, Khan
Sahib Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable
Chaudhri Sir.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqr Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Baha-
dur Maulvi.
Ghulam Qadir Khan, Khan Baha-
dur.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.

Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Nawabzada Major
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable
 Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammd Amin, Khan Sahib
 Shaikh.
 Muhammd Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 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.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.

Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Hon-
 ourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Hon-
 ourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

The Assembly then adjourned till 12 noon on Tuesday, 31st October, 1939,

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 31st October, 1939.

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

STARRED QUESTIONS AND ANSWERS.

UNION OF TERMINAL TAX EMPLOYEES OF MUNICIPAL COMMITTEE, GUJRANWALA.

***4883. Dr. Satyapal :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Municipal Committee, Gujranwala, has refused to recognise the duly registered union of terminal tax employees; if so, why;
- (b) whether these employees have to work for 12 to 15 hours without any respite and also on every day of the week?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) For reasons best known to it the Committee refused to recognise the union.

(b) The terminal tax staff has to work for 12 hours every day, there being two sets of the staff, one for day duty and the other for night duty. This system has been in vogue since long.

Lala Duni Chand : Has the Government anything to do with the so-called best reasons for which the municipal committee took that action?

Parliamentary Secretary : It is not intended to interfere with the day to day administration of the committees.

Chaudhri Muhammad Hasan : Has he not ascertained the reasons of the municipal committee?

Parliamentary Secretary : The committee had good reasons for the action taken.

Chaudhri Muhammad Hasan : What are those good reasons?

Parliamentary Secretary : It is not necessary to go into those reasons, because there is nothing in the Municipal Act to compel a municipal committee to accept or recognise any union of its employees.

Chaudhri Muhammad Hasan : What I asked was whether you know the reasons?

Lala Duni Chand : Is this the conception of the control by the Government that municipal committees are allowed to do anything and play ducks and drakes with anything and anybody? I understand the Government is retaining control over the working of the municipal committees. If the Government has given up control over these committees, then it is a different thing.

Parliamentary Secretary : Government has full control over the committees but it is the policy of the Government not to interfere in the day to day administration of the committees.

Pandit Shri Ram Sharma : What are those matters in which interference by the Government is considered undesirable ?

Parliamentary Secretary : That is a very long list.

Pandit Shri Ram Sharma : Can you roughly say in what matters it does not interfere ?

Parliamentary Secretary : I cannot state it off-hand.

Dr. Gopi Chand Bhargava : Does the Government approve of the policy of the municipal committee in not recognizing the union ?

Parliamentary Secretary : There is no question of approving of the policy in this particular respect. The position is that there is nothing in the Municipal Act to compel the committee to recognize the union. Therefore it is not a matter in which Government considers it proper to interfere with the discretion of the committee.

Dr. Gopi Chand Bhargava : Are we to understand that the Government thinks this not to be a fit matter to interfere ?

Parliamentary Secretary : I never said that Government does not consider it a sufficiently important matter. What I said was that there is nothing in the Municipal Act to compel a committee to recognise a particular union and therefore that is a matter in which Government does not feel called upon to interfere with the discretion of the committee.

Dr. Gopi Chand Bhargava : My question is whether the Government approves of this policy or not. If they approve of this policy, they have got no cause for interference, but if they do not approve of this policy, what debars the Government from interfering in the matter ?

Minister for Public Works : Government only exercises its powers when a committee, in its opinion, is doing something against the Act or following a policy that is wrong. In this case we left it to the discretion of the committee.

Sardar Sohan Singh Josh : Does the Government consider it good for its existence that committees should keep its employees employed for fifteen long hours a day ?

Mr. Speaker : Disallowed.

COMPLAINTS AGAINST PRESIDENT, MUNICIPAL COMMITTEE, REWARI.

***4895. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the Deputy Commissioner, Gurgaon, received from six municipal commissioners of Rewari, Gurgaon, representations (two on 3rd, one on 6th, six on 7th, one on 26th, one on 27th February and one on 21st March, 1939) against several irregularities and acts of high handedness on the part of the President, Municipal Committee, Rewari ;

(b) if so, the points of complaint in brief and the action taken on them, and, if no action has been taken, the reasons thereof ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The following representations regarding alleged irregularities and acts of high-handedness committed by the President, Municipal Committee, Rewari,

were received by the Deputy Commissioner, Gurgaon, from Lala Ragbir Singh, a member of the committee :—

- (1) One on 3rd February, 1939.
- (2) One on 6th February, 1939.
- (3) Three on 7th February, 1939.
- (4) One on 26th February, 1939.
- (5) One on 27th February, 1939.

(b) A statement giving the required information is laid on the table.

Pandit Shri Ram Sharma : May I know whether the statement laid on the table is a very lengthy one ?

Parliamentary Secretary : In the statement it is shown on what matters the Government has taken action. It is not a very long one, but as it is in the form of a statement, it is rather inconvenient reading.

Mr. Speaker : Was a copy of the statement supplied to the honourable member ?

Minister for Public Works : Copies are supplied to the Assembly.

Pandit Shri Ram Sharma : Should copies not be supplied to the member direct ?

Lala Deshbandhu Gupta : Copies are not supplied to the members. though they should be.

Parliamentary Secretary : If my honourable friend wants it to be read, I have no objection.

Pandit Shri Ram Sharma : Is it a fact that a period of about one year has elapsed since these complaints were made but so far no reply has been received from the President of the said Committee ?

Parliamentary Secretary : If Government had received any reply from the President, I would certainly have read it out to the honourable member. But so far as the action taken by the Government in the matter is concerned, I have already informed him about that.

Pandit Shri Ram Sharma : Is it a fact that notwithstanding the lapse of a period of one year no reply has been received ?

Parliamentary Secretary : Unfortunately the municipalities in which the elected members are in a majority, are very careless in replying to our queries. They do not send replies in spite of reminders.

Pandit Shri Ram Sharma : May I know if Government do not realize their responsibility in this matter ?

Parliamentary Secretary : Government do realise their responsibility but the difficulty is that the municipal committees are found wanting in it.

Pandit Shri Ram Sharma : May I know if it is under the consideration of the Government to take action against those municipal committees who do not realize their responsibility ?

Parliamentary Secretary : The municipalities, whose conditions deteriorate to an alarming degree, are superseded.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary sure that the condition of this particular Municipal Committee has not deteriorated ?

Parliamentary Secretary : If my honourable friend makes a recommendation for its supersession, Government would duly consider the suggestion. (*Laughter.*)

Pandit Shri Ram Sharma : May I know as to when action was taken by the Deputy Commissioner ?

Parliamentary Secretary : My honourable friend is better acquainted with the conditions of that committee. If he brings them to the notice of the Government, the latter would be delighted to consider them.

Pandit Shri Ram Sharma : This is a sermon and not a reply. (*Laughter.*) Will the Parliamentary Secretary please state as to when action was taken by the Deputy Commissioner on the complaints which remained with him from February to the end of March ?

Parliamentary Secretary : I regret I am not in a position to tell him the exact date. But the usual procedure is that the complaints received by the Deputy Commissioner are at once forwarded to the president of the committee for report, after the receipt of which necessary action is taken.

Lala Duni Chand : May I know if the Government pleads its utter inability to do anything to undo these wrongs that have been done ?

Parliamentary Secretary : I leave it to the good sense of the honourable member to judge.

Statement.

Complaint.	Action taken by the Deputy Commissioner.
<ol style="list-style-type: none"> 1 The annual budget of the Municipal Committee of Rewari for the year 1939-40 had not been properly prepared. 2 The date of next meeting is not fixed in the previous meeting. 3 The proposals made by the members for inclusion in agenda are not complied with by the President or the Secretary. 4 Sufficient notice was not given for the meeting held on the 23rd January, 1939. 5 Charging of travelling allowance by the officials and members of the committee. 6 Appointment of a qualified Overseer by the Committee. 7 Unsatisfactory lighting arrangements on streets 	<p>The budget was fully examined before submission to the Commissioner for sanction and various suggestions were made where necessary.</p> <p>The report of the President called for is awaited.</p> <p>The committee reduced the travelling allowance of its members and officials required to go to Gurgaon to conduct cases in civil courts on behalf of the Committee. The arrangement did not work well and consequently the Committee had to raise the rate of travelling allowance according to the Municipal Account Code, 1930.</p> <p>The Deputy Commissioner has asked the Committee to report in the matter.</p>

**TIME FIXED FOR ALLOWING THE TAXI CARS FOR KASALI TO CROSS
THE BARRIER AT KALKA.**

***4919. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state the time fixed for allowing the taxi cars for Kasali to cross the barrier at Kalka; if so, reasons for fixing it and the action the Government intends to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No motor vehicle proceeding upwards is allowed to pass the barrier at Kalka after 6-30 P.M. unless a special permit has been obtained.

Bullock-cart traffic is not permitted on this road except at night, and restrictions on the use of motor vehicles during these hours are clearly necessary.

**REPRESENTATION OF THE SECRETARY OF THE WATER CARRIERS
UNION, GUJRANWALA.**

***4943. Master Kabul Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he has received a representation from the Secretary of the Water Carriers Union, Gujranwala, to the effect that the Municipal Committee has not been acting upon the circular issued by the Government to all Deputy Commissioners *quo-ad* the taking of the sweepers and ~~water-carriers~~ on the regular establishment as whole-time servants;

(b) if answer to (a) above be in the affirmative, action taken or proposed to be taken by the Government in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes, but the Government circular refers only to sweepers.

(b) No action is contemplated.

ROADS IN KANGRA DISTRICT.

***4948. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that the roads (i) Thural to Sujanpur, (ii) Sujanpur to Hamirpur, (iii) Hamirpur to Jahu, (iv) Jahu to Pir Nagah, (v) Nadaun to Jawar, (vi) Dehra to Talwara *via* Dada, in the Kangra district, are closed for wheeled traffic though they are open to private motors or lorries for officers' personal use;

(b) if so, why and the action the Government propose to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The position in regard to the use of motor vehicles on the roads in Kangra (and indeed on the hill roads throughout the province) was reviewed under the orders of Government in 1936-37, following a shocking accident on the Jahu-Pir Nagah road in which sixteen lives were lost. Arrangements were made for each road to be examined by a board of experts, who were required to give their opinion to what extent motor vehicles could safely be allowed to use it.

Sh. Faiz Muhammad.]

As a result of this review the six roads mentioned have been closed to public passenger buses. The position regarding each of them is as follows : The road from Dehra to Talwara (via Dadha) is closed to wheeled traffic of all kinds. The road from Nadaun to Jawar is ordinarily closed to public motor traffic, but special permits are occasionally issued allowing vehicles carrying marriage parties and the like to use it. The remaining four roads have been closed to bus and lorry traffic since the accident mentioned above. The use of private motor cars on them is permitted, but in practice the volume of such traffic is small. Lorries carrying luggage have on occasions been granted special permits to use these roads but until money can be found for their improvement it would be unsafe to allow passenger buses on them.

Pandit Bhagat Ram Sharma : How long will the Government take to find out funds for the repairs of these roads ?

Parliamentary Secretary : It is very difficult for me to reply to this question. I cannot say anything.

Pandit Bhagat Ram Sharma : Does the Government intend to provincialise these roads in view of the fact that the district board has failed to set these roads in good condition for the last three years ?

Parliamentary Secretary : This is a request for action.

Mr. Speaker : Disallowed.

TALWARA-DAULATPUR ROAD.

*4949. **Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that Talwara-Daulatpur road in the Hoshiarpur district is closed to wheeled traffic and that there are no other means of communication in that *ilaga* ; if so, the action the Government proposes to take to remove the particular grievance of the public in this connexion ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No. There are no special restrictions on this road.

PROVINCIALISATION OF ROAD BETWEEN BUREWALA AND MIAN CHANNU.

*4951. **Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state whether Government has received any representations recently from the public of Burewala and Mian Channu that the road between these two important trading centres be provincialised ; if so, the action taken on these representations ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No representation has yet reached Government in the Public Works Department but the road in Public Works Department charge from Burewala to Kamand (10½ miles) is already metalled and tarred and six miles of the road at Mian Channu end, which are also metalled and are in the charge of the district board, are included in the road programme for provincialisation.

METALLING OF ROAD BETWEEN CHICHAWATNI AND BUREWALA.

***4952. Sardar Ajit Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) when the Public Works Department road between Chichawatni and Burewala will be metalled ;
- (b) how much portion of this road is *kacha* and how much of it is *pucca* at present ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The road is included in the 8 year skeleton Road Programme of road construction in the Punjab. It is proposed to metal the unmetalled length of this road in the years 1941-42 and 1942-43.

(b) At present 18.06 miles are metalled and 11.64 miles are unmetalled.

SECRETARY, MUNICIPAL COMMITTEE, HISSAR.

***4966. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the scale of the pay of the Secretary, Municipal Committee, Hissar ;
- (b) the number of the allowances together with the amount of cash he is being granted ;
- (c) whether it is a fact that plots of land valuing several thousands of rupees were given by the Municipal Committee, Hissar, to the Secretary as a reward for his services ;
- (d) if so, what is the size of the plots and their market value ;
- (e) will the Government lay on the table inspection notes, dated 16th December, 1937, of Mr. Hearne, Commissioner, Ambala division, in relation to the Municipal Committee, Hissar ;
- (f) whether it is a fact that the Commissioner took strong objections to the allowances drawn by the Secretary and ordered an immediate stoppage thereof ;
- (g) what action has been taken by the municipality or the Government in this connexion ;
- (h) what is the scale of the pay and actual pay of the secretaries in different municipal committees in Ambala division ;
- (i) why the Secretary, Hissar Municipal Committee, is drawing such a high pay ;
- (j) whether the attention of the Minister of Local Self-Government has been drawn towards the observation of Mr. Hearne in his notes, dated 16th December, 1937, that the pay of the Secretary of the Committee is higher than those of the other committees in the division ; if so, what action Government proposes to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The reply to this question is very lengthy. So I place it on the table of the House.

Sardar Sohan Singh Josh : Sir, I think, the reply to this question must be read. You must compel the Parliamentary Secretary to read the reply.

Parliamentary Secretary : I thought that as the reply to this question was a long one so I might place it on the table of the House. If the honourable member is so anxious I have no objection to read the reply.

(a) The present scale of the pay of the Secretary is Rs. 160—8—200. A special pay of Rs. 50 per mensem is also given to the present incumbent for conducting cases in courts on behalf of the Committee.

(b) A house rent allowance of Rs. 15 per mensem.

(c) A plot of land was given to the Secretary free of cost with the previous sanction of the Commissioner. It was lying vacant and was not yielding any income to the Committee.

(d) The size of the plot is 40×48 yards and its market price was estimated to be Rs. 70 only when it was given to the Secretary.

(e) The inspection note is a lengthy document and it would involve much time and labour to get it copied. But if the honourable member were to come to my room I could let him see it.

(f) No.

(g) Does not arise.

(h) The information about the actual pay of the secretaries of various municipal committees in the Ambala division is not available, but their grades of pay in some of the principal Municipalities in the division are :—

	Rs.
Rohtak Municipal Committee	175—5—200 (personal).
Rewari Municipal Committee	100—5—150
Panipat Municipal Committee	100—5—150
Ambala city Municipal Committee	100—10—150
Karnal Municipal Committee	118—5—143

(i) The present incumbent on his first appointment as Secretary of the Committee in 1916 was given a grade of Rs. 100—5—150 *plus* a house allowance of Rs. 15 per mensem but in view of the general increase in the cost of living he was given his present grade in 1921. The personal pay of Rs. 50 per mensem was sanctioned for him from 1st April, 1933, for conducting the cases of the Committee in courts without engaging a pleader; which arrangement is considered economical.

(j) Yes, but in view of the reply to part (i) Government do not propose to take any action in the matter.

NOTIFIED AREA COMMITTEE, CHICHAWATNI.

*4967. **Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister of Public Works be pleased to state—

(a) population and the income *per capita* of the Notified Area Committee, Chichawatni, district Montgomery;

(b) whether there are any other towns in the Punjab with a lesser or equal population and income who have 2nd class municipalities;

- (c) whether there is a proposal to declare the Notified Area Committee, Chichawatni, as a municipal committee?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Population 4,887.

Income *per capita* Rs. 10-15-0.

(b) Yes.

(c) No. A proposal to convert the notified area into a municipality was however examined last year but was dropped as it was considered that the conversion would be disadvantageous to the town which is still not fully developed.

Sardar Sohan Singh Josh : Will the honourable Parliamentary Secretary please state as to why the Chichawatni Notified Area has not yet been declared a municipality?

Parliamentary Secretary : May I repeat the answer that I have given? What I stated was that a proposal to convert the notified area into a municipality was examined last year but was dropped as it was considered that the conversion would be disadvantageous to the town which is still not fully developed.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware that the people of that area have made representations to the effect that its conversion into a municipality will be of very great advantage to them?

Parliamentary Secretary : People commit all sorts of mistakes which are too numerous to mention and too trivial to mind.

Sardar Sohan Singh Josh : Is this the Government's point of view?

Lala Bhim Sen Sachar : May I know how conversion of a notified area into a municipality will be disadvantageous to the inhabitants of that place? In what manner will the disadvantage result?

Parliamentary Secretary : It is a colony town and not fully developed and the grants-in-aid for colony towns are greater than the municipalities ordinarily receive. It will not, therefore, be in the interest of the town itself to convert it into a municipality. As soon as the town is fully developed, it will naturally become a municipality.

Lala Bhim Sen Sachar : May I take it that, under the rules as they are, the conversion of a notified area into a municipality will automatically stop the grants-in-aid which are given by the Government?

Parliamentary Secretary : Yes.

Sardar Sohan Singh Josh : Is it a fact that the grants which had to be made to the Chichawatni notified area have not been made so far?

Parliamentary Secretary : There is always some delay in the sanction and payment of a grant, but this does not mean that the grant has been withheld or cancelled.

ELECTIONS OF THE GOJRA MUNICIPAL COMMITTEE.

***4970. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the date on which the last general elections of the Gojra (district Lyallpur) Municipal Committee were held;
- (b) the date on which fresh elections were due;
- (c) the reasons for delaying the fresh elections?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 10th, 11th and 12th January, 1934.

(b) February, 1937.

(c) The wards of the Gojra municipality were under revision and the final notification in this respect was issued on the 10th July last.

Mr. Dev Raj Sethi : May I know why the wards have not been re-constituted even after two years?

Parliamentary Secretary : I have said that it is not an easy job to reconstitute wards. First of all, the proposals are made, then objections are received, and finally the objections are disposed of. This is a lengthy procedure and it takes a very long time to decide the matter.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state as to when this question was first taken up?

Parliamentary Secretary : I am sorry I cannot give the exact date. When the last elections were held it was observed that the city had spread beyond the old limits, and therefore it became necessary that the wards be reconstituted.

LAHORE IMPROVEMENT TRUST.

***4971. Rai Bahadur Binda Saran :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the date on which the Lahore Improvement Trust was established;
- (b) the total expenditure incurred by the Trust to date;
- (c) whether it is a fact that the accounts of the Trust have never been audited by Government since its inception;
- (d) if the answer to (c) above be in the negative the date, when the accounts were last audited?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 2nd January, 1936.

(b) Rs. 3,48,559 up to 31st July, 1939.

(c) No.

(d) The accounts were last audited on the 14th to 28th July, 1939.

Lala Bhim Sen Sachar : May I know when the notice of this question was received?

Parliamentary Secretary : It is very difficult for me to say when it was received.

Lala Bhim Sen Sachar : Is it possible for him to state if the accounts were not audited after the receipt of this notice ?

Parliamentary Secretary : The accounts were last audited on the 14th to 28th July, 1939.

Lala Bhim Sen Sachar : Did not the audit take place after the notice of this question had been received ?

Parliamentary Secretary : It is very difficult for me to state when the notice was received and whether the accounts were audited after the receipt of the notice or before.

Lala Bhim Sen Sachar : Is it only once during the three years that these accounts have been audited ?

Parliamentary Secretary : Yes.

KANGRA DISTRICT BOARD RESOLUTION IN CONNECTION WITH THE
RETENTION OF KANGRA VALLEY RAILWAY LINE.

*4973. **Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether or not the Kangra district board passed a resolution in connection with the retention of the Kangra Valley Railway line; if so, what are the terms of the resolution and what action, if any, does the Government intend to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes, the district board, Kangra, at its meeting held on the 31st January, 1939, passed a resolution requesting the Government to intervene in the matter of the proposed closure of the Kangra Valley Section of North Western Railway. The matter is under the consideration of the Government.

Pandit Bhagat Ram Sharma : May I know since when this matter is under the consideration of the Government ?

Parliamentary Secretary : The question has been under the consideration of the Government ever since the question about closing down of this railway arose.

Pandit Bhagat Ram Sharma : Has the Government made any representation to the Central Government in this connection ?

Parliamentary Secretary : So far no recommendations have been made to the Central Government in this behalf.

Pandit Bhagat Ram Sharma : May I know whether any recommendations were made by the Punjab Government on the basis of this resolution passed by the Kangra District Board ?

Parliamentary Secretary : I stated that the matter is still being considered and no recommendations have been made to the Central Government.

Pandit Bhagat Ram Sharma : May I know whether the Punjab Government is ready to subscribe towards the loss that might accrue ?

Pandit Bhagat Ram Sharma : May I know whether the Government has received any representation from the public in this connection ?
(Interruption.)

Parliamentary Secretary : You are still harping on the old question.

Pandit Bhagat Ram Sharma : I know but the question was asked by me and I want the answer.

Parliamentary Secretary : Which question are you referring to ?

Mr. Speaker : Question No. 4978 is still before the House.

Parliamentary Secretary : Very well, Sir.

Pandit Bhagat Ram Sharma : My question is whether any representations were received by the Punjab Government from the public including the Deputy Commissioner of Kangra district requesting the Punjab Government to retain the railway line ?

Minister for Public Works : Yes.

Lala Bhim Sen Sachar : What about contribution towards the loss ?

Minister : It has been said in reply that the matter is being sympathetically considered.

Pandit Bhagat Ram Sharma : May I know the cause of delay by the present Government ?

Minister : There is no question of delay. The railway is still functioning and the question of its closing down is being considered and it will not be closed down unless and until the Punjab Government has come to a decision.

Munshi Hari Lal : There is suspense in the mind of the public.

Minister : Who has any suspense ? It is functioning and the honourable member can go and travel in that part of the province if he likes to.

NUMBER OF PERSONS EMPLOYED IN DISTRICT BOARD, FERROZPORE ON TEMPORARY AND PERMANENT POSTS.

***5002. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of persons employed in District Board, Ferozepore, on temporary and permanent posts in 1935, 1936, 1937 and 1938 with their names, castes and home districts ;
- (b) the manner in which the employments are made ;
- (c) the names of the candidates for posts in the above-mentioned establishment in case any list of candidates is kept ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : As this question savours of communalism, I am afraid I am unable to answer it on the floor of the House. If, however, the honourable member would care to put in an unstarred question, the information will be collected.

Captain Sodhi Harnam Singh : I want the names of the employees

Minister for Public Works : If the honourable member sends in an unstarred question, he will have all the information he wants.

ASSISTANT PANCHAYAT OFFICERS.

***5003. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the total number of district and assistant panchayat officers at present in the Punjab ;

- (b) their salaries and their grades of pay ;
- (c) the duties and functions of the district panchayat officers ;
- (d) the duties and functions of the assistant panchayat officers ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 95 panchayat officers and 102 assistant panchayat officers.

(b) Grade pay of panchayat officers Rs. 75—5—125 per mensem.

Grade pay of assistant panchayat officers Rs. 45—3—75 per mensem.

(c) and (d) A panchayat officer will work throughout the district and an assistant panchayat officer in the tahsil to which he may be attached. Briefly, it will be their duty to impress on the villagers, by persuasion and personal talks, the benefits of the panchayat system and to look into the condition of existing panchayats assisting them with advice and guidance.

Munshi Hari Lal : Does the Government propose to appoint more panchayat officers and assistant panchayat officers ?

Parliamentary Secretary : A sufficient number has been appointed. If there is any further need, Government will certainly consider the matter, but at present there is no such proposal under consideration.

Pandit Bhagat Ram Sharma : Is it a part of the duty of the panchayat officer to carry on the propaganda of the Unionist Party ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : What are the minimum qualifications required for appointment as panchayat officers and assistant panchayat officers ?

Minister for Public Works : Missionary zeal for the welfare of the villagers.

Pandit Shri Ram Sharma : May I know the criterion for judging this missionary zeal ?

Minister : Those who have been elected by those interested know best who would work for their welfare.

Pandit Shri Ram Sharma : What I want to know is how you judge that missionary zeal of the candidates.

Minister : The elected people who command the confidence of the elected representatives of this House.

Pandit Bhagat Ram Sharma : Does the Honourable Minister by missionary zeal mean the Muslim League propaganda ?

Mr. Speaker : Disallowed.

Lala Harnam Das : How many panchayat officers and assistant panchayat officers belong to the scheduled castes ?

Minister : If the honourable member gives notice of this question I shall be only too glad to give him the exact number. I may, however, inform him that quite a sufficient number belongs to the scheduled castes.

Lala Harnam Das : May I know whether the candidates who had been called for interview were ignored and others were appointed ?

Minister : Suitable candidates were appointed in preference to those whose only qualification was somebody's recommendation.

Lala Harnam Das : What were the outstanding qualifications of those candidates who have been appointed as panchayat officers and assistant panchayat officers ?

Minister : Solicitude for the welfare of the scheduled castes.

Chaudhri Jugal Kishore : Will the officers appointed from among the members of the scheduled castes work in connection with matters concerning the depressed classes alone ?

Minister : Their main duty will concern matters relating to the scheduled castes. But if others also require their services they will be available.

Lala Bhagat Ram Choda : Is it a fact that candidates recommended by the members opposite have been appointed whereas the candidates recommended by the honourable members sitting on these benches have not been so favoured ? (*Laughter.*)

Lala Duni Chand : Will the Honourable Minister be good enough to search his heart and say whether the consideration of favouritism and nepotism has not played any part in making these appointments ?

Minister : This is not a question.

JUNIOR VICE-PRESIDENT, MUNICIPAL COMMITTEE,
AMBALA CITY.

***5011. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the term of the Junior Vice-President, Municipal Committee, Ambala city, expired about 18 months ago and that of the Senior Vice-President expired about 6 months ago ;
- (b) whether the election of these two officers has taken place as required by the rules ; if not, why not ;
- (c) who is exercising the powers of the Senior Vice-President and Junior Vice-President in question ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The office of the Junior Vice-President of this Committee remained vacant for about 10 months and that of the Senior Vice-President for about 6 months.

- (b) Yes, the elections have taken place.
- (c) The two vice-presidents concerned.

Lala Duni Chand : May I know if in view of the fact disclosed the Government has thought it worth while to take any action ?

Parliamentary Secretary : What action ?

Lala Duni Chand : That the election has been overdue by 18 months.

Parliamentary Secretary : No action has been taken and none is contemplated.

Lala Duni Chand : Is it because the matter is not serious ?

Parliamentary Secretary : The elections have now taken place and it is not necessary to take any action.

Diwan Chaman Lal : Why ?

Parliamentary Secretary : Vice-presidents have been elected. The action could only be taken before elections.

Lala Duni Chand : The question is whether they failed to elect the Junior and Senior Vice-Presidents for 18 months and if so, whether the Government thought it worth while to take any action?

Parliamentary Secretary : There was no delay. The attention of the Committee was invited to this fact and they were asked to hold elections. The elections have taken place now and there is no need for any action being taken by the Government.

SUB-COMMITTEES OF THE MUNICIPAL COMMITTEE, AMBALA CITY.

***5012. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether any sub-committees of the Municipal Committee, Ambala city, are existing or functioning now ; if not, since when they have ceased to exist or function ; and reasons, if any, for the same ;
- (b) who is exercising now the powers of sub-committees ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No. They ceased to function in October 1938 when it was pointed out that with the extension of the Executive Officers' Act to the Committee the sub-committees could only continue to exist as advisory bodies ; and as a result the sub-committees continued to exist as such up to February 1938.

(b) The Municipal Committee or its Executive Officer, as the case may be.

Lala Duni Chand : Is it or is it not true that the sub-committees were not allowed to function for a considerable time ?

Parliamentary Secretary : I have said that they ceased to function in October 1938 when it was pointed out that with the extension of the Executive Officers' Act to the Committee the sub-committees could only continue to exist as advisory bodies ; and as a result the sub-committees continued to exist as such up to February, 1938.

Lala Duni Chand : May I know if the appointment of the Executive Officer abrogated the sub-committees ? I suppose not.

Parliamentary Secretary : It is a question of opinion as regards the interpretation of the provisions of the Executive Officers' Act.

COMPLAINT OF MEMBERS OF SCHEDULED CLASSES REGARDING USE OF PUBLIC WELLS IN AMRITSAR DISTRICT.

***5040. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the number of public wells in the Amritsar district ;

[S. Sohan Singh Josh.]

(b) whether all of them are open to the members of the scheduled castes ;

(c) whether he has recently received any complaints from the members of the said caste to the effect that they are not allowed to draw water from some of the public wells ; if so, the action taken by him in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b) The honourable member is referred to the reply given to Assembly Question No. 4866* on the 20th April, 1939.

(c) Government have received no such complaints.

IMPOSITION OF PROFESSIONAL TAX IN LUDHIANA DISTRICT.

***5051. Pandit Muni Lal Kalia :** Will the Honourable Minister for Public Works be pleased to state whether Government intends to redress the grievances of the assesses in the Ludhiana district who have recently been unduly assessed to professional tax in that district and who having been misled by the order of the Professional Tax Officer, have lost their right of appeal because of the period of limitation having expired ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : No such case has come to the notice of Government.

Pandit Muni Lal Kalia : Is it a fact that notices were not properly served upon assesses in professional tax cases ?

Parliamentary Secretary : I have said that no case of any particular hardship has come to the notice of the Government. It is very difficult for me to say whether notices were served or not. But I may inform the honourable member that there are definite rules on the subject and if notices are not served properly, there is a remedy provided in the rules.

Pandit Muni Lal Kalia : May I know the number of appeals filed in regard to these cases ?

Parliamentary Secretary : I would like to have notice for that question.

STRIKES BY MUNICIPAL AND PRIVATE SWEEPERS IN AMRITSAR.

***5053. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) the causes leading to the recent strike of municipal and private sweepers in Amritsar (in the month of June) ;

(b) the extent and duration of the strike ;

(c) the steps taken to break the strike ;

(d) the demands of the strikers ;

(e) how far these demands have been fulfilled ;

(f) steps taken by Government to avoid recurrence of similar strikes in future ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The strike came as a surprise, since the committee had signified its willingness to accept all reasonable demands of the sweepers in a conference held in the Town Hall on the 11th June last. It may have been brought about by the exploitation of sweepers by some irresponsible persons.

(b) Thirty-six hours.

(c) The strike was brought to an end by tactful handling.

(d) The strikers demanded higher wages, less work and more concessions. They were also opposed to the introduction of a new type of pneumatic tyre conservancy cart.

(e) Government are informed that all reasonable demands of the sweepers have in substance been conceded.

(f) In view of the reply to part (e) Government trust that there is no reason to anticipate a further strike.

Diwan Chaman Lall: May I ask my honourable friend whether Government is prepared to consider the desirability of instituting a conciliation machinery of a permanent nature in reference to part (f) of the question?

Parliamentary Secretary: No such proposal is under consideration. Conciliation has already been effected and work is going on amoothly.

Diwan Chaman Lall: May I ask whether the conciliation effected also contemplates that there will be no trouble in future? What I am asking is whether there is any consideration in the mind of the Government of the proposal to set up a permanent conciliation machinery in order to avoid any other disputes as far as possible in future?

Parliamentary Secretary: I have already submitted that the demands of the sweepers have been conceded in substance. We hope and trust that there will be no trouble in future.

Diwan Chaman Lall: May I ask whether in view of the large number of strikes which have taken place it is not desirable that Government should institute a standing conciliation machinery in order to try to prevent industrial disputes of a preventable nature?

Parliamentary Secretary: No such proposal is under contemplation at present but the suggestion of the honourable member will certainly be considered.

SWEEPERS' STRIKES IN THE PUNJAB.

***5055. Sardar Hari Singh:** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of sweepers' strikes in the municipal areas of the Punjab during the last two years;

(b) the causes leading to these strikes?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) Strikes at Lahore, Amritsar and Multan have come to the notice of Government and at all these places the main object of the sweepers was to obtain better terms from their employees.

Diwan Chaman Lall : May I ask whether in view of the fact that there have been a large number of strikes it is not desirable to set up permanent conciliation machinery in future ?

Parliamentary Secretary : The Honourable Minister has heard the suggestion and it will be taken into consideration.

CONTRACTS ON WESTERN JUMNA CANAL.

***5058. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state the respective amount of contracts given to the contractors belonging to (i) the south-eastern districts, (ii) other districts of the province during the last three years on the Western Jumna Canal ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The work involved in collecting information will not be commensurate with the value of the answer. It is, therefore, regretted that information could not be made available.

Pandit Shri Ram Sharma : May I know whether Government has ever considered that the contractors to whom contracts have been given belong to other districts and therefore the contractors of that very district cannot get an opportunity to have contracts ?

Parliamentary Secretary : As I have already stated that such kind of information could not be collected, this question does not arise.

Pandit Shri Ram Sharma : May I know whether the Government is not aware of the fact that divisional officers and sub-divisional officers keep those contractors with them wherever they travel about and the contractors of that district cannot have contracts on that score ?

Parliamentary Secretary : This is a general statement and I have already replied to his question saying that much time will be required for getting this information.

Pandit Shri Ram Sharma : What I want to know is whether or not this fact has come to the notice of the Government ?

Parliamentary Secretary : As far as my knowledge goes I regret to say that no such matter has come to my notice.

RAISING OF PAY OF THE EXECUTIVE OFFICER, MUNICIPAL COMMITTEE BHIWANI.

***5062. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the Executive Officer of the Municipal Committee, Bhiwani, was appointed by the Government on Rs. 120 per mensem and that he took charge of his office on this pay ;

(b) the grade to which the Government raised the pay of the Executive Officer just after his taking the charge with the reasons for raising the grade ;

(a) whether the financial position of the Municipal Committee and its resolution in the matter were taken into consideration before revising the grade of the Executive Officer appointed originally on Rs. 120 per mensem?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes, he was appointed in the time scale of Rs. 120—10—166, but this was due to a misunderstanding.

(b) On a representation made by the Executive Officer, he was placed in the grade of Rs. 275—15—300.

(c) The financial position of the Municipal Committee, as also its resolution on the subject, were taken into consideration before arriving at the decision.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state the name, experience and qualifications of that Executive Officer who was appointed on Rs. 120 per mensem?

Parliamentary Secretary : If the question is put in that form, I will collect information and convey it to the honourable member.

Pandit Shri Ram Sharma : Is he prepared to tell me the name of that Executive Officer?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to tell me particularly that qualification on account of which his grade was revised after his taking over charge?

Parliamentary Secretary : We thought he was an able and useful man and he would stick to that job. But, unfortunately, he refused to stick to that job and we had to revise the scale.

Pandit Shri Ram Sharma : May I know what were those certain points raised in the representation with respect to his ability?

Parliamentary Secretary : Had the honourable member attentively listened to the reply given to his supplementary question he would not have asked me further question. I have already replied that he did not want to remain there on that pay.

Pandit Shri Ram Sharma : Is this the reason why his pay was raised?

Parliamentary Secretary : He had always been protesting against it and so his grade was revised.

Pandit Shri Ram Sharma : May I know whether no abler man was available on the same pay?

Parliamentary Secretary : This is not a question.

Pandit Shri Ram Sharma : Is it a fact that a resolution was passed by the Municipal Committee to the effect that the man in question should not have been given that pay?

Parliamentary Secretary : I have already said that the resolution of the Municipal Committee was considered.

Pandit Shri Ram Sharma : Is it also a fact that extension in his service was due to his application and not to the resolution passed by the Municipal Committee?

Parliamentary Secretary : This extension was given on account of the nature of work he put in and his ability of discharging his duties.

Pandit Shri Ram Sharma : How long did the Government experience his nature of work and how much time did they spend on finding his abilities in respect of discharging his duties ?

Parliamentary Secretary : I am afraid I cannot tell that period off-hand.

RATE-PAYERS' CONFERENCE.

***5070. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state whether proceedings of the Rate-payers' Conference held recently at Lahore have been brought to his notice ; if so, the action taken or proposed to be taken in the light of the said proceedings ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes ; but there was nothing new in the proceedings requiring action on the part of Government.

TRAINED MID-WIVES.

***5092. Shrimati Raghbir Kaur :** Will the Honourable Minister for Education be pleased to state—

- (a) how many trained mid-wives are available at present in the rural area in the district of Amritsar ;
- (b) the maximum number of villages one mid-wife is supposed to serve and whether these mid-wives have been found to be able to cope with the work entrusted to them ?

The Honourable Mian Abdul Haye : (a) The term 'mid-wife' has a specific meaning under the Punjab Nurses Registration Act, 1932. But the honourable member presumably includes in that term trained *dais* and nurse *dais* also. In the Amritsar district there are 35 mid-wives, 66 nurse *dais* and 159 trained *dais*. Of the 85 mid-wives, 11 are working as health visitors. As regards nurse *dais* and trained *dais*, 16 are employed in various hospitals and dispensaries in the district.

(b) Government have not appointed any mid-wives for a definite number of villages. If the honourable member's suggestion is that, considering the size of the district, the number of mid-wives, nurse *dais* and trained *dais* is not sufficient, I am prepared to agree with her.

BUDGET-OF SMALL TOWN COMMITTEE, KALURKOT, DISTRICT MIANWALI.

***5113. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the date on which the budget of the small town committee, Kalurkot, district Mianwali, was submitted to the Deputy Commissioner of the district ;
- (b) the date on which it was sanctioned by him ;
- (c) in case it was not sanctioned, whether the committee is functioning ;

- (d) the cause for the delay in sanctioning the above-mentioned budget?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The budget of the town committee of Kalurkot for the year 1939-40 was received in the office of the Deputy Commissioner, Mianwali, on the 9th March, 1939.

- (b) The 7th August, 1939.

- (c) Does not arise.

(d) The budget being defective in certain respects had to be returned to the committee for re-consideration. It was received back from the committee on the 7th August, 1939, and was sanctioned by the Deputy Commissioner on the same day.

Dr. Gopi Chand Bhargava : May I know whether the committee was within its rights in spending money without the budget being sanctioned and without the previous sanction of the Deputy Commissioner?

Parliamentary Secretary : It is a question of interpretation rules; but I think municipal committees do carry on the work in anticipation of sanction, not extraordinary expenditure but ordinary expenditure is always incurred in anticipation of sanction.

Dr. Gopi Chand Bhargava : Did they anticipate that the budget would be passed when it was returned as being defective?

Parliamentary Secretary : There are some technical defects. Probably in a committee where the accounts branch people are not very competent they make mistakes and the Deputy Commissioner returns the budget to the committee for corrections. These corrections are generally of a technical nature.

Lala Bhim Sen Sachar : Is the Parliamentary Secretary perfectly sure that no longer time than was absolutely necessary was taken in the office of the Deputy Commissioner himself?

Parliamentary Secretary : I could not say what time was taken in this particular case but generally in the Deputy Commissioner's office there is a special officer to go into these questions from the local bodies and no unnecessary delay occurs.

HOUSE TAX LEVIED BY LAHORE MUNICIPALITY.

***5145. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that the action of the Administrator in issuing assessment and valuation notices has caused great unrest among the people of Lahore, and that numerous meetings have been held in various parts of the city and the new *abadis* protesting against the house tax;
- (b) if the answer to the above be in the affirmative, the action which the Government propose to take in the matter?

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

(b) No action is contemplated by Government. It is open to a person under the Municipal Act to appeal against valuation and assessment notices.

DISMISSAL OF THE BOATMAN AT THE RAVI RIVER.

***5146. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Administrator, Lahore Municipality, has dismissed the boatman at the Ravi River who was employed to dispose of the dead bodies of Hindu children ; if so, reasons for the same, and the action Government propose to take in view of the great inconvenience that is being caused in the matter of finding midstream to dispose of these dead children ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes, because there is no express provision in the Punjab Municipal Act, 1911, that the municipal fund shall be applicable to the payment of the charges and expenses incidental to the disposal of dead bodies. Although the post of the boatman has been abolished, the boat is still at the disposal of the Hindu community.

Lala Bhim Sen Sachar : Did the Government have an opportunity of consulting their legal adviser on this particular point ?

Parliamentary Secretary : I cannot say whether the Administrator consulted his legal advisers, but he says that this is not a valid charge on the municipal funds. That is the view of the Administrator, and that is his reply.

Diwan Chaman Lall : Is the Government satisfied with the correctness of that reply ?

Minister for Public Works : The decision that has been arrived at is that there is no provision in the Act, so far as I am aware, allowing an expenditure of this kind, and it is for this reason that services of three men, two in charge of the graveyards and the third in charge of the boat were dispensed with.

Diwan Chaman Lall : Is there a provision that the dead bodies of dogs can be removed by the municipality ?

Minister : So far as human bodies are concerned, the municipality has responsibility for the disposal of unclaimed bodies only.

Diwan Chaman Lall : Is there a provision under which the municipal authorities are ordered to see to the scavenging of the city ?

Minister : There is.

Diwan Chaman Lall : Would this not be covered by that provision ?

Sardar Sahib Sardar Santokh Singh : For how many years were these men kept in the service of the municipality and was any objection raised in audit regarding their salaries ?

Minister : The position is that up till now, leaving aside the question of unclaimed dead bodies, the various communities had certain money allotted to them for the disposal of their dead. There was a boatman employed for the Hindus, some clerks for the Muslim graveyards and similarly some for the Christian graveyards. The Administrator examined the point whether the expenditure was covered by the Punjab Municipal Act, and he came to the conclusion that it was not so covered. So he dismissed the boatman, but the municipal boat is there to be made use of. But if it is considered that the expenditure incurred is a valid charge on the municipality, then the matter will be examined.

Sardar Sahib Sardar Santokh Singh : I wanted to know whether any objection was raised in audit regarding the salaries of those men who were employed for so many years ?

Minister : I cannot say off-hand. There is no sanction for it. But if the House so desires it, the matter can be legally examined.

Dr. Gopi Chand Bhargava : May I know what help is given by the municipality in the case of unclaimed bodies of children ?

Minister : I have already stated that if it is so desired the question as to to what extent expenditure can be incurred can be legally examined.

Rai Bahadur Lala Gopal Das : May I know if the Government takes any responsibility for the disposal of dead bodies that are thrown in shallow water ? Are they not a nuisance to the public ? What is the effect of throwing dead bodies in shallow water as far as medical health is concerned ?

Diwan Chaman Lall : May I ask if it is not a fact that it would be a matter of nuisance if a large number of dead bodies accumulate on the river bank for which the municipal authorities are responsible ? Is that so or not ?

Minister : As regards unclaimed bodies of poor children the expenditure may be justified, but surely not so in the case of the rich who can afford to pay the expenditure. They can pay a few annas. There is a man there who arranges all this.

Dr. Gopi Chand Bhargava : What is the arrangement for the disposal of the bodies of children whose parents are too poor to pay the boatman ?

Minister : That is a matter for the community concerned. But I have said already that we will get the matter legally examined as to whether municipal funds can be spent on expenditure of this sort. The present position is that no expenditure can be incurred.

Diwan Chaman Lall : May I ask why legal opinion was not obtained before this drastic step was taken by the Administrator ?

Minister : Apparently the Administrator thought that the language of the Act was clear and he interpreted it in a particular way. Now the honourable members challenge that interpretation, so to satisfy them I will have the matter looked into.

Diwan Chaman Lall : In the meanwhile while he gets it legally examined, what arrangements is Government going to make for the disposal of dead bodies which may accumulate and thus cause a nuisance and danger to the public health of the city ?

Minister : No trouble has arisen so far. The boat is there and anybody can use it. Previously the payment was made by the municipality. Now a person can pay something and get the services of a boatman.

Diwan Chaman Lall : What happens when dead bodies accumulate on the river bank and are not disposed of ? Does that not constitute a danger to the city ?

Minister : This action was taken a month ago. No such situation has arisen so far.

Dr. Sir Gukul Chand Narang : Will the Honourable Minister see to it that the practice is revived or resumed, while the legality of the measure is being examined ?

Minister : We will consider this. No delay will take place. We will get the matter examined without any delay.

Rai Bahadur Lala Gopal Das : The question is, will the Administrator obey your orders ? (Laughter.)

Lala Bhim Sen Sachar : There is the rub ! (Laughter.)

SHORT NOTICE QUESTION AND ANSWER.

ARREST OF SARDAR HARI SINGH, M.L.A.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state—
1 P.M.

- (a) the date, time and place of arrest of Sardar Hari Singh, M.L.A. ;
- (b) whether it is a fact that at the time of arrest he was handcuffed by the police ;
- (c) if so, whether he was guilty of any act of violence which necessitated his being handcuffed ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Sardar Hari Singh was arrested on the 28th August, 1939, outside the court of the Additional District Magistrate, Hoshiarpur.

(b) and (c). I saw the news in the *Tribune* that he had been handcuffed and it pained me considerably to see that piece of news and I made immediate enquiries into the matter of my own accord, before I received a similar intimation from my friend opposite, the Leader of the Opposition. This is the information which I have received in response to that enquiry which was made at my suggestion. It is reported that the prosecuting sub-inspector served the warrant on Sardar Hari Singh outside the Additional District Magistrate's court. He was handcuffed on arrest because of his intemperate behaviour and because of the threatening attitude of the crowd outside.

Diwan Chaman Lall : Whose intemperate behaviour ?

Premier : Sardar Hari Singh's.

Diwan Chaman Lall : Sardar Hari Singh's ! Does not the Honourable Premier know him ?

Premier : I know him very well. It is possible that he might have lost his temper. We are all apt to lose our temper. This was outside the Additional District Magistrate's court. Since the crowd was threatening and violent, the sub-inspector arrested Sardar Hari Singh and immediately took him inside the Additional District Magistrate's court, because the warrant was issued by the Additional District Magistrate. He was brought before the Additional District Magistrate and Sardar Hari Singh's counsel immediately applied to the court that his handcuffs should be removed, but apparently the attitude of the crowd and the behaviour of Sardar Hari

Singh himself was such that the court refused the application. That is the information which I have received. If my honourable friends have information to the contrary I shall be glad to receive it.

Diwan Chaman Lal : I have information to the contrary.

Lala Deshbandhu Gupta : May I know if the Honourable Premier, in view of the fact that he knows Sardar Hari Singh personally, has thought it fit to make further enquiries into the matter instead of being satisfied with the mere report of his subordinates ?

Premier : If my honourable friend can give me any further information, I shall be glad to make inquiries.

Lala Deshbandhu Gupta : May I know if the Honourable Premier realises that the handcuffing of Sardar Hari Singh itself might have given provocation to the crowd ?

Premier : It is quite possible that the attitude of the crowd might have become more violent after he was handcuffed ?

Dr. Gopi Chand Bhargava : Was Sardar Hari Singh taken to jail in handcuffs ?

Premier : That was under the orders of the court.

Dr. Gopi Chand Bhargava : The Honourable Premier has not understood me. What I want to know is when the magistrate remanded the case, was Sardar Hari Singh taken to jail in handcuffs or without handcuffs ?

Premier : Apparently after his application was refused he must have been taken in handcuffs. I cannot say it definitely, but I can make enquiries.

Lala Deshbandhu Gupta : Does the Honourable Premier mean that the order of the court applied to a prisoner even when he has left the court ? Has the police to use its discretion or is it to abide by the orders of the court in respect of the handcuffing of the prisoner ?

Premier : I think it has to abide by the orders of the court until the prisoner is actually lodged in the jail.

Dr. Gopi Chand Bhargava : May I know what were the orders of the magistrate—not to remove the handcuffs when he was in court or to take the prisoner to jail in handcuffs ?

Premier : I should like to have notice of this question.

Lala Deshbandhu Gupta : May I know if any general directions have been given to the police in respect of the handcuffing of respectable persons ?

Premier : Yes.

Lala Deshbandhu Gupta : What are they ?

Premier : He will find them in the police rules.

Lala Deshbandhu Gupta : I want to know whether it is obligatory, under these rules, for the police to handcuff every prisoner irrespective of his status and offence ?

Premier : On the contrary they say that they should not handcuff any person unless certain circumstances exist.

Dr. Gopi Chand Bhargava : Are these rules available ?

Premier : I believe he will find them in the Assembly library.

Diwan Chaman Lall : May I ask whether the report that the Honourable Premier has read out was a report by the particular police officer who was responsible for the handcuffing ?

Premier : No.

Diwan Chaman Lall : Whose report is it ?

Premier : We have to address all such enquiries to the deputy commissioner.

Diwan Chaman Lall : Did the deputy commissioner make any enquiries from the policeman in charge ?

Premier : I presume he must have.

Diwan Chaman Lall : And from whom else ?

Premier : Perhaps other people who were present.

Diwan Chaman Lall : Is there any note to the effect that he made enquiries in that capacity or was it a casual summary one ?

Premier : He could not have said this unless he had made sure that that was the order of the magistrate.

Diwan Chaman Lall : What sort of enquiry was it ? Who were the people involved in the enquiry ? Was any enquiry made from Sardar Hari Singh also ? Or was any enquiry made from the people who were alleged to have been causing trouble ?

Premier : The deputy commissioner probably was not the presiding officer of the court. He must have seen the file and the orders of the court.

Chaudhri Krishna Gopal Dutt : Is it a fact that Pandit Bhagat Ram Sharma was also handcuffed ?

Premier : I want notice of that question.

Lala Deshbandhu Gupta : I want to know whether the Premier is in a position to say that he was guilty of any act of violence or otherwise ?

Premier : I am sure he does not like me to volunteer any information on that point.

Lala Duni Chand : Have the Government any information that the idea was to produce the moral effect contemplated by General Dyer ?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know if the Government has already made any atonement or is intending to make any atonement for the grievous wrong done and whether the Government's conscience is feeling easy or uneasy ?

Premier : Government is always impersonal. (*Laughter.*)

Lala Deshbandhu Gupta : I wish to intimate that I intend to give notice of an adjournment motion arising out of the unsatisfactory nature of the reply given by the Honourable Premier.

ADJOURNMENT MOTIONS.

ARREST OF SARDAR HARI SINGH.

Mr. Speaker : I disallow adjournment motion No. 20¹.

Diwan Chaman Lall : With regard to adjournment motion No. 22² re the handcuffing of Sardar Hari Singh, may I have your direction in the matter? Would you prefer this adjournment motion to stand over till tomorrow or the day after pending notice of the adjournment motion arising out of the unsatisfactory nature of the reply given to the Honourable Premier or would you prefer to take the motion as it is now which is in substance the same?

Mr. Speaker : The honourable member has not yet given notice of an adjournment motion on the ground of unsatisfactory answer.

Diwan Chaman Lall : He will give notice of an adjournment motion arising out of the unsatisfactory nature of the reply.

DACOITIES IN BILOCHPUR.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I ask for leave to make a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Rohtak District Police to protect the victims of dacoities committed by about 25 armed dacoits mounted on camels in the village of Bilochpur, tahsil Jhajjar, in May, last which lasted for several hours and resulted in murder and loot and their failure to arrest the dacoits.

I take full responsibility for the facts stated above.

Mr. Speaker : Will the honourable member please state if he has got any corroborative evidence of the facts stated by him? Did he put a question in this connection?

Lala Duni Chand : I sent questions regarding this matter three or four months ago, but these questions have not yet come on the agenda.

Mr. Speaker : Is the case under police investigation?

Lala Duni Chand : Why should there be any case under investigation when the police has not arrested anybody? The police has failed to arrest even one dacoit?

Mr. Speaker : Has the honourable member got any proof of the fact that police was informed before hand?

Lala Duni Chand : I have got this proof in my possession and within my knowledge that the police knew very well that dacoities of that kind were taking place frequently. This fact was within the knowledge of the

¹CHAUDHRI KRISHNA GOPAL DUTT, M.L.A., 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 unclean method of the Punjab Ministry to decrease the strength of the Opposition in the Punjab Legislative Assembly by putting behind the bars Sardar Hari Singh and Pandit Bhagat Ram Sharma, two important members of the Opposition.

²CHAUDHRI KRISHNA GOPAL DUTT, M.L.A., 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 handcuffing of Sardar Hari Singh, a distinguished member of this House during his recent arrest.

[L. Duni Chand.]

police. Similar dacoities had been taking place in Rohtak district, particularly in Jhajjar tahsil.

Mr. Speaker : Does the honourable member mean by 'similar dacoities' that in every case 25 men were committing dacoities?

Lala Duni Chand : When the police knows that dacoities and murders are the order of the day in a particular district, it follows that the police should take measures to prevent further dacoities.

Mr. Speaker : Then the honourable member's position is that by drawing inferences from other dacoities the police must have come to know about this dacoity.

Lala Duni Chand : From the circumstantial evidence and not merely by inference.

Mr. Speaker : Then the honourable member's report is not corroborated by evidence?

Lala Duni Chand : Yes, Sir, but I take full responsibility.

Mr. Speaker : In my opinion the motion is not in order.

PREMIER'S OFFER OF HELP TO BRITISH GOVERNMENT IN CONNECTION WITH THE WAR.

Chaudhri Krishna Gopal Dutt (North Eastern Towns, General, Urban) : May I move my adjournment motion¹?

Mr. Speaker : The honourable member's motion is covered by the War resolution.

Chaudhri Krishna Gopal Dutt : In this connection I want to know whether the resolution which will be taken up as the substantive resolution will be the one sponsored by the Congress Party.

Mr. Speaker : I will decide that question when it arises.

Chaudhri Krishna Gopal Dutt : It arises now.

Mr. Speaker : It does not arise to-day.

Chaudhri Krishna Gopal Dutt : Then I will press my adjournment motion.

Mr. Speaker : I disallow it. (*Laughter.*)

Chaudhri Krishna Gopal Dutt : Mr. Speaker, you should give your ruling on the merits of the case.

Mr. Speaker : I have already stated that this matter is closely connected with, nay it is covered by, the motion which is coming up on the 3rd November and that it can be discussed with it. Now the honourable member has raised a further point—which of the several motions will be discussed as the principal motion and which as amendments? I have told the honourable member that I will decide that question when the occasion arises.

¹CHAUDHRI KRISHNA GOPAL DUTT, M.L.A., 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 statement of the Honourable Premier of the Punjab, issued from Simla through the Associated Press on August 25, 1939, offering unconditional help to the British Government in the current War.

Chaudhri Krishna Gopal Dutt : Why does it not arise to-day ? It is for the Honourable Premier to make a statement on the floor of the House whether he is prepared to take up our resolution or not, because the question arises out of this adjournment motion.

Mr. Speaker : That matter is not before the House to-day and, therefore, I request the honourable member not to press it.

Chaudhri Krishna Gopal Dutt : When you say that this question is going to be discussed as a separate motion—

Mr. Speaker : All I said was that it is closely connected with the War motion and that, therefore, it can be discussed when that motion is discussed.

Chaudhri Krishna Gopal Dutt : May I ask you under which rule you are ruling it out of order ? If a separate resolution is to be discussed it is for us to press it or not.

Mr. Speaker : Notice of that motion was given a few days ago. This motion has been reached. Notice of the War motion was received a few days ago. The day and hour of its discussion was fixed and therefore nothing in anticipation of that motion can be allowed to be discussed unless that motion is reached.

Chaudhri Krishna Gopal Dutt : But notice of this motion was given first and therefore you should give your ruling on the merits of the motion and not on the basis of anything likely to come up before the House.

Mr. Speaker : If I allow this motion, will the honourable member say in fairness that its discussion will not anticipate discussion of certain aspects of the War motion ?

Chaudhri Krishna Gopal Dutt : May I point out to you the difference ? It is this. If you rule this motion in order and admit it, then it is up to us to say "very well, as the Honourable Premier has allotted a separate day for this we will not take up this motion, on the understanding that our resolution is taken up first."

Mr. Speaker : That is what I wish to avoid. In my opinion the motion is out of order for several reasons. It can be discussed later on ; while its discussion now shall anticipate discussion on the war motion. I therefore disallow it.

DEATH OF NATHU KUMHAR.

Dr. Sant Ram Seth (Amritsar City, 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 tragic death of Nathu Kumhar of Nag Khurd, tahsil Amritsar, on 28rd June, 1939, through torture by police authorities at Majitha while he was in police custody.

Mr. Speaker : Did the honourable member put any question on the matter ?

Dr. Sant Ram Seth : I put seven questions but they were not admitted by you.

Mr. Speaker : On what ground ?

Dr. Sant Ram Seth : You combined them into one question and said that if I was willing to put those questions in the form suggested by you, they would be admitted, otherwise not.

Mr. Speaker : Did the honourable member agree ?

Dr. Sant Ram Seth : No.

Mr. Speaker : Is the matter not pending in a court of law ?

Dr. Sant Ram Seth : No.

Mr. Speaker : What action, if any, has been taken by the honourable member or anybody else in the matter ?

Dr. Sant Ram Seth : I made enquiry.

Dr. Gopi Chand Bhargava : I beg to inform you that an enquiry committee was appointed by the Punjab Provincial Congress Committee and its report was duly supplied to the Honourable Premier in August, 1939.

Mr. Speaker : Was no action taken otherwise and was no complaint filed in the court of the district magistrate ?

Dr. Gopi Chand Bhargava : No.

Sardar Sohan Singh Josh : On the other hand the people concerned are being prosecuted and harassed in another case.

Mr. Speaker : Did the Honourable Premier receive any representation ?

Premier : No representation was received, but my honourable friend handed over to me the other day some papers stating that they were the report of the enquiry committee. Sardar Sohan Singh Josh did it.

Sardar Sohan Singh Josh : I sent it to the Premier from my office.

Premier : You sent me papers about this case.

Dr. Gopi Chand Bhargava : The Provincial Congress Committee sent a copy of the report of the enquiry committee.

Minister for Public Works : The matter is before a court of law.

Sardar Sohan Singh Josh : This case has nothing to do with any court of law.

Minister for Public Works : The theft case in which the occurrence is alleged to have taken place is now pending before a court of law.

Diwan Chaman Lal : The point, Mr. Speaker, is not about the theft case. We are not concerned with the theft case at the moment. The adjournment motion refers to torture having been inflicted upon one Nathu Kumhar, as a result of which he died while he was in police custody. That matter is not before court of law. The fact of his having been tortured by the police and he having died as a result of that torture is not before any police court or before any magistrate. In regard to this matter an enquiry committee sat, prepared its report, and handed that report over to my honourable friend officially on behalf of the Punjab Provincial Congress Committee. That is the stage at which this matter has reached. Now this matter comes before you by way of an adjournment motion. The real fact is that that man was tortured by the police and as the result of the torture the man died. An enquiry committee was set up by the Punjab Congress Committee and its report was handed over to the Honourable the Premier.

Mr. Speaker : Is there any evidence to show that the man was tortured by the police and that he died as a result of that torture ?

Diwan Chaman Lall : There is conclusive evidence to this effect.

Mr. Speaker : If there is conclusive evidence, why was not a complaint filed ?

Diwan Chaman Lall : The report was submitted to the Honourable Premier and no action was taken by him on it. Therefore, we are within our rights to raise this question by an adjournment motion. You could not have forgotten the Kiro case in which strictures were passed by the Honourable the Chief Justice, but towards the end that case did not reach the stage which it should have. I submit that this case is worse than that case and should be investigated and debated on the floor of this House and I am certain that as a result of the debate action will be taken by my honourable friend, the Premier. He has so far taken no action.

Premier : The honourable member is relying on the facts which are not correct. He has got wrong information. The enquiry committee's report or whatever it was, was sent to the department concerned. An immediate enquiry was held into the matter, and this is the information I have received as a result of the departmental enquiry. The enquiry was held by a magistrate and he came to the conclusion that Nathu committed suicide and this fact was established and there is no cause to believe that there was any case of torture and that the police was in any way responsible for his death. If my honourable friend has got legal and convincing evidence he should go to a law court. It is not a case for an adjournment motion. The question is that if my honourable friend has got any evidence the right course for him is to go to a law court.

Dr. Gopi Chand Bhargava : We cannot go to a law court. No public servant can be prosecuted without the sanction of the Government.

Mr. Speaker : Did the honourable member apply to the Government for sanction to prosecute ?

Diwan Chaman Lall : The report of the enquiry committee was sent to the Honourable Premier and he should have allowed the prosecution. Instead of that a departmental enquiry was held and the result of that enquiry was an *ex parte* report to the effect that there was no case of torture resulting in death and that a case of suicide was established. At this stage we have come to the House, because it is a matter of great public importance. In regard to the action being taken against a public servant, section 270 of the Government of India Act states :—

No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date, except with the consent, in the case of a person who was employed in connection with the affairs of Burma, of the Governor-General in his discretion, and in the case of a person employed in connection with the affairs of a Province, of the Governor of that Province in his discretion.

We sent the report of our enquiry committee to the Honourable Premier, which amounts to a request to him to get the necessary sanction for prosecution ; but what he did was to get an *ex parte* report from the

[Diwan Chaman Lall.]

authorities. Therefore, the only tribunal to which we can come now is this House and as it is a matter of very great public importance it should be debated on the floor of this House.

Premier : What the Government could do was to make an enquiry and I have already given the result of that enquiry to my honourable friend. The only other evidence on which the Government can rely is the report of the Civil Surgeon. The report of the *post mortem* examination is as follows—

Diwan Chaman Lall : On a point of order. This is not the stage for my honourable friend to give us the accounts of the facts of the enquiry. We are at present not concerned with the details of the case.

Premier : My honourable friend's contention is that in every case in which they cannot prove facts by evidence, they should bring in adjournment motions rather than go to a court of law. In the present case only two courses were open to us. One to hold a departmental enquiry, which we have already done and the result of which I have already communicated. The other course is open to my honourable friends. They can go to a court of law.

Diwan Chaman Lall : That course is not open to us. We are prohibited under section 270 of the Government of India Act.

Premier : You are not prohibited.

Diwan Chaman Lall : I am not a Public Prosecutor and I have no *locus standi* to prosecute a public servant. The only authority who can prosecute is the Government itself.

Premier : Did the honourable the Leader of the Opposition apply for permission ?

Dr. Gopi Chand Bhargava : I may inform you that the people who went to the police station were beaten by the police in the presence of the chowkidar and the lambardar. Under these circumstances how can any man go to a court of law ?

Sardar Sohan Singh Josh : We set up an enquiry committee and its report is there.

Mr. Speaker : The point is, how will the matter be decided by this House ? Statements will be made by three, four or five members from one side and by the same number of members from the other side. (*Interruption.*)

Diwan Chaman Lall : Five or ten people from this side and the same number may be on the other side but this House is for that very purpose. The object, business and the reason why we are here is to ventilate public grievances. This is a public grievance of the gravest type. My honourable friend says that a magistrate held the enquiry. Does my friend know that not a single witness, who was willing to give evidence, was brought before the magistrate ?

Premier : Really ?

Diwan Chaman Lall : And he says, "Really". A copy of this very statement was sent to my friend the Honourable Premier, and now he says "Really." He had the information. He does not even read the documents sent to him.

Premier : I confess I receive thousands of communications. Does the honourable member mean to say that I should remember every document?

Diwan Chaman Lall : I will say that as Premier of the Punjab, when a serious charge of death is made, it is his duty to—

Premier : But the Premier is not a Clerk of Court.

Diwan Chaman Lall : Quite true, but he is here as a servant of the Public. As a servant of the public he should consider it his duty to see that when a serious charge of this nature is made, an enquiry of a judicial kind is set up into the matter—not a hushing inquiry, not an inquiry which would deny facts.

Premier : Law courts are open.

Diwan Chaman Lall : Unfortunately the Honourable Premier is not a lawyer and, therefore, it is no use arguing with him on the legal point. The law courts are open to whom? They are open to the Government but not to me, not to honourable members sitting on these benches. Let my honourable friend make a statement now that he will send this case for trial before a properly constituted magisterial authority and we will be perfectly satisfied, but if he says that he will not do so, then how can we be robbed of our right to discuss a matter of an urgent public importance of this nature before this House?

Mr. Speaker : But was this murder committed by the policemen in the discharge of their duties?

Munshi Hari Lal : They were inquiring into the case.

Mr. Speaker : Right. But the question is whether the alleged torture or beating was a part of the duties of the police? Section 270 of the Government of India Act, 1935, says:—

270.—(1) No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown.

But the question is whether this beating was given in the discharge of their duty or their duty was to investigate the case. (*Interruption.*)

Dr. Sir Gokul Chand Narang : You are probably not aware that this matter has been up to the Federal Court and in a case of which I am personally aware, it has also been before the High Court. One of the doctors, I forget his name at the moment (*An honourable member :* Hari Ram) was accused of having done something dishonest by way of misappropriation or criminal breach of trust. He was prosecuted and I believe he was convicted and during the course of trial this question was raised whether he could be prosecuted without the sanction of the Governor under section 270 of the Government of India Act, 1935. Probably that court did not pay proper attention to this point, but the matter was again raised in the appellate court and it ultimately went to the Federal Court and it must be known to all the lawyers what the decision of the Federal Court was. The Federal Court, so far as I am aware, decided that the doctor concerned could not be prosecuted without the sanction of the Governor.

Malik Barkat Ali : No.

Dr. Sir Gokul Chand Narang : Please, listen. There is another case of a patwari who was accused of having deliberately made false entries in the record of rights. That case came up before the High Court on the revision side and the Honourable Mr. Justice Din Muhammad decided that that patwari could not be prosecuted without the sanction of the Governor and his conviction was set aside on that ground. Now, may I ask you whether Mr. Justice Din Muhammad made a mistake in thinking that section 270 applied to the case? Should he have held that section 270 had no application to the case because making deliberately false entries in revenue records was no part of the patwari's duties. And did not section 270 apply to that doctor's case because misappropriation is no part of the official duties of an Assistant Surgeon or Sub-Assistant Surgeon? In the same way, in the present case, I am only speaking on an abstract matter—

Mr. Speaker : I have not formed a definite opinion yet.

Dr. Sir Gokul Chand Narang : I thank you for lending me your open mind as well as your ear. Now, in this case also the police were investigating a case, probably a theft case.

Premier : May I cut my honourable friend short? Let us not take much time of the House. I have no objection to the motion.

Malik Barkat Ali : But this is an important point.

Mr. Speaker : I will give the honourable member time to speak.

Dr. Sir Gokul Chand Narang : Let me make the position absolutely clear. It is not usual that a person should be prosecuted in the discharge of what is laid down as one of his official duties. In fact no occasion arises for the prosecution of an officer when he is just doing his official duty. It is only when he is doing that official duty but does something illegal and objectionable while doing that duty (*hear, hear*) that the necessity and occasion for sanction of the Governor arises.

Malik Barkat Ali : It appears to me that my learned friend, Dr. Sir Gokul Chand Narang, has not very carefully studied the ruling of the Federal Court reported as 41 Punjab Law Reporter 680. I have very carefully perused that ruling. A sub-assistant surgeon was the accused in that case and there were two charges against him. The one charge was of embezzling Government funds. The second charge was that of falsification of Government registers. When the case came up before the High Court of Judicature at Lahore, it was decided that no sanction was needed, and the ground of the judgment of their Lordships was that it was no part of the duties of a Government servant to embezzle money, it was no part of the duties of a Government servant to commit offences and, therefore, if a Government servant committed an offence, then no question of sanction arose. The case went up, on appeal, to the Federal Court. Their Lordships of the Federal Court came to the conclusion that so far as the charge of embezzlement of funds was concerned, no sanction was needed because a Government servant cannot in the execution of his duties commit the offence of embezzlement. But so far as the charge of falsification of accounts based on the entries made by him in the register was concerned, the Federal Court came to the conclusion that it was a part of the duties of the sub-assistant surgeon to make entries in the register. (*An honourable member : Correct entries.*) Correct or incorrect does not matter. I am sorry that my learned friends have not

taken the trouble of reading that judgment. I have sent for that judgment and I can quote from that judgment when it comes. Fortunately, there is a note of that judgment in my copy of the Government of India Act and it is on the basis of that note and on the basis of my careful reading of that judgment that I am making these submissions. The Judges of the Federal Court came to the conclusion that the act of making entries was an act imposed upon the doctor by his duties and if, in performing that act, he acted illegally or made false entries, then section 270 requires that his prosecution can only be instituted after the sanction of the Government has been obtained. My learned friend seems to think that there is no difference between the two cases. In the case of the embezzlement charge, the Federal Court upheld the decision of the High Court and laid down that no sanction under section 270 was needed. In the case of the charge in regard to falsification of accounts, they held that the test of sanction was the nature of the act done and not the mere fact that at the moment he happened to be a Government servant. It is the act which will determine whether sanction is needed or not needed. Then there is another question. You will be pleased to see that section 270 was enacted to grant indemnity to officials who had acted before the Government of India Act, Part III, came into effect, namely, before provincial autonomy came into effect and, therefore, section 270, is confined in its operation to all acts which have been done by Government servants before 1st April, 1937. Therefore, if an act is done by a Government servant after 1st April, 1937, then section 270 does not at all apply. I will read out to you the relevant portions of section 270 :—

No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date....

I lay emphasis on these words—"relevant date"—which have been defined as the date of coming into operation of Chapter III, namely, commencement of provincial autonomy. Therefore, if an act has been committed before the 1st April, 1937, then section 270 comes into play at once. Section 270 is not intended to apply to those acts of Government servants which have been committed after 1st April, 1937. Then, Sir, I draw your attention to the second part of that section. It says :—

Any civil or criminal proceedings instituted whether before or after the coming into operation of this Part of the Act, against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date shall be dismissed unless the court is satisfied that the acts complained of were not done in good faith.....

The same words "before the relevant date" occur. Therefore, my submission is that clause (1) and clause (2) of section 270 are intended to apply to those cases where the act in question has been done by an official of the Crown before 1st April, 1937. One can easily understand the reason of Parliament granting indemnity to public servants for acts done before the coming into operation of provincial autonomy. Government wanted to grant indemnity to those servants who had served it under the old orders. Therefore, if the torture in question was committed after 1st April, 1937, then no question of section 270 arises at all. To sum up, the judgment of the High Court as well as the Federal Court judgment held concurrently, that sanction was not needed in respect of the embezzlement or misappropriation charge,

[Malik Barkat Ali.]

because it was not a part of the duties of a Government servant to embezzle or misappropriate. But in the case of falsification of entries in the official registers, the Federal Court held that sanction was needed, as it was a part of the duties of the sub-assistant surgeon to make entries—and even if he makes illegal or false entries the act of making entries was one done in execution of duty and section 270 (1) would apply.

Mr. Speaker : If a Government servant commits murder, may I take it that no action can be taken against him unless sanction of the Governor is obtained ?

Dr. Sir Gokul Chand Narang : Supposing a Government servant is deputed to disperse a crowd and he fires on an individual and pleads that he did it in the discharge of his duties, then the question would arise whether he has committed a murder or his act was justified in the discharge of his official duty. If the heirs of the deceased want to prosecute him, I take it that they would not be allowed to prosecute him without the sanction of the Governor. This is my reply. I will also submit one thing more and that is this. We people here, who are representatives of the people of the Punjab and of our various constituencies, are not public prosecutors. We have to ventilate public grievances, whatever those grievances may be, when they are brought to our notice and prosecute the offenders in courts of law. As my honourable friend on my right pointed out, he was not a public prosecutor. In addition to the duties which we have to discharge here as members of this Assembly, the Honourable Premier wants to cast upon us the duties of public prosecutors that we should go and make complaints and then we should try to bring the offenders to book. On the question of principle I want to ask you, supposing there is a genuine case of torture which results in death—I am not aware of the facts of this case beyond what has been stated on the floor of the House—but let us assume that there has been an actual and real case of torture resulting in the death of an innocent person, then, judging from your earlier remarks, you seemed to suggest that it was the duty of the heirs and relatives of the deceased to go to a court and try to prosecute the offender and no question should be raised here. My submission is, supposing there are no relatives, he has left no heirs, he has no friend and supposing nobody in that village or in that town is sufficiently public spirited to take upon himself the duty of bringing the offender to book, then is it not the duty of the Government, when such a case is brought to its notice, to move *suo motu* in the matter and try to bring the offender to book ? We here are, so to say, the mouth-piece of the public and when a case is brought to our notice, it is our duty to bring it to the notice of the authorities concerned. It is no reply to say that if there is evidence, they should go to a court. That was said half a dozen times in the course of the speech that the Honourable Premier was pleased to make. Why should Diwan Chaman Lal try to prosecute the offender ? It is enough that he should bring it to the notice of the persons concerned who have got the power to set the law in motion. Does the Honourable Premier expect Diwan Chaman Lal to give up his profession, give up his private business and go and prosecute the offenders in this case ? Supposing there are 29 cases, as there may well be one in each district and there may be other cases also, then does he expect or do you expect that the members on this side of the House would be running about from their homes and trying to find out the offenders and bring

them to courts? With due deference to the Honourable Premier, who insists upon such a thing, I would say that it would be an absurdity to expect such a thing from us. It is not the duty of a member to prosecute an offender. His duty is finished when he brings such cases to the notice of the Honourable Premier and if he fails to set the law in motion then he fails in the discharge of his duties. So far as the technical side is concerned, I am not sure whether I was right or wrong because I was speaking from memory. But with regard to the arguments advanced by my honourable friend, Malik Barkat Ali, that the Federal Court held so far as the charge of misappropriation was concerned the sanction of the Governor was not necessary, but so far as falsification of entries in the official record was concerned, the sanction of the Governor was necessary, may I ask if it is the duty of the official to make incorrect and false entries in Government records? Certainly not. And that was why I interjected the word 'correct' and my honourable friend was upset over it. That was a relevant interruption. It is not the duty of any Government servant to make incorrect or false entries in a Government register or in a Government book or in a Government record. If he does so he is not discharging his official duties. But at the same time it was held by the Federal Court that the sanction of the Governor was necessary because the thing was done under the colour of discharging his official duty or in the course of discharging his official duty. Apply the same argument to the present case. Why did the policeman go to Nathu Kumhar? Why was he brought into the lock-up? Why did the policeman go there? Did he go there to shake hands with him or to ask him 'how do you do'? He went to the lock-up to do some official duty and that was probably to make an enquiry from him and ask him to give evidence.

When the deceased refused to give any information or could not give any information the policeman probably lost his temper and tortured him. You know what the police do in order to extract information. You know very well, everybody knows very well. They have all sorts of methods of finding out the truth and these methods are not gentle. It was in the course of that investigation, trying to extract information that he inflicted torture. Therefore this torture was inflicted while he was discharging his official duties, and he might have foolishly thought that it was a part of his duty and that a little torture was necessary to get out information. Intending probably a little torture he inflicted too much which caused the death of the man. Therefore in this case section 270 was applicable. This is so far as the technical aspect is concerned. You will remember that my honourable friend did not say anything about the patwari's case to which I have drawn your attention.

Malik Barkat Ali : The Federal Court authority is higher.

Dr. Sir Gokul Chand Narang : I quoted another instance. The High Court is the highest court in this province and its pronouncements must be respected by us. The man was discharged and the conviction set aside because sanction had not been taken.

Diwan Chaman Lall : I want to say just a few words in reply to Malik Barkat Ali. Reference has not been made on the floor of the House to section 197 of the Criminal Procedure Code. My honourable friend

[Diwan Chaman Lall.]

has gone wrong in respect of two points. One is that he has completely ignored section 197 of the Criminal Procedure Code. The second point where he has gone wrong is in the example given. The interpretation of section 197 is as follows. My honourable friend should know that the origin of all sanction is section 197. The wording of section 197 is quite clear. We referred to the Government of India Act because the provisions there have not altered the spirit, meaning and significance of section 197. What does section 197 say? It says:—

When any person (then details of the person are given) any public servant who is not removable from his office save by or with the sanction of local Government or some higher authority, is accused of any offence alleged to have been committed by him, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the local Government.

Mr. Speaker : It does not apply to the present case.

Diwan Chaman Lall : The sub-inspector in charge is the person who is removable by the local Government. Therefore no prosecution of the sub-inspector can take place without the sanction of the local Government.

Mr. Speaker : Is he removable by the local Government?

Diwan Chaman Lall : Yes. No criminal action can be taken against him without the sanction of the local Government.

Now I will proceed further with reference to the second point. 'Purporting to act in the discharge of his official duty'. What does it mean? Examples are given in some cases. My honourable friend says the Federal Court has held that for embezzlement no sanction is required. Why, because the transaction is the same. For instance, a man goes to collect taxes in a village. While he is collecting the taxes he feels that if they do not pay they should be put to trouble. He assaults some people. That has been held to require the sanction of the local Government because it is the same transaction. Why is it that the other part was held by the Federal Court to be covered by the implication of the section? Because the sub-assistant surgeon had the duty imposed on him of keeping accounts. If he committed a crime in the process of keeping those accounts then sanction is necessary. In the other case no duty is imposed.

Mr. Speaker : What is the position of the Opposition?

Diwan Chaman Lall : Here a duty was imposed on the officer to make an enquiry and in the course of that enquiry he assaulted the man.

Mr. Speaker : What does the Opposition expect the Government to do?

Diwan Chaman Lall : I will tell you when the adjournment motion comes up: we will tell the Government what we expect them to do in this matter. If my honourable friend is prepared to give the necessary sanction let the case go to the court. We are willing to drop the matter. If he does not give us that assurance I submit that we must press the adjournment motion.

Mr. Speaker : The honourable member means that either the Government should hold a departmental enquiry or allow the prosecution of the person concerned.

Diwan Chaman Lall : They cannot hang him.

Mr. Speaker : If the Government shows willingness to hold a departmental enquiry or directs the prosecution of the person concerned, there the matter will end.

Diwan Chaman Lall : The point is perfectly simple. My honourable friend can say all right. I am quite willing that this matter should go to a law court; I will give the necessary sanction if applied for. If he does not say that then let us have the matter thrashed out on the floor of the House.

Premier : Sir, I do not think it will be proper for me to enter into the technical side of the question raised. The position which my honourable friend has taken is this that if they bring a case to the notice of the Government and if Government hold an enquiry and come to the conclusion that the allegations are not correct then they must be ventilated here. If Government come to the conclusion that those allegations are correct then it is not necessary to ventilate them here; if they do not agree to a departmental enquiry then the case must be discussed here. Therefore if that precedent is allowed then it means that in any criminal case they can come here and ventilate their grievances. In this case an enquiry was held after the allegation was made.

Diwan Chaman Lall : No one of the witnesses was summoned.

Premier : I have got a report from the magistrate—

Diwan Chaman Lall : Even the time and place of the enquiry was not intimated to the people who were to give evidence.

Premier : My honourable friend is simply saying what he has heard from the honourable member behind him.

Diwan Chaman Lall : The record is in possession of my honourable friend; he had been warned of this fact beforehand.

Premier : The magistrate who held the enquiry has given the names of the witnesses.

Diwan Chaman Lall : Witnesses of the sub-inspector. People complaining have not been heard. They were not told the place where they were to give evidence.

Premier : He has given the record of their evidence including that of one Barkat (and other relations) who has filed a suit for compensation. That suit is still hanging fire, I believe. It was a case by Barkat, son of Nathu, under section 180, claiming Rs. 5,000 as compensation for torture. Therefore my honourable friend is not correct when he says that the magistrate did not make an enquiry.

2 P.M.

Dr. Sir Gokul Chand Narang : Can you show the papers to this side of the House for their satisfaction, if there is nothing confidential?

Premier : Yes, outside this House. I can show the magistrate's findings and also the deputy commissioners's orders.

[Premier]

This is not the first instance, but invariably when my friends find that they have not got a case in the law court, they come and start moving adjournment motions as if we are the court of appeal. That is a position which is most unfortunate because it would make justice impossible in such cases. If my honourable friends cannot under the law give any proof or evidence and have no leg to stand upon in a court of law, they come and give notice of adjournment motions and ventilate the whole case which should be ventilated in a court of law. They should first go to a court of law, and if any sanction is necessary they should come to me. If I do not give sanction, then it would be open to my learned friends to move adjournment motions. Before coming to me for sanction they want this House to be turned into a supreme court and they want to ventilate every criminal case in this House. I think it is most unfair to this House and to the province because it is unnecessary waste of time. It might give some consolation to my friends, but I do not think it is fair to the House or to the province to allow the present state of affairs.

Dr. Gopi Chand Bhargava : I have to make one observation. It has been said that we ought to have gone to a court of law. I would state that there is another procedure which has been adopted by Government. The person who gives a bribe and the person who takes it are both liable to be prosecuted in a court of law. It is a crime to give bribe just as it is a crime to accept it. But Government has adopted another procedure, and that is this that if five respectable persons send in a complaint to the authorities then they would enquire into the case and if on enquiry it is found that the complaint was a false one, then they ask the officer against whom the complaint is made to ask for permission to bring a suit and prove his innocence in a court of law. It comes to this that the man who gives wrong information should be prosecuted. Here is a similar case though not of bribe-taking, but one in which a serious charge was made that a man tortured another man to death. An enquiry was held. When Government find that the report of the deputy commissioner is that the man committed suicide and that he was not tortured to death, Government should ask their officers to prosecute the man in a court of law charging him with giving false report. That is a procedure which lies in the power of Government. It is not fair to say that the relations of the man should go to a court, when we the representatives of the people want to invite the attention of Government to ventilate our grievances. We have a right to ventilate our grievances and when we exercise that right why should we be debarred from moving adjournment motions.

Then it is said that in every criminal case we move adjournment motions. May I draw your attention to the fact that it is not in an individual case that we are ventilating our grievances, but it is the methods of the police that we want to discuss while moving the adjournment motion and we are citing an instance of the man who was tortured by the police. Therefore it is not the question of an individual case or every criminal case when we differ from the Government or from the court. Therefore I submit that this adjournment motion is in order.

Khan Bahadur Nawab Muzaffar Khan : The difficulty of the friends on my right appears to be that they cannot go to a court of law, because

the sanction of Government is necessary and it is because of this difficulty that they have brought the motion. The proper course for them, I venture to submit, was to have lodged a complaint and applied for sanction. If Government thought that the case was strong then permission would have certainly been given. But as pointed out by Malik Barkat Ali, no permission is necessary under the law. In any case the proper course was to have lodged a complaint.

Dr. Sir Gokul Chand Narang : Then the people who have no resources must remain at the mercy of the police.

Mr. Speaker : I have heard the learned arguments advanced by honourable members of the Opposition as well as by the Honourable Premier. In my opinion the matter is not free from doubt. However, had a complaint been lodged, the position would have become clear. Any one could lodge a complaint.

Sardar Sampuran Singh : That is not our business. Our duty is in this House.

Mr. Speaker : That's true. But if the honourable members are helpless because they cannot depute anybody to lodge a complaint they must leave the matter where it is. When they come to this House they should come after having done all they could do before coming here.

Diwan Chaman Lall : That is what we have done. We have "finished all the procedure."

Mr. Speaker : No complaint was lodged. No enquiry or trial was held. No particular individual was charged or named as offender. The whole matter is doubtful.

But as more than one hour has already gone and as the Premier says that instead of wasting time permission might be given to discuss the adjournment motion itself, I am inclined to hold it in order if he is still of the same opinion.

Premier : I would like you to study this matter carefully. This is not the first instance when such a case has arisen. There was also another case recently in which a detailed enquiry could not be held. But I did not object because it would be preventing a discussion. In this particular case they have come to this House after exhausting every other source. That gentleman has given notice to the collector for compensation under section 80. That is pending and now my honourable friend wants to raise an adjournment motion. They can still make an application in a court of law and after that is done and if sanction is necessary they can come to me and if I decide not to give the sanction then they can move the adjournment motion and not till then.

Dr. Gopi Chand Bhargava : It would be setting a bad precedent. It means that the members of this House who have got a right to move adjournment motions should go about the province and find out if there are any cases and then go to a court of law. That is no part of our duty.

Mr. Speaker : In my opinion the admissibility of this motion is doubtful. So, if the honourable members desire, I will look up the point and give my ruling on 2nd November, 1989.

Mr. Dev Raj Sethi : The aggrieved party should have the benefit of doubt.

Diwan Chaman Lall : You have already allowed motions like this in the past. There are precedents which you can follow.

Mr. Speaker : In the case of doubt I must naturally give the benefit of the doubt to the Opposition.

Mir Maqbool Mahmood : On a point of order. Unless you have already given your ruling, I would submit that under rule 44 the only time when the Speaker can read the motion before the House is when he definitely rules it to be in order. If he has any doubt the rule does not empower him to read it to the House. Rule 44 is definite.

Mr. Speaker : Motion is that leave be granted to make a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the tragic death of Nathu Kumhar of Nag Khurd, tahsil Amritsar, on 23rd of June, 1939, through tortures by police authorities at Majitha while he was in police custody. Is there any objection to the leave being granted?

(Objection was taken by the Treasury benches.)

Objection having been taken, will those who are in favour of leave being granted please rise in their places?

As more than 35 members have stood up, the motion is allowed. Its discussion will be taken up at 8-30 p.m. to-day.

VILLAGE PANCHAYAT BILL.

Clause 6.

Mr. Speaker : The House will now resume discussion on the Village Panchayat Bill. The question is—

That in sub-clause (2), line 2, between the words "authority" and "and," the word "who will be either a first class magistrate or a first class subordinate judge" be inserted.

The motion was lost.

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

That in sub-clause (2), lines 3-4, between the words "confirmed" and "by" the words "or until objections taken by five voters to the election on the ground of fraud, material irregularity, false personation, and improper reception or rejection of vote are rejected" be inserted.

My amendment is quite clear and it does not require any further comment. I simply submit that in election, chance should be given to the voters to question. The panch should not be in a position to act as panch until objections taken are decided one way or the other by the prescribed authority. With these words I move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 3-4, between the words "confirmed" and "by" the words "or until objections taken by five voters to the election on the ground of fraud, material irregularity, false personation and improper reception or rejection of vote are rejected" be inserted.

Minister of Public Works : I oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (2), lines 3-4, between the words "confirmed" and "by" the words "or until objections taken by five voters to the election on the ground of fraud, material irregularity, false personation and improper reception or rejection of vote are rejected" be inserted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): I beg to move—

That in sub-clause (3), lines 4—7, the words "or whom.....panch" be omitted.

You will find that by this sub-clause the Government wants to exclude certain persons from the membership of the panchayat and the reason for excluding any member are given in clause 8 of this Bill. I will draw your attention to sub-clause (f) of clause 8 whereby a panch can be removed from office whose continuance in office is, in the opinion of the Government or of the officer to whom Government has delegated its power of removal, undesirable in the interests of the public or of the panchayat. So you will find that any person can be removed for the reasons given. When section 8 gives power for refusing confirmation of any undesirable panch, this part, as to undesirability, in this sub-clause becomes redundant. There is no use of having this part when the Government shall be armed by another clause to refuse the confirmation of any panch. At the same time you will see that the Government is going to make certain rules as to the qualifications or disqualifications of the panches. When the Government have got those rules too and when they have section 8 for the removal or refusing confirmation of a panch, there is no reason why this part of the sub-clause be retained. If the Government is going to press that this part of the clause should be retained, then it means that the Government has got certain ulterior motives and those might be that the Government wants to debar certain Congressmen or those persons who do not belong to the same school of politics as they are. That might be the object, otherwise the purpose could very well be served by clause 8. I would, therefore, appeal to the Honourable Minister in charge that this part of sub-clause (3) be omitted for the ordinary purpose will be served by clause 8.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (3), lines 4—7, the words "or whom.....panch" be omitted.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural), (Urdu): Sir, if we, putting aside this amendment the notice of which has been given, read this clause, we find no difference whatsoever. It reads thus:—

The prescribed authority may refuse to confirm the election as panch of any person who could be removed from office under any of the provisions of section 8 or whom such authority for any reason which it may deem to affect the public interest may consider to be unfit to be a panch and upon such refusal the election of such person shall be void.

[Pt. Muni Lal Kalia.]

If the object of this sub-clause of the clause is this that the prescribed authority has been given powers to remove undesirable persons in the interest of the public, then I must submit that such a provision has been made in clause 8 (f). I think, therefore, that part (f) of clause 8 is self-contained and sufficient enough to serve the purpose. But if the Government means something else and has got some other secret object in view then I submit that the Government should have expressed that object in clear words. They should have stated in this clause whether they really want to obstruct the elections, if it is not of their liking.

My honourable friend Munshi Hari Lal just moved a very healthy and useful amendment to the effect that no election should be declared valid until objections taken by five voters to the election on the ground of fraud, material irregularity, false personation and improper reception or rejection of vote are rejected. But it is a pity that the Honourable Minister in charge of the Bill, without giving the slightest consideration to the amendment, flatly refused to accept it. It means that the Government is not prepared to grant even this simple and ordinary safeguard to us. But so far as the amendment moved by my honourable friend Lala Duni Chand is concerned the Government may rest assured that by accepting it the former would not lose anything. This amendment is not going to undermine its prestige. The Government has got sufficient safeguards in the form of clause 8 (1) to deal with any case it likes. The part of the sub-clause which is sought to be deleted reads as follows: "Or whom such authority for any reason which it may deem to affect the public interest may consider to be unfit to be a panch." Now there are two expressions which we strongly object to. One is "public interest" and the other is "for any reason." By means of these expressions the Government can do any harm or play any mischief in the panchayats. You have already got clause 8 (1) which provides for a number of disqualifications. Under the provisions of the said clause undischarged insolvents, persons convicted of non-bailable offences, or persons guilty of misconduct if elected, as panches, can be removed from their offices by the Government. But the expression 'public interest' implies still wider powers at the Government and strikes at the very root of democratic principle underlying the present Bill. The other day in the course of a question, I asked the Government as to whether any correspondence had passed between the Planning Committee set up by the Congress provinces and the Punjab Government. The Honourable Minister for Development disposed of the question by only saying that it was not in the public interest to give any information in the matter. In short the term 'public interest' covers a wide scope and can be applied in season and out of season. Even if the answer to a question is not ready the minister concerned can dispose of it by having recourse to this term.

Furthermore, we do not know the exact description of the "prescribed authority." Anyway, we believe that it might be panchayat officers or assistant panchayat officers. To-day when we asked the Government to state the minimum qualifications of the candidates recently appointed for the posts, the Honourable Minister was pleased to inform us that they were overflowing with missionary zeal. But we perfectly know the exact significance of the

term "missionary zeal." It means that they would play the part of puppets in the hands of the Unionist Government. The honourable members opposite ought to know that they would not be able to cling to the ministerial benches for all time to come. And when they would change seats with us only then they would come to know what the prescribed authority really means. It is not unlikely that certain non-matric candidates have been appointed as assistant panchayat officers. Now, would it be conducive to the growth of democratic panchayats to allow these under-matrices to decide the fate of panches returned by popular elections? It is absolutely advisable on the part of the Government to be cautious but it is certainly inexpedient to be over-cautious. In fact the Government fears lest it should be accused of bad drafting in case it accepts our amendment. But it ought to know that duplication of phrases in a Bill like this is a sufficient proof of bad drafting. Now, Sir, so far as the term 'public interest' is concerned it does not show that the Government is anxious to do things which are in the best interests of the public. The real object of the Government in keeping that term in the clause is to create difficulties for public spirited persons to be elected as panches. In fact the Government wants to put in the cage birds having no wings to fly and no tongue to chirp. In the previous Panchayat Act there was no mention of any prescribed authority and public interest. Then how can the Government substantiate its statement that the present Bill is a great improvement upon the former one? It has been alleged that this Bill would prove a blessing to the poor villagers. But I am sure the prescribed authority would turn every popular election into a farce. He would remove all the right thinking persons from the panchayats under the cloak of public interest. The Government has got an array of equally suitable Acts in its legal armoury to deal with such public spirited persons, and so it should not place much reliance on this very clause for removing such persons. I, therefore, submit that this amendment may kindly be accepted.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, my submission is that the Government is free to take powers under the provisions of clause 8 and it may take further powers by means of moving new clauses, but one thing I must suggest to the Government that it should obtain powers only by means of unequivocal provisions. It is no use acquiring such powers under some vague and ambiguous clauses. There are already 6 parts of clause 8 (1), and the Government is at liberty to extend it further. If the Government intends to bar all Congressmen and other public-spirited persons from being elected as panches it may say so openly and frankly. We would not then object to it. But the Government cannot be allowed to bring forward clauses in a veiled form and thereby hoodwink the simple-minded people. We do not find any striking difference between the present Government and the old bureaucratic one. Under the latter form of government right-thinking persons were not allowed to work on district boards and municipal committees. The Honourable Chaudhri Sir Chhotu Ram would, I am sure, bear me out that in those days disinterested persons were refused permission to enter such institutions. Only self-seeking and ambitious persons were encouraged to fight elections to the district boards and municipal committees. In fact this type of persons serve as puppets in the hands of authorities.

[Lala Duni Chand]

Does the Honourable Chaudhri Sir Chhotu Ram wish that only such persons should be allowed to serve on the panchayats as panches who are self-seekers and who have no idea of public service whatsoever? Let me point out to him that if in any panchayat there are one or two such panches who have the idea of public service uppermost in their hearts and are not merely the 'yes men' of the Government, even they would be able to improve the condition of the panchayats. If my friends debar such persons from becoming panches it would simply mean that they want that only such persons should be recognized as panches as are already to be found in the existing panchayats. There are many such instances where people have been turned out of municipal committees and district boards on the ground that their continuance in office was, in the opinion of Government undesirable in the interests of the public. I have already stated that my friends can have any powers which they like, because they have an overwhelming majority in this House. But I would request them to use those powers honestly.

Now, Sir, if the Government vests the power of removing a panch in a prescribed authority the result would be disastrous. As you know there are Congress committees in the villages as well. It is possible that the Congressmen would like to become members of the panchayats and thereby to serve the public. Now, it is also quite conceivable that other persons who do not see eye to eye with the Congressmen would go to the prescribed authority and tell him that such and such person should not be recognized as a panch otherwise he would create obstacles in the smooth working of panchayats. In this way public-spirited people would be debarred from becoming members of the panchayats, on the ground that their inclusion in the panchayat would be undesirable in the interests of public. I fail to understand that in the first place my honourable friends desire that people should take part in elections to the panchayats but when they take part in elections and go to the voters and secure votes and get themselves elected, they are told that they cannot become members of panchayats. Is it justice? Is it fair play?

Besides, if my honourable friend considers he would find that in the existing panchayats and municipal committees there are people who use these seats merely as stepping stones to their future success. Their only duty is that when the Honourable Ministers or Deputy Commissioner or other officials go on tour in their areas and ilaqas they wait on them and tell them that such and such person was not good from the point of view of Government and so on and so forth. Does my friend wish to perpetuate such traditions in future as well. On the one hand my friends make great claims for democracy yet on the other hand they are debarring public-spirited people from becoming members of panchayats. Do my friends wish to shut the door of public service against the real representatives of the people. I request them to give an opportunity to the public-spirited people to come and serve on the panchayats. It is no use harping on the old theme that their government is the government of the people when in fact they are doing all that lies in their power to suppress the voice of the people. By no stretch of imagination this could be called fair play. I am laying great stress on the point merely on the ground that if such public-spirited people

are given ample opportunity to serve on the panchayats they would not only be useful for the public but they would be a great asset to the Government as well. They can prove themselves useful for the Government and the public in hundred and one ways. For instance they can keep the Honourable Ministers informed about the grievances and ills of their own ilaqs and thus they can prove their worth. If on the other hand my friends wish to bring in old type of people, I assure them that they would not let them know about the real state of affairs and thus the Honourable Ministers would never get any knowledge about the rural affairs. I, therefore, submit that even in the interests of my friends opposite it is necessary that such persons should be allowed to serve on the panchayats and they should not be debarred from becoming panches on the ground of public interest. In the past 'yes men' had been simply deceiving the officials and had been keeping them in the dark. This is a godsend opportunity and my honourable friends should try to make amends.

To conclude, I may submit that if my friends wish to have any powers they should do so openly and not secretly. They should not have these extraordinary powers on the pretext of public interest. We are fully aware of the fact as to what is in the public interest and what is against it. My friends are in the habit of concealing all their activities on the pretext of public interest, so much so that even cases of deception and fraud have been hushed up on this very score. I, therefore, request the Honourable Minister in charge of the Bill not to insist on retaining these words in the sub-clause under consideration.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I oppose the amendment. There are two parts of this clause. The first only empowers Government to remove all those persons that can be removed under section 8, sub-section (1). If a person is to be removed and if he belongs to that category and considered unfit, I do not see why Government should not refuse to confirm his election. If we do not elaborate what procedure will have to be followed he will be notified one day and disqualified on another. This is a simple way. If he is not to remain a panch his election should not be confirmed.

Then there is the second part which some of the honourable members opposite called redundant. That is not the fact. We had an amendment rejected by one of the honourable members opposite about false personation, improper reception of votes and other mal-practices during an election. That is meant to cover this. If in the course of election the prescribed authority is convinced that somebody by some means, i.e., false personation, etc., got himself elected then the authority concerned may refuse to confirm the election and save money. It must be realized that the Panchayat law is a rough and ready method of dealing with local affairs. So the procedure must be a simple one. We do not want the villagers to go through the elaborate process of election petitions and incur expenditure. The purpose of both is the same. If the sub-clause stands as it is I think there is no redundancy or anything of the sort and I see no reason why the amendment should be accepted.

Mr. Speaker : Question is—

That, in sub-clause (2), lines 4—7, the words "or when" be omitted.

The motion was lost.

Lala Duni Chand : I beg to move—

That in sub-clause (3), lines 7—9, the words “and upon such refusal the election of such person shall be void” be deleted.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I beg to move—

That after sub-clause (3), the following proviso be added :—

“Provided that an opportunity shall be given to the person concerned for explanation or defence before such refusal order.”

When a person has spent a lot of money and has taken immense trouble to be elected but fails to get the confirmation by Government for any reason for which the Government may consider him unfit to be a panch, he should be given an opportunity for explanation or defence before such refusal order. He can be simply described as undesirable in the interests of the public. In such circumstances it is extremely necessary that the person who has been elected should be given some opportunity to have his say. In all cases, criminal or civil, an accused or defendant is given an opportunity to make his defence. In this case too it is extremely necessary that the member or the panch, against whom that refusal order is made, should have some opportunity to have his defence or his say.

Mr. Speaker : Clause under consideration, amendment moved—

That after sub-clause (3), the following proviso be added :—

“Provided that an opportunity shall be given to the person concerned for explanation or defence before such refusal order.”

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : Sir, in view of the reply of the Honourable Minister in charge of the Bill, the amendment now before the House has become all the more necessary. I may submit that sub-clause (3) of clause 6 invests arbitrary powers in the prescribed authority who can refuse to confirm the election as panch of any person, while no provision has been made to afford an opportunity to the person concerned to offer explanation or defence before such refusal order. In this connection I may add that my learned friend, Lala Duni Chand, was right in making a suggestion that in order to make prompt justice available, the language of the Bill ought to be made simple and free from any ambiguity. I am of the opinion that the proposed amendment helps to make the sub-clause more comprehensive and clear and therefore deserves to be incorporated in the Bill. It clarifies the matter that if in the opinion of the prescribed authority a particular person is guilty of an offence or of accepting illegal gratification or of committing grave irregularities in connection with the election, he shall be given an opportunity to explain or defend himself before an order refusing to confirm his election is passed by the authority. Strictly speaking it is contrary to all canons of justice to penalize a person without providing him with an opportunity for explanation or defence. Now it is quite possible that the person who reports against a particular panch may have some personal grudge against him and might wish to wreak vengeance against him. Besides, it is also possible that the prescribed authority may have a dislike for that panch for some personal or private reasons and thus considering him undesirable may refuse to confirm his election. The Honourable Minister was pleased to remark that he would

take all these facts into consideration while framing rules under the Bill and would see that the person concerned is provided an opportunity for explanation or defence before the refusal order. But my contention is what prevents the Honourable Minister from making a provision to this effect in the body of the Bill itself. The prescribed authority is liable to abuse his powers for reasons already stated. Of course we fully realize that if the prescribed authority has already made up its mind to remove him by refusing to confirm his election as a panch, then even ten explanations offered by the person concerned would fail to satisfy it. But all the same the proviso as suggested is essential and indispensable if it is intended to administer even-handed justice. I may point out that in every Act, be it District Boards Act or Municipal Act or Small Town Committees Act, a definite provision has been made that if a complaint is made against a certain person, the authorities shall afford him an opportunity to defend himself or offer an explanation before any action is taken against him. I just want to ask a simple question. If a complaint is made against the panch that he is a thief or if he is accused of some other misdemeanour he is removed. Is it not possible that those persons who have any grudge against him may have given a false report? In the case of proceedings having been taken against him under section 182, Indian Penal Code, is it fair to remove him without giving him a chance to defend himself? It is very necessary that a procedure must be laid down in this connection.

If the result of an election is to be declared on, say, the 15th, he should before that date be asked to show cause why his nomination paper should not be rejected. To this notice he should reply before the 15th setting forth the reasons for not refusing to accept his nomination paper, and the 'prescribed authority' should decide the issue accordingly.

If the amendments were made to the effect that in the first instance a charge may be framed and then he may defend himself through a lawyer it may be said that much time will be wasted. But when the amendment is an innocent one and nothing of the sort is contained therein, then why should it be opposed? When it is said that the provisions of the law will not be abused then why is he not given an opportunity to defend himself?

At the time when he seeks election to the panchayat, nothing is said against him, but when he has incurred the expenses and is duly elected the Government steps in and just to create an impression on the public and to show that it is very clever, his election is set aside. This will only increase expenditure and will cause misapprehension and suspicion in the mind of the people.

In the end I beg to submit that the amendment be accepted and incorporated in the Bill.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I oppose the amendment. I have already said that we cannot have any elaborate procedure of election petitions or anything on the lines of the elections to various other bodies. The amendment says, "provided that an opportunity shall be given to the person concerned for explanation or defence before such refusal order." Now take the case of defence. Suppose the prescribed authority thinks that the man, as the honourable member was suggesting, is given to cattle-lifting or is otherwise

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of a defective character. Then for the purposes of defence, would he be producing evidence? The prescribed authority would then turn into a court of law. I cannot think of any prescribed authority coming to a decision in a matter of this sort without giving the person adequate chance for representing his point of view. The procedure that we would be adopting would be dilatory and defective and if anything is necessary in this direction we will consider it at the time of rule making. I oppose the amendment.

Mr. Speaker : The question is—

That after sub-clause (3), the following proviso be added:—

“ Provided that an opportunity shall be given to the person concerned for explanation or defence before such refusal order.”

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

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

That in sub-clause (4), lines 2-3, between the words “ authority ” and “ shall ” the words “ shall take prescribed oath and ” be inserted.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): To save the time of the House I may at once say that I am prepared to accept the amendment.

Mr. Speaker : Sub-clause under consideration, amendment moved is—

That in sub-clause (4), lines 2-3, between the words “ authority ” and “ shall ” the words “ shall take prescribed oath and ” be inserted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): I have got an amendment in my name and I am not going to press it provided the Minister is willing to have a suitable form of oath. I want to know the form of oath which he is going to prescribe because it is just possible that he will prescribe an oath similar to the one which we have now in the district board and other bodies or in this House about loyalty to the King and so on. What I would like to have is some sort of oath that all the panches would be above communalism and that they would try to be as honest as possible and they would not dabble in politics, because much depends upon the sincerity and honesty of these people. So I want the Honourable Minister to insert some such form of oath for these people. This is what I have suggested in my amendment.

Lal & Duni Chand : May I suggest loyalty to the Unionist Government as part of the oath? (*Laughter.*)

Minister of Public Works : That will also be considered. (*Laughter.*) “ Prescribed,” according to the definition means, prescribed by rules made by the Government under this Act. What the exact form of oath is to be, I cannot say at present. We will prescribe the exact form later on. I cannot give any assurance at this stage that it will be in a particular form. The question will be considered at the time of prescribing it.

Mr. Speaker : The question is—

That in sub-clause (4), lines 2-3, between the words “ authority ” and “ shall ” the words “ shall take prescribed oath and ” be inserted.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (4) as amended stand part of the clause.

The motion was carried.

ADJOURNMENT MOTION.

DEATH OF NATHU KUMHAR.

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

Dr. Sant Ram Seth (Amritsar City, General, Urban) (*Urdu*) : Sir, I beg to move—

That the Assembly do now adjourn.

Sir, the incident which I am going to relate to the House took place at Majitha on the 28rd June, 1939. On the following day the Provincial Congress Committee received a letter from a resident of Nag Khurd informing the said Committee that one Nathu Kumhar of the said village had met his death through tortures by the police authorities at Majitha. It was further stated therein that he died while he was in police custody. On this the Working Committee of the Provincial Congress Committee appointed a committee consisting of Khalifa Fazl Din, Feroze Din Mansoor and myself to institute an enquiry into the matter. Thus we set out for Nag Khurd on the 27th June. No sooner had we taken our seats in the motor lorry than we started our work. We asked the motor driver ; we sounded a doctor sitting in the lorry and we enquired from a Sikh passenger into the case. All of them deposed that the death of Nathu Kumhar was caused by the police. They were of the opinion that the poor fellow was murdered at the instance of Ghulam Rabbani, Sub-Inspector, Police.

Mr. Speaker : Order, order. Withdraw.

Dr. Sant Ram Seth : Very well, Sir. I withdraw that. Anyhow we reached Nag Khurd at half past four. At that time some zamindars were sitting near a well and talking about the sudden and tragic death of Nathu Kumhar.

(At this stage Mr. Speaker left the Chair which was occupied by Khan Bahadur Chaudhri Riasat Ali of the panel of Chairmen.)

We too sat close to them and began to enquire into the causes that led to his death. At first they were much perturbed to see us meddling with their affairs but when they came to know that we had been specially deputed by the Working Committee of the Provincial Congress Committee for the purpose they most willingly furnished us with the required information. After that we recorded certain evidences and cross-examined seven witnesses. Thereupon we made for Majitha to hold a similar enquiry there too. Even at Majitha we were told that Nathu was tortured to death at the instance of the sub-inspector, police, Majitha. We again went to Nag Khurd to complete our enquiry. We recorded statements of 15 persons in all and they held the same opinion that the death of Nathu was caused by the police while he was in latter's custody. After that we visited village Nag Kalan which

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is situated at a distance of one mile from Nag Khurd. There we met the lambardar of the village. We enquired from Karam Dad, Faqiria, Aziz and Din Muhammad. Babu was not present there and so we could not see him.

Now, Sir, in order to substantiate the charge made against the police I would like to inform the House as to how the police attempted to dispose of the dead body of Nathu. The police brought his corpse to Nag Kalan at twelve in the night and having placed it in the school compound sent for the village chaukidars. When they came the police directed one of them to fetch grass for the horse of the sub-inspector. Another chaukidar was sent to bring ropes and the third was despatched to arrange for a *charpai*. After having made all the necessary arrangements, the police between 1 and 2 a.m. took the corpse to a well. But they soon found 2 or 3 persons talking about the death of Nathu. The sub-inspector directed the policemen not to throw the corpse into that well lest they be detected. They proceeded further and reached another well but there too they found, by means of torch light, persons sitting and talking about the same incident. Then they reached the third well but here again in the torch light they saw certain *Gujjars* whispering to one another. In short they visited no less than 6 wells for the disposal of the body. At long last they came across an abandoned well and there they threw it into the water. (*Interruptions.*)

Sardar Sampuran Singh : On a point of order. The Honourable Premier should get up and say what he has to say. He should not make any remarks in that irregular manner.

Premier : I have not made any remarks and it is sheer impertinence on the part of my friend to make that remark.

Sardar Sampuran Singh : It is a greater impertinence on the part of my friend and it is a lie. It is impertinence to do a thing and then to deny. It is the height of impertinence.

Dr. Sant Ram Seth : I request the Honourable Premier not to interrupt me.

I was submitting, Sir, that that well was out of use and as nobody was found there, the sub-inspector of police thought that place quite suitable to dispose of the dead body. So the dead body was laid on a *charpai* and thrown down into the well by means of ropes. Then a rumour was set afloat to the effect that Nathu Kumhar had committed suicide and his death was due to drowning. This was false propaganda and nothing else. In this connection I may submit for the information of the House that when the dead body of Nathu Kumhar was taken out of the well his body was half submerged in water with his legs and belly in water while his head and chest were above water. I wonder how it could be said that his death was due to drowning when no excess of water had been found in his lungs and stomach. May I ask the Honourable Premier if this is how poor people are being protected by his sympathetic government and is this the protection provided to the poor which he is so proud of?

Now, Sir, this tragedy does not end here. Two police constables are posted to see that nobody comes near the dead body. Over and above all, a story is concocted to the effect that Nathu Kumhar has run away

from the custody of the police and committed suicide by throwing himself into a well. And this cock and bull story is conveyed to every corner of that ilaqa by the touts of the police. In this respect may I ask the Premier what inquiry has been made against that constable from whose custody the man in question ran away? Has he ever thought why he ran away? He would certainly have been tortured by the police to tell what they wanted him to tell. I may further submit that Kumhars were collected on the 14th and some of them who could grease the palm of the sub-inspector were allowed to go home. But Nathu Kumhar who was a poor man could not afford to bribe the sub-inspector. The cruel sub-inspector beat him to death. A man of sixty could not stand the police torture and died. Moreover when he was taken out of the well his thighs and forehead were bleeding. May I ask the Honourable Premier whether this kind of bleeding has ever been found in cases of suicide. How regrettable it is that Sir Sikander has not got the courage to lay before this House the true facts and figures relating to the tragic death of Nathu Kumhar.

I was submitting that when the relatives of Nathu Kumhar came to know that his dead body had been found in a well they ran straight off to the police sub-inspector and requested him to give them the dead body of the deceased. But he refused to do so. The sub-inspector of Majitha sent telegrams to the superintendent of police at Amritsar requesting him to send more police for his help. Mian Noor Hussain Shah, Deputy Superintendent of Police, reached Nag Kalan with 20 constables as asked for. Noor Hussain Shah, Deputy Superintendent of Police, is the man who got this sub-inspector employed in the police department and got him transferred to the Amritsar district. Now, when the dead body was demanded by the wife and sons of the deceased, the sub-inspector showed his revolver to them and ordered them not to come near the dead body, otherwise they would meet the same fate as the deceased.

Why are you bending your head, my dear Honourable Premier? Is this the justice done under you to the poor people of this province?

Mr. Chairman (Khan Bahadur Chaudhri Biasat Ali): The honourable member will please address the Chair.

Dr. Sant Ram Seth: I address the honourable member through you, Sir. Well, after that, the corpse was sent to Amritsar for *post-mortem* in a lorry. What should I say as to what happened to the doctors as well as the magistrates?

Premier: Sir, may I know whether what the honourable member has stated is based upon his testimony? Is it his own evidence or hearsay that Nathu's forehead and thigh were bleeding when his corpse was taken out of the well?

(A Voice: Had Dr. Sant Ram Seth been there that murder would not have taken place.)

Dr. Sant Ram Seth: Then, Sir, the *post-mortem* is done in Amritsar hospital and it is said that the sub-inspector of police spent about four or five thousand rupees during that night in order to make that case in his favour. (Interruption.)

Premier : If the honourable member makes these charges against that sub-Inspector out of this Chamber, I am sure, he will be prosecuted by him.

Dr. Sant Ram Seth : What to say of the sub-inspector, I challenge you to prosecute me.

Premier : I doubt if the honourable member has so much courage as to say these words out of this Chamber and if he does so he will see the consequences.

Dr. Sant Ram Seth : Sir, I was submitting that his *post-mortem* was done in Amritsar hospital.

Mr. Chairman : I request the honourable member to wind up. It is more than 18 minutes.

Dr. Sant Ram Seth : As far as the *post-mortem* report is concerned I think the Honourable Premier is quite aware of it. When the *post-mortem* was done the relatives of the deceased claimed the dead body. But the authorities gave them no ear and after declaring it unclaimed property gave it away to a Maulvi. Then the relatives of poor Nathu Kumhar had to knock the Maulvi's door and after much entreaties they got it from him. I wonder that Maulvi has surpassed this Government as far as mercy and generosity are concerned.

I may further add, that the deceased had two sons Barkat and Chiragh and the former sent a representation to the Honourable Premier on the first of July. He also sent a representation to the Deputy Commissioner of Amritsar and Superintendent of Police and even Inspector-General of Police. And when he saw that no help was given to him by anybody, he being disappointed from every door sent a representation to His Excellency the Governor. This shows that he did not make any delay in informing the high authorities. They sent several representations to the Honourable Premier. They approached the honourable member representing that constituency in the House. It has been alleged that my honourable friend, Mir Maqbool Mahmood, had visited the village to enquire into the matter, but my information is that he did not at all reach Nag Khurd. I told the sons of the deceased that I could not help them in any way other than requesting the Deputy Commissioner to institute an enquiry into the matter. I advised them to approach their representative Mir Maqbool Mahmood and persuade him to help them. I am not aware of the fact whether Mir Sahib interviewed the Deputy Commissioner, Superintendent of Police or the Honourable Premier in this connection. This much I know for certain that Barkat, son of the deceased, approached the Premier but the latter did not at all condescend to pay any heed to his grievances. With these words, Sir, I appeal to the honourable members opposite, who claim to be the upholders of the cause of poor people, to support my motion.

Mr. Chairman : Motion moved—

That the Assembly do now adjourn.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*): Sir, before I make my submission with regard to the adjournment motion under discussion I deem it my duty to express my deep and profound sympathy with the poor relatives of Nathu Kumhar in their recent bereavement. They are my brethren and my heart sincerely goes to them in sympathy in their plight. It is also my duty to acquaint the House with the position of the

Government in such cases and to clarify its position with special reference to this particularly sad incident. The Government does not claim that all the police officials are not corrupt or tyrannical, at the same time it does not admit that all of them are dishonest or cruel. Moreover, it must be admitted to our shame that some of our countrymen are apt to deviate from the path of truth when making statements about incidents in which their friends or relatives are involved. It is also well known that unfortunately there are certain political bodies and leaders who mislead the poor credulous people by holding out false hopes to them which make them suffer a lot. These factors have to be admitted; nevertheless it is my privilege to announce in the House on behalf of the Honourable the Premier that if it is established by evidence that any person has been victimised by the Punjab police, the officer concerned would be given exemplary punishment. On several previous occasions it has been stated in reply to certain Assembly questions that police officials found guilty of corruption or torture had been severely dealt with by the Government. And if it is proved in this particular case that Nathu had been a victim of police excesses the officer concerned will not go unpunished. But the Opposition should understand that before expecting the Government to act they shall substantiate the charge laid against the official. Mr. Chairman, the fact is that Dr. Sant Ram Seth was not present on the spot and was not an eye witness of this tragic incident. He has reproduced here what he heard from others. That may be true or it may be false; but it must be established in a court of law, or police investigation or official enquiry before Government can take action. That, Sir, has not been done. I too, Sir, was not present at the spot when the incident occurred. The information which I am giving to the House now is based on reports submitted by responsible officers. Unless it is proved to be false we have to act on it. Our information is that in the month of June, a theft took place in the village of Nag Khurd and that Barkat, son of Nathu Kumhar, and certain other Kumhars of the village were suspected of having committed the crime. The sub-inspector in charge of the police station Majitha summoned all the suspects to the *thana*, but as Nathu was not one of the suspects he was not called. We are told in the official report that on 23rd June Nathu of his own accord went to the police station and stated that he had reasons to believe that his son had actually committed the theft and that he would assist in the recovery of the stolen property. It is to be noted that Nathu was not a suspect, and he was not in police custody, so it is not clear why Nathu came forward to make such a statement. Anyway we are told that he asked the police authorities to recover the stolen property from his joint house with his son. At about that time it seems some one frightened him that the recovery of the stolen property would surely result in his prosecution also. On this it is alleged that Nathu disappeared, and later his dead body was found in a well.

Now, Sir, there are two versions of the death of Nathu. One is that he was tortured to death by the police and his dead body was thrown into a well. The other version is that fearing his complicity in the crime he lost his mental equilibrium and committed suicide by throwing himself into a well. I will frankly state that it does not seem clear as to what was his actual state of mind when he breathed his last. I hold no brief for the sub-inspector concerned. But what we have to explore is whether he died of

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torture by police or not. I can assure the House that I have also heard conflicting rumours about this incident and I tried my best to find some proof. I may submit that as this village is situated in my constituency, so I made inquiries with regard to the matter now before the House. My honourable friend over there has laid great stress on the point that we did not pay any attention to this matter. Let me point out to him that I did not neglect it. When the matter was reported to me, as a human being and as the representative of that constituency, I regarded it my duty to go to Amritsar forthwith and look into the whole matter.

Diwan Chaman Lall : I do not want to interrupt my honourable friend, but may I ask one question? If Nathu did admit that he would produce from the joint house with his son the stolen property, how is it that the police then let him off and did not arrest him? The second question that I would like to ask is whether it is a fact that water in the well was only 4½ feet deep?

Mir Maqbool Mahmood : My learned friend would forgive me if I say that a distinguished lawyer of his reputation and standing ought not to have asked such a question which betrays such ignorance of law. If stolen goods are recovered from joint possession it does not by itself hold any individual person responsible.

Diwan Chaman Lall : My honourable friend's proposition is extraordinary. Nathu admitted it himself that he had the stolen property in the joint house with his son and that he was prepared to produce it. How is it then that the police did not arrest him?

Mir Maqbool Mahmood : If my honourable friend does not follow my Urdu I would explain it in English which appears to be clearer to him. What I said was that he is reported to have said that from their joint house the stolen articles kept by his son would be produced, then some people frightened him that if that was done, he might also be implicated. But my honourable friend as a distinguished lawyer should know that when the property is recovered from a house in joint possession, it does not make any individual responsible. Let me, however, make it clear that I personally cannot say whether Nathu did or did not actually utter the words attributed to him. The case of theft against his son is *sub judice* and I do not wish it to be prejudiced.

Diwan Chaman Lall : My honourable friend also knows that the police must arrest both of them and then try to find out who is responsible for it.

Mir Maqbool Mahmood : My time is limited, if my friend wishes I can discuss with him the legal points involved in this matter outside the House. (Laughter.)

Diwan Chaman Lall : It conclusively proves the story told by this side of the House.

Mir Maqbool Mahmood : Under the circumstances what can the Government do? They find that no case has been proved in court against the sub-inspector. Immediately after the event a magistrate held an enquiry on the spot and gave a verdict of suicide. The only evidence to which we

could turn was the *post-mortem* report, and what do we find? The *post-mortem* examination report by the Civil Surgeon is here and it has been established that it was not a case of torture.

Dr. Sant Ram Seth : He never performed the *post-mortem* examination. It was done by the Assistant Surgeon.

Mir Maqbool Mahmood : The *post-mortem* examination is performed by both the doctors. Both their reports are to the same effect.

Dr. Sant Ram Seth : But your Deputy Commissioner told me so.

Mir Maqbool Mahmood : Probably my friend misunderstood the Deputy Commissioner. He must have said something else. However, the fact of the matter is that the *post-mortem* examination clearly established the fact that in the opinion of the doctors there was not a single injury on the dead body of Nathu which could have been caused before his death. The report of his internal organs also confirms this opinion.

Diwan Chaman Lall : Whose report is this?

Mir Maqbool Mahmood : Civil Surgeon's.

Diwan Chaman Lall : Did the Civil Surgeon perform the *post-mortem*?

Minister (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : He examined the body.

Diwan Chaman Lall : Did he perform the *post-mortem*?

Minister : It was performed under his supervision.

Mir Maqbool Mahmood : I may submit for the information of my honourable friends opposite that both the Civil Surgeon and Assistant Surgeon were present at the *post-mortem* examination. Their report says that no trace of any *anti-mortem* injury was found on the dead body of Nathu. Let me also point out that this much the report did say that a small sign of an injury was discovered on the eye of the dead body, which in the opinion of the doctors was the result of biting of some insect after death had taken place. Beyond that there was no other sign of any injury on the body.

Dr. Sant Ram Seth : Probably leeches must have bitten the dead body near the eye.

Mir Maqbool Mahmood : The story of the biting of leeches was related to me by my honourable friend and some others. It seems that his knowledge of anatomy failed him when he invented this story.

Sir, I recognize that there are often cases about which if my honourable friends from this side of the House or that side of the House make any definite report to the Government, it is our duty to institute inquiries into the matter at once. And after due enquiry if the Government find that there is any matter which necessitates action, they at once take it. Now in the present case the Government had had recourse to the same procedure. As soon as the report about the death of Nathu was received a first class magistrate, Mr. Shorie, was deputed to inquire into the matter. He went to that village and examined the witnesses, including some whose names have been mentioned on the floor of the House by my honourable friend opposite. I may also point out that later an attempt was made by some

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of these witnesses to resile from their earlier statements. However, in the light of these statements, Mr. Shorie held that the allegations of torture were not proved and facts were found to be as I have stated on the floor of the House. So it was not proved that the death of Nathu did occur as a result of torture by the police. That may or may not have been the real case, God alone knows. But we have to go by facts as proved on the file.

Then, Sir, my learned friend made certain insinuations against the Deputy Commissioner and Syed Nur Hussain Shah, the Deputy Superintendent of Police. I emphatically repudiate all these insinuations as baseless. My friend is not at all justified in attacking in this House officers who are known to be honest and are respected for their spirit of true service to the people of their ilaqa. It is not justifiable that such honest and sympathetic officers should be made the target of baseless allegations under the cover of this House.

Sardar Sohan Singh Josh : May I know whether there is any officer who in the eyes of the Government does not possess the same qualifications ?

Mir Maqbool Mahmood : Many bad officers have been punished. I am constantly being interrupted and I would request the Chair to allow me two or three minutes more to finish my speech.

In short, as far as our information goes, these are the facts. I do not say that they are gospel truth. They may be wrong but the story of torture by the police has not been substantiated. Without proof Government is unable to punish anybody. We cannot, like my friend opposite, tempt the simple people of that village into making incorrect statements by promising to secure for them Rs. 25,000 by way of compensation and later desert them by paying Rs. 8 only through local subscriptions. I do not know how far these statements are true but I can assure my friend opposite that my source of information is almost the same as his. When I came to know of this incident I went to the Deputy Commissioner and the Superintendent of Police and enquired from the Sub-Inspector of Police and from the relatives of Nathu and others concerned.

Dr. Sant Ram Seth : May I know whether the Parliamentary Secretary tried to settle the dispute by mutual adjustments ?

Mir Maqbool Mahmood : Yes, I have tried and will continue to do so. I do not, like my friends of the Congress, wish to see 'Tamasha' at the expense of these poor people. They are my constituents. They share my joy and grief just as I share theirs. Their worries are mine. I cannot mislead them. I told them that if they can prove torture I will be prepared to fight for them against the highest police officer. But if they cannot do so, just as in this case I honestly felt and my friends of the Congress in their hearts know, it cannot be done. In the face of Doctor's report and Magistrate's enquiry then it is cruelty to give them false hopes. Moreover, let me point out that unfortunately my ilaqa is a hot bed of party factions. I was told that certain mischievous individual of the village had been trying to instigate the residents of the village against each other and he had been trying to mislead the police also.

Dr. Sant Ram Seth : His name is Hussaina.

Mir Maqbool Mahmood : I did not wish to mention his name because he has been convicted in another case and is now behind the bars. However, that man has tried to create unpleasantness in the village by setting one party against the other and he is reported to be responsible for pulling the beards of innocent respectable people of the village. I felt it was wrong of the sub-inspector to have encouraged a man of this type and I told him so and also mentioned the facts to the Deputy Commissioner and the Superintendent of Police. I also informed them that Nathu's relations appeared to be duped by certain interested parties and should not be proceeded against. I found the Deputy Commissioner and the Superintendent of Police both sympathetic and fair-minded and am grateful to them. In short, my genuine sympathies are with Nathu's relatives but I cannot promise them that the sub-inspector will be punished unless they can prove their allegations. The position is the same even if I were the complainant. Law is no respecter of persons. The Congress has spoilt the chances of those poor innocent people.

Mr. Chairman : The honourable member's time is up.

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*): Sir, in view of the high-handedness committed by the police two adjournment motions have already been moved in this Honourable House; one by Sardar Hari Singh which was to the effect that during the investigation of a case in the Hoshiarpur district, an accused made good his escape from the custody of the police on account of the brutal treatment meted out to him by the latter and committed suicide by throwing himself from the top of a hill; and the other by Mr. Dev Raj Sethi which was also to the effect that at Lyallpur a certain person named Kala Singh had been beaten to death by the police. Sir, before speaking on the motion now before the House, I would appeal to the Honourable Premier that when adjournment motions of this kind are brought before the House, he should not look at them from the political point of view. He should, rather, consider them dispassionately and see as to what the Punjab Government had been doing for the amelioration of the condition of the poor people. In this connection I would also like to say that whenever an adjournment motion is moved by the Opposition, the Honourable Premier invariably opposes it. But even when he has no objection to its being discussed he considers it as a challenge thrown by the Opposition. Sir, this attitude adopted by the Honourable Premier, especially when he possesses a comfortable majority at his back, affects the police administration adversely. It rather encourages the police to commit atrocities on the people. I am of the opinion that it is mainly due to provincial autonomy that Government have been compelled to defend the police in season and out of season. They have to do so because during the general elections they have to depend much upon the support and co-operation of the police in securing votes for their candidates. It is, therefore, quite obvious why Government are always out to defend the police from public criticism. Besides, you will perhaps remember, Sir, that during the last Simla session, I asked some questions regarding the mal-practices of the police and the Parliamentary Secretary, Mir Maqbool Mahmood, was pleased to state that the Honourable Premier had issued instructions that any police officer guilty of excesses or mal-practices would be severely dealt with. I would like to cite an example which would indicate as to how

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far these instructions have been carried out. Sometime ago the Deputy Inspector-General of Police dismissed a police sub-inspector of Sheikhpura for his misconduct and irregularities committed by him. But one of the highest authorities in the Punjab Government asked the Deputy Inspector-General of Police on the telephone to cancel the dismissal orders of the sub-inspector and re-instate him. (*Voices from the Government benches* : Question). In this connection I asked a question on the floor of the House, which was to the effect that a police sub-inspector had been re-instated in spite of his dismissal by the Deputy Inspector-General of Police....

Premier : But your remark that he was re-instated by the orders of one of the highest authorities of the Punjab Government is incorrect.

Chaudhri Kartar Singh : Whatever I have stated is absolutely correct.

Premier : If what the honourable member says is true, then he should name that Government official whom he is referring to.

Chaudhri Kartar Singh : I do not exactly remember. Perhaps it was the Honourable Premier himself.

Premier : The honourable member is telling a lie.

Chaudhri Kartar Singh : Then the Honourable Premier is lying a thousand times more. I had asked a question in this connection. The Honourable Premier can send for the proceedings of the Assembly. In reply to that question his Parliamentary Secretary admitted—

Premier : What is the name of that sub-inspector ?

Chaudhri Kartar Singh : I do not remember that.

Premier : I assure my honourable friend that I never telephoned the Deputy Inspector General of Police in regard to this matter. He is deliberately making a wrong statement and telling a lie.

Chaudhri Kartar Singh : Absolutely not. I am stating facts.

Premier : My honourable friend has got no right to insinuate. If he states that fact outside the House, he will know the consequences.

Mr. Chairman : The honourable member will please proceed without insinuating.

Chaudhri Kartar Singh : I have seen such challenges thrown to us several times. I know full well that the Honourable Premier wields great power, but he may rest assured that the Opposition is not going to be cowed down by such threats.

Shaikh Karamat Ali : Sir, I belong to Sheikhpura and therefore generally all such cases in which police or other cases are involved for misconduct or corruption come to my notice. So I would ask the honourable member who is speaking on the motion now before the House that if he does not remember the name of that sub-inspector, he should at least inform us the year when he was dismissed and then re-instated. If my honourable friend is unable to give us this piece of information then I would not hesitate to say that he is haranguing for the sake of mere propaganda. He is rather wasting the time of the House.

Chaudhri Kartar Singh : Already a question to this effect has been asked. I was submitting that when that was the mentality of the Government why should not the police feel encouraged to indulge in excesses? I would like to relate another incident of a similar nature, which took place in the Hoshiarpur district.

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

Chaudhri Kartar Singh : Sir, now we have to find out as to how the death of Nathu took place. I am of the opinion that it is the imperative duty of the Honourable Premier that instead of expressing mere lip sympathy he should get the case thoroughly investigated and the guilty persons brought to book. But I am sorry to point out that so far as the enquiry into the causes is concerned, we have already had a bitter experience about the enquiry that was held in connection with the death of Kala Singh. When an adjournment motion in regard to his death was moved in this House, the Honourable Premier promised to hold an inquiry in the matter. But so far the results of that enquiry have not been conveyed to this House. This fact amply proves that justice has lost all its charms so far as the Honourable Premier is concerned. I would submit that in such matters he cannot hoodwink this House by merely indulging in platitudes. They should do something substantial, and refrain from defending the police without any justification, so that the poor people may get justice. Then, Sir, the deputy commissioners have definitely been instructed not to do any public work on the recommendations of Congress M. L. A's, as otherwise this would enhance their prestige in the eyes of the people.

Premier : I should like to know the names of such deputy commissioners.

Chaudhri Kartar Singh : Ask Sardar Sampuran Singh and he would explain to you everything. I was saying that the motion under consideration related to Amritsar from where hail many eminent and distinguished members of the Unionist Party. But it is interesting to see how far they have advocated the cause of justice. If any honourable member among them rises to speak, he must eulogise the police. As a matter of fact when licences of revolvers were granted to certain persons involved in the Fatehwal case, we fully realized that justice could not be expected of this Government. It is very difficult for the poor to obtain even-handed justice.

Again, Sir, we are fully aware of the fact of this adjournment motion. We know that Government have a majority at their back and they would reject it. Although we realize that our adjournment motions are sure to be defeated, yet we are compelled to move them because we have no other alternative to ventilate the grievances of the public. But the difficulty is that threats are held out to us by Government that if we dared say certain things outside this House, we should be prepared to take the consequences. I would submit that we do not care a fig for such threats. If a necessity arose we would repeat these facts outside the House. What can Government do? At the most they can incarcerate us for a year or two. (*Hear, hear.*) I, therefore, make it clear that I would not hesitate to tell publicly as to who was responsible for the death of Nathu. I would again request the Government that they should not do injustice to the people merely on

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account of their numerical strength in this House. The Honourable Premier having acquired a little political power is surpassing even Hitler in his arbitrary actions. He must remember that unrestricted repression on the poor shakes the very foundations of mighty empires.

How earnestly I wish that Sir Sikander Hyat-Khan became the same Sir Sikander that he was three years ago! He should adopt the same old policy of justice and fair play.

Sir I assert with all the emphasis at my command that the adjournment motion should not be viewed from the party point of view. It should not be viewed from a wrong perspective that it has been moved by the Congress party and therefore it should not be given any serious attention.

I request the Honourable Premier to prove his case by agreeing to the appointment of an enquiry committee composed of two members from the Treasury benches and two from the Opposition. We have no faith in enquiries conducted by the magistracy. Public opinion can only be satisfied by an impartial and independent enquiry into the incident.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu): Mr. Chairman, the incidents alleged to have led to the death of Nathu, potter, as recounted by Dr. Sant Ram Seth do credit to the doctor's power of argument. It is to be regretted that he adopted the medical profession. Had he been called to the Bar he would have occupied the seat of highest judicial eminence in the province which is now occupied by Sir Douglas Young.

From his statement no one can decide whether Nathu was tortured to death at the hands of the police or that he committed suicide. He has related a fantastic story of the incident. He says that the police after doing him (Nathu) to death took his body to the village and placed him near a certain well. Then they got a *charpai* and rope from the villagers and took him from one well to another. Now this is a story which not even a fool will credit. Even the most illiterate rustic will have his suspicions with regard to its authenticity.

My honourable friend's case is so weak that no amount of appeal to sentiments can make it in the least plausible. Can any one with even a little commonsense believe that an educated sub-inspector (even presuming for argument's sake that the death had occurred at his hands) would commit such a folly as to take his victim's body from well to well risking a meeting with people and actually meeting them in the way and then crowning his folly with a farther stupid act of placing where Nathu's body was thrown. Such a grand case is made out by my honourable friend that even the Privy Council cannot find any flaw in it for setting aside the findings of the honourable doctor.

It is very interesting to note how the evidence has been collected by my honourable friend. While in the lorry the Sikh and other passengers in it are reported to have held the police responsible for Nathu's death. Again on arriving in the village, the villagers repeat the allegation that Nathu died at the hands of the police. All these so-called witnesses are persons who have stated what they themselves heard from others. Not a single person

has come forward to let my honourable friend benefit by what he actually saw or heard. There is no eye-witness not even a person who could have heard the cries of the victim when the alleged atrocities of the police were actually being perpetrated. In my honourable friend's opinion the evidence is sufficient for giving the highest punishment provided for by the law to the sub-inspector concerned. No one can successfully contend that Nathu's death was due to his torture by the police.

Chaudhri Kartar Singh : Under your party's regime nobody ever dies of torture.

Mian Sultan Mahmud Hotiana : How ridiculous is the allegation that since Nathu had refused to give illegal gratification to the sub-inspector, he was murdered by the police! Further *post-mortem* examination of the body by the Civil Surgeon, is, according to my honourable friends opposite, to be disbelieved, because they say he is corrupt. The magistrate who conducts an enquiry into the matter is also telling a lie. The only persons whose statement is to be given any credence is, according to my honourable friend, the man in the lorry and his fellow passengers.

Even the possibility of his committing suicide seems very doubtful. It is stated that he himself informed the police as to the whereabouts of the stolen property and asked them to recover it from his house. The circumstances do not permit a final decision regarding the cause of his death, but it can very safely be said that the death did not take place on account of any torture suffered at the hands of the police.

Ever since the Unionist Government assumed office there has been a very great change in the attitude of the police. Repression and violence have almost died down. That is the reason why thefts have increased very largely in this province.

Sardar Sohan Singh Josh : Bravo !

Mian Sultan Mahmud Hotiana : What do you mean by saying "Bravo?" It is you who are the friends of the thieves and bad characters and you encourage them to commit thefts. You who come into the House straight from your shops, have neither any social position nor any standing. You have neither any houses of your own nor any property.

Dr. Sant Ram Seth : On a point of order. Is the honourable member in order when he points out on the floor of the House that members sitting on this side have no houses and no property.

Mr. Chairman : The honourable member should not be personal.

Mian Sultan Mahmud Hotiana : Sir, I was submitting that my honourable friends opposite possessed property in Lahore and Amritsar but had no stake in the rural areas, and they did not know how far the police was instrumental in saving the life and property of the village folk.

The honourable members are so loud in censuring the police but let two of my honourable friends Sardar Sohan Singh's bullocks be stolen and I will see how he can get them back without calling in the police to help.

Let me state here that the zamindars do not like this Government. They rather dislike it for having adopted a lenient policy which has emboldened the oppressors to do as they please.

[Mian Sultan Mahmud Hotiana.]

The Opposition is responsible for encouraging 'goondaism' and lawlessness in the province. If they have no regard for their own property they should at least think of others, and should assist the Government in suppressing lawlessness.

Dr. Sant Ram Seth : My honourable friend Mir Maqbool Mahmood has made certain remarks with regard to the Deputy Commissioner of Amritsar. I assure him that I too interviewed him and placed the whole case before him. He admitted that my arguments were convincing but he expressed his inability to take any action since the reports submitted by the civil surgeon and the magistrate did not corroborate my statement. The honourable Mir Sahib has said something about Mr. Shorie too. In this connection my submission is that on the night of the 23rd June Chiragh, son of Nathu, was also in the police custody. When Nathu was being tortured he clearly heard his father's shrieks. He also cried aloud for help. But how could help be available to them when police itself was responsible for all those atrocities? When witnesses were produced the police took special care in not recording Chiragh's evidence. It is only 3 days later when Mr. Shorie, the magistrate, visited the spot that Chiragh was forcibly made to affix his thumb impression on a document.

The honourable Mir Maqbool Mahmood has remarked that I advised the sons of the deceased to file a case against the Secretary of State and that I made an offer of 25 thousand rupees to them for the purpose. I assure the House that I said nothing of the sort. It is only a baseless story concocted by my honourable friend opposite in order to strengthen his weak case. Similarly Mian Sultan Mahmood Hotiana has said that there must be somebody present when Nathu was being tortured by the police. He ought to know that this is the very point which I have been stressing all the time that he met his death in the presence of his son. Now how can the son of the deceased lodge a complaint before the police when the police itself is responsible for the death of his father. The honourable Mian Sultan Mahmood has concluded that Nathu did not commit suicide at all. I assure my friend opposite that we too hold the same belief and understand that his death took place as a direct result of torture, and not by committing suicide. Anyway he has advanced a very clumsy and ridiculous argument in support of his contention. Before rising to take part in the debate he ought to have consulted his party leader in the matter. One of his wild remarks was that the Congressites are the friends of thieves and robbers. But I would advise him to ask the Honourable Premier first as to what is the political significance of these friends of thieves and robbers whose constant endeavours and strenuous efforts had forced the British Government to make a present of provincial autonomy to the province. I think it is well-known to the treasury benches that sycophants and flatterers cannot get their due rights. Let the time come and we would show to the world how the British Government gives way to the Congress might. We will again kill the game and throw it before these sycophants. These good old persons like *baba ji* would not be able to do anything. With these words, Sir, I commend my motion for acceptance by the House.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I am afraid one has considerable difficulty

in defending any action of the police because an impression is created that everything said against the police is correct and anything said in defence must necessarily be wrong. I admit there are good officers and bad officers and there are defects in the police also. But every attempt is being made to eradicate this evil and what I have to appeal to the House is this. They should consider this case on merits unbiassed and not be carried away by the impression that anything done by the police is necessarily wrong. Now let us examine what are the facts of the case.

The house of one Mahi Kumhar of village Nag Kalan was burgled on the night between 18th and 19th of June last and some ornaments were stolen. On a report made to the police, the sub-inspector of police went to the village and entertained suspicion that one of the Kumhars themselves appeared to have committed the theft. The sub-inspector returned to the thana on that day and went to the village Nag Kalan again on the following day. He learnt that suspicion rested upon Chiragh, son of Nathu, deceased and some others. On this he, the sub-inspector, sent for Nathu, deceased, and impressed upon him the desirability of inducing his son to restore the ornaments. Nathu was allowed to return to his house to satisfy himself as regards the guilt of his son. On 23rd June Nathu came to the Majitha Police Station and told the sub-inspector that he was satisfied that his son had committed the theft and undertook to help in the restoration of the ornaments. (*An honourable member*: From the graveyard?) This was before his death. The honourable member should have the sense to follow me. Hoping to recover the stolen property, the sub-inspector went to the village Nag Kalan, searched the house of Nathu and recovered some stolen ornaments. This is a very important fact. It is being asked what was the motive for the deceased to commit suicide? The motive was that the stolen property was recovered from the house of the accused and the old man was naturally perturbed in his mind as to what was going to happen to his son and himself after the recovery of the stolen ornaments from his house. This was agitating his mind and there is evidence on file that he was agitated over it. So Nathu and his son were taken into custody. This is another fact perhaps about which there was some misunderstanding. The party stopped at the district board school for the night. Now I would like to say that the school is situated on the main road. It is alleged that the torture took place here. It might be that the police sometimes resorts to torture. But generally they take the suspected person to the police station. But would they resort to torturing a man in a district board school situated on the main road and adjoining living houses? No sub-inspector with any commonsense would do this. At night Nathu escaped from the custody and his dead body was found in a deserted well on the 24th. Now I would not like to discuss the fairy tale related by my honourable friend opposite. It has been sufficiently dealt with by the honourable member from Montgomery as well as by the Parliamentary Secretary, General. The story is such that anybody who goes to a village after the occurrence and hears it would believe it particularly when he knows that there are factories in the village. I would not go to the extent of saying that those members who went and made this inquiry actually concocted the whole evidence, although allegations to that effect have also been made on the floor of this House.

[Minister of Public Works.]

But I would say this that at the most the honourable members who went to make this enquiry heard a distorted version of one faction only and on that they have based their report. There are always two versions in every case. How can we admit the uncorroborated verbal allegations of one party alone? In all such matters one has to take facts. Let us now take the facts. As soon as this occurrence took place on the 28th of June, an immediate enquiry was ordered and a first class magistrate of repute went to the spot. He made enquiries and what does he find? He finds that no allegation as regards torture is at all made. On the 26th he examines this man Chiragh, son of Nathu, about whom it is now being said that he saw his father murdered in his own presence. When he deposed before the magistrate on the 26th, he said nothing of the sort. That is an after thought. Whether it is his own imagination or some body else is putting things in his mouth, I cannot say, but this is an after thought.

Sardar Sohan Singh Josh : Are you willing to set up an independent enquiry?

Minister : A first class magistrate has already held an independent enquiry.

Sardar Sohan Singh Josh : You set up an independent enquiry and you will know the truth.

Minister : Enquiry by a magistrate is an independent enquiry. He is not in any way connected with the occurrence. I am submitting that before him no allegation was made on the 26th as to torture or extortion. Allegations to this effect were subsequently made on the 28th and what the magistrate has to say in this connection is significant. It is as follows :—

My belief is that Ibrahim, Nam Din, Nizam Din, Barkat, son of Nathu, Mahi, Buta and Sardar Ali who were produced before me on the 28th June, 1939, in court are making false allegations inasmuch as their having witnessed the alleged beating to Nathu, deceased, by the Police is concerned. I also believe that the statement which Chiragh accused, made before me on 26th June, 1939, is correct and that he made false allegations before me in his second statement made before me on 28th June, 1939.

This is very significant. As I have said the magistrate came to the conclusion that naturally the first statement was a true one and the second one was a coloured version. He says further—

The crucial point to be determined is whether Nathu was given beating and whether that beating was given by Police. The oral evidence led before me having been found useless in arriving at any conclusion with regard to this problem, I resort to *post-mortem* examination and the reply to my questionnaire.

As already stated the Civil Surgeon and the residential Surgeon did not find any *anti-mortem* injuries on the dead body of Nathu. As a result of *post-mortem* examination the death was found to have been caused by drowning.

Some honourable members suggested that perhaps the *post-mortem* examination was performed by an assistant surgeon. I have here before me the report of the Civil Surgeon himself. He says—

There were no contusions or *anti-mortem* injuries on the body.

Torture could not possibly have been committed because the medical authorities find that the death was due to drowning. Some one alleged here that no fluid had been found in the body of the dead man. This is

contrary to the *post-mortem* report which I have got here. All the symptoms have revealed to the medical experts that the death was due to drowning. Then it has been alleged that the sub-inspector went and paid Rs. 5,000 to the Civil Surgeon. This is an allegation that I would like not to refute. To direct that sort of allegation against a responsible officer of the I.M.S. like Colonel Beausang stands self-condemned.

Sardar Sampuran Singh : We know so many I.M.S. officers.

Minister : There are many M.L.A.s too.

Sardar Sohan Singh Josh : And we have a proof of one.

Minister : Repeat the insinuation outside and you will know the consequences. If you like to get the information repeat the allegation outside the Chamber.

Then, Sir, the same matter was enquired into by the district magistrate himself. The Deputy Commissioner of Amritsar about whom one of the members just said that he was convinced that there was something wrong in this affair says—

The enquiry establishes that Nathu died from drowning in circumstances which suggest suicide and credible evidence has not been produced to substantiate the allegation that the Police beat Nathu to death which is also disproved by medical evidence.

This is the report of the Deputy Commissioner. What other enquiry could have been held? A first class magistrate enquired into the affair immediately after the occurrence and found the allegation to be untrue. The Deputy Commissioner looked into the evidence and found that there was no ground to come to a different conclusion. We have been told that corruption is rampant in every department in this province. I would not deal with the matter as to how the murder took place. If there was to be a torture they would generally take such a man to the police station and not leave him in the village and least of all after the murder is committed they would not go about with a torch advertising the fact and then placing the corpse in a well. Somebody said, I think it was my honourable friend from Amritsar, that the man was found half submerged in water. There was 6½ feet of water in the well.

Sardar Sohan Singh Josh : 4½ feet.

Minister : 6½ feet.

Sardar Sohan Singh Josh : That is wrong.

Minister : If the honourable member goes and takes a dip in the well, he will find himself dead.

Munshi Hari Lal : Will the Honourable Minister kindly give us the report of the Civil Surgeon *in extenso* and tell us what were the symptoms which led the Civil Surgeon to conclude that the death was due to drowning?

Minister : This is the report of the Civil Surgeon —

I saw the body. There were some small pieces of skin round the eyes torn off as if by crabs or some small water beetles. There were no contusions or *anti-mortem* injuries on the body.

Then there is the *post-mortem* report in which he says "fluid comes out from the mouth on moving from side to side. Death in my opinion was due to drowning."

Munshi Hari Lal : What were the symptoms?

Minister : What symptoms do you want? I can read the whole report.

Dr. Gopi Chand Bhargava : In a *post-mortem* report condition of all organs of a man is also given. Have you got that report?

Minister : This is the *post-mortem* report—

Condition of subject	..	..	Fairly stout. <i>Rigor mortis</i> present in legs, body decomposed.
			Both upper and lower lids of both eyes are ulcerated. There are several punctural wounds superficial on the nose, right cheek, front and neck of left elbow and over the left arm. There are also small ulcers above the left hip—14 can be counted. One ulcer $\frac{1}{2} \times \frac{1}{2}$ inside of right ankle, feet and hands are washed white. Two ulcers $2 \times \frac{1}{2}$ and $\frac{1}{2} \times \frac{1}{2}$ on left cheek. Clean fluid comes out from the mouth on moving from side to side.
Scalp, skull and Vertebrae, Membranae,			Healthy.
Brain and spinal cord.			Do.
Walls, ribs and cartilages		..	Adherent on both sides. Old organised adhesions.
Pleurae	..	..	Seems to be washed.
Larynx and trachea	..	..	Congested.
Lungs	..	..	Healthy.
Pericardium	..	..	Empty.
Heart	..	..	Healthy.
Large vessels	..	..	Do.
Abdomen-Walls	..	..	Do.
Peritoneum	..	..	Do.
Mouth, Pharynx	..	..	Do.
Stomach and its contents	..	..	About 4 oz. of clean fluid.
Liver	..	..	Healthy.
Spleen	..	..	Do.
Kidneys	..	..	Do.
Bladder	..	..	About 2 oz. of urine.
Organs of generation	..	..	Normal.
Muscles, Bones, Joints, Injury	..	..	<i>Nil</i> .
Remarks by Medical Officer	..	..	Death in my opinion was due to drowning

Here is the opinion of two experts. I am not a medical man, but all that it reveals is that the death was due to drowning.

Munshi Hari Lal : May I know who were the doctors who carried out the *post-mortem* examination?

Minister : The Assistant Surgeon and the Civil Surgeon.

They ask, what has happened to the constable who was in charge of Nathu when he went to commit suicide? Nathu was not in the charge of the constable. He was in the charge of the chowkidar of the ilaqa.

It has been said that nobody was allowed to go near the body of Nathu. This is a precaution which was taken in this case as is always taken in every case. From the time the police takes charge of a body, it is responsible till the *post-mortem* is performed. After the *post-mortem* the body is handed over to the relations of the deceased person. Till then nobody has a right to go near the body. This was the essential precaution that was taken in this case and is always taken in every other case. (*Interruptions.*) This

is not the concern of the police. What happened was that from the time the dead body was recovered from the well till it was taken to mortuary, it was in the charge of the police.

It was said that the shrieks were heard and Nathu was lodged in a room in the month of July while the whole party along with the police was sleeping out in the compound. This statement is also contrary to facts.

It is said that Barkat has served the Secretary of State with a notice. If he has facts the best course for him is to proceed in a court of law, then the true findings would be given in this case. But this is the least of all matters in which there should be an adjournment motion. There are many cases in which allegations are made but eventually they do not succeed. If adjournment motions are tabled in every such case, it will be sheer waste of the time of this House and no useful purpose will be served. To-day nearly two hours have been wasted in dealing with a case about which there is no doubt that it was a case of suicide in which an old man of 70 who was perturbed, because stolen property had been recovered from his house, lost his head and committed suicide. Such suicides take place daily. Certain persons under similar circumstances get mental derangement and put an end to their lives. I do not like to recall by name a similar case which occurred this morning. Where was the strange phenomenon in Nathu Kumhar's case? Stolen property was recovered from his house and he and his son were going to be challaned by the police and imprisoned. Nathu was very much perturbed. He went and jumped into a well and thus ended his life.

Again, the wholesale allegations of corruptions against officials and police do no good to anyone. The honourable members of this House are responsible people and they, before making any such allegations and charging officers of Government with acts of this nature, should at least ask questions or get information and then come and make those allegations.

The report of the so-called Enquiry Committee is totally one-sided. During the course of the debate it has been established that there is not an iota of evidence to prove that the police ever beat Nathu or extorted money from him. As a matter of fact the story of extorting money from Nathu has been introduced for the first time in this debate and is an afterthought and contrary to facts.

With these words I oppose the motion.

Chairman (Khan Bahadur Chaudhri Riasat Ali) : The question is—

That the Assembly do now adjourn.

The motion was lost.

The Assembly then adjourned till 12 noon, on Thursday, 2nd November, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 2nd November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

MOTOR VEHICLE No. P-8009-C.

***5252. Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that a motor vehicle No. P-8009-C began to ply for hire in the month of May on the road between Narpur and Una ;
- (b) whether it is a fact that the above-named road is in a good condition and that all lorries are allowed to run on it ;
- (c) whether it is a fact that the District Magistrate of Hoshiarpur kept in his possession for a period of two months the permit and licence of the vehicle mentioned in (a) ;
- (d) whether he is aware of the fact that later on the above-mentioned motor vehicle was forbidden to run on the Narpur-Una Road and the permit and the licence were returned to its owner after two months ; if so, the reasons therefor and the action Government proposes to take in connection with the loss thus suffered by the owner ?

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

(b) No. Four or five miles of this road form part of the Garhshankar-Narpur road, which has been notified as a hill road. Under rule 89 of the Punjab Motor Vehicles Rules, 1931, a public motor vehicle cannot be operated on a notified hill road unless the public motor vehicle licence has been specially endorsed.

(c) As a result of an accident in which vehicle P-8009-C, and a second lorry were involved, and which was alleged to have occurred as a result of the dangerous practice of racing, the District Magistrate suspended, pending the result of enquiries, the licences of both vehicles under rule 13-N of the Punjab Motor Vehicles Rules, 1931, and required the owners to surrender these documents.

[Sh. Faiz Muhammad.]

(d) Yes. The owners of vehicle P-8009-C had obtained permission to use it on the hill road by misrepresenting their object. This, coupled with the fact that the vehicle was later involved in an accident, appear to constitute ample justification for the District Magistrate's order. In any case, if the owners felt aggrieved by the action of the District Magistrate, they had their remedy in an appeal to the Commissioner under rule 45.

APPLICATION OF MANAGING DIRECTOR, HOSHIARPUR EXPRESS
TRANSPORT COMPANY, LIMITED.

***5253. Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that on 15th August, 1939, the Managing Director of the Hoshiarpur Express Transport Company, Limited, Hoshiarpur, applied to the District Magistrate for permission to run his lorries from Hoshiarpur to Chintpurni, from 18th August, 1939, to 23rd August 1939 on the occasion of the Chintpurni Fair ;
- (b) whether it is a fact that the District Magistrate neither sent any reply to the application submitted by the above-named Company nor did he allow it to run its lorries on that occasion ; if so, reasons for the same ;
- (c) whether it is a fact that the visitors to the fair were put to a great deal of inconvenience for want of a sufficient number of lorries and that Seth Sudershan, M.L.A., went to the Court of the 1st Class Magistrate, Sardar Kehr Singh, and narrated all the facts before him ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) An official of the company mentioned applied to the District Magistrate, on behalf of the Managing Director, to ply ten lorries on the hill road from Hoshiarpur to Bharwain during the Chintpurni fair.

(b) The District Magistrate selected the additional vehicles to be given permits on the occasion of the fair after careful consideration of the claims of all applicants, a number of drivers and owners being present when the decision was announced. The District Magistrate's decision was based on the principles that owners already operating on the road should be given preference for the extra permits.

(c) (First part) No. (Second part) The honourable member mentioned went to the office of Sardar Kehr Singh, the Registration Authority, on the 21st August, and applied for permits to enable the lorries of the Doaba Motor Service Company, Limited, to run on the same road. The Registration Authority visited the motor stand the same evening after the honourable member had seen him in office and found no passengers left over. There were indeed a few lorries standing by for the morning service.

APPLICATION OF THE HOSHIARPUR EXPRESS TRANSPORT COMPANY,
LIMITED.

***5254. Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the Hoshiarpur Express Transport Company, Limited, Hoshiarpur, applied to the District Magistrate, Hoshiarpur, for permission to take a wedding party on 21st June, 1939, from village Hakumatpur to Una via Jejon ;
- (b) whether it is a fact that the above-named Company has received no reply to their application from the District Magistrate so far ; if so, the reasons therefor and the action Government propose to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No such application appears to have been received in the office of the District Magistrate.

(b) Does not arise.

SCARCITY OF DRINKING WATER IN TAHSILS DEHRA AND NURPUR,
KANGRA DISTRICT.

***4798. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether it is a fact that several representations were made by the public of Bhatoli-Phakorian, Bangoli and several other villages of tahsils Dehra and Nurpur of Kangra district, representing their troubles with respect to the scarcity of drinking water supply in their villages ; if so, what action the Government has taken on those representations ?

The Honourable Mian Abdul Haye : Representations were received from the public of village Bhatoli-Phakorian and from members of the depressed classes of village Kherian in the Dehra tahsil. No representation was made by the inhabitants of any other village situated in either of the two tahsils—Dehra and Nurpur.

2. Government propose to give a grant-in-aid of Rs. 822 towards the cost of improving the water-supply of village Bhatoli-Phakorian during the current financial year.

Lala Bhim Sen Sachar : Is it within the knowledge of the Government that there is scarcity of water in other villages as well ?

Minister : Yes, there is.

Lala Bhim Sen Sachar : May I know if the Government proposes to take action with regard to those villages ?

Minister : Proposals are received from time to time and they do receive careful attention.

Lala Bhim Sen Sachar : In view of the fact that this is within the knowledge of the Government, I merely wish to know if the Government contemplate taking any action *suo motu* without waiting for any representation.

Minister : *Suo motu* action is being taken.

Lala Duni Chand : May I know if the Government has ever considered the question that if the Government cannot give bread to the people, it should at least give water where it is required ?

Sardar Sohan Singh Josh : Can the Government give an indication with regard to the action taken by them *suo motu* ?

Minister : Cases are being examined and the papers will be laid before the Sanitary Board.

Chaudhri Muhammad Hasan : When did this matter come to the notice of the Government that there is scarcity of water in the villages ?

Minister : I require notice for that.

Pandit Shri Ram Sharma : May I know whether the Government was aware of the scarcity of water in that *ilqa* before the representation was made ?

Minister : It is very difficult to answer this question offhand. If my learned friend gives me notice, I shall try to collect the information.

Chaudhri Muhammad Hasan : Since how long has this matter been under the consideration of the Government ?

Minister : I require notice.

CIRCULAR PROHIBITING FORMATION OF SMALL EYE CENTRES.

***4881. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state whether it is a fact that in May, 1938, a circular was issued to Civil Surgeons in the Punjab by the Inspector-General, Civil Hospitals, prohibiting the formation of small eye centres by relatively unskilled doctors, if so, a copy of the Provincial Government orders on the subject may be laid on the table ?

The Honourable Mian Abdul Haye : Answer to the first part of the question is in the negative. The second part does not arise.

SEDUCTION OF BOYS IN SCHOOLS.

***4960. Lala Bhim Sen Sachar :** With reference to his reply to my unstarred question No. 730,¹ will the Honourable Minister for Education be pleased to state—

(a) the number of cases of seduction of boys by teachers brought to the notice of the Director of Public Instruction by the Youths Welfare Association, Lahore, at the time the deputation of the Association waited upon him on or about the 1st of December 1938 :

(b) whether it is a fact that all these cases related to the municipal and private recognised schools at Lahore, and had been decided by the school authorities concerned before the date the said deputation waited on the Director of Public Instruction without any punishment in some cases or after some light punishment being given in other cases to the offenders ;

(c) whether it is a fact that the Director of Public Instruction promised to call for the files of the said cases so as to be able to see what further action could be taken by him to bring to book the offenders who had either been let off altogether or were only nominally punished ;

(d) whether the Director of Public Instruction has since been able to examine the files and to take action against the offenders and, if not, the reasons for the delay ?

The Honourable Mian Abdul Haye : (a) Four.

(b) Yes. Two cases related to teachers serving under the Municipal Committee, Lahore, which has not delegated powers to any officer of this Department. The other two cases related to teachers serving in privately managed schools, the managing committees of which disposed of the cases themselves.

(c) Director of Public Instruction promised to ascertain the facts of the case, and this has been done.

(d) Yes. Three of these teachers have been called upon to show cause why their departmental certificates should not be cancelled under Article 180, Punjab Education Code. In the case of the fourth man, the Administrator, Lahore Municipality, is being asked to hold an enquiry.

Lala Bhim Sen Sachar : I want to know if it could be possible for the Honourable Minister to give us an idea of the type of enquiry held into the cases of the three teachers referred to here.

Minister : The enquiry was held by the privately managed school authorities and this action was consequently taken.

FACILITIES FOR TEACHING OF URDU, HINDI AND PUNJABI LANGUAGES IN GOVERNMENT, DISTRICT AND MUNICIPAL SCHOOLS IN THE PROVINCE.

***5010. Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state—

(a) the facilities available at present in the Government, district and municipal board schools in the province for the study of Urdu, Hindi and Punjabi languages ;

(b) whether any instructions have recently been issued by the Government or the Education Department regarding the study of the above-mentioned languages in the above-mentioned schools ; if so, whether he will be pleased to lay a copy of those instructions on the table of the House ;

(c) whether any circular orders have been issued by the Government or the Education Department regarding the study of Hindi in the Government, district and municipal board schools in the Ambala division ;

(d) whether it is a fact that in Ambala division Hindi is mostly in vogue as a written and spoken language ;

[L. Duni Chand.]

- (e) whether any alterations have been made or contemplated regarding the position of Hindi in Government, district board and municipal board schools in Ambala division ?

The Honourable Mian Abdul Haye : (a) The necessary arrangements for the teaching of Urdu, Hindi and Punjabi exist in Government, District Board and Municipal Board Schools where there is a demand.

(b) Yes. A copy of Director of Public Instruction's Memo. No. 14507-8-G., dated the 7th July, 1938, is placed on the table.

(c) Yes.

(d) No.

(e) None.

Copy of Memorandum No. 14507-G., dated the 7th July, 1938, for the Assistant Director of Public Instruction, Punjab, to the Inspector of Schools, Rawalpindi Division.

Minimum number of students for which the teaching of certain subjects can be introduced in Government or Local Body schools.

Your memorandum No. 6897-E, dated the 21st May, 1938.

The teaching of Punjabi or Hindi may be introduced in Government or Local Body schools provided the number of boys desirous of reading that language in each class does not fall below 8. In this connection your attention is invited to this office letter No. 18401-E, dated the 25th October, 1928. The subject of Drawing may also be introduced if at least eight students in each class offer to take up the subject. The minimum number of students for the introduction of Arabic or Sanskrit should be—

- (a) thirty in all classes of a school in a town or locality which has besides a Government or board school, a denominational school or schools in which arrangements for the teaching of the language or languages in question exist; and
- (b) fifteen in all classes of a school in a locality in which there is only a Government or a board school.

Khan Sahib Chaudhri Sahib Dad Khan : Has it been brought to the notice of the Government or the Director of Public Instruction that in the schools controlled by the Hissar District Board some boys are taught in Urdu and some in Hindi ?

Minister : I require notice for that.

Lala Duni Chand : May I know if the Honourable Minister treats Hindi, Urdu and Punjabi languages alike so far as their teaching is concerned ?

Minister : As languages they are treated alike, but if my honourable friend has in his mind the question of medium of instruction then there is discrimination.

Lala Duni Chand : May I know if the same kind of facilities exist in Government and Municipal schools for teaching Hindi and Punjabi as they exist in the case of Urdu ?

Minister : Yes, as languages the same facilities exist.

Khan Sahib Khawaja Ghulam Samad : May I know whether the Honourable Minister received the representations orally or verbally or in writing from the Muslim public of Hissar that the District Inspector of Schools has been introducing Hindi at the expense of Urdu in all board schools ?

Minister : I have no recollection.

Lala Duni Chand : Should I understand that Hindi and Punjabi are taught in the same number of schools as those in which Urdu is taught?

Minister : I have already said that it is a question of demand and I have laid on the table a copy of the letter on the subject.

Lala Duni Chand : May I know if the demand to that effect has been insistently made in the Ambala division, particularly, in Hissar, Gurgaon and Rohtak districts regarding facilities being granted for teaching Hindi?

Minister : Wherever demands have been made they have been met with.

Lala Duni Chand : My question was whether such demands have been made in that part of the Punjab?

Minister : Might have been made.

Lala Duni Chand : What particular facilities have been granted or what particular arrangements have been made in order to meet those demands?

Minister : Arrangements are automatically made according to the conditions laid down in the letter which I have laid on the table.

Khan Sahib Khawaja Ghulam Samad : The Honourable Minister has said that he has received no representation at all.

Minister : I never said that. What I said was that I have no recollection.

Khan Sahib Khawaja Ghulam Samad : May I remind him that I in company with other gentlemen of the Hissar district waited upon him and represented to him that the District Inspector of Schools of Hissar district has been introducing Hindi without the will of the villagers in many villages which are populated predominantly by Muslims.

Khan Sahib Chaudhri Sahib Dad Khan : May I know what is the medium of instruction according to the Education Code and whether this can be changed without the orders of the Director of Public Instruction or not?

Minister : Medium of instruction in the Punjab is Urdu but we have made some exceptions in the case of certain girls' educational institutions and the policy of the Government is to maintain the *status quo*.

Premier : We have set up a convention not to discuss communal matters through oral questions. So, I would request the honourable members not to discuss this question here.

Lala Deshbandhu Gupta : May I know if the Honourable Minister is aware of the fact that an impression is growing in the province that the Education Minister wants to discourage Hindi?

Minister : It cannot be the medium of instruction as opposed to Urdu which holds the ground, barring exceptional cases.

Dr. Gopi Chand Bhargava : May I know whether any primers prepared for spread of literacy have been prepared in Hindi script?

Minister : I remember having supplied some primers in Hindi also.

Pandit Shri Ram Sharma : May I know whether the position of medium of instruction in the Ambala division is the same, *i.e.* Urdu, as in other parts of the province?

Minister : The medium of instruction is the same, *i.e.*, Urdu, in the entire province and so long as we look forward to constitute one nation, there should be one medium of instruction and not many.

LADY DOCTOR, FEMALE HOSPITAL, DHARAMSALA.

***5023. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether it is a fact that a representation was received by him from one Subedar-Major Hari Kishan Gurng, O.B.I., 1/4th Gurkha Regiment, complaining against the unsympathetic conduct of the lady doctor in charge of Female Hospital, Dharamsala, who refused to attend to his wife who was seriously ill after delivery; if so, the action, if any, the Government has taken or proposes to take in the matter?

The Honourable Mian Abdul Haye : Yes, the lady doctor has been warned to be more sympathetic towards the patients in future.

TRANSFER OF PRINCIPAL NANDA FROM INTERMEDIATE COLLEGE,
ROHTAK.

***5057. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether the transfer of Principal Nanda of the Intermediate College, Rohtak, has anything to do with the rustication of two Jat students, one being the younger brother of the Secretary, Jat High School, Rohtak, and the other being the son of the agent of the Senior Vice-Chairman, District Board, Rohtak;

(b) whether a deputation of Rohtak Unionists waited upon him on his last visit to Sonapat in this connection and a promise was held out by him to them about the transfer mentioned in (a) above which was subsequently fulfilled;

(c) if the answer to (a) and (b) be in the negative, the reason for this transfer?

The Honourable Mian Abdul Haye : (a) No.

(b) Yes. But no promise was held out.

(c) In the interests of public service.

Pandit Shri Ram Sharma : Will the Honourable Minister please state the reasons on the basis of which Mr. Nanda was transferred?

Minister : I have said that it was in the interests of public service.

Pandit Shri Ram Sharma : For how long did he remain as Principal of the College at Rohtak?

Ministr : For about 3 years.

Pandit Shri Ram Sharma : Did Mr. Nanda work for 3 years as the Principal of that college or had he to perform the duties of a professor as well?

Minister : I think he was Principal for three years.

Pandit Shri Ram Sharma : This is wrong that he remained Principal for 8 years. Even the previous Principal of that college was also transferred after a short period.

Minister : When I assumed office, Mr. Nanda was the Principal and he is transferred now.

Pandit Shri Ram Sharma : May I know whether Principal Behari Lal was also transferred after a short period?

Minister : He went on leave preparatory to retirement, then changed his mind and came back and was posted to another institution because it was not desirable to make frequent changes at Rohtak.

Pandit Shri Ram Sharma : Is it not a fact that Messrs. Nanda and Behari Lal were transferred because they were not agriculturists?

Minister : No. I repudiate that charge.

Pandit Shri Ram Sharma : May I know whether it is a fact that Mr. Nanda was transferred from the Rohtak college because he rusticated two such Jat students from his college in whom people highly placed were interested?

Minister : The honourable member has not been fair. I have no hesitation in stating that the question of the agriculturist and the non-agriculturist was never in my mind.

Lala Duni Chand : May I know what the Honourable Minister means by 'interest of public service'?

Minister : Since I am being pressed, I have no hesitation in saying that after personal knowledge of the officer concerned, I came to the conclusion that he was unfit to hold an independent charge of an institution.

Lala Duni Chand : May I know whether there was any political consideration involved in his transfer or not?

Minister : There was absolutely no political consideration. The conclusion at which I arrived, after an interview with that officer in which he suppressed certain facts, which he should have brought to my notice, and distorted other facts, was that he was not fit for holding independent charge of the college.

Lala Duni Chand : Will the Honourable Minister tell us what were those particular defects that were found in him and on account of which he was found to be unfit to hold an independent charge?

Minister : It is not in the public interest to discuss these details.

Lala Duni Chand : Is it in the public interest to discredit a public servant?

Minister : You have compelled me to do that.

Mr. Speaker : The next question.

Pandit Shri Ram Sharma : One more supplementary question, please.

Mr. Speaker : No more supplementaries. The next question.

Pandit Shri Ram Sharma : Then as a protest I do not want to ask my next questions.

*5063 and *5065.—*Cancelled.*

FINANCE SECRETARY'S REVIEW ON THE REPORT OF THE OUTSIDE
AUDIT DEPARTMENT, PUNJAB.

***5074. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the Finance Secretary to the Punjab Government in his review on the report of the Outside Audit Department, Punjab, for the year ended 31st March, 1938, relating to the accounts of the Punjab Education Department remarked that the financial interests of Government were not sufficiently kept in view in certain institutions, for example, in one school a new clock was purchased for Rs. 42, but it did not work for a single day and had to be auctioned for Rs. 4 ; if so, the action taken in the matter by the Government ?

The Honourable Mian Abdul Haye : Yes. In the case mentioned the clock was bought on the 17th July, 1935 and auctioned as unserviceable on the 16th December, 1936. Government are taking action in the matter.

PRIMARY SCHOOLS.

***5091. Shrimati Raghubir Kaur :** Will the Honourable Minister for Education be pleased to state —

- (a) the number at present of primary schools in the district of Amritsar ;
- (b) whether the system of co-education is prevalent in these schools ; if so, what is the ratio of girl students in them ;
- (c) whether any and if so, what steps the Government taking for popularising the system of co-education up to the primary standard in the province ?

The Honourable Mian Abdul Haye : (a) 869.

(b) Yes. About 3·8 per cent. of the total enrolment in co-educational schools are girls.

(c) Government has already issued two circular letters on the subject and district boards are being encouraged to open co-educational schools.

Khan Sahib Khawaja Ghulam Samad : May I know if it is a fact that the Minister for Education has received representation against the system of co-education ?

Minister : I do not think I have.

STUDENTS' STRIKE AT GOVERNMENT COLLEGE, DHARAMSALA.

***5122. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state the causes, events and effects of the recent students' strike at Government College, Dharamsala, district Kangra, and the action taken by the Government in the matter ?

The Honourable Mian Abdul Haye : A partial strike occurred at the end of June in the Government Intermediate College, Dharamsala, which was amicably settled by the students unconditionally apologizing and asking to be allowed to return to college. It is not in the public interest to enter into further details now.

Chaudhri Muhammad Hasan : Will the Minister please state the causes for the strike ?

Minister : The last portion of the reply is that it is not in the public interest to enter into further details now.

Chaudhri Muhammad Hasan : I am not asking about the first portion. Will the Minister state the causes ?

Minister : I am referring to the last portion of the answer and not of the question.

Chaudhri Muhammad Hasan : The Minister is trying to evade the reply. I want a reply to the first portion.

Minister : I am not trying to evade to answer the question. The honourable member should realise that a certain matter is still pending and it is likely to remain pending for some time. Therefore, it is not desirable to enter into the details of the strike, the causes, the events, and such other things.

Chaudhri Muhammad Hasan : Who is making the enquiry ?

Minister : The enquiry is complete and certain action is contemplated.

Chaudhri Muhammad Hasan : If the enquiry is complete, did the enquiry also give reasons for the strike ?

Minister : The reasons were given and I am not prepared to disclose them in the public interest.

Munshi Hari Lal : When the enquiry is complete where is the public interest standing in the way of disclosure of the causes ? We want to know the causes.

Minister : I have already made it clear that a certain matter is pending and certain action was contemplated, but somehow or other that action is now being postponed. Therefore it is not in the public interest to discuss the case.

Munshi Hari Lal : Do I understand that the investigation of the causes that led to the strike is still pending ?

Minister : I have said that the enquiry was held and the report was submitted but because certain action contemplated has been postponed, it is not in the public interest to discuss the matter as a whole.

Lala Bhim Sen Sachar : Will it be possible for the Minister to state against whom this contemplated action is to be taken—against the teacher or against the students ?

Minister : It is against a certain officer.

Lala Bhim Sen Sachar : In view of the fact that the action is merely to be taken against a certain officer will it offend against public interest if the Minister will be pleased to state the causes so far as they relate to the students ?

Minister : The causes of the strike would be a relevant matter in that enquiry. Therefore I would not discuss it.

Lala Duni Chand : Is it a matter of public interest that action was taken but it was postponed and is it not in the public interest to disclose why the action ordered to be taken has not been taken ?

Tikka Jagjit Singh Bedi : Is any action likely to be taken against the officer ?

Minister : I am unable to answer that question.

SMALLPOX.

***5126. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of cases of smallpox in the district of Hoshiarpur since 1st January, 1939 ;
- (b) the number of deaths due to smallpox in the same period ;
- (c) the number of persons vaccinated in this area in the same period ;
- (d) the number of cases and deaths among those vaccinated ;
- (e) the number and names of villages in the said district affected by the epidemic during this period ;
- (f) the official source of information re the outbreak of smallpox in the villages and whether the reporting agency has proved efficient and expeditious in the said district during the recent outbreak of this fell disease ?

The Honourable Mian Abdul Haye : (a) 371, from 1st January to 2nd September, 1939.

(b) 161.

(c) Primary vaccinations	..	..	6,860
Revaccinations	..	..	24,625

(d) 79 cases and 15 deaths.

(e) 115 villages—*vide* the list attached.

(f) *First part.*—Patwaris and lambardars.
Second part.—Yes.

List of villages infected since 1st January, 1939.

1. Tanda Town.	19. Harsipind.
2. Miani Town.	20. Budhabar.
3. Dasuya Town.	21. Fatehgarh.
4. Mukerian Town.	22. Hoshiarpur Town.
5. Munak Kalan.	23. Ranipind.
6. Porika.	24. Bhadan Bariana.
7. Garhdiwala.	25. Kaluwal Kotla.
8. Singhowal.	26. Basi Ghulam Hussain.
9. Kamalpur.	27. Bhagowal.
10. Maradpur.	28. Bhungarni.
11. Pandori.	29. Mehnowal.
12. Nangal.	30. Dhamian.
13. Bhangal Majra.	31. Tarkiana.
14. Kotli Mirpur.	32. Khandhala Jattan.
15. Gujjar Basoha.	33. Shahpur.
16. Jaura.	34. Hariana Town.
17. Salehrian.	35. Balachaur.
18. Ghogra.	36. Bomana.

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| 37. Khanpur. | 77. Mehtiana. |
| 38. Harsehmanser. | 78. Mirzapur. |
| 39. Dheriwalla. | 79. Ladpur. |
| 40. Nangal Shahidan. | 80. Khanpur. |
| 41. Jaja. | 81. Chohal. |
| 42. Khandhala Sheikhan. | 82. Baich. |
| 43. Nangal Jamal. | 83. Litran. |
| 44. Rakran Bet. | 84. Lit. |
| 45. Patti. | 85. Rakar Dhaha. |
| 46. Badla. | 86. Ambota. |
| 47. Bhatian. | 87. Rajpur. |
| 48. Bhelowal. | 88. Sub-Jail Hoshiarpur. |
| 49. Bhaura. | 89. Khadiala. |
| 50. Udhepur. | 90. Mallian. |
| 51. Baghpur. | 91. Sikri. |
| 52. Jakhera. | 92. Buthgarh. |
| 53. Januari. | 93. Majowal. |
| 54. Mahalpur. | 94. Sutheri Khurd. |
| 55. Himatpur. | 95. Mandiani. |
| 56. Jalalpur. | 96. Sahungra. |
| 57. Dharinkot. | 97. Bodal. |
| 58. Nangali. | 98. Bharta. |
| 59. Ajoli. | 99. Badhehar. |
| 60. Kalewal Fathu. | 100. Mirzapur. |
| 61. Karaur. | 101. Chipra. |
| 62. Budhipind. | 102. Gulpur. |
| 63. Dhugga. | 103. Mehandpur. |
| 64. Khandhala Jattan. | 104. Bharapur. |
| 65. Machhian. | 105. Sadhra. |
| 66. Bohan. | 106. Uladni. |
| 67. Badhera. | 107. Saido Patti. |
| 68. Raipur. | 108. Noshehra. |
| 69. Jaura. | 109. Degana. |
| 70. Mehatpur. | 110. Jahan Khelan. |
| 71. Rampur Halehar. | 111. Kahri. |
| 72. Khandhali Narangpur. | 112. Dhaula Khara. |
| 73. Baasi Kalan. | 113. Rattewal. |
| 74. Jallowal. | 114. Sahri. |
| 75. Surewal. | 115. Jhriwala Suburb Ambota. |
| 76. Jhangar Kalan. | |

LAHORE COLLEGE FOR WOMEN.

***5130. Raja Muhammad Sarfraz Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) the total number of failures in each subject in the Intermediate and B.A. examinations of the Punjab University held in 1939 from amongst the students of the Lahore College for Women, stating also the names and qualifications of the teachers in charge of teaching in each of these subjects ;
- (b) the reasons for the number of failures disclosed by the above figures where their total for any particular subject exceeds three and the steps being taken by the College to eliminate the possibility of so many failures in future years :
- (c) the qualifications of the Urdu teacher of the Lahore College for Women in the subject of English and her qualifications for undertaking instruction in general translation into English, to the Intermediate standard students and instruction in translation into English of the books prescribed as textbooks

[Raja Muhammad Sarfraz Khan.]

in Urdu for Intermediate girl students and why a person who might be at least a Master of Arts has not been found for such work ;

- (d) the qualifications in English of the teacher in charge of Persian for the Intermediate classes and her qualifications for undertaking instruction in translation into English of the books prescribed for the Intermediate in Persian ?

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

FEMALE HOSPITAL, MORINDA.

***5194. Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Civil Surgeon has recently made inquiries into the working of the female hospital at Morinda, tahsil Rupar, district Ambala ; if so, what has been the result thereof ;
- (b) the steps the Government intends to take to redress the grievance of the public, if any, regarding the working of the said hospital ?

The Honourable Mian Abdul Haye : (a) and (b) Enquiries were made by the Civil Surgeon in May and July last. As the Sub-Assistant Surgeon is an employee of the district board, all papers together with the reports of the Civil Surgeon and the opinion of the Inspector-General of Civil Hospitals, Punjab, were forwarded to the Commissioner, Ambala division, for necessary action. No information has yet been received by Government in regard to the action taken by Commissioner or the district board.

Lala Duni Chand : May I know if complaints have been pouring in regarding this lady since she was posted ?

Minister : I do not understand what my honourable friend means by "pouring in." He put a definite question and I have answered that.

Lala Duni Chand : If the Honourable Minister does not understand what is meant by "pouring in," may I convey what I mean in a different language ? Is it not a fact that ever since she was posted people have been making complaints against her ?

Minister : If they started making complaints on the very first day she was posted that would naturally make me dubious.

Lala Duni Chand : If the complaints started almost from the time she was posted and continue up to this time, will he consider the matter ?

Minister : I do not know what the honourable member now is driving at. I have given the reply. The enquiry was held and the papers connected with the enquiry have now been forwarded to the Commissioner for necessary action, because the lady concerned is an employee of the district board. Some action will be taken.

Lala Duni Chand : Is it not a fact that several enquiries have been made during the last two years in the matter and nothing has come out of the enquiry ?

Minister : I suppose my honourable friend is speaking about the Punjab Congress Committee.

Lala Duni Chand : Will the Minister himself say whether it is not extremely improper on his part to answer in that way, if not impertinent?

Minister : It was an impertinent question as to why the action to be taken was postponed.

Khan Sahib Khawaja Ghulam Samad : May I know whether it is a fact that the people of Morinda who were complaining all the time submitted representations for the transfer of this lady?

Minister : I think, it is.

Khan Sahib Khawaja Ghulam Samad : What were the orders passed thereon?

Minister : An enquiry was held and papers have now been sent to the Commissioner. It is not for the Government to transfer an employee of the district board.

Lala Duni Chand : Does it not hold good in the case of this lady :

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Minister : It is true in the case of many gentlemen.

Dr. Gopi Chand Bhargava : May I know whether any time limit has been fixed by the Government for holding an enquiry?

Minister : I have already stated that the enquiry is complete. Papers have been sent to the Commissioner and the Commissioner and the district board are likely to take some action on the enquiry.

Dr. Gopi Chand Bhargava : How long will it take?

Minister : It is very difficult for me to say how long it will take for the district board to move in the matter. If they do not move quickly they will be reminded of their duty.

Dr. Gopi Chand Bhargava : How long does it require to take action on an enquiry?

Minister : That is a very hypothetical question. That depends upon the nature of the report and the circumstances of the case.

Dr. Gopi Chand Bhargava : Then, how can the Honourable Minister say that it is not like the Provincial Congress Committee?

NEW GIRLS' SCHOOLS IN THE PROVINCE.

***5213. Tikka Jagjit Singh Bedi :** Will the Honourable Minister for Education be pleased to state—

- (a) whether in accordance with the provisions of the budget of the current year, about two hundred new girls' schools were to be opened in the province;
- (b) if the answer to the above be in the affirmative, will he be pleased to state how many girls' schools will be opened in Montgomery district out of these;
- (c) the number of girls' schools which have actually been opened in that district?

The Honourable Mian Abdul Haye : (a) 180 girls' primary schools are to be opened in the province during the current financial year.

(b) Seven.

(c) All the seven schools have been opened.

Tikka Jagjit Singh Bedi : Would the Honourable Minister be pleased to state as to when these schools were opened in the Montgomery district ?

Minister : I think they were opened in the beginning of October.

FEES FOR CATARACT OPERATIONS.

***5217. Lala Deshbandhu Gupta :** (i) Will the Honourable Minister for Education be pleased to state—

(a) whether it is not a fact that fees are charged from the patients for cataract operations performed in the Government hospitals at Beri, Moga and several other places ;

(b) if so, whether any regular account is kept and whether the amount so received is deposited with the hospital authorities ;

(ii) Will Government please lay a copy of the rules on the table, if any, made by the Government in that behalf ?

The Honourable Mian Abdul Haye : (i) (a) For cataract operations performed in the civil hospital at Beri in the Rohtak district fees are charged from well-to-do patients. Subscriptions are also collected which are used for providing comforts to poor patients on the advice of the Hospital Visiting Committee.

The hospital at Moga is a local fund institution. Fees are charged from patients for cataract operations performed in that hospital.

(b) A regular account is kept by the medical officer. The amount realized in fees is, in the first instance, credited to provincial revenues in the case of a Government hospital and to the local fund concerned in the case of a local fund hospital. The share, if any, of the medical officer is drawn afterwards.

(ii) In private and family wards of Government hospitals the scale of fees is laid down in Appendix I of Appendix LIII to the Punjab Medical Manual, a copy of which is available in the Assembly Library.

As regards local fund hospitals and dispensaries, each local body has its own rules.

Lala Deshbandhu Gupta : May I know if the Honourable Minister is not in a position to say as to what share of the fees is drawn by the medical officer ?

Minister : That I am unable to say.

Lala Deshbandhu Gupta : Have the Government no say in the matter ? Are there no rules about it ?

Minister : There are.

Lala Deshbandhu Gupta : What is the portion charged by the person who performs the operations in Moga and Beri centres ?

Minister : I would require notice for that question.

Lala Deshbandhu Gupta : May I know as to who decides whether a patient is well-to-do or not? Is it left to the sub-assistant surgeon there?

Minister : Different procedures are followed in different institutions.

Lala Deshbandhu Gupta : Has the Honourable Minister received any complaint that in order that the doctors may charge fees, some poor persons are also shown as well-to-do?

Minister : In fact the complaints that I have received are to the contrary, sometimes well-to-do people who are in a position to pay give out that they are too poor to pay.

Lala Deshbandhu Gupta : Is it not necessary then in view of that to issue clear instructions, so that there may be no opinion about it?

Minister : The instructions are quite clear. The average man in this province is not willing to pay. He is willing to call himself poor and indigent.

POST-MORTEM EXAMINATION OF DECEASED FEMALES.

***5233. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the *post-mortem* examination of deceased females is also conducted by male doctors; if so, why such examinations are not conducted by female doctors wherever they are available;

(b) the action Government contemplates taking in the matter?

The Honourable Mian Abdul Haye : (a) Yes. Women doctors have generally little or no experience of even ordinary medico-legal work.

(b) Under the rules *post-mortem* examination cannot be conducted by an officer below the rank of assistant surgeon. There are at present only four women assistant surgeons in the whole province, one of whom is attached to the Punjab Mental Hospital. The practice to which the honourable member refers must therefore necessarily continue to a very large extent. Besides in view of the answer to part (a) of the question, Government do not consider that women doctors should be allowed to do *post-mortem* examinations.

Khan Sahib Khawaja Ghulam Samad : Cannot the Government hasten to change the rules so that lady sub-assistant surgeons may also be allowed to conduct *post-mortem* examination on female bodies?

Minister : This is a request for action.

Khan Sahib Khawaja Ghulam Samad : I want to know whether the rules can be changed so as to allow lady sub-assistant surgeons to conduct *post-mortem* examinations of females. I have not made a request to change the rules.

Minister : I have given reasons for not entrusting the work to them.

Khan Muhammad Yusuf Khan : Am I to understand that even when there are more women assistant surgeons the *post-mortem* work will not be given to them?

Minister : That is a hypothetical question.

LADY DOCTOR AT MORINDA, DISTRICT AMBALA.

*5251. **Mrs. Duni Chand** : Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that recently an inquiry was held into the complaints made by the public at large against the lady doctor at Morinda, district Ambala ;

(b) the main grievances of the public enquired into and the result of the enquiry held by the Civil Surgeon, Ambala ?

The Honourable Mian Abdul Haya : (a) and (b) Inquiries were made by the Civil Surgeon in May and July last. The complaints principally were that the lady doctor had been charging fees to which she was not entitled, that she had made incorrect entries in the registers and that she had allowed her brother to work in the hospital. As she is an employee of the District Board, all papers were forwarded to the Commissioner, Ambala division, by the Inspector-General of Civil Hospitals with his opinion. No information has yet been received by Government in regard to the action taken by Commissioner or the district board.

ADJOURNMENT MOTIONS.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) On a point of privilege. My submission is that the other day I introduced an adjournment motion in the House. But you were pleased to remark that it should be reintroduced in the House after having been properly worded and couched in better language. I enquired whether my motion would be in order after effecting the required change and you were pleased to promise that its being ruled out would not stand in the way.

Mr. Speaker : All I said was that if the motion was properly drafted, both in form and substance, I would consider it.

Pandit Shri Ram Sharma : My contention is that my adjournment motion was placed on the list, but afterwards it was disallowed on the ground of its defective language. But now even after I have made the changes asked for, the Assembly Secretariat writes to me to say that it was not being included in the list as it was once ruled out of order. Now I would like to know the reason why it is not being included in the list.

Mr. Speaker : Did I say that it shall be entered in any list ?

Pandit Shri Ram Sharma : No, Sir. What I want to ask is as to why I am given such an arbitrary reply while you agreed to consider the same motion if better worded.

Mr. Speaker : The honourable member's motion is not included in the list of motions for adjournment.

Pandit Shri Ram Sharma : This is what I complain of that you are yet to consider, and the Secretary writes that it can not be included in the list.

DISMISSAL OF CHAUDHRI ARJAN DAS, LAMBARDAR.

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 extreme high-handedness practised on a fairly large scale and resorted to recently by the local administration in order to crush and paralyse all legitimate Congress activities in Hoshiarpur district as evidenced by the dismissal of Chaudhri Arjan Das, Lambardar of village Kharar Achharwal, tahsil Garhshankar.

Mr. Speaker : Has the honourable member got a copy of the order of dismissal?

Lala Duni Chand : I have not got the order in my possession.

Mr. Speaker : Is the honourable member in a position to say whether there was an appeal against the order?

Lala Duni Chand : I do not know.

Mr. Speaker : Then let the aggrieved person first go to the appellate authority.

Lala Duni Chand : I want to know one thing. If a judicial avenue is open, does the fact that that avenue is open bar me from seeking any other remedy? I want your ruling on the point.

Mr. Speaker : If there is a remedy, on the executive or the judicial side, as a rule that remedy should be availed of before any person comes to this Assembly, which is not a court of appeal to decide all minor matters.

Dr. Gopi Chand Bhargava : Remedy at the hands of whom? It is not the people, who get this treatment, who come here and discuss these adjournment motions. It is the members of this Assembly, who are not at all connected with anything that happens, who bring in these adjournment motions.

Mr. Speaker : I agree with the honourable member; but the question is whether, when there is a remedy, on the executive or the judicial side, the aggrieved party should exhaust remedy, before his case can be placed before the House by one of its honourable members. In my opinion this should be done.

Lala Duni Chand : If I fail to appeal to Sir Sikander Hyat or to some other Minister, does that also debar me from moving an adjournment motion?

Mr. Speaker : The honourable member should collect information. But he says that he has not got even a copy of the order of dismissal. All he says is that so and so has been dismissed; but he is unable to say on what charge.

Lala Duni Chand : I am responsible enough to ascertain the facts. I shall not be so stupid as to say an incorrect thing. Do you mean to say that if the lambardar had been rewarded I would come here and say that he has been dismissed?

Mr. Speaker : On what charge has he been dismissed?

Lala Duni Chand : I can explain.

Mr. Speaker : I want a copy of the order itself. I cannot accept an uncorroborated report.

Pandit Shri Ram Sharma : Does corroboration mean production of witnesses ?

Mr. Speaker : The honourable member may interpret as he likes.

Dr. Gopi Chand Bhargava : I wish to state one thing more and it is this. Supposing the Government has gone out of its way and done a thing which is illegal and which is against public interest and the injured person dare not go to a court of appeal. Then, are we to discuss that question or not ?

Mr. Speaker : With what object ?

Dr. Gopi Chand Bhargava : To ventilate the grievance of the public that that man has been unlawfully injured. Now there is a lambardar here.

Mr. Speaker : Had it been shown why the lambardar was dismissed and that the administrative responsibility of Government was involved for his dismissal, an adjournment motion would have been in order.

Dr. Gopi Chand Bhargava : What I was going to say was that an appeal in this case might lie to the Commissioner or the Minister. But he does not appeal because he is afraid of further action by the Government since he is appointed by the Government. Then in that case does an adjournment motion lie or not ?

Mr. Speaker : If any other remedy is open it must be resorted to before coming here. This House is not a court of appeal.

Dr. Gopi Chand Bhargava : It would be a court of appeal if the man who has been appointed comes here and says, "I do not go to the court but I come here to appeal". Now what is the position ? That man has not got the strength enough to go to the Government and he does not want to take action or there may be some other reason why he does not go to the court of appeal. But still it is a matter of public interest.

Minister for Revenue : The lambardar is appointed or removed by the Deputy Commissioner as I have explained many times in this House. If he is not satisfied with the decision of the Deputy Commissioner, he can appeal to the Commissioner and then finally to the Financial Commissioner. Nothing further can be done. In this case the man has appealed to the Commissioner.

Mr. Speaker : The dismissal of an individual lambardar is not a matter of public concern. It is the charge on which he is dismissed, which might be a matter of urgent public importance. But we do not know what the charge is. A copy of the order of dismissal could have been easily obtained. The Honourable Minister for Revenue says that an appeal is pending before the Commissioner.

Dr. Gopi Chand Bhargava : I was not discussing that particular question. You were pleased to rule that if any remedy lay in a court of appeal, that question could not be discussed here. I was submitting that it is not an individual grievance that we wanted to discuss here.

Pandit Shri Ram Sharma : On a point of order. If an appeal is preferred then you would say that the case is *sub judice* and it cannot be discussed. And when an appeal is not made you remark that an appeal should first be preferred. I request you to enlighten us as to which course is open to us for moving adjournment motions.

Mr. Speaker : If an appeal lies, under the law in force, it may be preferred. But if the aggrieved person does not care to appeal, he may be taken to have no complaint, though the original order passed against him may involve the administrative responsibility of the Government.

Lala Bhim Sen Sachar : We have instances of lathi charges by police. It is open to the man who is lathi-charged by the police to go to a court of law and yet on the very basis of lathi charges we have been permitted by you to move adjournment motions. The point at issue is a certain action of Government for which the administrative responsibility of the Government is there. What I want to know is this. You say if any other remedy is open, then that remedy must be first resorted to. In the case of lathi charge certainly a remedy is open and yet you have always been pleased to permit adjournment motions on that subject.

Mr. Speaker : It is the illegality of the order of the magistrate or the police officer, under whose orders the constables made the lathi charge, which is discussed. The injuries received by one individual or a number of individuals is not the matter which really makes the adjournment motion admissible. It is the illegal order or action on which an adjournment motion is or can be based.

Lala Bhim Sen Sachar : That is exactly our contention. We, as a house of representatives, are concerned with this case.

Mr. Speaker : Then the order should have been here to enable the House to judge its illegality.

Lala Bhim Sen Sachar : May I be permitted to say that when an honourable member of this House makes himself responsible for a statement it is only fair that his statement should be accepted? If, during the course of discussion, you find that an honourable member has wasted the time of the House, I dare say the House could take action against him. But when an honourable member comes to you and makes a certain statement and he accepts responsibility for his statement, to require him to produce a copy of an order and to give further evidence is, I think, not consistent with the dignity of the representatives of the people. I therefore submit respectfully that you may be pleased to revise your views with respect to this matter.

Mr. Speaker : According to Campion, page 198, an adjournment motion "must not deal or be based on uncorroborated report and official information must be available." Is there any official information before the House?

Dr. Gopi Chand Bhargava : Corroboration would be like this. Supposing a man writes to me—

Mr. Speaker : The time of the House is very valuable. So, let us proceed.

**USURPATION OF POWERS OF SENIOR AND JUNIOR VICE-PRESIDENTS,
HOSHIAHPUR DISTRICT BOARD.**

Lala Duni Chand (Ambala and Simla, General, Rural): I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the extreme high-handedness practised on a fairly large scale and resorted to recently by the Deputy Commissioner in order to crush and paralyse all legitimate activities in Hoshiarpur district as evidenced by the usurpation of all powers of senior and junior vice-presidents of the district board by him.

Mr. Speaker : Will the honourable member please state the rule of law, if any, under which the alleged usurpation was made; and explain the factum of usurpation?

Lala Duni Chand : As the Honourable Minister knows there is no rule of law under which these powers have been taken and therefore it is not possible for me to quote any rule. The allegation is that the junior and senior vice-presidents who had been exercising certain powers for a long time have now for the first time in the history of the local board administration been deprived of these powers. The whole thing is a terrible type of repression that is being carried out in the Hoshiarpur district. We want to tell this House what sort of repression is being practised in the district. More than one hundred men have been arrested indiscriminately for one thing or the other.

Mr. Speaker : That matter is not under consideration now.

Lala Duni Chand : I am referring to this repression simply to illustrate my point, the high-handedness of the Deputy Commissioner. I have quoted this instance in support of that statement. In this case there is no other remedy open to us.

Mr. Speaker : Will the honourable member please refer to section 19-A of the District Boards Act and say which powers were delegated by the district board to the Deputy Commissioner and the vice-presidents respectively?

Lala Duni Chand : Certain powers were given to the junior and the senior vice-presidents long ago and this has been the practice so far as my knowledge goes. The district board has not passed any resolution to the effect that the powers so far exercised by them should be taken away and given to the Deputy Commissioner.

Mr. Speaker : What I wish to know is what powers were given by the district board to its chairman.

Lala Duni Chand : The Deputy Commissioner is the chairman of the district board. He has got certain powers and he has been exercising those powers.

Mr. Speaker : The question is whether all powers have been delegated to him alone or some powers have also been delegated to the junior and the senior vice-presidents?

Lala Duni Chand : Each of these three functionaries have been given separate and distinct powers within the scope of the resolution.

Mr. Speaker : Can the honourable member quote a single instance in which one of the two vice-presidents was not allowed to exercise his powers ?

Lala Duni Chand : I claim to know all about Hoshiarpur as a number of people from Hoshiarpur whom I know personally as being respectable and responsible have been coming to me and placing all these facts before me and I warned them against the facts being wrong. They assured me that the facts are perfectly correct. In fact in every municipal committee powers are allowed to these functionaries, because one man cannot do all the work of the district board. Therefore these powers have been distributed among all these three.

Mr. Speaker : The point is whether the powers, which were exercised by the two vice-chairmen, were also delegated to the chairman.

Lala Duni Chand : So far as my information goes no such powers have been or were delegated to the deputy commissioner. (*Voices : No.*)

Rai Sahib Rai Hari Chand (Urdu): May I say a word about the matter under consideration ? Usually there are some powers which are delegated to the chairmen of district

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boards. They in order to facilitate the working of the said boards confer some of the powers on the senior vice-chairmen and some on the junior vice-chairmen. In the case now before the House no departure has been made from the previous practice. Let me also point out that it is true that some of the powers of the senior and junior vice-chairmen have been taken away, but it is not correct to say that all of their powers have been usurped.

Rai Faiz Muhammad Khan (Urdu): I may submit that in this case nothing had been done which can be considered to be against the law. I am the junior vice-chairman myself and I can say on my own personal experience that powers which were previously conferred on me have not been taken away. For instance, the powers as regards gates, public health and trees were conferred on me and even now they are vested in me. As a matter of fact no power has been taken away. Similarly the senior vice-chairman is entrusted with some other duties.

Mr. Speaker : That appears to be correct. What may have happened is that all powers under sections 20 and 27 were conferred on the chairman ; while some of those powers also were conferred on the vice-chairmen. If so, it is open to the Deputy Commissioner not to exercise all powers himself but to give some of these powers to the senior or the junior vice-president. But it is equally open to him to tell them at any moment that he himself will exercise all those powers.

REMOVAL OF NATIONAL FLAG.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : 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, insult and removal of national flag by Mr. Jagdish Swaroop, Assistant Sub-Inspector of Police, Hansi, district Hissar from the house of Lala Brij Mohan Lal on the 6th August, 1939.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) : Sir, on the day when His Excellency the Viceroy was proceeding to Hissar to preside over a Durbar, this house on which the national flag was flying was situated on the road through which His Excellency the Viceroy had to pass. This assistant sub-inspector of police removed the national flag for reasons best known to him. On this insult of the national flag, there was a great agitation and public meetings were held and the reports of these meetings were sent to the Honourable the Premier and were also sent to the newspapers. Some enquiry was made by the Government. At this moment I have not got with me the papers and Government *communiqué*. I have just sent for these papers. Sir, our contention is that the assistant sub-inspector had removed the national flag and the Government now want to cover him. We say that everybody has a right to hoist that flag on his house and by removing the national flag, the whole province, nay, the whole of India, has been insulted. To vindicate this insult this adjournment motion has been moved.

Parliamentary Secretary (Mir Maqbool Mahmood) : So far as the respect of the national or Congress or League flag is concerned, that is a matter on which there can be no two opinions. But the question at issue at this stage is whether the adjournment motion on the facts alleged, is in order or not. I would request the honourable members opposite to state as to what specific facts are sought to be enquired into. The incident is alleged to have taken place on 6th August. They could have put any questions with regard to this matter or tabled a resolution. If they have not thought fit to do so, I would request that in fairness to the House they should put a short notice question or tell us on what particular point further enquiry is sought.

Mr. Speaker : A complaint was made to Government. An enquiry was ordered with the result that the facts stated on the floor of the House were found to be incorrect. What else could the Government do ?

Parliamentary Secretary : My submission is that if there is any additional point on which the honourable members opposite want to elicit information, let them put a short notice question and we shall be ready to meet them and supply any information which they may particularly require, and, if necessary, we shall make further enquiries.

Dr. Gopi Chand Bhargava : A telegram was sent to the Deputy Commissioner and the Superintendent of Police of Hissar and also to the Premier of the Punjab that very day and it was also sent to the press. Then a letter was sent by the President of the District Congress Committee, Pandit Neki Ram, to the Premier. I also wrote to the Premier and I have received this information and I can take action on that. I have also read in the papers that the Director of Public Information Bureau issued a *communiqué* that those were not the facts. Therefore, the information that the Government had in its possession has already been given and so on this matter no short notice question is necessary.

Pandit Shri Ram Sharma (Urdu) : May I draw your attention to your own ruling which you have repeated more than once on the floor of the House, that is, that if in the case of any adjournment motion any legal remedy is available you have always been pleased to hold that adjournment motion.

out of order? Now, in this case the house of a private person was trespassed and there was a legal remedy available and it was that he could have gone to a court and filed a suit. In the circumstances I submit that if you can over-rule other adjournment motions on this plea you can follow the same procedure even now.

Mr. Speaker : Does the honourable member wish that the motion should be ruled out of order? What has the mover of the motion got to say?

Lala Deshbandhu Gupta : The grievance is not of an individual in this particular case. The insult was not hurled against an individual person, it was against the whole nation. The question is that the police officer has exceeded his authority in pulling down and insulting the national flag. He has not injured the feelings of an individual person; he has injured the feelings of the whole country. It is a fit case in which you should rule the adjournment motion in order. It is not the only instance of this kind. The incident of Simla must be fresh in the minds of the honourable members. The Government has been rather very diffident in taking action against the military officer and thereby encouraged others.

Mr. Speaker : It is the removal of the national flag which is the matter of public concern in this case and not its removal from the house of A, B or C. The complaint is not that an offence has been committed against an individual person. The removal of the flag is said to have injured the feelings of the public. So, I allow the motion. (*Hear, hear.*)

Pandit Shri Ram Sharma : The question then is, how is this ruling consistent with the past ones?

Mr. Speaker : I cannot allow that matter to be discussed. Chaudhri Krishna Gopal Dutt 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, insult and removal of the national flag by Mr. Jagdish Swaroop, Assistant Sub-Inspector of Police, Hansi, District Hissar, from the house of Lala Brij Mohanlal on the 6th August, 1939.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No objection.

Mr. Speaker : Then the motion will be taken up at 8-30 p.m. to-day.

RESOLUTIONS.

WAR CONTRIBUTIONS BY LOCAL BOARDS.

Mrs. Duni Chand (Lahore City, Women, General) : I beg to move—

This Assembly recommends to the Government that instructions be issued to all local boards not to sanction any money for the help of British Government during the recent war.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : May I say a word to save the time of the House? In this connection the Government have already come to the decision that local bodies will not be allowed to contribute from their municipal or district board funds and these orders have already been conveyed to the local bodies. (*Cheers from Opposition benches.*)

Pandit Shri Ram Sharma : May I know whether the money sanctioned by the Rohtak District Board has been accepted by the Government for the prosecution of the war?

Minister for Public Works : No expenditure has been allowed. Though we appreciate sentiments of the local bodies nothing of the sort has been allowed. They are in need of funds and they can spend them on local purposes and not elsewhere. (*Hear, hear.*)

Mr. Speaker : Does the honourable lady member wish to move her resolution?

Mrs. Duni Chand : No, Sir.

DUTY ON SALE OF COMMERCIAL COMMODITIES.

Rana Nasrullah Khan (Hoshiarpur West, Muhammadan, Rural)
(*Urdu*) : Sir, I beg to move—

This Assembly recommends to the Government to impose a reasonable duty on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to richer classes.

Sir, my object in moving this resolution is to bring to the notice of this Honourable House the miserable plight of the poor villagers on the one hand and the squandering of money by the rich urban classes in purchasing articles of luxury on the other. Besides, I wish to suggest that a reasonable tax should be imposed on the sale of such commodities and the proceeds should be utilized in ameliorating the condition of the rural classes. Now if we cast a glance at the mode of living of the people in the towns, we find that the people spend extravagantly on the purchase of commodities other than necessities of life. For instance, enormous sums of money are spent in buying sarees of different hues, articles of luxury, especially powders, scents, lipsticks, hair dyes, toilet, costly furniture and materials for the embellishment of houses, as for example, sofasets, curtains for great show, equipment of bath rooms etc. If a reasonable tax is imposed on the sale of such articles, then those people (particularly the rich) who use them will have no difficulty in meeting this additional tax. I am of the opinion that they have become so much accustomed to the use of such articles, that they would not feel the pinch at all, if the imposition of sales tax results in an increase in the prices of those commodities. Generally the traders dealing in cosmetics, toilets and commercial commodities other than agricultural produce reap rich profits on their sales. I think they would not grudge to pay a portion of their profits if a tax is imposed upon the sale of those articles which are not necessary for ordinary living.

Besides, I would like to invite the attention of the House to the miserable condition of the poor zamindars who reside in rural areas. The poor zamindar toils hard to eke out his living by working in the scorching heat of the summer and biting cold of the winter. When his labours fructify, i.e., when he reaps his harvest, one-fourth of his produce goes to the exchequer in payment of Government dues. Half of the produce is taken away by the sahukar or the shop-keeper in lieu of certain debts. What is left after these deductions is not at all sufficient for him to make his both ends meet or to procure for him and his family some clothes to cover their bodies. In comparison we find that businessmen pay one-hundredth of the profit of

their sale, for it is entirely at the disposal of the income-tax officer. I may also draw the attention of the House to the fact that the average income of the produce of agriculturists is taken into consideration once and the Government sticks to it till the other settlement comes. For example, when the average income was taken in the Hoshiarpur district, there was an average rainfall of 48 inches a year. Now the rainfall is 15 inches a year and the lands cannot produce one-tenth of the income. Such cases should be relieved from the tax imposed on luxuries, for they have cut their gardens to pay revenue by using wood. I would, therefore, request the honourable members who are here to represent the poor zamindars, to make serious efforts to relieve them of their hardships.

Now if we look at the splendid and costly mode of living of the people of Lahore, we find that clerks in Government service and rich businessmen residing here go about making purchases of articles other than those necessary for a moderate mode of living. If a reasonable tax is levied upon the sale of such articles I am sure it would not affect their pockets adversely, because their incomes are so large that after spending money on these luxuries they still save sufficient money to deposit in the banks. I may submit that when we, the villagers, come to Lahore we are bewildered to find here babies and ladies in excellent sarees, suits, furnished with clips, high-heeled shoes and painted as a toy, travelling motor cars, tongas and taxis in large numbers. We find that even if one has to go to a place situated at a small distance, he goes there in a tonga or a car. This means that the people living here are in general sufficiently well off and can afford to possess cars and tongas. All this goes to show that the businessmen and Government servants in Lahore are able to bear the burden of an additional tax. Again, if with the increase in taxation on the sale of such articles, the demand for them diminishes, it would stand in good stead to our country, because the use of foreign articles would be discouraged and these people would be disposed to buy goods made in our country. Instead of getting supplies of fresh fish from the local markets they prefer stale Karachi fish. Costly canned fruits imported from foreign countries find more favour with them than those available in their own country. In short they make no secret of disliking everything that is made in India.

Then, Sir, let us take the case of our westernised young 'Babus.' Their drawing room furniture, sofa sets, couches, soft cushioned chairs and other articles of decoration is a clear proof of the height of luxury and ease.

Dr. Gopi Chand Bhargava : What about the furniture in this House?

Rana Nasrullah Khan : Your own drawing room will not be very different in this respect.

Dr. Gopi Chand Bhargava : Come and have a look at it yourself.

Rana Nasrullah Khan : Sir, they have separate sets of winter and summer curtains for their doors and windows. For the sticky summer heat they have fine net curtains and for keeping out the chilly winter winds thick woollen ones are hung up. If these luxuries were taxed no one will be the worse for it. Not satisfied with their life of luxury and ease, our brethren, students and businessmen have even adopted many things from among the articles used particularly by women, for instance, face powders, creams, oils, and nail polishes (*laughter*). It is in the fitness of things that these

[Rana Nasrullah Khan.]

cosmetics used by ladies and gentlemen alike should be taxed. I am not saying this in a lighter vein but I seriously mean it. The revenue derived from this source can with advantage be used for the relief of the zamindars and the poorer classes.

The zamindars have to pay a major portion of their hard earned income as land revenue, but in comparison with it the sum paid as income-tax by the businessmen is quite negligible. As an instance of their disparity in forms of taxation, I quote the basis of assessment in Hoshiarpur District. The land revenue is assessed on the average price of the last 20 years. When the assessment was last made in that district, the average rainfall was 48 inches; it is not more than 15 inches now. Again at that time we used to have two crops annually whereas we have only one at present. But the revenue which was assessed on the basis of those conditions which were prevalent so many years ago cannot be revised, until the next settlement. This is not the case with the income-tax which is always fluctuating in accordance with the prosperity or otherwise of the tax-payer. It is high time that this unfair disparity between the two should be remedied.

With these words I commend the resolution to the House and hope that the House will give it its whole-hearted support.

Sardar Sohan Singh Josh (Punjabi) : Can I ask one question, Sir? Is it going to be the practice of the Unionist Party to waste the only day that we get for non-official business in moving such flimsy, meaningless and third-rate resolutions?

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government to impose a reasonable duty on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to richer classes.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (Urdu) : Mr. Speaker, I have not been able to follow the import of the resolution moved by the honourable member, Rana Nasrullah Khan, and the speech which he has delivered in this connection. In the first instance he has drawn a comparison between the townsmen and the villagers; and the way in which he has referred to Lahore indicated as if its inhabitants are all well-off and poverty does not exist here. He has also made mention of the craze of fashion of richly dressed ladies moving about on the Mall and of the use of powder, rouge and lipstick. I am at a loss to understand where the necessity of making a mention of women arises. Probably the influence of certain friends has affected the mode of life of his family which compelled him to say these things. I had expected that in connection with the subject of the motion he would talk about such expensive luxuries as motor cars, radio sets, and others. But instead he has indulged in talking at length about women, their costly dresses and their use of cosmetics. Let me tell him that the fault does not lie with women, but with men who buy them such articles of toilet. There is no harm if a tax is imposed on such superfluous things. There is already a heavy duty on these commodities. The Central Assembly have imposed 60 per cent duty on perfumeries, and similarly all such articles are heavily taxed. I do not object to it, but it must not be ignored that, in the first place, an import duty is levied

on all such commodities, secondly, terminal tax has to be paid at the time of bringing them into the city and, lastly, the shopkeepers have to pay income-tax. In spite of all this, I wonder, on what ground the honourable member accused citizens of fleecing the public. It seems that the honourable member has tasted canned fruits in some, garden or tea party given by one of the Ministers, which they often give, and that is why he is mentioning these things in his arguments. Otherwise if you look closely to the lot of the poor inhabitants of Lahore, the capital of the province and a big city, you will be wonderstruck to see what a wretched life they are leading as compared with that of the villagers. They can hardly get the bare necessities of life. Villagers at least get fresh air and pure water, while here in Lahore you find nothing but mud, uncleaned streets, offensive smell and impure air. In towns people spend a lot of money on the education of their children, who after getting their B.A. or M.A. degrees hardly get a job worth twenty rupees a month and very often resort to suicide. These young men are gradually losing their health. In view of this fact it is the duty of the Government to make arrangements for them in the villages and grant them lands so that they may get sufficient quantity of fresh milk, bread and butter and thus get rid of this city life which is proving a curse to them. I am really unable to understand what purpose can be served by such speeches which can only cause a rift between the urban and the rural population. It would have been proper if he had talked about riches, luxuries, prodigalities and motor cars. No doubt a motor car costs you about three or four thousand rupees, but it is very useful as it saves time. Afterwards he has complained, why there are tongas and no bullock carts in the cities, and why people do not walk on foot? If the Honourable Ministers were to come in a bullock cart it would take them at least two hours to reach here. Motor car is a modern invention and a very useful one too. The prominent Congress leaders travel by aeroplanes even for their routine work simply because it saves much time. Rana Sahib has made mention of Dr. Gopi Chand Bhargava's drawing room; I have had an opportunity of seeing the said "drawing room". In a corner there is lying a "Takhat Posh" with a "Khes" and a pillow on it and the other room is occupied by Mrs. Gopi Chand and that is all about it.

I do not understand the object of this resolution. I make an appeal to the House that such resolutions, which may tend to widen the gulf of hatred between the city people and the villagers, should be scrupulously avoided. When the townsmen are criticized we shall have to reply to such criticism. The honourable member has throughout his speech made Lahore the butt of his criticism. I, being a citizen of Lahore, am bound to give a reply. (*An honourable member*: Lahore is being transferred into an earthly paradise.) Yes, but I can only say—

ہم کو معلوم ہے جنت کی حقیقت لیکن

دل کے پہلے کو غالب یہ خیال اچھا ہے

I am not referring to paradise in this verse in the religious sense. Let religion alone. This verse rightly applies to the paradise created by Mr. Macnabb, the real worth of which is fully known to the inhabitants of Lahore.

[Begum Rashida Latif Baji.]

We, citizens, have every sympathy with the villagers and I have always been voting for those Government Bills which were beneficial to the interests of the villagers. My submission is that either Rana Sahib should explain his real object in moving this resolution or he should withdraw it. With these words, Sir, I oppose the resolution.

ADJOURNMENT MOTION RE REMOVAL OF NATIONAL FLAG.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I would like to inform the honourable Leader of the Opposition, through you, that unfortunately I was not present in the Chamber when the adjournment motion regarding the insult and removal of the national flag was admitted. I am afraid that discussion on such a delicate question would give rise to certain unpleasant controversies. It is a fact that you and I understand the exact significance of the national flag but the difficulty is that the masses do not know what it really means. Then there are millions of people who do not recognize the Congress flag as the true national flag. The Muslim League considers its own flag to be the real national flag, while the Congress advances the claim of its own flag. Under these circumstances it would be difficult for us to decide as to which one is the real flag. So far as the question of a flag is concerned my firm belief is that every political body should respect the flags of the other parties, and if any one dares to insult any of the flags he should be severely dealt with. It does not seem desirable that every party should respect its own flag. What I want to see is that every party flag should be equally respected by all. I am anxiously waiting for the day when our national flag would be held as a national flag in the true sense of the word. I, however, assure my honourable friends opposite that if it is proved that the said official really insulted the flag I would give him an exemplary punishment. I will appoint a gazetted officer to institute an enquiry into the matter.

Diwan Chaman Lall: What sort of enquiry would the Honourable Premier hold? May I suggest that perhaps it would be more advisable, in view of the nature of the enquiries held in the past, to hold an independent enquiry by two non-officials, two officials with an independent chairman. I think it will satisfy us if an enquiry of that nature is held.

Premier: My honourable friend should know that it has now become a thing of the past when enquiries held by Government officers were found biased and coloured. Such things could only happen under irresponsible governments. Any fear of this kind should not be entertained under the present popular and responsible regime. I admit that there still exist certain officers who have not changed their old bureaucratic mentality as yet but our main object should be to produce officers who could be safely and conveniently entrusted with such important matters. Let me assure my friends opposite that we have got a sufficient number of officers who really enjoy the confidence of the public. If there is any officer who has failed to create confidence in the mind of the public the whole administration should not be blamed for it. Anyway I will appoint an officer who could

be relied upon. My honourable friends opposite may rest assured that the report submitted by him would certainly be a true and unbiased one.

Diwan Chaman Lall : Could my honourable friend give one single instance to this House during the last 2½ years when allegations were made by the Opposition and the enquiry conducted by the Government had satisfied the Opposition benches? When a matter is raised about the death of a man, you say you are having the matter enquired into and that you are satisfied. These are very serious matters. I agree that there are many officers who are doing their duty honestly and properly without fear or favour but that is not the point. The point is that in view of the experience which the Opposition has had it is necessary to instil some sense of confidence in the public in regard to this matter. I agree with my honourable friend that when any flag is insulted it is a matter of grave concern both to the Government and the Opposition.

Premier : I assure my honourable friend that it is not always that the reports of the enquiries held into matters of grave concern have gone against the Opposition. Our officers submitted true reports on both the previous occasions when the Congress flag was insulted in Simla. On the first occasion the persons responsible for the insult of the flag were properly warned.

Diwan Chaman Lall : The report made on the first occasion was only this that somebody had insulted the national flag and on the second occasion—

Premier : However, I am sure that our officers submit true and unbiased reports.

Mr. Speaker : I think this discussion should take place at 3-30 P.M. when the adjournment motion is taken up.

Premier : Sir, my object was only to save the time of the House so that the discussion on resolutions may continue up to 4-30 P.M.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (Urdu) : Sir, I also want to make a few observations in this connection. Our past experience is that the enquiries held by the police department have hardly ever been satisfactory. The general practice followed by the police officials is that they do not call for those persons who happen to be in possession of real facts and the required information. My submission is that on the previous occasion when the national flag was insulted at Simla the police could not apprehend the real culprits. But on the second occasion it were only non-official persons who caught hold of the soldiers and brought them to the thana. When the military authorities were informed of the incident they sent an unqualified written apology to me, which I forwarded to the Manager of the Bhandar with the remark that they should accept it. But this time not only has the flag been insulted and removed but the man who protested against this high-handedness also been beaten. I will, therefore, be satisfied only if the Honourable Premier is prepared to assure me that he would see to it that eye-witnesses are called to give evidence. Sir, every flag happens to be an ensign of its respective party and any person found guilty of insulting it should be severely dealt with. The flags of all political bodies should be respected and revered by all and sundry. This

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time when certain Congress workers made a report to the effect that a certain police official had insulted the national flag at Hansi we at once deputed Sardar Kapoor Singh to hold an enquiry into the matter. He accordingly reached there and made an enquiry and thus he is in a position to state his findings. Now, if the Honourable Premier is prepared to assure us that the Congress workers at Hansi and Sardar Kapoor Singh would also be included in the list of witnesses I think our object in moving the adjournment motion would be served. I would then ask my honourable friend, Chaudhri Krishna Gopal Dutt, not to press his adjournment motion further so that the whole time could only be devoted to the discussion of the non-official resolutions.

Lala Duni Chand : Sir, I would like to make one suggestion for your consideration.

Mr. Speaker : The Honourable Premier made a suggestion which was accepted by the Leader of the Opposition. There the matter ends.

Diwan Chaman Lall : What was the point of raising the adjournment motion on the floor of the House if the matter was to be decided in this fashion? Why should the matter be decided before the adjournment motion is raised on the floor of the House and the time of the House wasted unnecessarily?

Mr. Speaker : I have already pointed out that this point can be raised when the adjournment motion is taken up.

Lala Duni Chand : This question concerns us all and every member can make suggestions. That is why I want to say—

Mr. Speaker : Will the honourable member please resume his seat?

Lala Deshbandhu Gupta : If it is taken up at that time the House will be deprived of discussing the non-official business.

Mr. Speaker : Now the House is being deprived of discussing a resolution.

Pandit Shri Ram Sharma : On a point of order, Sir. How is it that the suggestion made by Lala Duni Chand has not been allowed by you while the suggestion made by Lala Deshbandhu Gupta has been permitted?

Mr. Speaker : I request the honourable member not to make such criticism.

Premier : My friend requested me to assure him that I would appoint an officer. That I did, but my honourable friend now wants something more which I cannot do. It is impossible at the moment to take any action. I will appoint an officer and a very reliable officer to make an enquiry, but I am also asked to see that the complainant is also examined before I come to a conclusion. That I think would be unnecessary, because the enquiry officer appointed by the Congress will merely depose before the officer what he has heard, as he was not an eye-witness. Therefore it will be unnecessary for us to trouble Sardar Sohan Singh Josh—I do not know who enquired into the matter on behalf of the Congress (*An honourable member* : Sardar Kapoor Singh)—or Sardar Kapoor Singh because he is not cognisant of the facts at all. Other people who made the complaint will certainly be examined. This much I am prepared to do.

Chaudhri Krishna Gopal Dutt : I withdraw my adjournment motion.

Lala Duni Chand : In order to vindicate our self-respect as a protest I leave the House along with some other members of the House.

Minister for Education : The respect is here. Only the honourable member has gone.

(After a few members had left the Chamber.)

Mr. Speaker : What is all this about ?

Diwan Chaman Lall : The honourable Chaudhri Krishna Gopal Dutt wishes to withdraw his adjournment motion. Apparently this has been agreed upon by the Leader of the Opposition and the Premier.

Premier : How does this justify a protest ? *(Laughter.)*

Diwan Chaman Lall : After all that is for Lala Duni Chand to decide. *(Laughter.)*

Lala Deshbandhu Gupta : The honourable member has withdrawn as a mark of protest against your treatment towards the two members. It has nothing to do with what the Premier said, or what anybody else said. Whatever may have been the reason for the protest, that need not be gone into, as those who protested are not here.

Mr. Speaker : Did they protest against my treatment towards them ? I did not maltreat them.

Premier : My friend, the Minister for Education, remarked just now that the respect is still here, he alone has gone. *(Laughter.)*

Diwan Chaman Lall : May I, with due deference to you, say that it is a very petty remark to pass ?

Mr. Speaker : Is it the pleasure of the House that the leave granted for the discussion of the adjournment motion be withdrawn ?

The Assembly agreed unanimously.

RESOLUTION.

DUTY ON SALE OF COMMERCIAL COMMODITIES.

Lala Deshbandhu Gupta (South Eastern Towns, General, Urban) *(Urdu)* : Sir, with your permission I beg to move an amendment to the resolution which is now before the House. The amended resolution will read thus :—

This Assembly recommends to the Government to impose a reasonable duty on the sale of articles of luxury particularly those imported from foreign countries.

As there are several important resolutions on the agenda to-day, I would try to take as little time of the House as possible. The resolution is a strange commentry on the mentality of my Unionist friends and shows, left to themselves, to what limit they can go. Besides, the resolution is so vague that it makes no sense. I have tried to make my amendment acceptable to the whole House and I hope that the resolution as amended by me will be unanimously passed. The resolution moved by the honourable member is so vague and impracticable that I doubt if he has had the benefit of consultation with the Honourable Premier or any of his parliamentary

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secretaries. The draft is a hopeless one. All the same I am in sympathy with the object of the resolution in so far as it seeks to discourage the use of articles of luxury. I am glad to see that he deplores the occurrence of famines and the presence of increasing unemployment in the province; I also agree with him that the people of such a province can ill-afford to waste money on purchasing articles of luxury. I am very glad to find that my honourable friend has realised the need for drawing the attention of the province towards this growing evil by tabling a resolution which is now before the House on this subject. The object being common, may I hope that my honourable friends sitting on the Treasury benches would also accept my amendment which only seeks to improve the original resolution? I assure my learned friend that as far as the members sitting on this side of the House are concerned they do not believe in mere lip sympathy; they are always anxious to see that articles of luxury should not be imported into this country. We believe not only in simple living and avoiding the use of articles of luxury but we also believe that in order to provide bread for poor people we should encourage indigenous industries of our country. You are aware of the fact, Sir, that many honourable members sitting on this side of the House have gone to jails for freeing our country from the curse of foreign cloth and the use of intoxicants, which articles are generally used by the richer classes about which mention was made by my honourable friend opposite. Our life is an open chapter and there can be little doubt that they are pioneers in this respect. I would therefore request my honourable friend to persuade the members of his own party to lead a simple life and give up the use of articles of luxury. I hope he has the support of his party to this resolution. If the whole object of the motion is to discourage the use of articles of luxury, then there is no necessity to bring forward such a resolution before this Assembly. The purpose can well be served if it is moved in the Unionist Party, as, so far as the members of the Opposition are concerned, they are already doing all that they can do in the matter.

Mian Abdul Rab : On a point of order. We have not received a copy of the amendment which the honourable member is moving.

Lala Deshbandhu Gupta : Shall I read it?

Mr. Speaker : I cannot allow the amendment.

Lala Deshbandhu Gupta : The Speaker has full discretion to allow.

Mr. Speaker : Rule 121 (1) says—

If notice of an amendment has not been given two clear days before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker in the exercise of his power to suspend this rule allows the amendment to be moved.

As the honourable member's amendment is intended to take the place of the original resolution and as it cannot be circulated to all the members in time, I have disallowed it.

Lala Deshbandhu Gupta : The original resolution makes no sense. Will it be acceptable to you if I partially amend the resolution and not seek to substitute it by another resolution? Let me add after the words "sale of" the words "articles of luxury particularly those imported from foreign countries" and omit the rest.

Mr. Speaker : It will not cover the whole ground. The honourable member may give me his amendment in writing.

Lala Deshbandhu Gupta : I was submitting that my learned friend should bear in mind that one of the chief complaints against the present Ministry is that although two and a half years have passed since they assumed office, up till now the same old system is in vogue in the province and practically no change whatsoever has taken place in the mentality of the Ministry. They have not moved their little finger to encourage indigenous industries; nor have they cared to give any fillip to the use of indigenous goods in order to help the poor people of this province. May I tell my honourable friends sitting on the Treasury benches that they are not helping the poor by persisting in that attitude? Does the present Ministry really represent the poor people? A visit to the palatial bungalows of the ministers would show that even to-day many articles of luxury decorate their tables. In their drawing rooms one would find such costly articles of luxury the like of which are not to be generally seen anywhere else. One has only to attend an official Durbar to see how my honourable friends opposite exhibit their love for foreign made goods. I am sure the learned mover of the motion as a member of the Unionist Party himself must have seen some such Durbar. In such Durbars one can see Durbaries putting on *pagries* of foreign muslin bearing the trade mark 626. Not only *pagries*, 90 per cent. of their dresses are also made of cloth imported from foreign countries. If my honourable friend, the mover, wishes to rid this country of this evil and desires that a duty should be imposed on all articles of luxury especially on cloth with that object in view I would suggest to him to appeal to the honourable members sitting on the Treasury benches that they should set an example by giving up the use of foreign cloth. It is a matter for regret that even that honourable member now sitting on that side who once believed in *khaddar* has given up his creed ever since he associated himself with his present colleagues. The Honourable Mian Abdul Haye comes in the same dress today as my other friends on the Treasury benches do.

Minister for Education : But his heart still loves *swadeshi*. When the Mahatma said "You will get Sawaraj in twelve months if you wear *khaddar*", I wore it for thirteen months.

Lala Deshbandhu Gupta : Unless the object of the resolution is to provide justification for some coming taxation measure the resolution is such on which all sides of the House are in agreement, and no more time of the House should be wasted in discussing it. I, therefore, request the House to pass it in the form as I have suggested, although my amendment has been over-ruled. My friends should not only rest content with the passing of this resolution, but they should see that the use of articles of luxury is positively discouraged in the province. It is a matter of great regret that two and a half years have passed since my friends assumed office, but they have not been able to create an atmosphere in the province which should discourage the use of foreign things and encourage *swadeshi*. In my opinion this atmosphere can only be created if the Punjab Government which in season and out of season claim to be a popular government, takes some definite action to encourage *swadeshi* and discourage *badeshi* articles of luxury. In this connection I would also like to draw the attention of the

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honourable members to an article written by Mahatma Gandhi who wrote

that the Punjab was the only province in the whole of India where the demand for foreign cloth was the greatest. The women-folk in the Punjab loved to adorn their bodies with *sarees* of different hues imported from foreign countries. As a matter of fact the Punjab has earned a bad name for the use of luxuries and foreign articles. I think a good deal of responsibility for this state of affairs lies on the shoulders of those who rule the destinies of the province. It is the imperative duty of the Treasury benches to give a lead in this matter by using Indian made articles. If one happens to visit the Lawrence gardens in the evening, he will find ladies wearing luxurious *sarees* of the latest designs. Besides there are other cosmetics like lip sticks, powders, etc., and toilets on which people especially our women-folk squander much money. In this manner lakhs of rupees go to foreign countries through this channel. Then there is the student community. It has completely come under the sway of the western fashions. The students are so much enamoured of foreign articles of toilets that they cannot do without them. In fact the use of such articles has become part and parcel of their lives. I would, therefore, appeal to the honourable members opposite, who profess to represent the cause of the poor, that they should make a serious effort to bring about a change in this mentality. If they wish that the hard-earned money of their countrymen should remain with them and not flow into foreign countries, they should embark on such measures as would encourage the use of *swadeshi*. I may add that the object of the resolution can be achieved only if they would do something substantial to stem the tide of fashions which is sweeping our province. I assure my honourable friends that I am not making this speech in a light hearted manner. I would particularly ask the Honourable Minister for Education to cast off foreign clothes and take to *swadeshi* again. He should set a noble example so that healthy effect may be produced on the mind of the student world. He should issue instruction to the head masters of schools and principals of colleges to impress upon the students the necessity of using *swadeshi*. Before I finish my speech I would once again appeal to the Treasury benches that they should wear *khadi* on ceremonial occasions at least, so that the people at large may be impressed and follow in their footsteps. With these words I close my remarks and oppose the motion under discussion, if it is not amended.

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (Urdu): Sir, whenever the question of making a reduction in the land revenue or water rates is raised in order to afford relief to the zamindars, we are given the stereotyped reply that Government have no money. Now with a view to meet this objection an honourable member on this side of the House has brought forward this motion. I may point out that the resolution under discussion has not been moved by the mover in his personal capacity but as a resolution sponsored by the Unionist Party. The resolution proposes that a reasonable tax should be imposed on the sale of such commodities the consumption of which is mainly confined to the richer classes and that the proceeds should be utilised in ameliorating the miserable condition of the poor zamindars. I am of the opinion that the honourable mover and the Unionist Party deserve to be congratulated for bringing

this proposition before the House for discussion. As a matter of fact the proposal is very wholesome and would prove beneficial to the poor zamindars. I may submit that during the debate one of the honourable members on the opposite benches remarked that he could not make out anything from the resolution as it was clumsily worded. May I enquire as to why my honourable friend took the trouble of delivering a speech when he did not understand the subject? Sir, it has been argued that if the resolution is carried out it would adversely affect the poor people residing in towns. My contention is that this is far from truth as the tax is to be imposed on the sale of those commodities which are particularly used or consumed by the richer classes. For instance, imposition of a tax on articles of luxury, like motor cars, radios, carpets, etc., would not affect the pockets of the poor people. I do not think it would do them any harm. Again it is a matter of great regret that my honourable friend, Lala Deshbandhu Gupta, took exception to our dresses. I may assure my honourable friends over there that so long as they keep up shabby appearances, we would continue to wear elegant dresses. Then my honourable friend objected to the residential houses of the honourable ministers. He said that their residences were furnished with costly materials and all kinds of luxuries. I may point out to him that whereas the ministers in Congress-governed provinces deposit their salaries in the banks while our ministers spend them freely on the purchase of various articles with the result that their salaries are almost distributed among the traders; otherwise there is no material difference between our ministers and their ministers.

Besides, I would submit that there can be no two opinions about the principle underlying this resolution. It would immensely benefit those poor zamindars who eke out their living with great difficulty. I, therefore, suggest that this resolution should be unanimously passed by the House and that the Government should take early steps to translate it into action. With these words I strongly support the motion now before the House.

Chaudhri Suraj Mal (Hansi, General, Rural) (*Urdu*): Sir, I rise to support the resolution moved by my honourable friend, Rana Nasrullah Khan.

I belong to a small village and whenever I have an occasion to visit Lahore, my eyes are dazzled with its brilliance. It occurs to me, as it so often does to my honourable friend, Sardar Sohan Singh Josh, that I have all of a sudden been transported from the hell of poverty to the heaven itself. (*Laughter.*)

It seems natural that those who have money enough to spend on luxuries should be made to shoulder the burden of taxation and with their money the burden of the poor zamindars should be lessened. I do not want that there should be mutual hatred between the villagers and the citizens. It has been said that the resolution now before the House aims at widening the gulf between the villagers and the citizens, but I do not share in this view. There is no question of causing a rift between them. The resolution merely aims at taxing the articles used by the rich people.

I would make bold to say that it would be desirable for the ministers, their parliamentary secretaries, as well as the Congress, to represent themselves in their true colours. To represent oneself as something which one is not, is

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very objectionable. I am reminded here of an incident at Simla. One morning I went to see some one staying at a certain hotel. On my arrival there I was surprised to see an acquaintance of mine whom I had so far thought very simple in his ways and a right sort of man, wearing a strange dress such as the Europeans put on at night. I do not even know what they call it. (*An honourable member* : A dressing gown.) He was staying there in a suit all by himself like a prince. Now, as I happen to know the man I can say that it is better to pass oneself as one really is than to pretend what one is not.

A friend of mine at Hissar often argues with me as to why I sometimes wear a suit or a necktie contrary to the mode of dress adopted by my elders. I always tell him that if it came to comparing such articles in our respective houses, at least a cart load of *khaddar* will be found in my house whereas only one or two such articles will be found at his place.

I am one of those who advocate the use of Indian made goods and dislike all kinds of extravagance. But I also believe in one's actions being in consonance with one's professions. If my honourable friends opposite lay so much stress on the use of *swadeshi* goods then they should prove it by putting it into practice. I would request my honourable friend-Lala Deshbandhu Gupta, to think twice before giving expression to such thoughts. If the Opposition are what they claim to be let them support this resolution which aims to tax those commodities which are used by the richer classes. With these words I strongly support the resolution under discussion.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, it is a matter of great pleasure that we have been afforded an opportunity of discussing a non-official resolution of a fundamental nature after a long time to-day.

Both sides of the House seem to agree upon the principle of my honourable friend's resolution, *viz.*, the taxing of the richer classes for the benefit of the poor. It gives me great satisfaction to know that a member of the Unionist Party has at least made a distinction between the rich and the poor.

Agreeing as we do with the fundamental principle underlying this resolution, I cannot help observing that in view of the importance of the resolution, the seriousness required for its discussion seems lacking in the House as yet. Furthermore we have in the coming months to discuss the Report of the Retrenchment and Resources Committee, as also the recommendations of the Darling Committee. They all necessitate economies and fresh sources of revenue. In the absence of these a final decision may not be possible but one thing is certain and that is this. On the one hand there are those people who have only two acres of land in their possession and have to work very hard upon it to eke out a living. These people are deprived of half of their incomes by way of land revenue. On the other hand there are people who ride in Rolls Royce cars, smoke expensive cigars and wear costly suits and have no fear of such heavy taxation, as land revenue, which the poor zamindars have to pay. Those rich people should be taxed heavily.

Retail sales of commodities ought to be taxed. If you were to go through Anarkali, from Lohari gate to Nila Gumbad, you will note

that the shops are flooded with articles of foreign manufacture. Raja Brothers Store, for instance, must have at least six or eight lakhs worth of goods but if you ask for anything manufactured in this country, it will be hardly available. At least 90 or 95 per cent. of goods stocked in these shops consists of useless and 'frivolous' articles, which our rich friends buy from them. If one were to go still further up the Mall one would come across certain shops whose daily sale income ranges between 800 to 1,500 rupees. These shops can easily be taxed at a rate of 4, 5 or 10 per cent., and this money can be utilized in improving the lot of the poorer classes. The sooner it is done the better.

It is very essential to accept this amended resolution from the economic as well as the moral point of view. It will help in removing the difference of burden of taxation between the rich and the poor.

I would like to move formally the amendment that my honourable friend, Lala Deshbandhu Gupta, has tabled—

This Assembly recommends to the Government to impose a reasonable duty on all articles of luxury particularly those imported from foreign countries.

This House does not question the sincerity of Rana Sahib's resolution, but if we really want to lessen the burden of the zamindars we should prefer this amendment, which seeks to impose tax on imported goods as against those produced in this country. We must buy articles made by our famine-stricken sisters of Hissar district in preference to Lancashire manufactures. The exhibition which will shortly be opened at Lahore has the same purpose in view. It also seeks to popularize goods made by the industrial schools and other industrial concerns in India and to discourage buying Japanese and other foreign made articles. Rana Sahib has thought it proper to make a hit on the mode of living of Dr. Gopi Chand Bhargava. He says his drawing room is also furnished with articles of luxury. If the honourable member is fortunate enough to visit Doctor Sahib's drawing room, he will find nothing but a jajam made out of hand-spun and hand-made cloth. He eats flour ground by hand. He tries as far as possible to use articles of necessity and those prepared only in villages. I wish the honourable ministers could follow him in this respect. The honourable ministers who give their dogs Glaxo biscuits should not only support such resolutions but should also 'overhaul' their own life as a positive proof of their good intentions. They should discontinue their patronage of English firms, like Rankin's and take to Indian tailors in their own province.

Delivering lectures in public meetings attended by thousands of listeners is not all that is required. Mere words do not help in providing bread for the poorer classes. It is necessary that our weavers and workers of other professions should get work, and to provide work for them is the only practical proof of the Government's claims of sympathy for the poor people. I strongly support this resolution in its amended form and recommend it for the acceptance of the House.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu*): Sir, the resolution moved by my honourable friend, Rana Nasrullah Khan, should receive a fair and dispassionate consideration. It should not be allowed to become the cause of contention between townsmen and villagers. My experience of some 40 years has convinced me that whenever a villager

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become a little better off he at once gets disgusted with village life and, therefore, leaves the village for some city. It is only the poor who can put up with village life. That is why I submit that only the people living in cities should be taxed. The poor villagers do not often receive even dry crumbs while city people enjoy rich and delicious food. The kitchen expenses of the latter are far beyond the wildest imagination of villagers. Justice and equity demand that those who earn their livelihood by the sweat of their brow should not be saddled with too many or too heavy taxes. Taxation should be confined to those living in ease and effluence. There is a difference of Heaven and Hades between the lots of city people and villagers. While the former are joyfully soaring in Heaven the latter are rotting in Hades.

The honourable lady member, Baji Sahiba, is a woman and still she is pleading the cause of her voters so frankly and fearlessly. Then why should not the rural members of the Opposition stand by their voters? I am really surprised at the attitude taken up by the Opposition. They have been very quick to catch sight of our turbans costing Rs. 2 a piece but the costly sarees of their own womenfolk have always managed to keep out of their ken. If any one wants to know the tales that these sarees have to tell he has only to go for a walk on the Mall in the evening. I happen to be fairly well off yet my turban is not worth more than two rupees but in the cities even those women wear sarees costing Rs. 100 each whose husbands are mere clerks or labourers in factories and workshops. The *burqa* of a city woman costs as much as would be enough for fifteen *pajamas* in villages. In spite of this life of ease and luxury the city people do not have to pay much by way of taxes. But in the villages even a poor cultivator possessing no more than 2 or 4 kanals of land is not immune from payment of land revenue. The attitude of the Opposition is really disappointing. They always profess to be the enemies of capitalists but now that they find that the purse of the capitalist is going to be touched they have come out in their true colours as the friends of the capitalists and enemies of the poor.

My submission is that the rich should be prepared to share some of the comforts of life with the poor. If rich and well-to-do people are taxed surely the money thus collected will go to benefit the poor villagers. I could never think of the Opposition siding with the rich at such a crucial moment as this. I sincerely tell you that I have been pained by their present attitude. They should come forward and accept this little burden so that the proceeds may be spent on the welfare of the poor. Sir, I am confident that the House will pass this resolution unanimously and with these words I whole-heartedly support it.

Shrimati Raghbir Kaur (Amritsar, Sikh, Women) (*Punjabi*): Mr. Speaker, I rise to support the amendment moved by my honourable brother. He has remarked that although the world is overflowing with riches, wealth and fortunes yet the poor classes of people are leading an extremely miserable life. My submission is that this tax should be imposed only on rich people. If you take the trouble of passing through the Anarkali you are sure to find shops packed to their fullest capacity with articles of luxury worth millions of rupees. These things are intended to be used only by rich and well-to-do

people. The shopkeepers deal in such articles because their sale fetches big profits. Similarly wealthy people have raised big palatial buildings in order to get them tenanted for high rents. But, Sir, just look at the pitiable condition of the poor masses. They generally live in huts. On account of limited accommodation they not only tether their cattle inside their huts but also cook their meals therein. If by chance these rich and wealthy people were to cast a glance over the plight of the poor they are sure to tremble in their very shoes at the horrid spectacle of misery in its naked form. It has been said on the floor of the House that ladies usually wear precious sarees. My submission is that just as capitalists put on well-cut suits and wear costly shoes similarly their wives and girls wear highly valuable sarees. I just want to give you an instance of sheer poverty prevailing in the country. In connection with the election of Dr. Satyapal Ji we visited the hilly tract of the Sialkot district. On reaching there we were extremely wonderstruck to see that young girls of 18 were covering their bodies only in a piece of cloth. It gave me an immense shock to find that the real owners and inhabitants of this country, generally known to be a land of riches, were moving about naked. It is a pity that the foreigners have forcibly made us submit to their unpleasant yoke, and now they are exploiting us by imposing taxes on us without our previous consent and approval. There is no doubt about it that from the opposite benches a resolution has been moved in order to impose duty on commercial commodities. But I submit that what is most essential is practice. And I am afraid if the Government will do something practical even in this matter that has been brought before this House by the honourable member who is sitting on the opposite benches. I, therefore, submit to all the honourable members of this House, through you, that they should extend their co-operation to the attempt to be made in imposing reasonable duty on foreign articles in order to make people purchase only indigenous articles. The advantage will be twofold. Thus the quantity of articles imported from foreign countries will also be reduced.

As regards articles of luxury I have to submit that we should try to avoid their use. Anyhow if certain people cannot do without them they should at least try to patronize particularly indigenous articles. When foreign articles of luxury are in no way better than those made in this country, then where is the necessity of purchasing only foreign articles and neglecting indigenous ones. What a pity it is that the daughters of those who work in factories from sunrise to sunset cannot have sufficient cloth to cover their bodies while daughters of rich people are clad in silk and scarlet. As a matter of fact capitalist millowners do not care to see to the conveniences of labourers. What they want to get out of their investment is profit and they get it at the expense of poor labourers. They have nothing to do with the hardships of a labourer. Just imagine a poor labourer prepares fruit-juice, motor cars and builds palatial buildings for the use of rich people while he himself has got no place to hide his head and so the poor fellow being compelled sleeps on the road-side where he may fall a victim to malaria or where a snake or a scorpion may bite him. This is the standard of life which is being enjoyed so to say by the labourers of this province. If they are neglected by millowners they should not be neglected by us who are here to plead their cause. At least we should not turn a blind

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eye to their miserable condition. I, therefore, recommend to the Government to improve the condition of labourers and to raise their standard of life.

In the end I urge upon the Government that we should encourage indigenous articles so that the poverty of the province may be removed and our country may prosper in double quick time. With these remarks I support the resolution moved by this side of the House.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, I think it is no use discussing this resolution because both sides of the House are prepared to pass this resolution unanimously. But what is more important than passing the resolution is taking action over it. As you are aware, resolutions are passed in this House so often but no action is taken on them. In this respect my submission is that the Government should at least prohibit as many *badeshi* articles, if not all. In my opinion if the Honourable Minister for Development had given careful consideration to this matter and started factories for manufacturing indigenous articles of daily use he would have done a very useful and beneficial work for the development of industry. And in addition to that the unemployed youths of this province, who are knocking from door to door, would have been accommodated there, and the necessity of moving this resolution would not have arisen. But how regrettable it is that the Government have not taken any serious step in manufacturing indigenous articles since they have come into power. We should look towards Japan which has taken a lead in this matter and surpassed almost every country in producing articles of its own country. May I, in this respect, ask the Government, through you, Sir, whether they are not in a position to provide Rs. 50,00,000 yearly for manufacturing important and useful articles of daily use? I think that the Punjab Government should also take a lead in producing indigenous articles of daily use and they should, in my opinion, avoid the manufacture of showy articles of luxury against which much has been said from this side of the House. If the Government agrees to our proposals it is well and good and we assure the Honourable Minister for Development that our services are at his disposal. I am afraid that it is, what I should call, only a pious wish of the Government to start manufacturing factories of *Swadeshi* articles but not deeds, though I presume that they feel in their heart of hearts that such industry will indeed do a lot of good to the country. If all the honourable members of this House determine to encourage indigenous articles and agree unanimously to the resolution, as amended, the Government would be obliged to take action according to the resolution. (*An honourable member*: Will you encourage?) Yes, why not? It has always been my desire to encourage indigenous goods and I have been trying for the last several years if I could find any *desi* article though inferior than foreign article. I have been giving preference to indigenous articles over foreign articles. (*Cheers from the Opposition.*) And still I do so, inspite of the fact that I do use some foreign articles, I mean those indispensable articles without which sometimes we cannot do. In connection with those articles of luxury and toilet which are meant for the use of ladies or gents, I would say, they can also be disposed of provided we determine

to do away with them. As far as the encouragement of indigenous articles is concerned I would like to make a very useful suggestion in this respect and that is this. A specific dress made of *desi* cloth should be fixed for all the honourable members of this House. It is necessary that the dress must be made of *desi* cloth.

Lala Deshbandhu Gupta : It will offend John Bull.

Mian Abdul Aziz : My honourable friend says it will offend John Bull. It may offend. Either we should not move such resolutions or we should have the courage to do whatever we like, whether it pleases or offends John Bull. Words do not make castles. Work is required. What our Government lacks is practice and action. I must submit that it is no use taking credit by moving such resolutions unless and until Government do take action. Again I draw the attention of the Honourable Minister for Development to the fact that what is required is action and therefore I request him to confine his every energy to produce indigenous articles of daily use particularly in the Punjab.

An honourable member : I move that the question be now put.

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Pandit Bhagat Ram Sharma : On a point of order. I want to ask whether the closure motion can be moved when there are several members anxious to speak including the Honourable Minister for Development?

Mr. Speaker : Will the honourable member please resume his seat? The closure motion has been put and carried.

Mr. E. Few : I also rise on a point of order. It was only an isolated member from this side who said, 'yes'.

Mr. Speaker : Did anybody challenge my decision? (*Voices : "No"*.) The reason why I did not allow the Honourable Minister to speak is that according to rules he has no right of reply, if the mover of the motion does not reply.

Rana Nasrullah Khan (Urdu) : Sir, I have listened to the speeches of my honourable friends with rapt attention. During this discussion some points have been advanced by them and I wish to refute them. In the first place my honourable friend, Lala Deshbandhu Gupta, who sought to amend the resolution, said that a duty should be imposed on articles of luxury which are imported from foreign countries and that no such duty should be imposed on goods which are manufactured in India. I for one cannot make any difference between articles of luxury which are produced in this country or which are imported from abroad. But on the other hand this thing indirectly reveals the mind of my honourable friend over there. Although my friend in season and out of season champions the cause of the poor and expresses himself to be a great friend of the poor yet it seems as if his sympathy is merely lip deep. Whenever any question of taxing the richer classes is taken in hand, he always opposes it. His amendment is a living proof of this. Although he desires to impose a duty on the articles of luxury imported from foreign countries yet he does not want that

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a similar duty should be imposed on such articles which are produced in India. He has also stated that he happened to go to a bath, and he saw there lip stick, different kinds of powders and lavenders and so on and so forth. Obviously that bath room cannot be of any young man where he saw all these articles of luxury. But my point is that these things are merely luxuries and if any one can buy them he can also pay a bit more by way of a duty. If a duty is imposed on the sale of all commercial commodities, it can enrich the provincial exchequer and consequently the increased income can be spent to alleviate the distress of the poorer sections.

Besides, it was stated by my friends opposite that our ministers ride in cars and live in great style. Let me point out that our ministers draw a fixed amount from the provincial exchequer by way of salaries. They are at perfect liberty to spend that amount in whatever way they choose to do. If they are spending less or spending more, this has nothing to do with my friends opposite. Just have a look at the expenditures of the ministers of Congress-governed provinces. All their expenses are borne by the provincial exchequer. If they board an aeroplane, or go to Europe for improving their health, the heavy load of their expenses falls on the poor people. That thing can only be legal for the Congress ministers but our ministers have nothing to do with such ways of receiving money from the public funds.

Now, Sir, I may submit that if a rich man can spend Rs. 5,000 for buying a motor car, I do not think that he would be in any way hard-pressed if he were asked to pay Rs. 5,500. In the same way if there is anybody who uses articles of luxury which in fact are not necessities, he would not mind paying a bit more by way of a duty. In my opinion the levying of such a duty on articles of luxury can go a long way to help the poor. My honourable friends opposite simply wish that a duty should be imposed on foreign articles of luxury and such articles which are manufactured in this country should be exempted from it. In other words one can say that they wish to stop the importation of foreign liquor but they would not feel any hesitation in gulping down bottle after bottle of country made liquor.

Lala Deshbandhu Gupta : Oh, you have caught the point.

Rana Nasrullah Khan : We on other hand do not wish that a duty should merely be imposed on articles of luxury, which are imported from foreign countries, but what we desire is that a reasonable duty should be imposed on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to the richer classes. Besides, one of my honourable friends opposite has pointed out that the entry of all the goods should be stopped. But he should bear in mind that if he wishes to ban the entry of all foreign goods, where would he get his machinery from? In the circumstances we cannot ban the entry of foreign goods *in toto*. With these words I again commend my resolution for the acceptance of the House.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu): Sir, during the discussion on this resolution many things have been imported in to the debate which are not relevant to the motion now before the House, for instance, many honourable members while

discussing this resolution brought in the question of foreign and Indian made goods. Similarly the questions of simple living, eradication of unemployment and questions pertaining to urban and rural people were brought in. A discussion of all these things is useful and important in its own place. The question that only Indian made goods should be used and as far as possible the use of articles made in foreign countries should be avoided, is one about which there cannot be two opinions. But instead of discussing the real object of the resolution, if such irrelevant matters are brought in, they cannot, beyond wasting the time of the House, serve any useful purpose. I may make it clear to honourable members that they should not think even for a minute that this Government does not wish to encourage the use of swadeshi articles. I should like to inform them that orders have already been issued by Government to the effect that indigenous goods should be preferred to foreign goods and further that articles manufactured in this province should be preferred to articles made in other provinces. Not only this, the policy of Government is that even if there is a slight difference in quality indigenous articles should be preferred to foreign goods and articles made in our province should be preferred to articles made in other provinces.

Mian Abdul Aziz : Are these instructions merely on paper or are they actually carried into practice?

Minister for Development : They are being actually followed.

Dr. Sant Ram Seth : During the last year, that is in 1938, a resolution was unanimously passed.

Minister : At present nothing that happened in 1938 is under discussion.

I wish to say a few words as regards the object underlying the resolution now before the House. But before proceeding with it I would like to point out one thing which pertains to the query made by my honourable friend Mian Abdul Aziz, as to whether this resolution will merely be passed or it will be enforced as well. Another honourable member had expressed similar misgivings and asked if this resolution would only be accepted or it would be carried into effect. I assure this Honourable House that this resolution, if passed will be given effect to such an extent that some of my honourable friends opposite may begin to protest that we are implementing this resolution too quickly. There is no doubt that effective and almost immediate steps would be taken to implement the spirit of the resolution.

Mian Abdul Aziz : Have you brought in this resolution merely to increase the burden of taxes?

Minister : Certainly.

Dr. Sant Ram Seth : Chaudhri Sahib, I appreciate your boldness.

Minister : The wording of the resolution is as follows:—

This Assembly recommends to the Government to impose a reasonable duty on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to the richer classes.

The real object is clear enough. There is no reference in the resolution to rural and urban people, or men and women or young boys and young

[Minister for Development.]

girls or old men and old women. Its main object is to find ways and means to increase the revenues of the province.

Lala Deshbandhu Gupta : Is it a fact that the Government desire to impose a new tax and this resolution is to provide justification for the same?

Minister : Certainly, there is not the slightest doubt about it. The main object underlying this motion is that ways and means should be found out for enhancing the provincial revenues, and, therefore no attempt has been made in the resolution to tie the hands of Government in any manner or to place any limitations on them. It is intended to impose a reasonable tax on the sale of all commercial commodities except agricultural produce. But at the time of levying such duty care will be taken to see that normally only those commercial commodities are taxed the consumption of which is mainly confined to the richer classes. It must be borne in mind that agricultural produce would not be touched by this tax. So there is no room for the real object of this resolution being misunderstood. I may also add that this resolution has been brought forward at the instance and with the full concurrence of the Unionist Party.

The necessity for getting this resolution passed has arisen because Government desired to know the views of the House on this matter. As a matter of fact the intention of Government was to obtain the permission of the House for imposing a tax on the sale of commercial commodities. But I may tell the honourable members that we would take good care to lay the burden of additional taxation on the shoulders of those only who are capable of bearing it.

Mr. Dev Raj Sethi : What about the amendment to this resolution?

Minister : We have not seen it. It is not in our possession, nor has it been proposed from the chair. At the same time I may candidly tell the honourable members opposite that we are not at all prepared to accept the amendment. We believe in plain speaking. We are not in the habit of making mental reservations or mincing matters. Government have no desire to have their hands tied in this matter. They desire to secure an unqualified verdict of the House for the purpose of imposing a reasonable duty on the sale of commercial commodities specified in the resolution.

Dr. Sant Ram Seth : May I know if hand spun and hand woven articles would be subject to a sales tax?

Minister : So far as this resolution is concerned, it undoubtedly invests Government with full powers. But my honourable friend may rest assured that at the time of drafting Bills for levying such duties Government would take all these facts into consideration. But at the present moment Government desire to have a free hand in the matter. My honourable friend can raise this matter when a Bill to this effect is introduced in the House.

Then there is an other matter on which I would like to say a word or two. It is a matter of regret that whatever may be the subject under discussion in the House, the opposition misses no opportunity to attack

the poor Ministers. My honourable friend over there had the audacity to accuse the Unionist Ministers that they had got princely bungalows built for themselves. But I may remind him that whereas the estimated cost of Ministers' bungalows here has been 60 thousand rupees, in the United Provinces Ministers' bungalows have been constructed at a cost of 70 thousand rupees. (*Hear, hear*). (*Voices from the opposition benches : Question*). My honourable friends question my statement. I refer them to this year's budget of the United Provinces. They can enquire about the correctness of my statement from the officers concerned in the United Provinces.

Besides, I would like to tell the honourable members that there is another reason for raising money through the imposition of this duty. Government intend to spend a large portion of the proceeds thus obtained on the development of industries. But at the same time I may also point out that for this purpose we are not going to tax the zamindars who are already groaning under the crushing burden of land taxes. Naturally it would be the richer classes who will have to bear the brunt. My honourable friend, Mian Abdul Aziz, remarked during his speech that Punjab Government had utterly failed to establish new industries in the province. He said that we had done nothing worth the name to tackle the problem of unemployment. He also stated that innumerable young men were wandering from door to door in search of work. But my honourable friend forgot that it was the lack of funds that stood in our way. I may assure my honourable friend that Government are fully alive to their responsibility in the matter. He enquired why Government could not set apart a sum of twenty or thirty lakhs of rupees for this purpose. The reason is obvious. We are short of funds.

Mian Abdul Aziz : Government could provide two crores of rupees for the Hissar people, but it is a matter of surprise rather pity that they are unable to make any provision for the purpose of establishing new industries.

Minister : It has pained me to hear these words from a gentleman of the position of Mian Sahib. He has totally ignored the miserable plight of the famine stricken people of Hissar. He does not realise what havoc famine has wrought among those unfortunate people. They have lost their all because of this famine. Their cattle perished for want of fodder. They were rendered peniless because their crops totally failed. They could not get food because their crops failed and they had no funds to purchase food. They were forced to knock from door to door in order to earn their livelihood. So it was the bounden duty of Government to make provision for the purpose of alleviating their distress. My honourable friends profess sympathy for the poor but now the cat is out of the bag. However let them understand that no Government can afford to neglect their responsibility towards famine stricken people. Besides we shall have to construct canals, as we have done in other tracts, passing through famine stricken ilaqas and the expenditure will have to be charged to provincial revenues. But so far as the establishment and development of industries is concerned, zamindars cannot be expected to contribute any more to them. Their burden of taxes is already very heavy. But those people would be asked to contribute for this purpose who have not

[Minister for Development.]

made any financial contribution to the provincial exchequer so far or have made a much lighter contribution as compared with their zamindar brethren.

I think I have made myself quite clear about the object of the resolution. This object is the finding out of ways and means for raising more funds. I assure my honourable friends that Government have full sympathy with the motion under consideration, and will take speedy action in the matter, perhaps, more speedy than my friend Lala Deshbandhu Gupta would relish, and when a Bill to give effect to this resolution is being introduced he will probably cry out 'what on earth was the hurry about this measure?' My friends of the opposition may rest assured that a Bill to tax commercial commodities is coming and will be introduced in the House in the near future. With these words I close my remarks and strongly support the resolution.

Chaudhri Krishna Gopal Dutt : May I put a question through you to the Honourable Minister for Development?

3 P. M.

Is it a fact that the Honourable Minister for Development wrote in the *Tribune* that in the Punjab, as the conditions are at present, there is no scope for further taxation?

Minister : Yes, from the classes which have been bearing the main portion of the burden of taxation so far.

Mr. Speaker : I have to invite the attention of the House to the honourable Lala Deshbandhu Gupta's amendment which was objected to by honourable members on both sides of the House on the ground that sufficient notice had not been given of it. I disallowed the amendment. Then another amendment was drafted and moved by Mr. Dev Raj Sethi. Now if the House is inclined to waive the objection, I shall gladly allow the amendment and read it to the House.

(Some honourable members : We object to this amendment).

Lala Deshbandhu Gupta : You have been accepting such amendments in the past.

Mr. Speaker : If that latitude means that honourable members should always give short notice for amendments, that would place me and the House in an awkward position.

Chaudhri Krishna Gopal Dutt : The honourable member has moved the amendment with your permission.

Mr. Speaker : Even now I have no objection personally. I will read the amendment. The resolution if amended, as proposed, will read as follows :—

This Assembly recommends to the Government to impose a reasonable duty on all articles of luxury particularly those imported from foreign countries.

(Some honourable members objected to the amendment.)

Dr. Sir Gokul Chand Narang : You allowed a debate on it and there is no question of objection now.

Mr. Speaker : Objection to an amendment can be taken at any stage. As I did not read it out earlier it may be taken that I did not allow it. I did not propose it to the House.

Lala Deshbandhu Gupta : I requested you to allow me to formally move the amendment and you asked me to put it in writing. Mr. Dev Raj Sethi then moved it. You have been allowing such amendments previously.

Mr. Speaker : Every case should be decided on its merits.
Resolution moved is—

This Assembly recommends to the Government to impose a reasonable duty on the sale of all commercial commodities other than agricultural produce, particularly those the consumption of which is mainly confined to richer classes.

The Assembly divided : Ayes 81, Noes 27.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
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, Khan Sahib Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
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.
Gurbachan Singh, Sardar Bahadur Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Dahi, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai Sahib Rai.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.

Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Kabul Singh, Master.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.
Muhammad Qasim, Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Muhammad Yusuf Khan, Khan.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sardar.
Muzaffar Khan, Khan Bahadur Nawab.
Nasir-ud-Din, Chaudhri.
Nasir-ud-Din Shab, Pir.
Nasrullah Khan, Rana.

Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarap, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakar.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 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.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

NOES.

Balbair Singh, Rao Bahadur Captain Rao.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.

Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Mohy-ud-Din Lal Badshah, Sayed.
 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 Sardar.
 Sant Ram Seth, Dr.

EXEMPTION FROM ATTACHMENT OR SALE OF RESIDENTIAL HOUSES.

Tikka Jagjit Singh Bedi (Montgomery East, Sikh, Rural) (*Urdu*):
 Sir, I beg to move—

This Assembly recommends to the Government to take necessary steps to exempt from attachment or sale the main residential house of every non-agriculturist judgment-debtor whose total assets do not exceed Rs. 5,000 in value.

Sir, I thought that I might not be able to move my resolution to-day. But it is a great pleasure to me that I have got an opportunity to move my resolution before the House. As it is our foremost duty to extend every possible help towards the poor, may they be agriculturists or non-agriculturists, I have placed this resolution before this House for its approval. As a matter of fact this resolution seeks to help the non-agriculturist judgment-debtor whose total assets do not exceed Rs. 5,000 in value. And I hope that our generous Government would be kind enough to pass this resolution according to its old policy. And I request the other honourable members of the House also to vote for it.

I may also submit that I have seen many cases myself where a non-agriculturist who is very rich to-day has been rendered penniless to-morrow. His ruin has been due to some failure in business or bad luck. Anyhow in some cases the non-agriculturists are put to very great trouble and that is why my resolution seeks to help them and does not go to help big non-agriculturists. Just imagine, when the residential house of a non-agriculturist debtor is attached by his creditor, the poor debtor, his wife and his children are rendered homeless and they have no place to hide their heads. With such cases in view I have tabled this resolution. May I again submit to the Government that if they consider this matter dispassionately they would find that in my resolution there is nothing that may be considered unjust. I, therefore, hope that the Government by accepting this resolution would earn the good wishes of those worried non-agriculturists whose property costs less than Rs. 5,000. With these words I move my resolution.

Mr. Speaker : Resolution moved—

This Assembly recommends to the Government to take necessary steps to exempt from attachment or sale the main residential house of every non-agriculturist judgment-debtor whose total assets do not exceed Rs. 5,000 in value.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) (Urdu): Sir, I rise to oppose this resolution. Before I proceed with my arguments I want to submit that the honourable mover has committed a great blunder in putting such a resolution before the House. As I am an urban citizen I know many a non-agriculturist and the nature of my trade keeps me in touch with them. I am sure none of them would be in favour of such a resolution as my honourable friend Tikka Sahib has moved.

My arguments against this resolution are more than one. First of all, as we are all aware, almost every business in towns is generally done on credit be it in the shape of trade-loans or pro-notes, hoondies, etc. It invariably happens and the general practice in towns is, that commodities are sold to retail dealers valuing in each case a few hundred rupees as credit in the shape of trade-loans. With the enactment of the proposed law, these trade-loans will automatically cease. I am afraid, my honourable friend the mover of this resolution is not either aware of these hard facts or he is too proud of the majority at his back to take any notice of them. My submission is that the whole of business done in towns is based on credit. Generally small traders get goods worth Rs. 50 or Rs. 100 or Rs. 200 on credit from *artiyas* or big traders. But when the creditors would find that the property of those persons whose total assets do not exceed Rs. 5,000 could not be attached or sold, even in execution of decrees they would automatically stop selling goods on credit, and the result would be, that trade and business done in towns would come to a dead stop. The creditors under this legislation, if passed, will insist on selling everything on cash and this would eventually result in utter ruination of trade. The poor small trader will be deprived of his credit, and will be put to endless difficulties to finance his business. With his credit gone, he may have to close his doors, with nothing left to him to feed the hungry and starving, who depend on him. Will it be doing him a good turn? I, therefore, submit that the honourable mover was ill-advised in bringing this resolution. If he had taken advice from the non-agriculturists and had consulted them, he would never have tabled

[S. S. Santokh Singh.]

such a mischievous resolution. I should warn my honourable friends sitting on the ministerial benches with a big majority at their back, that if this measure results, as I fully believe, it will, in killing the poor man's trade and taking away from him the only means of his subsistence, the responsibility will be of the Government and Government alone.

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

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*) : Sir, I wish to amend the resolution which has been moved by my honourable friend Tikka Jagjit Singh Bedi. My amendment is as follows :—

That in line 4, between the words "exceed" and "in" for the figure "Rs. 5,000" figures "Rs. 1,000" be substituted.

It means that all the residential houses of non-agricultural judgment-debtors whose total assets do not exceed Rs. 1,000 in value would be exempt from attachment or sale.

Mr. Deputy Speaker : Sardar Sohan Singh Josh wants to move an amendment of which no regular notice has been given. It has been handed over to the Chair just now. The amendment is "read Rs. 1,000" for Rs. 5,000 in the last line in Resolution No. 4". Is there any objection to this amendment being moved?

Nawabzada Muhammad Fayaz Ali Khan : I object to it.

Mr. Deputy Speaker : Then I am sorry I cannot allow because no notice was given.

Diwan Chaman Lall : I understand that Mr. Speaker did accept certain amendments. Mere objection on the part of an honourable member in this case does not necessarily rob the Deputy Speaker of his authority to see that the business of the House would be better conducted by a sitting and if an honourable member says that he raises an objection, then that does not necessarily follow that the Deputy Speaker cannot waive that objection.

Mr. Deputy Speaker : I have the discretion to do so but because certain honourable members object to it, therefore, I do not allow it.

Sardar Sohan Singh Josh : My amendment has been ruled out of order. I, therefore, think that the resolution as it stands, will not be able to give any benefit or relief to poor non-agriculturist judgment-debtors. It simply says that the residential houses of only those judgment-debtors would be exempt from attachment or sale whose total assets do not exceed Rs. 5,000 in value. In my opinion this limit of Rs. 5,000 would benefit those who own big houses and live in great style. A man of ordinary means does not possess assets to this extent. As a matter of fact our object is to help only the owners of small houses who really need protection and who live in rural areas.

Besides, I wish to point out to my honourable friends who are opposing this resolution, that some persons whose residential houses were attached and who were turned out of their houses, asked me to do something in that behalf so that their houses should be exempted from attachment or sale. Now a resolution to this effect has been moved by a Unionist member.

But obviously this resolution has been introduced for the benefit of the richer sections. Had my amendment been accepted we would have also voted in favour of it. But the resolution as it stands is intended to benefit the richer sections of non-agriculturists. And in the circumstances I am constrained to oppose it.

Raja Fateh Khan (Rawalpindi East, Muhammadan, Rural) (*Urdu*): Sir, when the resolution was being moved I was under the impression that the Opposition party which has so far been pleading the cause of the poor non-agriculturists would support the resolution now before the house. But I was literally taken aback when I found that the so-called champions of the poor non-agriculturists are now opposing a resolution which is intended to protect the residential houses of non-agriculturist judgment-debtors from attachment or sale. This attitude on the part of my honourable friends opposite reminds me of a Punjabi adage which is as follows:

مولوي كرم دين بھيان دا نه پتران دا نه دھيان دا
نه سنڀان دا نه شيعان دا نه روپيان دا نه وهيان دا

(*Loud Laughter.*)

I am also reminded of a couplet by Sir Muhammad Iqbal which is as follows:

خند خندا نست وبا کس يار نيست
مار اگر خنده شود جز مار نيست

Even when a serpent is out on frolic it retains its essential character and nature.

It is a matter of great surprise that previously this criticism was levelled on the Government that it had no sympathy for the non-agriculturists. But now when a resolution has been tabled by the Government to give relief to the non-agriculturist judgment-debtors, my friends are again opposing it on the plea that in this way the sahu-kars would be debarred from realizing their debts by attaching or selling their residential houses. In my opinion the following verse aptly applies to them:

از ضعيفان نان ربودن حکمت است۔ گر کے اندر پوستين بڑا
ازين شان جان ربودن حکمت است۔ مر زمان اندر کمين بڑا

In my opinion my friends over there have come out in their true colours and to-day they have proved this fact beyond any doubt that they are neither a friend of the poor agriculturists nor a friend of the poor non-agriculturists. However, I am pleased that our Government who have at heart the welfare of the poor, have treated the poor alike. With these words I support the resolution now before the House.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women, Urban,) (*Urdu*): Sir, the resolution now before the House seeks to exempt the already encumbered houses belonging to the non-agriculturists from sale or attachment. I would like to inform the honourable members that these houses are not usually worth one thousand rupees or so. The

[Begum Rashida Latif Baji.]

buildings in cities are undoubtedly costly and expensive, as generally the non-agriculturists live in the cities. Sir, I have not been able to understand the logic of the amendment moved by the honourable member opposite. It seeks to exempt the residential houses of only those non-agriculturist judgment-debtors whose total assets do not exceed Rs. 1,000 but ignores the case of those whose total assets amount to about Rs. 5,000. It is, therefore, obvious that honourable members over there have absolutely no sympathy for non-agriculturists. Let us see how the representatives of the urban people, I mean, Chaudhri Krishna Gopal Dutt and his friends oppose this very sound resolution. I would ask the honourable Leader of the Opposition as to whom he represents in this House. I think it would not be out of place if I submit that we should not care for our personal interests. We are here to represent the case of our constituents. We have to voice their feelings and ventilate their grievances before this House. (Hear, hear). Strictly speaking our personal interests should not stand in the way of larger interests of the people. I would go a step further and say that even if we have to suffer a loss of ten thousand rupees in attempting to do good to the poor, we should not mind it. I heartily congratulate my brother Tikka Jagjit Singh who due to his profound sympathy for the non-agriculturists, has brought forward this useful resolution. (Hear, hear).

The honourable members must be aware of the fact that in cities there is a large number of people who are heavily indebted. Their residential houses are already mortgaged. In these days when living is so very hard and means of income are few and far between, it is very difficult for these people to redeem their mortgaged property. They are unable to meet the expenses of their family even. I may also point out that usually the women have great attachment for their hereditary houses and in fact these are their chief concern. Men can do without houses. You might have seen poor houseless labourers sleeping on the projecting platforms of shops. But women do feel the necessity for a shelter. I, therefore, thank the honourable mover on behalf of women for bringing forward this resolution, and I would appeal to the honourable members over there that they should lend their whole-hearted support to this resolution in the interest of women. They should realize the feelings of those mothers and sisters who have been rendered homeless because their residential houses were attached in lieu of certain debts. One cannot comprehend how unhappy they feel. I may also add that in cities no person is considered respectable whose house is attached. As a matter of fact a person is respected only if he lives in his hereditary residential house and in his own *mohalla*. I am sure the honourable members are fully aware of these facts. I, therefore, fail to understand why those honourable members who have been returned by the urban people, are bent upon opposing this resolution. On the one hand they express their profound sympathy for their constituents while on the other they are out to bring about their ruin. Are they not aware that the non-agriculturist debtors are groaning under the crushing burden of debts? I would request the honourable members that we should at least endeavour to protect them from being ejected out of their houses and see that their residential houses are not attached. As I have already stated they are so

heavily indebted that they are not in a position to redeem their mortgaged property. In fact their debt goes on piling up by leaps and bounds. A capital amount of one thousand rupees at an exorbitant rate of interest accumulates into several thousands in no time.

Besides, the resolution enjoins the creditor that he can realize his debt by attaching any property other than the residential house. There is clearly an advantage that would accrue to the people and that is that in future those persons who mortgage their residential house on the occasion of marriages of their children and indulge in all sorts of extravagances would be debarred from doing so. They would not be able to spend recklessly on certain rites as nobody would be prepared to mortgage their residential houses. Consequently their social life is bound to improve. But supposing they are faced with such a contingency that they cannot do without borrowing, then in that case they can sell their residential houses instead of mortgaging them. I am of the opinion that it is thousand times better to sell a house than to mortgage it because in that case the question of payment of interest would not arise. With these words I strongly support the resolution under discussion.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural). (Urdu): Sir, I was under the impression that this resolution would appeal to the good sense of all the honourable members and nobody would oppose this harmless proposition. But it has shocked me to find my non-agriculturist friends on the opposite benches opposing it tooth and nail, merely because the Unionist Government is extending its helping hand to the poor non-agriculturists. The object of the resolution is to benefit the non-agriculturists whether residing in the rural or urban areas. It is intended to exempt from attachment or sale the main residential house of every non-agriculturist judgment-debtor whose total assets do not exceed rupees five thousand in value. But my honourable friend Sardar Sohan Singh Josh has proposed that only those non-agriculturist judgment-debtors should receive the benefit, the value of whose total assets does not exceed Rs. 1,000. I am afraid I must express my dissent with my honourable friend's proposal. He must realize that there is a large number of non-agriculturist debtors in the cities as well as in the villages. I may tell my friend that in rural areas the value of 12 or 13 acres of land comes to three or four thousand rupees. Of course in the cities the houses do fetch high prices. But if we narrow down the scope of the resolution, that is, limit the value of total assets to Rs. 1,000 then those people to whom Government also want to render help, would be deprived of it for no fault of theirs. The number of non-agriculturist debtors, the value of whose assets does not exceed Rs. 5,000, is not so small as my honourable friends consider it to be. I, therefore, submit that the Unionist Government intend to safeguard the interests of the non-agriculturist judgment-debtors in the same way as they did in the case of agriculturists in protecting them from the clutches of the sahukar. As a matter of fact our Government want to save the poor non-agriculturist debtor from utter ruin. I hope that saner counsels would prevail with the honourable members opposite and they would withdraw their opposition to this wholesome proposition. With these words I support the motion under discussion.

Lala Bhagat Ram Choda (Jullundur, General, Rural) (*Urdu*) : Sir it appears from the resolution now before the House that under the guise of showing sympathy to the poor non-agriculturists, the Government have tried to administer a severe blow to their credit. I may submit that if Government were really desirous of helping the poor non-agriculturists, they could do so in several other ways. I am of the opinion that a systematic attempt has been made to render the poor non-agriculturists homeless by destroying their credit (*Voices from the Government benches* : "No, No.") and also to drive a wedge among them. I may point out that the amendment moved by my honourable friend Sardar Sohan Singh Josh, is quite reasonable. If Government genuinely desire to help them as they profess to do, they should accept that amendment, and curtail the limit of the value of assets to Rs. 1,000. I may add that in villages those people whose assets are valued at Rs. 1,000 are not regarded as indigent ; what to speak of those the value of whose assets comes to rupees five thousand. They are considered to be sufficiently rich in the rural areas. Besides, those people who possess assets worth five thousand rupees leave the villages and take up their abodes in the cities because they consider themselves unsafe in view of frequent dacoities and the changed attitude of the zamindars on account of the enforcement of black Bills. I wonder if the number of non-agriculturist debtors, the value of whose assets does not exceed five thousand rupees, is sufficiently large. My honourable sister, Begum Rashida Latif Baji, was pleased to remark that the resolution would prove very beneficial to the non-agriculturists residing in the cities. May I point out to the honourable lady member that only a small number of non-agriculturists living in the towns possess houses of their own ? They generally reside in rented houses and do business on the basis of credit. The big business houses advance them goods on credit, because they know that the latter possess assets worth two or three thousand rupees. The case of the zamindars is quite different, and there is no comparison between them and the people residing in towns. If any of their subsidiary occupations is stopped how would they be able to pull on and maintain themselves. Their children will curse the Unionist Government for snatching their bread from their hands.

The Bills that the Government has recently passed, evidently for the benefit of the zamindars, have resulted in stopping their credit. They cannot borrow money without selling their land, and have to resort to dishonest methods. You are also making the non-agriculturist take to dishonest dealings. My submission is that the present Government is bent upon annihilating them. They are not prepared to give any quarter to the non-agriculturists and the town-folk in the Punjab. How will a non-agriculturist who has got no land to till, be able to earn his living ? The poor fellow is at present living on borrowings but in spite of all this, my honourable friend the Chaudhri Sahib says that his eyes are dazzled when he visits the city. But he does not know that this whole edifice rests upon the rock of credit. Even if a shop keeper has started his business with one or two thousand rupees he does not earn enough to make both ends meet, but now the Government wants to deny him even that much by imposing this restriction upon him. This Government never tires of professing sympathy for the poor zamindars, but it is bent upon destroying poor people

living in the towns. You talk of five thousand, but poor people do not possess houses so valuable as that.

It is only the bungalows that are worth so much. Perhaps the property of my friend is in danger of being attached that is why he has brought forward this resolution. The Government has shown itself in its true colours. A poor man is a poor man whether he is an agriculturist or a non-agriculturist. If a poor man needs a sum of two hundred rupees he has to mortgage property worth about a thousand. Wealthy people should help the poor. If it is the intention of the Government to help the rich then they should declare that they do not want to help the poor.

This Government is an agent of "White masters" and for its own interest tries to create divergence and antagonism between the villagers and town-dwellers on the one hand and the agriculturists and non-agriculturists on the other. With these words Sir, I oppose the resolution.

Sardar Partab Singh (Amritsar, Sikh, Rural) (*Punjabi*): Sir, I rise to oppose the resolution now under discussion and support the amendment moved from this side of the House. (*Voices*: No amendment has been moved). Very well then I only oppose the resolution.

I beg to submit, Sir, that the object of this resolution, i.e., the exemption from attachment or sale of the main residential house of every non-agriculturist judgment-debtor whose total assets do not exceed Rs. 5,000 in value, does not in any way help the non-agriculturists. It rather imposes a restriction on them and seems to have a baneful effect.

It is well known that the non-agriculturists mainly depend on credit for their commercial undertakings. With the exception of their residential houses they have no other property on the security of which they can borrow money. If in accordance with the resolution the limit is fixed at Rs. 5,000 the petty trades people will not be able to get money for the purpose of investing it in their trades. It was in order to check this danger and to enable the petty trader to get credit, that my honourable friend Sardar Sohan Singh Josh suggested the limit to be reduced to Rs. 1,000. Otherwise, how is the non-agriculturist to carry on his trade when we know that he has no land to fall back upon for his subsistence.

Now, Sir, so far as the business of money lending is concerned it is our firm belief that so long as the Government does not promote the commercial policy known as *laissez faire*, the pace of trade and commerce in the Punjab can not be quickened. This policy holds that business classes should be given a free hand in their commercial activities. Similarly we believe that no restrictions should be imposed on the lendings and borrowings of those whose property is worth more than Rs. 1,000.

This condition of Rs. 5,000 which is being imposed by this resolution will in reality be a stumbling block in the way of the petty businessman. The money-lender is in no case going to risk his money by lending it to a person who does not possess property worth more than Rs. 5,000. If, as suggested, the condition was only of Rs. 1,000 the small businessman could easily get the required loan, and in that case even those people who have property worth two, three or four thousand rupees and are now debarred from getting any credit will benefit by this reduction of the limit.

[Sardar Partab Singh.]

The Government is going to do a great injustice to such people who do not possess any land and are now going to be deprived of even that small trade which supports them and their families. Mr. Speaker, do you think any bank or money-lender will lend any sum to those people? What is the security on which he can risk his money? These petty tradesmen who merely eke out their existence through business on a very small scale will be utterly ruined if this resolution is accepted. Here is an opportunity for the Government to give a practical proof of their oft quoted claim of the Punjab leading all other provinces in beneficial activities. Let the petty tradesmen be afforded facilities to pursue their trades in such a manner as to give a lead to other provinces.

The Government says it has sympathy for the non-agriculturists living in rural areas. We also feel for them but this is not the way to show sympathy as the Government is showing.

It appears that the honourable member who moved this resolution could not faithfully serve the interests of the zamindars and having realized that, he has tried to whitewash his own and the Unionist Party's omissions and commissions by moving this resolution and parading himself as a champion of the non-agriculturists. He probably wants to show to the world outside that in spite of his being a member of Sir Chhotu Ram's party he has come forward with a resolution which seeks to help the non-agriculturists, but Sardar Sohan Singh Josh and Partab Singh have opposed it.

It is only proper for the Government that before it imposes that restriction on the people whom it is going to ruin they should be called upon to give their opinion on this resolution. The prestige of our province is in the hands of these petty traders and the Government are bent upon destroying this prestige by cleverly passing this resolution in the House.

With these words I strongly oppose this resolution.

Mir Maqbool Mahmood (Parliamentary Secretary) (Urdu): Sir, I am sure that this day would stand memorable for ever in the annals of the Punjab Assembly. It would be so because to-day the honourable Sardar Sahib Sardar Santokh Singh, the president of the capitalists non-agriculturists Conference, Sardar Sohan Singh Josh, the so-called socialist and pretender-senior of the cause of the poor and Sardar Partab Singh, the Congress worker, have all exposed themselves by making speeches in favour of the capitalists and wealthy persons affected by this resolution who render the poor debtors homeless by obtaining usurious decrees against them. (Sardar Sohan Singh Josh : مان نالوں دیجلی) They have championed the cause of richer classes in a very clumsy manner. Let them realize that it is not the object of the honourable mover of the resolution that every residential house valued at Rs. 5,000 belonging to a judgment-debtor should be exempted from attachment or sale. The resolution aims at protecting against attachment and sale, the residential house of such persons only whose total assets do not exceed Rs. 5,000 in value. These assets would include even the trinkets of their wives and the clothes of their children. And it does not mean only the actual price of the house. Its value may be Rs. 200, 300 or Rs. 1,000. The object of

this resolution is to save the wife and children of such a judgment-debtor from the misery of homelessness. I wish that such a useful and healthy resolution had not been opposed by our friends opposite. My honourable friend Sardar Sohan Singh Josh has frequently said among the agriculturists that the recent agrarian Bills had been passed into law simply to enable the big landlords to devour the smaller ones. I ask him in all seriousness as to what has happened to his socialistic hue and cry now that the present resolution aims at saving the smaller fishes from being swallowed by the big capitalists. It should not be understood that this resolution, if adopted, would only be applicable to rural areas. But on the other hand it would be equally applicable to the rural as well as the urban areas. It has been stated that this resolution would give a great set back to trade and commerce in the province. If that were the real objection of my friends opposite they would have requested the Government that it should make certain provisos to safeguard and promote *bona fide* and legitimate commerce in the province. But on the other hand they have exposed themselves by mis-interpreting the object of the resolution on the floor of the House. I request Sardar Sohan Singh Josh to consider calmly and dispassionately as to whether he would support a creditor approaching the poor debtor's house with a decree in his hand and turning the latter's wife and children out of their home. Let him search his conscience as to whether the attitude adopted by him to-day is compatible with his socialistic views.

Similarly my honourable friend, Sardar Sahib Sardar Santokh Singh has remarked that this resolution would do great harm to healthy trade and commerce in the province, and that Government should not accept it. I challenge him to ascertain general opinion of his urban constituency on this very issue and find out what his electorate thinks of it. I am sure they would whole-heartedly support our view point in the matter. If the honourable members opposite had suggested that only such judgment-debtors should be given the benefit of the resolution whose assets do not exceed Rs. 5,000 and the residential house or portion thereof protected does not exceed Rs. 1,000 or so in value there might have been some justification. But they have failed to move such an amendment. Similarly I fail to understand the attitude of Sardar Partab Singh who does not want to save even a house worth Rs. 200 or 300.

Furthermore, Sir, it has been stated that people possessing property worth Rs. 5,000 would not be able to borrow money for business purposes. My submission is that this is a fallacious argument and if it should prove a hinderance we are always at liberty to amend the law. On the other hand I think that a man possessing assets worth Rs. 5,000 would be in no worse position to borrow money for business purposes against the security of his other property or he can sell his house of his own volition. The economic condition of the debtors in urban classes, no less than in rural classes, calls for immediate redress. If helping hand is not extended to them at this critical juncture, economic disintegration threatens to follow in its wake. I would simultaneously urge that Government should provide suitable banking facilities to give restricted credit to the classes affected by this resolution.

In the end, Sir, I offer my hearty congratulations to the honourable Tikka Jagjit Singh on moving such a beneficial resolution. Although it is

[Mir Maqbool Mahmood.]

not a comprehensive one yet it will make a good start. I would further urge that the Government should see that the poor judgment-debtors in urban areas are not given protection under the present resolution but also allowed to enjoy all the protection afforded to rural classes such as the *damdopat* system and the provisions of the Debt Conciliation Boards. With these words, Sir, I whole-heartedly support the resolution under consideration.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, just now Sardar Sohan Singh Josh referred to a Punjabi proverb which means that if a woman loves another's child better than its mother, there must be some sinister motive in it. I am not referring to the honourable lady member who spoke on this resolution. All I can say about her is that she is sadly mistaken about the aim and object and import of this resolution and I entirely sympathise with her and greatly appreciate the kind and sympathetic sentiments that she expressed. When I refer to this proverb I intend to apply it, and I think Sardar Sohan Singh Josh also intended to apply it to the Unionist Party.

The resolution which is now before this House must be assumed to have the imprimature of the Unionist party if it was not actually drawn up by the *defacto* leader of the Unionist party, I mean the Honourable Minister for Development. Sir, that reminds me of the Persian verse which my friend has just now quoted :

من خوب می شناسم یزراں یار سارا

He wanted to imply that he fully understood the object of the mover of this resolution. I should not like to say anything harsh or hard about the mover of the resolution. But I must say that he is himself the victim of a great misunderstanding and hallucination, if he has not actually been put up as a tool by the powers that be. Sir, you will probably remember the well known saying in England, "beware of Greek gifts."

When the war between the Trojans and the Greeks was going on, the Greeks made a very big wooden horse which was hollow inside, filled it with some of their best fighters and then closed the door keeping small perforations for ventilation and decorated and painted it most beautifully and moved it to just near the city walls during the night and left it there. On it they had written, "a present from the Greeks" or something like that. The Trojans who looked at it were struck by its beauty and they did not realize what the gift was going to be. So they took the horse within the walls of the city of Troy which were hitherto impregnable to the Greeks. Now the Greeks as soon as they found that they had been taken to a place of vantage, they opened the door of this moving fortress and about a hundred of them or so fully armed to the teeth and protected with coats of mail, came out and took the Trojans by surprise and thus this Greek gift resulted in the ruin of the Trojans. The whole city was set on fire. Now as Sardar Partab Singh pointed out the Honourable Minister or any one else who inspired this resolution, had probably two objects in view. One was to throw dust in the eyes of the non-agriculturists. The second was to drive a wedge into their ranks. This is a sort of inducement thrown before their eyes and it is an attempt to create an impression upon their minds that the Honourable

Minister for Development or the Unionist party and their agents are innocent and are not confining their energies and activities to the advancement of the interests of the agriculturists alone but have the welfare of the non-agriculturists as well at heart. I can only say :—

عنائے تو بہ لقاے تو

You can keep this Greek gift to yourself. The non-agriculturists are not such fools as not to see through the game which the Unionist ministry is seeking to play through one of their members. As I have said, he may be an innocent victim. He might be actually mistaken. He might have had good intentions. But if he was moved by good intentions I sympathise with him and like a brother I would tell him that he was ill-advised in bringing forward this resolution and I shall tell him the reasons. Now in the first place everybody, including Baji Sahiba, referred to towns. They said, " Oh, the houses in towns are worth more than Rs. 5,000 " and so on, although that was more or less irrelevant. They forget that only 10 per cent of the population lived in towns and the non-agriculturists are nearly 50 per cent of the total population and even if we were to assume that the whole population of towns consists of non-agriculturists, then it would mean that at least about 40 per cent of them live in villages and you know the condition of the non-agriculturists living in villages. They are as poor as their agriculturist brethren. In fact they are even poorer than the agriculturists, because the agriculturist has at least his land whereas these poor people have as a rule no lands and their houses are not worth much. You know they have no money. (*Interruption*). Whatever money they had, they have given to my friend and his friends and they have only the papers which they can lick at their leisure. (*Laughter*). They derive what consolation they can by looking at their *bahis*, their bonds and their pro-notes. They have no money, but they have only papers which my friends fully know, and that is why they say and the Honourable Premier also remarked only the other day that he had wiped out debts amounting to crores and crores of rupees because he knew that those papers now are not worth anything, not worth even the price of so much *raddi*. They are worthless papers. Therefore it cannot be said that people in the cities would suffer in this way and would become homeless and so on. I fully appreciate the very sincere and deep hearted sympathy expressed by Baji Sahiba for those who might be rendered homeless. No one likes that anybody should be rendered homeless, be he an agriculturist or a non-agriculturist. But a little reflection would have convinced Baji Sahiba that this resolution, if put in the form of law, would be the surest way of rendering people homeless. Probably she did not realize it. Otherwise she would have joined this side in opposing this resolution. I tell her how it is that this resolution, if made law, would render the non-agriculturists homeless. She should know and honourable members including Mir Maqbool Mahmood should know, that these non-agriculturists are as a rule and on the whole landless people, because they have been precluded from buying land and under the recent legislation, what little land they possessed as mortgagees is also being taken away from them so that they have only their little business of shop-keeping now to fall back upon. (*Interruption*). That sahuکار business is also gone and my zamindar friends are happy because they feel much lighter than they did a few years

[Dr. Sir Gokul Chand Narang.]

ago because all their debts have been wiped out and their enthusiasm and earnestness and zealous support of the Government has brought them their reward. But what about the poor non-agriculturists? He has only his shop with a small business. Can that business be carried on without money and if he is poor, where is that money to come from? If his credit is lost and the Government intend to apply the spirit of the Land Alienation Act to the houses of the non-agriculturists, what would be the result? (*Interruption*). Now, Sir, when a non-agriculturist knows that he cannot carry on business without borrowing, he is bound to borrow. He is forced to borrow and what are his assets? On what basis, on what security can he borrow? Mir Maqbool Mahmood says that Rs. 5,000 does not refer to his house, it refers to his ornaments, it refers to his books and clothes of himself and his children and all that must be taken into consideration. He is a lawyer and he ought to know that so far as the Hindu non-agriculturists are concerned, they are governed generally by Hindu law. In fact they are presumed to be governed by Hindu law and it is not men who wear jewellery. They might have a watch or so whether of gold or silver or anything else. But jewellery is generally worn by women and if the wife has some jewellery it is her property, it is her *Stridhan* and it would not be included in the man's assets. If it is included what happens if a creditor wants to proceed against a non-agriculturist judgment-debtor? The latter if he wants to escape execution of decree against him, is not going to disclose what jewellery his wife wears or his daughters wear. Then will the creditors bank upon the Primer of English or Manual of Grammar or some other text-book which that debtor's son is reading or his son's shirts and pyjamas? How are these assets to be ascertained?

Mir Maqbool Mahmood : Another house.

Dr. Sir Gokul Chand Narang : Then make an amendment to be seriously considered in a proper form. Then the amendment moved by my honourable friend was not accepted by this House. Some honourable members from that side stood up and said 'No, we object, because due notice was not given.' If these people were honest and really had some sympathy for the non-agriculturists, as they profess to have, they should have accepted at least the amendment which was moved by my honourable friend Sardar Sohan Singh Josh. But they wanted just to parade their sympathy and not to arrive at a workable solution of the difficulty, if there is any difficulty at all. Then, again, remember Rs. 5,000 is not a small sum. Tikka Sahib is a rich man. He is a big landlord and he may have any number of houses, but people would be lucky who have some little house to hide their heads. It is not many people who have even one house even a small house. How many non-agriculturists, I ask him and ask my honourable friends, how many non-agriculturists in the Punjab are there whose total assets exceed Rs. 5,000? I challenge my honourable friend to prove that there are more than five per cent or seven per cent of them. Even if we assume their number to be ten per cent, what becomes of the 90 per cent whose assets do not go up to Rs. 5,000? (*Interruption*). Listen to me. Ninety per cent of the people are to be debarred from raising debts on the only security they may possess in a tangible form, namely a house. What will happen? I ask Baji Sahiba to listen carefully, she was anxious to see that no one is turned

out of his house and I say that this is the surest way of turning people out of their houses. If she would listen to me, she would understand that when a person cannot raise a debt by mortgage or otherwise, and has to meet a necessity either for carrying on his business or for something else, the only alternative left to him would be to sell his house and in this way more people would be turned out of their houses, than if this resolution or any legislation based on this resolution were not passed. So, if she really wants that no one should be turned out of his house and should be enabled to carry on his little business on the security the only tangible security, of his house, she should have opposed this resolution, otherwise she will see before her eyes in her own *Mohalla*, if she has any poor trader living there, that he will have to sell his house and go out, because without selling his house—he would not be able to carry on his business.

Begum Rashida Latif Baji : Sir, through you I wish to convey to the honourable member that we Muhammadans regard the taking or giving of interest as *haram*.

Dr. Sir Gokul Chand Narang : Now the honourable lady member has imported Shariat into the debate. We are not followers of Shariat and therefore we are not bound. We consider the paying of interest and taking of interest not *haram* and we believe that without this system no business can be carried on and that the economic backwardness of the Muslims is due to this prejudice.

Pir Akbar Ali : No.

Dr. Sir Gokul Chand Narang : This is one of the causes of the backwardness of the Muslims, but I would not go into this question. My friends are welcome not to take any interest, but they are bound to pay interest and the Government itself pays interest. In Muslim countries, Muslim governments pay interest. It is not a thing without which any government or any country can carry on business. Muslim Government here is also charging interest.

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

Dr. Sir Gokul Chand Narang : One word about the *hamdardi* shown, the sympathy that the non-agriculturist has begun to be shown from the 1st of April 1937 and is being shown every day from the first of April 1937 up to day. All those black Bills, some of which are now Acts are a standing monument to the sympathy of the Unionist Government for the poor non-agriculturists of this province! All the little they had has been taken away from them.

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

If they were not in Government and if they had done what they have done, they would have been hanged for dacoity and robbery.

(Laughter from the Treasury benches). It will lead to impoverishment and death of so many people. This is the sympathy that you have shown. Even in this resolution I can trace the hands of the greatest sympathiser of the non-agriculturists, Chaudhri Sir Chhotu Ram. All these resolutions No. 2 and this one and No. 9 and No. 10 were probably all drafted by him or at least inspired by him. We have long been hearing of death duties.

Mir Maqbool Mahmood : No. 2 is by Mrs. Duni Chand.

Dr. Sir Gokul Chand Narang : I meant No. 3 which was moved by Rana Nasrullah Khan.

Premier : He said he will say just one word.

Dr. Sir Gokul Chand Narang : Have I said more than one word?

I thought the Honourable Speaker may also hear what I have to say, because he has not yet stopped me. You are wasting time now and every minute costs. This is what I wanted to say and I warn the non-agriculturists of this province not to be misled, not to be deceived by this lip sympathy and hypocritical sympathy of the Unionist Government. It is intended to throw dust in their eyes, it is intended to drive a wedge in their ranks. I hope they are sensible enough to see through the game of the Unionist Government so far as this matter is concerned.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I was not surprised to hear the rather eloquent and pointed speech of my honourable friend opposite on this resolution. The arguments which he adduced to-day were every one of them identical with the arguments which he adduced when similar measures were before this House to afford relief to agriculturists. Even then he was vehement trying to convince this House that the poor agriculturists would be ruined and would not be able to borrow if these Bills were passed. At that time one of the arguments was why protect the agriculturists only, what about the poor non-agriculturists. That was the burden of their speeches at that time and now when one of the members on this side has moved a resolution which directly benefits the poor non-agriculturists my honourable friend gets up and adduces exactly the same argument which he advanced against the so-called black Bills.

Dr. Sir Gokul Chand Narang : That argument has not yet been proved incorrect. Time will show that it was correct.

Premier : It has proved incorrect. Moreover it has prompted my honourable friend's speech or at least has affected my honourable friend Sardar Sohan Singh Josh because he has to-day spoken against the resolution. I was surprised that a socialist should speak against the resolution which seeks to benefit poor people. (*Interruptions*). I am not aware whether this change in the attitude has taken place since—

Mr. Speaker : May I know whether the honourable member has yet to make a long speech or the Resolution under discussion is to be put to vote to-day?

WAR RESOLUTION.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, to-morrow we will take up the War Resolution and it has been decided, in consultation with my honourable friend, the Leader of the Opposition, that there should be no question hour to-morrow as well as on Monday. We will take up the whole of to-morrow for this resolution and instead of adjourning at 7 o'clock, we shall adjourn at 7-30, with a short break of half-an-hour at about 6 o'clock to enable the Muslim members to break their fast. We

will then sit till 7.30 to-morrow and then resume the discussion on Monday for 2 hours. The question hour will be dispensed with on that day also and we will put to vote, if the House so desires, the resolution at about 2 o'clock on Monday.

Mr. Speaker : What about adjournment motions ?

Premier : No adjournment motion will be taken up to-morrow.

Since the resolution on war was originally given notice of and is to be moved from this side of the House, I thought that the time of 6½ hours should be divided according to the proportional strength of various parties ; and at the special request of my honourable friend, the Leader of the Opposition, but not to form a precedent I have decided that we should give them 3 hours and take a little over 3 hours for ourselves. I have asked my Whip to submit a list of the honourable members, who will speak from this side of the House, and also to indicate the time which each honourable member will take, and I hope the Whips of the other parties will also do the same.

Sardar Sampuran Singh : I may submit that the Leader of our party has not left any instructions or mentioned to anybody that on Monday only 2 hours will be given. We will take up this question on Monday.

Premier : You might take it from me that my statement is correct. We will take up 2 hours on Monday and no more.

Sardar Sampuran Singh : Sometimes there is a misunderstanding.

Premier : There is no misunderstanding in regard to this. In any case I am not going to allow more than two hours on Monday.

The Assembly then adjourned till 2.30 p. m. on Friday, 3rd November, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 3rd November, 1939.

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

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF MAYOS IN POLICE DEPARTMENT.

848. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister for Public Works be pleased to state as to how many Mayos resident in the Punjab have so far been taken in the Police Department from 1937 up to the present date ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : A reference is invited to the answer given to Question *4076¹ put by the honourable member for the South-East Gurgaon (Muhammadan) Rural Constituency during the last Budget Session.

RENDERING OF HELP TO FAMINE-STRICKEN AREA OF THE FIROZPUR-JHIRKA TAHSIL.

849. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister of Revenue be pleased to state as to what steps the Punjab Government is going to take to help the people in the famine-stricken areas in the Firozpur-Jhirka tahsil, and whether any sum has been allotted for the purpose ; if so, what ?

The Honourable Dr. Sir Sundar Singh Majithia : At present thanks to the latter rains the situation has somewhat improved.

RELIEF TO THE CULTIVATORS OF TAHSIL AJNALA.

850. Khan Sahib Chaudhri Fazal Din : Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that due to scarcity of rains the maize and fodder crops this year have failed in tahsil Ajnala, district Amritsar ; if so, what relief Government intends to grant to the cultivators of this tahsil ?

The Honourable Dr. Sir Sundar Singh Majithia : The crops are reported to have suffered somewhat.

The question of granting relief will be considered after the results of the *girdawari* are known.

**COMMUNAL REPRESENTATION IN STAFF OF THE DEPUTY COMMISSIONER,
HISSAR.**

851. Chaudhri Suraj Mal : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total number of employees in the office of the Deputy Commissioner, Hissar, along with their names, names of the districts to which they originally belong, their educational qualifications ;
- (b) the total number of Hindu zamindars among those employees ;
- (c) whether it is a fact that the Hindu zamindars are not properly represented on the staff in the said office of the Deputy Commissioner, Hissar ;
- (d) whether it is also a fact that the District Zamindar League, Hissar, sometime ago, agitated for a due share of the zamindars in the establishment of the said office ;
- (e) if the answers to (c) and (d) above be in the affirmative, the action that the Government proposes to take to give the Hindu zamindars their due share ?

The Honourable Dr. Sir Sundar Singh Majithia : The information is not readily available and the amount of labour and time involved in its collection would not be commensurate with the results obtained. I shall, however, always be prepared to examine any particular instance of disproportionate representation which honourable member may wish to bring to my notice in a more informal way.

**COMMUNAL REPRESENTATION IN STAFF OF THE OFFICE OF
DISTRICT AND SESSIONS JUDGE, HISSAR.**

852. Chaudhri Suraj Mal : Will the Honourable Minister of Finance be pleased to state—

- (a) the total number community-wise of the clerks at present working in the office of the District and Sessions Judge at Hissar along with the places to which they originally belong and their educational qualifications ;
- (b) the number of Hindu zamindars among them ;
- (c) whether it is a fact that the Hindu zamindars are very poorly represented in the office of the said District and Sessions Judge, Hissar ;
- (d) whether it is a fact that a representation was recently made by the zamindars of the Hissar district requesting the authorities to give the Hindu zamindars their due representation in that office ; if so, what does Government intend to do to give the Hindu zamindars their proper share in that office ?

The Honourable Mr. Monohar Lal : (a) A statement is appended.

(b) One.

(c) Yes.

(d) Yes. A representation of the kind mentioned was recently made to the District Judge, Hissar. The District Judge has promised to bear the matter in mind when vacancies are being filled.

Statement.

No.	Designation.	Community.	District of origin.	Educational qualifications.	Agriculturist or non-agriculturist.
1	Clerk of Court ..	Hindu ..	Jhang ..	Matriculation..	Non-agriculturist.
2	Reader ..	Do. ..	Mianwali ..	Do. ..	Do.
3	Stenographer ..	Do. ..	Hissar ..	B.A., LL.B. ..	Do.
4	English Clerk ..	Muslim ..	Do. ..	F. A. ..	Agriculturist.
5	Record Keeper ..	Do. ..	Delhi ..	Matriculation..	Non-agriculturist.
6	Translator ..	Do. ..	Lahore ..	Do. ..	Do.
7	Ahlmad ..	Hindu ..	Hissar ..	Do. ..	Do.
8	Copy Clerk ..	Do. ..	Roshiarpur..	Do. ..	Do.
9	Copy Clerk ..	Muslim ..	Jullundur ..	Do. ..	Agriculturist.
10	Copy Clerk ..	Do. ..	Hissar ..	A.-V. Middle ..	Do.
11	Copy Clerk ..	Do. ..	Do. ..	F. A. (English)	Non-agriculturist.
12	Guardian-Moharrir	Hindu ..	Do. ..	Matriculation..	Do.
13	Inspection Moharrir	Jain ..	Do. ..	Do. ..	Do.
14	Nazir ..	Hindu ..	Do. ..	Do. ..	Do.
15	Head Copyist ..	Do. ..	Rohtak ..	Do. ..	Do.
16	Copyist ..	Do. ..	Hissar ..	Do. ..	Do.

SUB-SOIL WATER.

853. Lala Deshbandhu Gupta : Will the Honourable Minister of Revenue be pleased to state whether the general sub-soil water level has gone down in any area of the Punjab as a result of the installation of tube-wells ; if so, what steps do Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : Tube wells have not been worked in sufficient numbers to affect general sub-soil water level but the possibility exists if wells are allowed to multiply unduly in certain districts. Government is watching the situation.

ANTI-BLINDNESS WEEK AND EXAMINATION OF THE EYES OF *BONA FIDE* STUDENTS IN AMBALA AND KARNAL.

854. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state—

- (a) the number of *bona fide* students whose eyes were examined by teachers or doctors in the districts of Ambala and Karnal, respectively, in connexion with the Anti-Blindness week organized by the Government during the last financial year ;
- (b) the number of students who were found short sighted ;
- (c) the number of students for whom spectacles were provided in these two districts by the education authorities through their parents or out of school Red Cross funds, respectively ?

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

NATURE OF THE DUTIES OF C. I. D. OFFICERS.

855. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state the nature of duties that officers in the C. I. D. are required to perform ?

The Honourable Major Sir Sikander Hyat-Khan : The duties which the Criminal Investigation Department and its officers are required to perform are given in Chapter XXI of the Police Rules, Volume III.

FALSE REPORTS BY C. I. D. OFFICERS.

856. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state the number of C. I. D. officers who were found by their higher officers, during the last two financial years, to have made false reports or placed incriminating articles in the houses of innocent people in order to have them entangled into the meshes of law ?

The Honourable Major Sir Sikander Hyat-Khan : There has been no such case.

UTILIZATION OF REFUSE OF TOWNS AND CITIES.

857. Lala Deshbandhu Gupta : Will the Honourable Minister of Development be pleased to state whether any experiments are being made at present by the Departments of Agriculture and Industry for the further utilization of the refuse of towns and cities in the province and if so, what has been the result of their labours so far and how far the suggestions made by these two departments are being popularized through the Director of Information Bureau, for the utilization of waste matter ?

The Honourable Chaudhri Sir Chhotu Ram : The Punjab Agricultural Department is not making any experiments in the connection stated. The matter is beyond the experimental stage as it is now a well-known and proved fact that town refuse can be converted into useful compost. Experiments have been made in this connection elsewhere and it is quite unnecessary to repeat them. The Institute of Plant Industry, Indore, have perfected a sanitary and extremely profitable method of disposal of manure, and this system has been recommended by Government to local bodies.

The Industrial Department has done work in connection with industrial waste only, and so far as this is concerned, as a result of the research carried out at the Industrial Research Laboratory, the tannery waste is being utilized for the manufacture of glue.

EMPLOYEES DRAWING MORE THAN RS. 200 PER MENSEM IN NON-INDIAN INDUSTRIAL CONCERNS IN THE PUNJAB.

858. Lala Deshbandhu Gupta : Will the Honourable Minister of Development be pleased to state the number of non-Indian industrial concerns at work in the Punjab on 31st March, 1939, with an investment of more than 75 per cent of foreign capital and, if possible, the number of Indian employees drawing more than Rs. 200 per mensem in these concerns?

The Honourable Chaudhri Sir Chhotu Ram : A list is laid on the table. This does not include the names of such foreign companies as are registered outside India but are carrying on work in the Punjab.

Information relating to the number of Indian employees drawing more than Rs. 200 per mensem in these concerns is not available to Government.

Names of Non-Indian industrial concerns registered under the Indian Companies Act, 1913, in the Punjab on 31st March 1939 with an investment of more than 75 per cent. of foreign capital.

1. The Punjab Sind Farms Limited, Khanewal.
2. Minck Limited, Lahore.
3. The Association Hotels of India Limited, Simla.
4. The Coleyana Estate Limited, Okara.
5. The Civil and Military Gazette Limited.
6. The East India Carpet Company Limited, Amritsar.
7. The Oriental Carpet Manufacturers (India) Limited, Amritsar.
8. The Burewala Ginnery Limited.
9. B. C. I. A. (Punjab) Limited, Khanewal.
10. Buckwell and Company Limited, Lahore.
11. The Murree Brewery Company Limited, Rawalpindi.
12. The Kasauli Electric Supply Company Limited, Kasauli.
13. John Tinson and Company Limited, Simla.
14. Indian Mildura Fruit Farm Limited, Renala Khurd.
15. P. P. Food Products Limited.
16. Dyer Meaken Breweries Limited, Solan.
17. Walter Locke and Company (1933) Limited.
18. The Nili Bar Factories Limited, Khanewal.
19. Simplex Steel Products Limited, Lahore.
20. Owen Roberts and Company Limited, Lahore.
21. The Punjab Sugar Works and Patent Carbonic Acid Gas Company Limited Sujampur.
22. F. H. Pitman and Company Limited.

INDIGENOUS SYSTEM INVESTIGATION COMMITTEE.

859. Lala Deshbandhu Gupta : Will the Honourable Minister of Education be pleased to state whether the investigation of malpractices so often resorted to by sellers of indigenous drugs and medicines falls within

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the scope of the Indigenous System Investigation Committee appointed by the Government to control the activities of bogus vaid and hakims; if not, whether Government propose to take any steps in the matter?

The Honourable Mian Abdul Haye : The answer to the first part of the question is in the negative. It is not possible to give any answer to the second part, as the nature of the alleged malpractices has not been stated.

ACKNOWLEDGMENT BY DEPUTY COMMISSIONERS AND
COMMISSIONERS OF THE RECEIPT OF PETITIONS AND
MEMORIALS FROM THE PUBLIC.

860. Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state whether the rules provide that the Deputy Commissioners and Commissioners should acknowledge receipt of memorials, representations or petitions received from the public in the Punjab about their grievances, complaints, etc.; if not, whether Government propose to take any steps in the matter?

The Honourable Major Sir Sikander Hyat-Khan : The rules do not specifically provide that all memorials, representations, etc., should be acknowledged, but the fact that a representation is not acknowledged does not mean that action is not being taken in suitable cases.

SCIENTIFIC SYSTEM OF STORAGE OF GRAINS.

861. Lala Deshbandhu Gupta : Will the Honourable Minister of Development be pleased to state the names of districts where the scientific system of storage of grains has been introduced in the Ambala division and the steps which are being taken to have this method popularized in its rural and urban areas?

The Honourable Chaudhri Sir Chhotu Ram : So far as the Punjab Agricultural Department is aware, no scientific system of storing grain is being practised in the Ambala division. Presumably, the scientific system which the honourable member has in view is the system of cement *khattis* which are being used successfully in Muzaffarnagar district of the United Provinces. Recently the Department erected two such experimental *khattis* at Lyallpur in order to collect data. As soon as the results of experiments which are being made with these two *khattis* are available, steps will be taken to popularise this system of storing grain, if it proves successful.

MUHAMMADAN CASTES INCLUDED IN SCHEDULED CASTES FOR
PURPOSES OF GRANT OF SCHOLARSHIPS.

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

- (a) which Muhammadan castes have been included in the scheduled castes for the purpose of educational scholarships granted by the Government;

- (b) the total number of scholarships allowed to the Harijans, the number of scholarships availed of by the Harijans and other castes mentioned in (a) last year and this year ;
- (c) whether it is also a fact that scholarships to Harijan students are given, generally speaking, after one year of the date of their application while others get these after three or four months of the date of their application ; the reasons for this disparity ?

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

POSTS IN THE HIGHER GRADE OF ANGLO-VERNACULAR SECTION.

863. Malik Barkat Ali : Will the Honourable Minister of Education be pleased to state—

- (a) the total number of posts in the higher grade of Rs. 200—250 of the Anglo-Vernacular Section in the Department of Education ; and
- (b) the total number of posts held by the Mussalmans in this section ?

The Honourable Mian Abdul Haye : (a) Total number of posts in the grade of Rs. 200—10—250 as well as in the revised grade of Rs. 150—8—190 of the Subordinate Educational Service, Anglo-Vernacular Section (Men's Branch) .. 103.

(b) Total number of posts in the above mentioned grades held by Muslims 39

POSTS IN Rs. 140—10—190 GRADE IN ANGLO-VERNACULAR SECTION.

864. Malik Barkat Ali : Will the Honourable Minister for Education be pleased to state the total number of posts in the Rs. 140—10—190 grade in the Anglo-Vernacular Section of the Education Department and the number of these posts held by Mussalmans ?

The Honourable Mian Abdul Haye : (1) Total number of posts in the grade of Rs. 140—10—190 as well as the revised grade of Rs. 105—7—140 of the Subordinate Educational Service—Anglo-Vernacular Section (Men's Branch) .. 233.

(2) Number of posts in the above mentioned grades held by Muslims 84

PROMOTIONS GIVEN TO MUSLIMS IN HIGHER GRADES OF EDUCATION DEPARTMENT.

865. Malik Barkat Ali : Will the Honourable Minister for Education be pleased to state whether it is a fact that out of 23 officials promoted under order dated 1st August, 1939, to the Rs. 200—250 grade in the Education Department, only 8 are Mussalmans and out of 20 promotions in the Rs. 120—10—190 grade in the year 1937-38 only 8 are given to Mussalmans, if not, what are the correct figures in this respect ?

The Honourable Mian Abdul Haye : No promotions to the grade of Rs. 200—10—250 were given under order dated 1st August, 1939. It is, however, a fact that out of 23 promotions (including 4 officiating and one provisional) ordered in the Director of Public Instruction's office order No. 19919-E., dated the 4th September, 1939, 8 were given to Muslims.

In the year 1937-38, 21 promotions to the grade of Rs. 140—10—190 (not Rs. 120—10—190) of the Subordinate Educational Service (Men's Branch) were ordered and out of this number 9 were given to Muslims.

It is, however, added for the information of the honourable member that promotions from grade to grade in the Subordinate Educational Service are not given on a communal basis but on the basis of seniority, record, degree of responsibility of posts held and high academic qualifications.

PUNITIVE POLICE POST, RAJA JANG, TAHSIL KASUR.

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

- (a) whether a punitive police post has been located at Raja Jang, tahsil Kasur, district Lahore ;
- (b) if so, since when and for what reasons ;
- (c) how the expenditure on account of the imposition of the said police post was distributed over the various communities inhabiting the said place ;
- (d) whether any communities were exempted from this imposition ; if so, the names of the communities so exempted ; and
- (e) whether a fresh proposal has been made to subject any exempted community to the burden of the said charge, and whether any decision has been arrived at over that proposal, if so, what ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a)—(d) A reference is invited to the replies given to questions *4485¹ and *4681² put by the honourable members for the Eastern Towns (Muhammadan) Urban Constituency and the Amritsar South (Sikh) Rural Constituency in the spring session.

- (e) No.

PERSONS HOLDING LICENCES FOR SELLING POISONOUS DRUGS IN LAHORE DISTRICT.

867. Dr. Gopi Chand Bhargava : Will the Honourable Minister for Education be pleased to state—

- (a) the number of persons who hold licences for selling poisonous drugs in Lahore district ;
- (b) their medical or educational qualifications ?

The Honourable Mian Abdul Haye : (a) 78.

(b) 7 qualified medical practitioners and 11 chemists and druggists. The other licence holders are *pansaris*.

¹Vol. VIII, page 741.

²Vol. IX, page 616.

STARRED QUESTIONS AND ANSWERS AND HOURS OF SITTING.

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

That there be no starred questions at to-day's sitting of the Assembly, that the Speaker shall adjourn the Assembly without question put at 7.30 P. M. instead of at 7 and that there shall be an interval of half an hour to enable the members to break their fast.

The motion was carried.

REPORTING OF ASSEMBLY PROCEEDINGS IN THE PRESS.

Dr. Gopi Chand Bhargava : Before you proceed further, I want one point to be cleared up on the floor of this House. We know that as far as the reporting of speeches or the proceedings of this House is concerned, the press is not protected from the ordinary law but in *The Civil and Military Gazette* of 28th I read that the Premier cautioned the pressmen specially with regard to the speeches of proceedings of to-day and the 6th which will be in connection with the War Resolution. I want to know the necessity of a special warning to the press.

Mr. Speaker : That matter is not now before the House. The Honourable Leader of the Opposition might see the Premier and settle with him.

Dr. Gopi Chand Bhargava : It is a matter which concerns the press and the public. Therefore, I think that if a statement is made on the floor of the House, it would be much better.

Mr. Speaker : Barring questions of privilege and a few other matters, no question can be raised on the floor of the House without previous notice. So, the honourable member may see the Premier.

Lala Deshbandhu Gupta : May I point out that the question is very important ?

Mr. Speaker : The importance of the question does not mean that all the Rules of Procedure should be laid aside. May I ask the honourable member to point out the rule under which he is raising the point ? (*Interruption.*)

Lala Deshbandhu Gupta : It is the Speaker alone who can exercise any censor on the proceedings of the House and if the Premier has issued any warning, he has exceeded the limits and I would request the Chair to intervene in the matter. It is not a matter to be discussed between the Leader of the Opposition and the Premier. The press—the nationalist press—is practically debarred from publishing what the Premier does not want to be published.

Mr. Speaker : The honourable member is making a speech, which he has no right to make.

Lala Deshbandhu Gupta : I am not making a speech. I am only pointing out that it is an important privilege and you being the custodian of that privilege should protect it.

Premier : My honourable friend opposite is doubtless correct in saying that so far as the proceedings inside this Chamber are concerned it is your privilege to regulate them but so far as the publishing or printing of our proceedings outside this House is concerned, as I have repeatedly declared on the floor of this House, I believe in prevention rather than cure. It was therefore that I told my friends, the journalists, that the honourable members of this House are immune from legal action when they make speeches in this House, but I am advised that anything which would be published outside this House of the speeches delivered here will not be immune. Therefore, in the interest of the honourable members and of the province they should very carefully weigh everything before it goes out of this Chamber for publication and I am sure that my friends of the fourth estate will appreciate such a gesture on my part rather than resent it.

Lala Deshbandhu Gupta : There is no question of resenting it. How will the Premier appreciate if the press boycotts the debate to-day?

Mr. Speaker : I cannot permit such questions.

Pandit Shri Ram Sharma : I rise on a point of privilege. My point is that the representative of the *Civil and Military Gazette* has given publicity to a false report against me. Yesterday I raised a point of order in connection with an adjournment motion that was then under discussion. Now it has been published in the said newspaper that I revolted against party discipline. As it is a sheer misrepresentation of facts, I seek your protection. To clear a point in your ruling, may be in connection with an adjournment motion moved by a member of one's own party, cannot be described as a revolt against party discipline.

Mr. Speaker : If a newspaper misreports the proceedings, I will certainly see to it; but if any newspaper writes anything against any individual member, that is not a matter for the House to decide.

Pandit Shri Ram Sharma : It was due to defective reporting.

Mr. Speaker : I will see if there was any misreporting.

Lala Duni Chand : I want to rise on a point of privilege. It is that, notwithstanding the adverse circumstances in which some of us find ourselves and which we have to face, we are here under your protection as members of the Assembly. Whatever rights we are given as members of the Assembly should not be denied to us. My point is that yesterday a question was thrown open to discussion by you and when I wanted to take part in that discussion, you flatly refused my—

Mr. Speaker : Order, please. Will the honourable member please resume his seat? He has not raised a matter of privilege.

Lala Duni Chand : The next point, Sir. (*Laughter.*) It very often happens that some of the honourable ministers make objectionable remarks against us. We are, therefore, entitled to protection at your hands and if they make any such remarks you should allow us a free licence to retort, (*Laughter.*)

Mr. Speaker : If any honourable member, be he a minister or not, casts reflections on or uses unparliamentary language against any other honourable member and my attention is invited to it, I shall certainly take immediate action and make the Honourable Minister or member concerned withdraw the objectionable remarks. This has been invariably done in the past and shall be done in future as well.

Lala Duni Chand : I submit that—

Mr. Speaker : I cannot allow a speech or discussion.

Lala Duni Chand : I am not discussing, I am merely going to make a statement. On a point of privilege I can surely make a statement.

Mr. Speaker : I request the honourable member to resume his seat and call upon Sardar Bahadur Sardar Gurbachan Singh to move his motion.

WAR RESOLUTION.

Sardar Bahadur Sardar Gurbachan Singh (Jullundur West, Sikh, Rural) : Sir, I beg to move—

This Assembly approves of the policy of the Punjab Government towards the present international crisis in condemning Fascist and Nazi aggression and declares its determination to resist this aggression and to protect the security and honour of the Punjab and India with all available resources of the Province. It further desires that it should forthwith be made absolutely clear that the constitution of India shall be examined *de novo* at the end of the War with a view to the immediate attainment of the objective of Dominion Status with effective protection of the due rights of the minorities and other sections and in consultation with and agreement of all the parties concerned.

Sir, I feel privileged in moving this resolution. It means an acknowledgment of the special position of my community in the defence of the motherland and the Empire. (*Hear, hear, from the Unionist benches.*) I also feel a sense of pride that it is given to the Punjab to recognise the primary duty which a citizen owes to his motherland to express unshaken determination to defend it with the last drop of blood. (*Hear, hear, from the Unionist benches.*) It further affords me great relief that both Hindus and Muslims have joined with me in moving this resolution. This union has heartening significance that no community claims predominance, and that each is ready to take its share in promoting and defending common interests. This joint action will further set at rest certain claims which without foundation have found a place on the platform and in the press. India is at present seeking a definition of its own position in the British Commonwealth. It is strange that while other countries are busy preparing for defence, we are concentrating on political advance. We are only able to do so because British guns are thundering in the far-flung battlefields and British airmen and seamen are risking their lives to retain freedom of the seas and the air. If the enemy guns were thundering at our doors and the airships looming on our horizon ready to blot out of existence all that we love, we would never think of future forms of Government but would set our hearts to meet the danger. It is true that peace reigns in India, but we must not forget that this peace is the gift of Britannia. What we need is an awakening that we may have to face the ordeal ourselves. For this, two things are essential—unity within the country itself and adequate preparation for defence. The realisation of unity depends upon ourselves and the preparation for defence on the Central Government. This resolution is an evidence that we are ready for service.

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and sacrifice and we must press on our Government to mobilise our manpower and resources. It may be that England does not immediately need our assistance but in the interest of India it is incumbent on the Government to raise an army bearing some proportion to the armies of other countries officered by Indians. We heard of an Indianisation Committee, which seems to have gone into dissolution just when it ought to be functioning and planning, not only for Indianisation of officers ranks but raising of new armies. Then again, in these days of mechanised armies, the sooner we start making our own motor engines, aeroplanes and other war materials, the better. India owes a debt of gratitude to the Statesman for its steadfast advocacy of immediate organisation for the production of war materials and for the development of the Indian resources. We hear of Supply and Economic Boards, but so far no representatives of the interests vitally concerned have found a place on them. Then, again, does the control of prices mean that India is never to be lifted out of the slough of depression? These, however, are problems for His Excellency the Governor and our far-sighted Premier to consider and press in the right quarters for solution. The war is a cleansing and purifying process, otherwise God would never permit the tragedy. It unsettles settled facts and starts mankind anew on the path of progress. India has proved by working the provincial autonomy, which His Excellency the Viceroy has so generously acknowledged in his statement, its claims to be raised to Dominion Status under the Statute of Westminster. We can affirm that no province has worked the provincial autonomy with greater success than the Punjab. (*Hear, hear, from the Opposition benches.*) I will be failing in duty not to express that India deserves the earnest of the assurances given by His Majesty's Government. There is no reason why a constituent assembly, which is really the proper name for a round table conference, should not immediately begin to consider the changes in the Government of India Act. Government should not relax its efforts to unite India and give an opportunity to learn by direct experience the nature of dangers and the means of averting them. Anglo-Indian unity is essential not only to win the war but to enjoy together the fruit of peace. In any case the Khalsa is ready to do its duty and find its soul in the flaming fires of war. The politicians may talk in the familiar language of politics, but the Khalsa will march in thousands to the colours to retain the distinction won by our forefathers to be the sword-arm of India. (*Hear, hear, from the Unionist benches.*)

Mr. Speaker : The motion moved is—

This Assembly approves of the policy of the Punjab Government towards the present international crisis in condemning Fascist and Nazi aggression and declares its determination to resist this aggression and to protect the security and honour of the Punjab and India with all available resources of the Province. It further desires that it should forthwith be made absolutely clear that the constitution of India shall be examined *de novo* at the end of the War with a view to the immediate attainment of the objective of Dominion Status with effective protection of the due rights of the minorities and other sections and in consultation with and agreement of all the parties concerned.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) :
Sir, I beg to move my amendment which is as follows :—

That after the first two words of the motion the following be substituted—

views with grave concern that the British Government have made India a participant in the War between Great Britain and Germany without the consent

of the people of India and that in complete disregard of Indian opinion laws have been passed and measures adopted curtailing the powers and activities of Provincial Governments.

This Assembly being definitely of the opinion that the declarations, authorised by the British Government, in answer to the demand of an unambiguous statement of its War and peace aims in reference to India, are wholly unsatisfactory and disappointing, recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present War, it is essential, in order to secure the co-operation of the people of India, that the principles of democracy and self-determination should be applied to India, and her policy be guided by her own people and that India be regarded as an independent nation entitled to frame her own constitution safeguarding, *inter alia*, in the fullest degree, the rights and interests of all minorities and further that suitable action be taken in so far as possible in the immediate present, to give effect to those principles in regard to the present governance of India.

This Assembly disapproves of the attitude and policy of the Punjab Government in offering unqualified co-operation to the British Government in the face of the denial of our rights by the British Government and in utter disregard of public opinion in the country, thereby lowering the honour of the Province.

The speech of my honourable friend who has preceded me has created a sort of suspicion in my mind. He has been pleased to remark that the Sikhs of the Punjab are prepared to stake everything in order to defend their country at this critical juncture. He went on further to mention among other things the activities of enemy raiders now hovering around England. By this the honourable member appears to draw an illogical inference that the so-called invasion of England is tantamount to an attack on India. And when he says that he is prepared to make any sacrifices for the sake of his country, may I understand since when some Sikhs of his way of thinking have begun to consider England to be their mother country? (*Hear, hear.*) Well, Sir, so far we have been given to understand that the Sikh was born solely to oppose the tyrant and defend one who is being tyrannised over. When India has been suffering from repression for the last two centuries how does it lie in the mouth of my honourable friend to say that his country is prepared to make all kinds of sacrifices to defend England when it is attacked. May I know whether it is not his duty to protect India from the repression of others? When he is not prepared to make any sacrifices for India he has no right whatsoever to make this declaration on behalf of the Sikhs that they are ready to fight for Britain against Germany and thus defend India.

Besides, I may submit that it is stated in the resolution which has been moved by my honourable friend over there that this Assembly approves of the policy of the Punjab Government towards the present international crisis in condemning Fascist and Nazi aggressions and declares its determination to protect the security and honour of the Punjab and India with all available resources of the Punjab. In addition he has also pointed out that he is prepared to render help to the Britishers in fighting the Fascist and Nazi aggressions in England, France and elsewhere in Europe. It is a thousand pities that my friend is prepared to protect England if attacked but he is not ready to stand for the protection of his own country. As a matter of fact he wishes to perpetuate that repression in India by helping British Imperialism.

Now, Sir, the amendment which I have moved consists of three parts. The first part of the amendment is "that this Assembly views with great

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concern that the British Government have made India a participant in the War between Great Britain and Germany without the consent of the people of India.' I may here also point out that the Governments of Dominions, which are popular Governments, have also declared war against Germany. But if those Governments wished they could have done otherwise as Ireland has decided to remain neutral. They have decided to enter war on the side of England because the public opinion in those countries wants that. On the other hand the Government of India, without consulting the people of India, without consulting the Central Assembly, declared that they were at war with Germany. It is possible that the Premiers of some provinces might have been consulted, but this much I can say that at least the Assemblies were not asked to express their opinion about it. Such is the treatment that we are meeting at the hands of the Britishers.

Then, again, whenever we see that any tyranny is being perpetrated in any country, be it our own country or any other, we sympathise with the weak and are prepared to help them as far as lies in our power. Now when we see that our country is being made the target of imperial repression we earnestly desire to rid it of that aggression. I may also point that we are ready to make sacrifices in union with the British Government *provided they let us know their real war aims*. Let them take it from me that we are not going to co-operate with them merely on the ground that they are fighting with Germany because she is in their opinion the aggressor. We wish to know as to what are the British war aims particularly in reference to India. Britain should declare how they would treat India in view of her professions to be fighting for self-determination and democracy. This plea can no longer be advanced that the status of India is not like the other Dominions and that the present Government is not a popular Government, with whom the Viceroy could have held any consultations. But I may submit, let alone consulting the people of India, the Viceroy has caused to be passed such laws and measures by which the powers and activities of the provincial governments have been curtailed. Let me point out for the information of the honourable mover of the motion that the Viceroy has himself admitted in his declaration that during the last two and half years the provincial governments have worked very successfully. If that is so, may I know why under the Defence of India Act he has taken in his own hand all powers relating to law and order which were previously vested in the provincial governments? Besides, when the Criminal Law Amendment Act, otherwise known as the Army Anti-Recruitment Act was passed it was expressly stated on the floor of the Central Assembly that the said laws would be applied to particular provinces *only* when the governments of those provinces agreed to do so. Moreover, if we read the debates of those times we would find that it was made abundantly clear during that discussion that the Government of India had no mind to curtail the powers of the provincial governments. But the pity is that the powers relating to law and order which were vested in the provincial governments under the provisions of the Government of India Act, 1935, have been taken away from them. Is this the reward which the Viceroy has given to the people of India in return for successfully working the provincial governments? We record our emphatic protest against the usurpation of powers.

The second part of my amendment is that the statement which the Viceroy has issued, with the authority of the British Government is wholly unsatisfactory and disappointing. And therefore we wish that Britain should clearly state her war aims as regards two or three points with particular reference to India. Why do we want such a clear declaration of the British War aims? Not because we want to strike a bargain, but because we want to know as to what is the object for which India is being asked to co-operate in the war. I wish to make it clear that we do not want to fight for increasing the power of the British Imperialism. Had we been assured that so far as India was concerned England would withdraw herself after the war, in that case we, certainly, could have thought that England was fighting for truth, independence and for putting an end to aggression, and did not merely mean to maintain the *status quo*. In that case and in that case alone we could be willing to co-operate with Britain.

Now, Sir, if we wish to judge whether the statement of the Viceroy has satisfied anybody or not, we should take into consideration the pronouncements of the Congress and the Muslim League. The Congress Working Committee has passed a resolution that the statement of the Viceroy was wholly unsatisfactory and was calculated to arouse resentment among those who were anxious to gain and were intent upon winning India's independence. The Muslim League has also passed a resolution in which they have expressed the opinion that the inauguration of the Federation should be given up and that the entire constitution of India should be considered *de novo*. It means that the demand for India's independence is common.

Now, Sir, I would like to draw the attention of the honourable members to the pledges that were given during the last Great War. But before doing so let me quote one of the hallowed causes for which the Allies were fighting :

3 P. M.

Now we are faced with the greatest and the grimmest struggle of all. Liberty, equality, fraternity, not amongst men, but amongst nations—great and small, powerful and weak, exalted and humble, Germany and Belgium, Austria and Serbia—equality, fraternity, amongst people as well as amongst men—that is the challenge which has been thrown to us.—*The Great Crusade*: [Lloyd George's Speech at Glasgow on June 29, 1917.]

The causes of which I have already made mention are to this effect :—

On one point only are they (the German Allies) perfectly clear and definite. Under no circumstances will the "German demand" for the restoration of the whole of Germany's colonies be departed from. All principles of self-determination, or, as our earlier phrase goes, government by consent of the governed, here vanish into thin air.—(*The Great Crusade*, page 256).

It would be clear from this that Germany was acting against the principles of self-determination and therefore the Allies were forced to embark on a war in order to defend this sacred principle. Then again it was said :

The settlement of the new Europe must be based on such grounds of reason and justice as will give some promise of stability. Therefore it is that we feel that government with the consent of the governed must be the basis of any territorial settlement in this war.—*The Great Crusade*, page 257; Lloyd George's Speech at Westminster, dated January 5th, 1918 on "The War aims of the Allies."

This means that they were determined to arrive at a settlement in which they would recognise the right of self-determination for every country. I ask the honourable members whether India was granted this right. In

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1917 Mr. Montague, the then Secretary of State for India, made a declaration to this effect :—

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of administration, and the gradual development of self-governing institutions with a view to the progressive realisation of Responsible Government in India as an integral part of the British Empire. They have decided that substantial steps should be taken in this direction as soon as possible.—[*House of Commons : August 20, 1917.*]

After this Mr. Montague came to India. I should like to draw the attention of the House to the opinion which he expressed in his diary about the Government of India. He said that the Government of India was "anti-diluvian, too wooden and too iron". In plain words it means that the attitude of the Government of India was that of absolute indifference towards public opinion and that it had absolutely no sympathy with the aspirations of the Indians. In this connection I may state a very interesting incident which is given in Mr. Montague's diary of April 18th.

The Viceroy came in to see me with a problem : was his name or mine to appear first on the report ? He told me that was my scheme and my report ; that the reforms would always be known as the Montague-Chelmsford reforms, but that it being in India, he felt he must sign first. What an interesting problem, fraught with what consequences to a great Empire, requiring our serious attention !

It would appear that after the completion of the report a difficulty arose about the signing of the report. The Viceroy was very keen to append his signature first. This point was a little hotly discussed between the Viceroy and Mr. Montague. The House can easily understand from this the bent of mind and the attitude of the Government of India. This Government would fight for trivial matters but would not move its little finger to press for India's right of self-determination.

Mr. Montague further writes in his diary of the same date :—

I told him that it was too early yet to say that there would be any reforms arising out of the report, that that depended upon the action taken by him in India and by me at home. We had only begun our difficulties. I might be out of office in a few weeks ; he might have done some internment affair which would upset the apple cart.

This shows that the Secretary of State apprehended as to what the Government of India would do after his departure from India. Mr. Montague has stated this fact in his diary that he was prepared to invite Messrs Tilak, Basu, and others for an interview but the Government of India was deadly against them. Now what happened in India after the departure of the Secretary of State, was this. We, instead of getting Montford Reforms got Rowlatt Act and martial law regime in the Punjab. But afterwards the Viceroy made a proclamation that Government adhered to the policy laid down in the preamble of the Government of India Act of 1919. I may quote it for the information of the House.

Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the empire :

And whereas the progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken."

and so on and so forth and thus the Act was passed.

In other words it was stated that the principle of self-determination would be sedulously adhered to in the governance of India. But the goal would be reached by successive stages. Heaven knows when these stages would come to an end ! Then we were promised that a review would be made after a period of ten years and if the British Government was so pleased we would get another instalment. In pursuance of this policy the British Government appointed the Simon Commission in 1927 to go into the matter of granting further reforms to India. When they came to this country, a committee of seven members of the Central Legislature was nominated by the Government to collaborate with the Commission. But this committee was not given an equal status with the Commission. The honourable members of this House might remember that the Simon Commission was boycotted in India. But the visit of that Commission to our province was marked by the death of the 'Lion of the Punjab' who died as a result of the injuries received at the time of a demonstration made by the people at Lahore. After the death of that great leader, I mean Lala Lajpat Rai, a resolution was tabled in the Calcutta session of the Congress that complete independence should be accepted as the ultimate goal of India. But Mahatma Gandhi and Pandit Moti Lal Nehru intervened and requested the Congress to defer the matter and give another opportunity to the British Government. Afterwards the Congress would be free to declare its creed as the attainment of complete independence for India. Later on, Mahatma Gandhi and Pandit Moti Lal Nehru saw Lord Irwin, the then Viceroy, on several occasions and the question of reforms to be granted to India was discussed. As a result Lord Irwin made a lengthy declaration in 1929. I may be permitted to quote an extract from it.

I am authorised on behalf of His Majesty's Government to state clearly that in their judgment it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status.—[Statement by His Excellency the Viceroy on October 31, 1929].

After that, Mahatma Gandhi issued his statement in which he enumerated the conditions and asked whether Dominion Status would be granted immediately or by stages ? Whether the Round Table Conference which had been called would proceed on the basis of full Dominion Status or not ? Will Dominion Status be at all granted ? On the 23rd December, 1929, Pandit Moti Lal Nehru and Mahatma Gandhi met the Viceroy, it was the same day that a bomb burst under His Excellency's Special Train. What was the outcome of this meeting ? His Excellency refused to hold out any definite promise of Dominion Status, and the result was that the Session of the Indian National Congress held at Lahore, passed the Complete Independence Resolution and the "Independence Day" was celebrated on ensuing January 26, with great enthusiasm ; and is still celebrated every year as a national festival. In his speech before the Central Legislature the Viceroy denied that he had ever—

Sought to delude Indian opinion into the belief that a definition of the purpose, however plainly stated would, of itself, by the enunciation of a phrase have provided a solution for the problems which have to be solved before that purpose is fully realised.

Again referring to the Round Table Conference Lord Irwin added : "The Conference will be convened for the purpose of elucidating and harmonizing opinion and so affording guidance to His Majesty's Government on whom the responsibility must subsequently devolve of drafting proposals

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for the consideration of the Parliament," which meant that there was going to be no Constituent Assembly and India could not expect to have the right of framing its own Constitution. All that it could hope to have was a conference; that too in an advisory capacity and not capable of making constitution amending laws.

Again, Sir, we come to the Statute of 1919 and the Instrument of Instructions; I mention these because the Viceroy's statement contains a reference to all these. Paragraph IX of the Revised Instrument of Instructions to the Viceroy and Governor-General, issued on March 15, 1921, completely clears any misunderstanding or doubt regarding the full implications of the policy of His Majesty's Government;

For above all things it is our will and pleasure that the plans laid by our Parliament for the progressive realisation of responsible government in British India as an integral part of our Empire may come to fruition, to the end that British India may attain its due place among Dominions.

In 1931 came the Gandhi-Irwin Pact, and consequently Mahatma Gandhi agreed to attend the Round Table Conference. In the Governor-General in Council's notification (Home Department) No. S-481/31/Political, it was stated—

As regards constitutional questions the scope of the future discussion is stated, with the assent of His Majesty's Government to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part. So also are Indian responsibility and reservations or safeguards in the interests of India, for such matters as, for instance, Defence, External Affairs, the position of the Minorities, the Financial Credit of India and the discharge of obligations.

The safeguards were a part of the scheme and Mahatma Gandhi himself admitted that there could only be so if they were more in the interests of India than that of Great Britain.

During the debate on the Government of India Bill in 1935 it was said that it contained no Preamble. I want to read out from the House of Commons debate what was said in this connection—

The Bill contains no Preamble..... There is, however, no need for a Preamble in this case as no new pronouncement of policy or intentions is required.....

Referring to the Joint Select Committee's Report it was asserted by Sir Samuel Hoare that—

Subsequent statements of policy have added nothing to the substance of this declaration (of 1919) settling once and for all the attitude of British Parliament and people towards the political aspirations of Indians.—(*Hansard*, volume 297, page 1163, column 2).

It was also said that after a policy was declared in the Parliament there was no need for its further repetition or elucidation.

A mention was also made by His Excellency Lord Linlithgow, during his recent statement, of the Instrument of Instructions sent to the Viceroy in 1935. These instructions contain :—

XVI. And finally it is our will and pleasure that our Governor-General should so exercise the trust reposed in him that the partnership between India and the United Kingdom within our Empire may be furthered to the end that India may attain its due place among our Dominions.—(*Section E of Instructions from His Majesty the King, dated 8th March, 1935*).

After recapitulating these facts I beg to submit, Sir, that these are the pledges that were given to us. Besides these, other pledges were also given but we have to see how far these pledges can be relied upon? How far have they been fulfilled? We have been told that India will be granted Dominion Status, but that too only after the War and in progressive stages. That a Round Table Conference will be called and it will be determined therein whether there is any need of amending the Government of India Act, 1935. The British Government probably think, that what they have already granted is enough. If they do so, I submit, Sir, that they are living in a fool's paradise and nothing else. That was in regard to the professions of the British Government. Let us now come to the positive proof that is being given here in India. The War was declared on the 3rd September, 1939, and the declaration to this effect was published in the *Government Gazette* (Extraordinary) on the same date. The moment it was published at Simla, and even before it was made known to the general public, arrests had been effected under it at Gujranwala and other places. You will be surprised to know, Sir, that those who were not being released on bail have to-day been set at liberty by the Government and cases against them have been withdrawn for want of any proof. Measures of this type are being passed and given effect to in such a panicky and agitated manner. This is how peace is being given to the Indian people. We consider it better not to give any serious thought at all to their promises of the grant of Dominion Status. What has become of their promises in Europe? They had promised to help Abyssinia and it was conquered by Italy. How did they help Spain in its struggle against Fascism? Did they give any assistance to the Czechs? On the other hand it was announced by His Majesty's Government in London that they did not want to be involved in the internal affairs of other states; then why do they, Sir, involve themselves in the internal affairs of India?

Now that Germany has attacked Poland and it has been brought home to Great Britain that Hitler's next step might be a demand for Colonies which were wrested from Germany after the last war, England is feeling anxious and has waged the war against Germany. But I may, Sir, with your permission, make it clear that the Treaty of Versailles in itself contained the germs of a second great war. Under this treaty Germany was made to hand over her colonies to the Allies. Now when she has taken arms to repair the injustice done to her cause after the termination of the previous war and to recover her colonies snatched away from her under the treaty we are told that Hitler is an aggressor and an enemy of democracies. The British Government say that they are now fighting for democratic principles and the independence of smaller nations. They say they are out to put an end to this constant menace of aggression. But let them understand that nothing short of a real and practical proof in support of their professions can satisfy us now. What we want to know is the object that they have before them in waging war against Germany. I would like to know how their war aims would apply to India. We should know what we are going to fight for. All the solemn pledges that they gave to various European Governments have remained unfulfilled, and all the sacred promises that they

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held out to Indians have been thrown to the winds. In this connection it will be interesting to note that recently a committee was appointed to explore ways and means to Indianise our armies. The report submitted by the committee reveals this deplorable reality that India is unable to defend her boundary lines. If such is the progress that India has made during all this time under the British regime, then how can we expect anything better in future ?

Sir, our demand is quite simple and plain. We demand that England should declare that she is prepared to grant India also the right of self-determination. We demand that India should be entitled to frame her own constitution through a Constituent Assembly elected on the basis of widest possible franchise. That is what we want and that alone could satisfy us. It has been alleged that there are innumerable communities living at present here and that absence of British yoke would split the unity of India and result in a terrible civil war. It seems that England treats us as a minor and wants to play the rôle of a court of wards or of a guardian. They say we will not be able to frame a constitution that can be acceptable to all. And so they themselves would prepare a constitution for us in which special weight would be given to the views and interests of the minorities. I ask them what right they have got to decide the question of safeguards to the minorities. Do they want to set one community against the other and thus take all the advantage to themselves and keep us slaves for ever ? Let them understand that we ourselves would solve our own problems and bring about an amicable settlement among the various communities of the country. Our country is just like a family. If a brother quarrels with his brother no third party has the right to interfere in their domestic affairs. And if the latter persists in poking his nose into their affairs he is sure to play the rôle of the monkey who swallowed bit by bit the bread that was intended to be equally divided between two cats. Similarly, the British Government is exploiting the situation by playing the rôle of the proverbial monkey. It is unfortunate that political interests of India are being jeopardised under the cloak of religious and communal considerations. I hope the Honourable Premier would bear me out that this is being done even in the Punjab under the Unionist Government that claims to be non-communal. If you would please go through the manifesto of the Unionist party you are sure to find that great stress has been laid therein on the point that it is out and out a non-communal body. But let me remind you of the challenge that was thrown by Mr. Jinnah when he addressed a meeting here in Lahore on the 11th October, 1936, asking the Unionist party to substantiate its claims of being a non-communal body. He stated that the Unionist party had resorted to that political stunt simply to seize the seats in the Assembly. Otherwise it was definitely a communal party. He further said that though he had been accused of starting electioneering campaign on communal lines yet he was prepared to make a political alliance with Hindu and Sikh parties for working the constitution in the Punjab. At that time the Muslim League and the Unionist party were divided into two hostile camps but now they have joined hands with each other. I fail to understand as to whether the Punjab is being governed by the Unionist party or by the Muslim League. Anyway it is not governed by a

coalition government as is evident from the report published in the Indian Information Series. The relevant portion of the report runs as follows :—

The Unionist party commands an absolute majority in the legislature (97 in a total House of 174 excluding the Speaker) but the leader of the Unionist party took two non-Unionists into his cabinet in order to give special representation in the cabinet to the urban Hindu and Sikh minorities.

It is only to-day that we have come to know that urban Hindus and Sikhs also constitute separate minorities. (*Laughter.*)

Since (1) the non-unionist ministers are the choice of the unionist leader, and (2) have agreed to carry out the Unionist party's programme, and since (3) the ministry as a whole depends for its majority entirely on the Unionist party, it is a Unionist ministry in its political complexion, though not exclusively unionist in personnel.

Thus the Punjab Government itself admits that it is not a coalition Government. But I want the Punjab Government to state whether it is the Unionist party's policy or that of the Muslim League which is being followed in the province. We have good reasons to believe that this Government has taken certain steps in complete disregard of the Unionist party's policy. In this connection I think it would not be out of place to state that the Muslim League Radical Party of the Punjab has recently issued a pamphlet in which it has laid certain charges against the Punjab Government. But I leave it to the Honourable Premier to clarify his and his party's position in the matter.

Sir, I was submitting that under the cloak of religious and communal considerations we are being denied our legitimate rights. On many an occasion we were promised that the British Government would do this and would do that for the constitutional development of India. But every time our hopes were frustrated by the diehard attitude of the British Government. Now, again, His Excellency the Viceroy is pleased to refer us to the pledge given in the Preamble of the Act of 1919 by remarking that "the natural issue of India's progress is the attainment of Dominion Status". It is a pity that we could not attain it in 1919, and we failed to attain it in 1935. Again, our efforts have proved abortive to attain it in 1939. If such is the attitude of the British Government, then I am sure we would neither succeed in attaining it in 1959 nor even in 1989. It is a fact that so long as our country serves as an economic market for England she is not prepared to lose its hold on India. It is the vested interests and imperialistic designs that are forcing the British Government to keep India as its vassal.

I remember a resolution was tabled yesterday by a Ministerialist member, though it was not moved. It was to the effect that a duty should be imposed on the products of Indian Mills. May I ask the Government, what it means? To me it means that the Punjab Government wishes to encourage English cloth in this province at the expense of Indian cloth. By giving this instance I want to arrive at the conclusion that so far as the Punjab Government is concerned it is going to strengthen the power of imperialism in every trivial matter; with its present policy, it will not be possible to attain independence and liberty. Since our demands are based upon honesty and righteousness, therefore, unless and until our demands

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are met, we would not be convinced that Britain is fighting for something noble and high. We are fully aware that to fight for Britain means strengthening of imperialism and we will never be prepared to help an Imperialist Government and no power on the face of earth can compel us to do so against our wishes. My submission is that we should know what we are fighting for. I may also point out that as long as our rights are not accepted we are not ready to offer unconditional help to Britain, who should declare beforehand how she will treat India in view of her professions to be fighting for democracy and self-determination. It is high time to adjust our claims in an honourable manner. Then we have been threatened with the bogey of German and Russian attacks on India. In that connection my submission is that if at all there is any possibility of any hostility from that quarter, which I doubt very much, I am confident enough to say that those who can break the chains of slavery put by the strong hands of Britain, who can attain independence and freedom after fighting against the devil of British Imperialism can never be ruled by Germany or Russia. (*Cheers from the Opposition.*) Those who fight for their rights and privileges cannot be threatened with such a bogey of Afghanistan or Russia. Let me again submit that these funny threats cannot prevent us from achieving our goal. (*Cheers.*) I am not afraid of it, and I make a present of these ideas to those people who do not want to participate with the poor. Let them be afraid of this bogey which according to the Government *communiqués* even does not exist.

Now I should refer to the last part of my resolution in which we have stated that we disapprove of the attitude and policy of the Punjab Government in offering its unqualified co-operation to the British Government. It has been said that the Punjab Unionists are a part and parcel of India. I cannot say how far it is correct. It seems to be very strange that when the whole of India is demanding the satisfaction of its aspirations, no such voice has arisen from the Punjab Unionist Headquarters. Instead of that what is done here? You remember, Sir, a big Viceregal durbar was held in Shalamar Gardens in October, 1937, and the Honourable Premier gave an advance promise to His Excellency the Viceroy that Punjab would help England to the last man in the event of war. Last year also in Simla a dinner was given in honour of His Excellency the Governor and then again Sir Sikander Hyat made an offer of the people of the Punjab to go to the help of England when it was attacked. It means that the Premier of the Punjab has no concern whatsoever with the opinion of the rest of India, nor even of the Muslim League howsoever objectionable may be the conduct of England towards it. This year also he made a declaration of rendering every kind of help to Britain unconditionally and also published an appeal to Indians to help Britain at this grave juncture in the History of British Empire. I may remind him that at that time when he was pleased to make this sort of declaration even the Muslim League had not been of the opinion that any help, conditional or unconditional, should be given to Britain and in fact it had not arrived at any decision regarding that important matter. We are fully aware that the goal of the Muslim League is also full independence. But the Honourable Premier, who has given pledge to the Muslim League, has always been hoodwinking the Muslim League by giving such

kinds of statements in the Press, from which it is obvious that it is only the Punjab Ministry who being the camp followers of John Bull want to render unconditional help to Britain in the event of war. I must submit, therefore, that it is only the Punjab Government which is a blot on the fair name of India as far as the question of independence is concerned. It would not be out of place if I draw the attention of the House to the resolution moved against the Honourable Premier in the Executive Committee of the Muslim League in regard to his statement assuring unconditional help to England in the present war, further asking him as to what right he had got to give such statements without consulting the Executive Committee of the Muslim League. And as a result of that resolution a warning was given to the Honourable Premier not to make such statements in future without getting the previous sanction of the Muslim League. And after all Mr. Jinnah was compelled to write to the authorities in England that the Muslim League had nothing to do with such schemes and statements to which Sir Sikander had given expression off and on. Now it would have been clear to the House that both the All-India Muslim League and the Congress Party disapprove of the attitude and policy of the Punjab Government in offering unqualified co-operation to the British Government. You will be surprised to know that during the last Great War Punjab gave two hundred and forty million pounds to England and as far as recruitment was concerned the Punjab gave three lakhs ninety thousand men consisting of one lakh seventy thousand Mussalmans, ninety thousand Hindus with equivalent number of Sikhs and forty thousand Christians and what compensation was given to us? Mere slavery for another span of years, the claims of which, Mr. Speaker, we are sure to unlock very soon, nay immediately.

Under these circumstances I want to point out that it is our duty to tell the Punjabis as to what they are fighting for in the present war. Have they been given any undertaking by the English? How regrettable it is that we are not at liberty to tell them that they are not bound by law to help England? We can get some loophole out of the law. But the Honourable Premier was pleased to give warning to the effect that if anybody opened his mouth against the army recruitment he would be prosecuted and sent to jail. In addition to these declarations made by the Premier, other hundred and one unclean methods are being adopted by his Government. One of them is, the wrong, incorrect and unfounded propaganda done by the Punjab Government against our Party. Besides attacking our Party, much stress has repeatedly been laid on this point that there is danger of other nations invading India. The Honourable Premier may rest assured that there is no possibility of any invasion from aliens and if at all it actually happens Indians will fight to their last drop of blood to guard their motherland from the attacks of aliens. Some of my honourable friends sitting opposite are smiling at me since I do not belong to a martial class. I may tell my honourable friends who are smiling at me that I believe in something which is much stronger than violence and it is a recognised fact that non-violence has always proved successful where violence has utterly failed. (*Cheers from the Opposition.*) If they doubt my words I challenge the Government to come and see which wins the battle, violence or non-violence. Always it is truth and righteousness and not deception and hoodwinking that wins in the end.

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I have done. But, Sir, before I finish my speech, I would submit to the honourable members to consider my amendment dispassionately and to support it in the fair name and glory of our country that is India.

Mr. Speaker : Motion under consideration, amendment moved—

That after the first two words of the motion, the following be substituted—

views with grave concern that the British Government have made India a participant in the War between Great Britain and Germany without the consent of the people of India and that in complete disregard of Indian opinion laws have been passed and measures adopted curtailing the powers and activities of provincial governments.

This Assembly being definitely of the opinion that the declarations, authorised by the British Government, in answer to the demand of an unambiguous statement of its War and peace aims in reference to India, are wholly unsatisfactory and disappointing, recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present War, it is essential, in order to secure the co-operation of the people of India, that the principles of democracy and self-determination should be applied to India, and her policy be guided by her own people and that India be regarded as an independent nation entitled to frame her own Constitution safeguarding, *inter alia*, in the fullest degree, the rights and interests of all minorities and further that suitable action be taken in so far as possible in the immediate present, to give effect to those principles in regard to the present governance of India.

This Assembly disapproves of the attitude and policy of the Punjab Government in offering unqualified co-operation to the British Government in the face of the denial of our rights by the British Government and in utter disregard of public opinion in the country, thereby lowering the honour of the Province.

Khan Bahadur Captain Malik Muzaffar Khan : On a point of order. As many members are anxious to speak on this subject, it would be better if time-limit is fixed for both sides. It would be unfair if certain members are permitted to speak for an hour while others who are anxious to speak are not allowed to do so.

Mir Maqbool Mahmood (Parliamentary Secretary) : Mr. Speaker, the resolution before the House is a very important one. It calls for a very dispassionate consideration and, if I might submit, plain speaking. More than that, as you are aware, while we are speaking here, important negotiations are being conducted in Delhi by our leaders and I plead that speakers on both sides should exercise some restraint.

Dr. Sir Gokul Chand Narang : Why not postpone the resolution until termination of the negotiations ? (*Interruption.*)

Mir Maqbool Mahmood : This will bring the realities to light. I was submitting that speakers on both sides should exercise restraint so that nothing may be done here which may reflect on the chances of success of those negotiations which are going on. I hope I am speaking for both sides when I say that this House wishes Mahatma Gandhi and Mr. Jinnah godspeed in their endeavours to find an honourable settlement of the communal question. (*Hear, hear.*) With regard to the proposition before the House I submit that it has to be considered in the light of some realities of the situation. What are the facts that we have to face ? The world is

in the throes of a gigantic struggle. England is in it. She may have blundered in the past, she certainly has at times blundered in the past in her imperialistic designs. (*Hear, hear.*) (*An honourable member : Not plundered ?*) I would say both. I am not here to hold a brief for the sins of omission or commission or the imperialistic designs of England. That discussion is out of court. The position that I take is this, that as an Indian—a self-respecting Indian—I am grateful for the good contribution that England has made to this country but I condemn many things for which I hold her responsible. But the issue that we have to face is this that whether we like it or not, there are certain patent facts about England's position in the present war which cannot be fairly denied. It must be admitted that the present war is not the seeking of Britain. It must be admitted that the Nazi and Soviet aggressions of Poland have precipitated this war. It must be admitted that the resistance to this aggression by Britain commands the respect of all reasonable, disinterested and fair-minded sections of the community. (*Laughter from the Opposition benches.*) My friends laugh there. I invite their attention not to the speech which the honourable Leader of the Opposition has delivered but to the statement of Mahatma Gandhi, to the statement of Pandit Jawahar Lal Nehru and to the statement of my leader Mr. M. A. Jinnah. More than that I invite their attention to the resolution passed at the time of the declaration of war by the Congress Working Committee, by the Muslim League Working Committee and all other political organisations without exception and perhaps the only exception are the Akalis. All of them say that their sympathies are for the righteous cause of England, France and the Empire. Do they deny that ? If that is the position, I submit that we should dispassionately see how far we are entitled to-day to take a line in the interest of humanity and in the interest of India. There is yet another side of the picture. It cannot be denied in fairness that, whoever may be to blame for precipitating this war, our own motherland is faced with danger and that a situation may arise in which India—whether it likes it or not—may be face to face with a serious calamity. That being the situation, the issue that is before us is this, what is the attitude which the Punjab should adopt and what is the part that the Punjab should play at this time. In facing this problem we have also to realise, despite what the Leader of the Opposition may have said, that to-day it is the accepted position of all thinkers who have given thought to this problem, that whatever be the shortcomings of England, the world and India would be worse off if England were to lose in this war. I submit with respect that in examining this proposition we cannot ignore these basic realities of the situation and that done, the Punjab to-day has to give its answer to the two main issues raised in the resolution and in the amendments. The issues are these :—(1) Shall our co-operation be conditional ? (2) What should be our re-action to the attitude of the political advancement of the country. Let us examine these particular positions one by one. I will first begin with the question of our conditional support. I was enamoured of the eloquence of my friend the Leader of the Opposition, for whom I have the greatest respect. He said that our life is for India, the world, and humanity. Respected. But when it comes to fulfil that word—that word of sympathy for that cause—it reminds me of that bureaucrat who came pushing through the crowd with a flag in his hand and said, "I am here to stand for the sufferings of humanity" and when there

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was the last march to Palestine, he said, "I want my bag of gold". And what is the attitude of the Opposition. They say, all love and sympathy for India, and those affected by the world war and all that, but they claim that the minorities' bag and baggage must be handed to them with an honourable agreement as the prize. I am deliberately trying to restrain myself to-day and I appeal to my friends to interpret my words in that conscientious, friendly and patriotic spirit and let us in that spirit meet each other's point of view. Let us examine the problem or the proposition of conditional or unconditional co-operation as a practical proposition. The charge against my leader—the Premier—is that he has offered unconditional support from the Punjab. Now, those who glibly talk of conditional and unconditional support should realise the reaction of what they do. Assume for the sake of argument that England has to-day bluntly, brutally, and unfairly refused to accept any condition for the grant of Dominion Status. Imagine that the war continues, that the aggressors continue to bomb the innocent civil population. Imagine that ships continue to be sunk bringing death to innocent children, women and old men. Realise that the aggressors cross over the boundaries or the borders of our motherland and bombs begin to drop without discrimination of Hindu or Muslim or rich or poor. I ask, in those conditions, will it be justified, shall we be justified, with the declaration that we have made, with the traditions and history of India in our hands to say that we shall not throw our weight on the right side of humanity because it has not paid the price? Shall it lie in our mouths to declare that we shall not defend the best culture of our mothers, wives and sisters because we have not been paid the price for the few things that we have not got? (*Hear, hear.*) As a self-respecting Indian I shall not submit to domination, I shall certainly not submit to any domination or pressure, from inside, which stands in the way of defending the best in our culture. (*Hear, hear.*) Apart from this practical side of the question there is also another fallacy in the position taken up by the Opposition. They do not say that they do not want to have or give co-operation. They say, "We want a declaration, we demand a certain statement, an assurance, a pledge from England that after the war and during the war certain things will happen". That statement of theirs, to my mind, is in itself a compliment to England that she can be trusted that after the war she will carry out that pledge or not take back what is given from unwilling hands. I submit that if England can be trusted to that extent surely she can more honourably be trusted to play the gentleman to those who play the gentleman to her. I submit that so far as those pledges and declarations are concerned, I honestly believe that they are not worth the scrap of paper on which they are written. The real thing that is needed is unity in our ranks to deliver all goods. I submit that freedom has never been given and it will never be given. It is to be got and in order to get it we must unite and fairly deal with each other. Now, this is so far as conditional or unconditional part of the resolution is concerned.

I take up now the political aspect of the question. On that point, I am sure, there is no difference of opinion so far as the immediate goal of India is concerned, between the different sections of the House. We, so far as the resolution is concerned, have said that we want the whole thing to be

examined with an immediate objective of Dominion Status in view. But we use the expression "Dominion Status" in a particular sense wherein the minorities get their due protection and which is acceptable to them. Now, that being assured, I am sure, the most rabid nationalists on that side have not asked for anything more than that. What is the difference between their position and ours? The difference is only to allot a place for the minorities of India in that future picture. You will find that in our resolution we have definitely said that India that we have in view is of such a nature that the minorities have as much protection and security in their motherland as the majority community. Now, in the resolution of that side what is the position? Up till very recently the Congress leaders openly declared that they do not recognise any such thing as minority interest. Thanks to Mr. Jinnah and thanks to the Honourable Premier of the Punjab and other leaders of minorities and also to the declaration of the present Viceroy, so far as this aspect is concerned, the Congress has partially come to its senses. What is the position? Till yesterday resolutions were moved by the Premiers in various Congress provinces but they had not a word to say about the minorities. I am glad that after the kick that they have received they have some courage in the present discussion to say a word about the minorities by means of the resolution which has been tabled by the Opposition and the amendment moved by them. That is a step in the right direction. I understand it is under instructions. But even there I would submit that there is a catch that while we say that the constitution must be with the acceptance and agreement of the minorities, they have again made the majority, the so-called nation of India, to be the judge of what is going to be the fate of the minorities and they will not know where their interest lies.

Two words more and I have done. My honourable friend, the Leader of the Opposition, said, "We shall not co-operate if these things are not conceded to us and we shall not give our support if these objectives are not given to us." May I ask him what is that solid contribution that my friends of the Congress may make or may refuse in the prosecution of the war? Fighting men are our material and our contribution. (*Cheers.*) That is the stuff which His Highness the Maharaja of Patiala, Sir Sundar Singh Majithia and Sir Chhotu Ram can produce. (*Laughter.*) So far as money is concerned, non-Congress India is the greatest contributor of it. Anything contributed from the Congress side will not suffice a single day's shelling on active war. There is only one thing which they can contribute and that is the supply of war contracts. I am sure they will continue to do that. The position that I take is that the Congress is the most important political organisation of our country; therefore, I want in the interest of India, that they should not take up a position which may put them to shame in the international world.

I have only one submission to make. The honourable Leader of the Opposition had certain fling at the policy and the views of the Honourable Premier. I leave it to other speakers to deal with it in detail. He talked glibly that the Honourable Premier will be here when the war is on. Probably he does not know that the Honourable Premier's contribution to England in connection with the war is that he has sent his two sons to the

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war without any pay or salary. (*Interruptions.*) (*An honourable member : What about Sir Sundar Singh Majithia ?*).

Premier : His son has joined to the Air Force as an honorary officer.

Mir Maqbool Mahmood : One word more. I am sure, Sir, that when the history of these days comes to be written, those of us, who know anything of the picture, will realise the great and solid contribution made by the Honourable Premier in recent history and past history, in order to ensure the Hindu-Muslim unity, in order to bring the present leaders together, in order to get India's freedom and in order to establish the right of India to be free and to be raised to its full stature. I am sure that contribution will be found second to none in India in its generation. With these words I appeal to all sides of the House that the issue of war transcends all petty party or parochial considerations and that the time has come when we must justify our professions and generously contribute our best to justify the Punjab in the eyes of India and India in the eyes of the world. (*Cheers from the Unionist Benches.*)

Shaikh Sadiq Hasan (Amritsar City, Muhammadan, Urban.) (*Urdu*) : Sir, I rise to support the motion now before the House. I may submit at the very outset that the policy adopted by our Government is really commendable inasmuch as they have resolutely decided to fight against Nazism and to put an end to the aggressive methods which the German Government have adopted with a view to dominate the world. They have rightly come to the conclusion that all the resources of the province should be mobilised and utilised to defend our country against this unprovoked aggression. As a matter of fact the British Government have been forced to wage war for the vindication of democracy. It is a pity that my honourable friends of the Congress party have failed to understand the ambitions of Germany. They must realise that the object of Germany in attacking Poland was not merely to conquer that country, but to enhance its power and influence so that she might bring other weaker nations under her sway. My friends must be aware of Italy's aggression. In spite of her pious professions she invaded two peace-loving countries of Abyssinia and Albania without any apparent cause and annexed them forcibly. Similarly, Germany first annexed Austria and then took forcible possession of Czechoslovakia. Do my honourable friends on the opposite benches think that if Germany came out victorious, she would not attack India ? I may tell

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them that if the same brutal and inhuman treatment is meted out to the Indians as is being meted out to the people of Czechoslovakia the Opposition would tremble in their shoes. This is a question of life and death for the Indian people.

I think the Indians should hold themselves in readiness for wholeheartedly supporting the British, lest Germany be victorious. Gentlemen, if that happens, God forbid, that will be the blackest day in Indian history. It is not merely a question of Germany only but we have also to be aware of the Russian Bear lying in ambush especially when she has so shamelessly appropriated more than half of Poland.

My friends of the Opposition only know how to talk. It is very easy for them to call the victor as vanquished and the vanquished a victor. We have to bear in mind that the greatest Muslim power, Turkey, has sought alliance with the British because she does not trust the Russians on one side and Germany and Italy on the other. The British apprehending danger to their foothold in the Eastern Mediterranean have had to strengthen their relations with Turkey. In view of these acts on the part of such powers, that are capable of defending themselves, how does it lie in the mouth of the honourable Leader of the Opposition to say that he will turn out any invader of this country by mere words ?

I also beg to submit that I personally feel that it is the duty of the British Government to declare that after the war is over they will grant Dominion Status to India. I want also to make it absolutely clear that we are not going to tolerate any imposition of a constitution whether it be from the British Parliament or from the Congress. We want to throw off the yoke of British Imperialism as well as that of Congress Fascism. (*An honourable member : May you long live.*) Sir, it is the greatest desire of every patriotic Indian to see his country free from the domination of others. I piously hope for the day when the old grandeur and splendour of the Maurya, and the Mughal periods will be restored to this country. (*Interruptions.*) Yes, I also say that the splendour of Maharaja Ranjit Singh's days will be restored.

Mr. Speaker, I myself believe that the British Government does not want to grant independence to India and that is but natural. Any Government which has once held sway over a country does not easily want to relinquish that hold. This is equally true of the Congress which has not so far tried to come to an agreement with the Mussalmans or the other minorities in India. What is happening in the Congress governed provinces ? How are the minorities being treated ? Firing is being resorted to in Cawnpore and Lucknow, and those very things are happening again which used to happen in the old bureaucratic regime. (*An honourable member : What is happening in the Punjab ?*) The honourable member should have patience. Why is he feeling so uncomfortable by my speech ? If the Congress governments were to show that spirit of toleration which is the crowning policy of the Sikander Government India could attain independence within a short time.

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

Rao Pehop Singh (East Punjab Landholders) (*Urdu*) : Sir, no one can deny the fact that Germany has flagrantly violated Poland and has been guilty of wanton aggression. It was with a view to fight against Nazi and Fascist aggression and to safeguard the independence of smaller nations that Great Britain entered this war. We are thankful to our Honourable Premier and his Government for promptly making an unconditional offer of assistance to Great Britain, and we strongly approve of this policy.

Now, Sir, I would like to place before this House my personal or a Punjabi's point of view. (*Voices : Is this your point of view or that of the*

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Punjabis'?) The Indian army is composed of sixty per cent. Punjabis who on hearing that the war had been declared adopted the same attitude as is described in Shrimad Bhagwat Gita by Lord Krishna. He says that in a war which is fought for a noble cause, the Kshatrya willingly takes part. The doors of Swarga (Heaven) are thrown wide open and at this juncture active participation in war is the only way leading to it and a refusal can lead only to the gates of hell (Narak).

This fact should be borne in mind that our soldiers have gone to Shanghai, Egypt and Razmak in order to safeguard their motherland. These brave-men have gone to those distant places with the idea of defending the honour of their mother country. They are going to lay down their lives for us but if in their absence we pass a resolution condemning India's participation in this war, we will be doing a great injustice to our soldiers. We will be dubbing those as traitors who are constantly in danger of losing their lives by a bomb from above or a bullet from the front or it may be a depth charge from a U-boat. Among these men are our own kith and kin. They are the cream of the martial races and they are facing all these dangers for protecting the lives and honour of their countrymen. If they were to learn what is being done behind their backs by their own countrymen, would they not think us ungrateful? I ask those, who do not belong to the martial races and who have no relatives at the front, to abstain from disgracing their soldiers and not to earn the epithet "ungrateful".

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

During the last Great War Belgium was completely annihilated. A greater part of France presented a scene of utter wreck and ruin. England suffered heavily. The Czar and his family were executed. Germany sustained a crushing defeat and the Kaiser fled away from his country. But it were our brethren belonging to the martial classes who were pressing on victoriously to Mesopotamia and Syria. It was due to their marvellous achievements on the battlefield that peace and tranquillity in our country remained undisturbed. It is a pity that when our brethren were shedding their blood in the front line trenches these shopkeepers and businessmen took to profiteering and exploitation in complete disregard of the gravity and seriousness of the situation.

Sir, it is a matter of satisfaction that, Soviet Russia has not declared war against the Allies as yet. Despite this, "black outs" and "all clears" are a matter of daily occurrence in England and France. The whole trade and commerce has been upset there for fear of air raids. Poland has been effaced from the map of the world. Europe is expecting every moment a political upheaval of an alarming proportion. Every European country is feverishly making preparations for her self-defence. But still our troops have reached Egypt, Razmak and Singapore to defend us from any possible attack. The members of the martial classes alone know how to take up arms and how to give battle to an enemy country. What do these brethren of ours on the opposite benches know of such an adventurous life. I may be allowed to say that they would realise the worth of these martial classes

only if India is invaded by a thousand planes. They would come to their senses only if a 'black out' is declared once in Lahore. I earnestly request my honourable friends opposite not to take any step that may bring shame to our armed forces in consolidating their position in foreign countries. In fact I am grateful to the Honourable Sir Sikander Hyat-Khan who has made an offer of unqualified support to the British Government. It is gratifying to note that various political and religious bodies of India have also followed suit. Even the Hindu Mahasaba has assured its fullest co-operation to the British Government, though it has made a special request for the removal of all distinctions between martial and non-martial classes. It would be interesting to note that some weeks ago the honourable Dr. Sir Gokul Chand Narang also made a declaration on behalf of his community of his full support to the Government. We are, though undoubtedly exploited and weak, partners in the British Commonwealth; he even went further by saying that if at all India has to remain a slave of any foreign country, let it then be England and England alone. My submission is that even Shriman Mahatma Gandhi has not lagged behind in this respect. When he met His Excellency the Viceroy at Simla, he expressed his heartfelt sympathy with England in her present calamity. He told His Excellency the Viceroy with tears in his eyes that he really felt shocked when he thought that Westminster Abbey and the Houses of Parliament would be a target of air-raids. Similarly Pandit Jawahar Lal Nehru has also expressed the advisability of offering unconditional support to the British Government at this grave juncture and advised his colleagues to put off their demands till the termination of the war. My honourable friends opposite might have read the declaration made by Sir Radhakrishnan and Sir Tej Bahadur Sapru in this respect. The Muslim League was wise enough to make a similar declaration at the very outset. But I fail to understand as to why the Congress leaders have gone back upon their words of honour. Here I may be allowed to make some general observations. Sir Samuel Hoare has in his recent speech described Shriman Mahatma Gandhi as the greatest of all Indians, but I can without fear of contradiction assert that Mahatmaji is one of the few greatest leaders of the world. Now, Sir, if I make a critical survey of his political policy it should not be construed as a disrespect to the great Mahatma. In the beginning Mahatmaji issued a statement to the effect that India should offer unconditional help to the British Government. Then in a later statement he remarked that he was the only man in the Congress Working Committee who had been championing the cause of the British Government for unconditional help. But when His Excellency the Viceroy made his declaration he was the first to reject it, and hence, great as he is and a devotee of non-violence as he is, he yielded to the section seeking cheap credit. At the same time he declared that he was in no hurry to precipitate civil disobedience, for it would only embarrass the Government and thereby result in a disaster of the first magnitude for the British Government as well as for India. He held the opinion strongly that those who were in the habit of crying **نودی بچہ ہائے ہائے** could not be relied upon to abstain from indulging in violence. Similarly Babu Rajendra Prashad, President, All-India Congress Committee, has exhorted Congressmen to remain non-violent even in the face of all sorts of provocation. Recently Dr. Kitchlew too has complained that Congressmen were

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forgetting the Gandhian cult of non-violence and have frequently revolted against party discipline. In fact it is well-known to all of them that factious element has taken root in the Congress ranks. They strongly believe that under these unfavourable circumstances it would be impossible for the Congress to organise effective and successful non-violent revolution through civil disobedience. Anyway it is strange that the Congress is neither willing to help the Government nor to embarrass it and it is still more strange that it does not wish for the defeat of the British. Our honourable friends opposite have remarked that if the Englishmen liberate us, they will be in a position to effectively defend the boundary lines of India. But let them understand that it is one thing to say but quite another to do.

Sir, there is no doubt about the fact that every sovereign state tries to exploit its vassal. And I do admit that England has successfully played its part in that capacity. But still it is gratifying to note that we have been compensated by England. We have not only been granted a constitution but also trained to work it. Our two and a half years' experience is a sufficient proof of the utility of this training and further advance to the Dominion Status is in sight.

I was submitting that if we lose this opportunity we will commit a great blunder. As you are aware the English have explained their position by saying that they have invested their money in several businesses here in India. They cannot leave this land all of a sudden because in doing so their own interests suffer. At this critical juncture when Russia and Germany have joined hands it will be most unreasonable to disassociate with the English and place ourselves at the mercy of Russia which may mobilise its army of forty lakhs to exploit us. I may also submit that when moving this resolution I have not the least doubt that Dominion Status would be given to us in response to our help given in the present war. We are confident that as we had been awarded with Montague-Chelmsford Reforms after the last Great War, similarly our glorious deeds in the present war will also bring us our objective of Dominion Status.

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

Rao Pohop Singh : I wind up my speech by saying that it would be much better if a declaration is made to the effect that Dominion Status will be given to India after the present war. I am sorry that the most important part of my speech remains unfinished.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, I rise to support the amendment moved by our leader. I would not like to go into an academic discussion of so many pledges given by the British, or their historical bearing on this resolution. But I would like to grapple direct with the main question before us this afternoon, which is not really of helping or not helping the British in this war. The real question before us is of taking stock of our constitutional relations with the British as they stand to-day ; and if we find that they are not prepared to improve those relations, at least to make them say clearly how far they are willing to go and to see if that is consistent with our self-respect and honour, and to try to adjust our activities accordingly and to talk no longer in vague phraseology. Sir, with this viewpoint before our minds we have to judge whether the conduct of the

Punjab Government has been consistent with this object, for which we are striving at this critical time in history. We know that only two years ago there was a great durbar at Lahore and our Prime Minister made a declaration, or say, made a sort of promise for rendering every kind of help in case the British Government was ever involved in any war.

Premier : That is not correct. I never made a declaration or a statement to that effect.

Sardar Sampuran Singh : Sir, I would like to read his exact words from a book published by his own Government—"Eighteen Months of Provincial Autonomy in the Punjab."

Premier : Then it is not a declaration by me.

Sardar Sampuran Singh : As a leader of his party or of the people who organised that function he advanced that promise to the Viceroy of India and for my purpose that is enough.

Premier : That is not correct.

Sardar Sampuran Singh : I would like to be corrected.

Premier : That statement was made in an address presented to His Excellency by the landed gentry of the Punjab and not by me as the Prime Minister of the Punjab and that was read by Raja Narendra Nath and probably signed by my honourable friend also.

Sardar Sampuran Singh : I had nothing to do with that document. I would like to know from the Leader of the House if he has dissociated himself from that statement. I am glad he does not do that and naturally he endorses it. I was expecting that he would be dissociating himself.

Premier : Certainly not.

Sardar Sampuran Singh : After that there have been several statements by him and I would say a few words so far as that part of the conduct of the head of this Government is concerned. As I was already submitting, this is the time when we should be taking stock of our present position *qua* our relations with the British Government and this is the time when we could enter into negotiations and make our position clear and consistent with so many promises which had been made by the British. Instead of doing that, they have tried to put obstructions in the way of the Indian National Congress and have discouraged it in every way in this great task and besides, by asking the Government of India to introduce the Army Bill and helping them in passing that enactment, they have in a sense given a *carte blanche* to the British nation to deal with India as they like. Instead of supporting the case of their own nation they have strengthened the hands of the other side and thus enabled them to continue exploitation of this poor country. We have been threatened that if we do not help the British at this time there is a great danger of other nations invading India ; and it has been said that if there were guns thundering at our doors we would realise the critical position of our country. I am afraid they are exaggerating the situation. They should know that Japan is too busy in China and from the attitude of Russia they should have known that there was no likelihood of any hostilities from those quarters.

Premier : Molotov speaking (laughter)!

Sardar Sampuran Singh : I am afraid this bogey of Russia has been there for a long time. We have been threatened with this for centuries. Ever since the British came into India this threat of Russian invasion has always been on our heads. Even now these rumours are from interested quarters and this Government is being made a tool to propagate them. There is really no danger of actual invasion of this country either from any Asiatic or European power so far as an actual attack of India is concerned. But, Sir, even for the sake of argument if we admit that there is a real danger of having guns thundering at our doors, then I would ask a very simple question from the members of the Government. What do they want to protect? Their lives? Do they call themselves alive? Their country is already in the hands of another nation. They are perhaps improving the condition of their country inch by inch, but how many centuries has it taken to develop from one kind of slavery to another. Perhaps they will say that Rome was not built in a day, perhaps not in a week, not even in a year; but I would ask them to take a lesson from Japan. Forty years ago, Japan was as backward as any nation in the world, but they had the means to improve themselves, the making of their fate lay in their own hands, they had not to go to beg other people to improve their conditions and they have worked a miracle in these thirty or forty years. So, I would say that if the Government think that by even not asking for more rights they are going to get them, and they are going to improve the condition of their country without putting in a hard struggle for it, let me tell them that this dream will never materialize. If therefore, they are not prepared even to negotiate with and ask the British Government to give them a constitution which is consistent with the principles of democracy, and they are not even willing to be firm with them to get their position made clear, I am afraid they will not be doing anything for their country. They have, as a matter of fact, put hinderance in the way of the progressive people of the country who are so keen and eager for the advancement of their motherland (*heer, hear*). Some of my honourable friends from the Government side have said that it is not graceful to enter into any negotiations at this time in a bargaining spirit. Sir, you would not be bargaining for yourself, nor even for your children, you would be negotiating and bargaining, if you like to call it so, for the whole of the country and the nation, you would be placing the feelings of patriotism and humanitarianism above the desire of pleasing your masters for your personal ends. Therefore, I would submit that this kind of bargaining for the benefit of your motherland and to get what is your birth right is more honourable than the efforts which you make to please your masters for your personal benefit. (*Hear, hear.*)

At this stage Mr. Speaker resumed the chair.

Diwan Bahadur S. P. Singha (East Central Punjab, Indian Christian): Sir, without repeating elaborate statements and arguments, we may take it that the case of the Opposition can be summarised in Mahatma Gandhi's Biblical language: "We asked for bread and have got a stone." Our cry for bread is no new cry and neither is the stone a new gift. To take out this stone from the museum of the past at this critical juncture is to hurl it at our own head. Is it not a fact that with the reforms the stone ceased to be a real stone? The Opposition prides itself on calling a spade a spade. why not then recognise that with the reforms we started getting bread,

though the bread was as hard as stone. It must also be recognised that though the bread continued to be hard, it ceased to be as hard as stone when we got provincial autonomy. Our teeth have been able to bite into it and at least the Punjab has not only bitten, but eaten and even digested it. If some of our friends still think that they have been eating stone, then it is not the fault of the bread, but of their false teeth. There was a hue and cry against the All-India Delhi brand. Well, that particular loaf of bread has been withdrawn and the Viceroy has promised that a new one will be baked and he hopes that it will prove to me more edible. This was not considered good enough and it was asked whether it will only be edible or a whole-meal bread with all the vitamins intact like the Australian and the Canadian variety. Sir Samuel Hoare has assured us in unambiguous terms that we can even have the Irish variety. Sir, I think for the present, this is good enough. If we have energy to spare, let us leave the British Government alone and concentrate on putting right our own house, for if we are united no one can keep the bread from our mouth, no one can deprive us of the bread of our choice. I have no quarrel with the demand that it should not be baked in an oven in England, even though Indian bakers go to assist the English chefs. I am at one with the Opposition in the desire that we use Indian *ata*, that the *ata* be kneaded and the bread baked in India, and then sent to England to have the hall mark of Parliament stamped on it and to have it wrapped up in appropriate "White Paper," but we must not turn a blind eye to certain realities. We must recognise that when one crosses the seas one leaves *Zat Pat* behind. In an Indian clime our environment is different. So, if the baking is to be done in India, there should be no pretext of too many cooks spoiling the broth. We must all have a hand in doing the job—not some made to stand outside blowing the bellows for the fire in the oven. There must be on the one side no *chhut* and no *chauka* and on the other no bullying and no *danda*. The job is difficult and we must recognise it, for we are a people with diverse tastes—some like *halal*, some like *jhatka*, some like red chillies, some *garam masalla*, some like *ghee*, some like oil, some like goat's milk and some the buffalo's, some like coffee, others prefer *lassi*, so on and so forth. We must also take note of the fears of Mother India. She weeps as she sees her big sons quarrelling, but she is also apprehensive that when her big sons make peace, the cries of her little ones may be drowned in the smacks of satisfaction of the big, burly brothers. Sir, I am not afraid of the future. The joint family system is in our blood. As sure as night follows the day, we shall compose our differences and our *Mata* will smile again her forgotten smile. But what fills one with concern is the spectacle of distrust which induces some brothers to sit tight while the family house is on fire. I trust the family and I trust the court of wards.

Sir, we seem to be living in a world of unreality. We are far removed from the war zone, that we do not seem to realise that there is a war on, a war that can devastate civilization, a war which if not won by the Allies will change the geography and the civilization of the world and make our country which is in sight of its great destiny, a land of shattered dreams, either a mass of bloody red or a door-mat under a tyrant's heel. Let those who wish, leave aside all questions of the Empire or loyalty to the Crown. Let them at least be loyal to their own country. This is a war for the defence of our own hearth and home. (An honourable member: A Christian

[Diwan Bahadur S. P. Singha.]

speaking!) No, an Indian speaking. If there are some people who have hypnotized themselves into a state of blissful indifference by the hypnotic influence of oft-repeated ideological *Mantras*, the Punjab with its sanity and its sense of reality cannot allow our future to be ruined by inaction. I shall not insult the honourable members on the opposite benches in whom the same rich red blood of the Punjab is flowing as on this side by thinking that they can be content to see their country ruined without raising a hand to save it. They act under the orders of a far away High Command. But let aeroplanes from the north drone over our heads and they will be galvanised into action, High Command or no High Command. But that may be too late. Now is the time for action. Every breath of dissatisfaction is a breath of satisfaction for our enemies. Sir Sikander, as the representative of the Punjab by a democratic vote of the people, has already spoken in the name of the Punjab. We shall by our votes on Monday endorse his call to arms. We fought in the last war for a hope. We shall fight in this war for the fulfilment of a hope. My community in the last war, though not officially recognised as a martial class, supplied from the Punjab the highest percentage of its population for various kinds of services in the war. We are prepared to go one better this time.

I do not preach what I do not practice, Sir. I took part in the last war (*hear, hear*) and was away from my home for over five years. I have offered again as also my elder son, and my younger son is eager to join if they will take him even as a drummer boy. (*Applause.*)

Rai Sahib Rai Hari Chand (Una, General, Rural) (*Urdu*): Sir, I rise to support the resolution moved by my honourable friend, Sardar Gurbachan Singh. I may point out at the very outset that we the Rajputs of the Punjab have already assured the Honourable Premier of our unstinted support in the prosecution of war. I again take this opportunity to announce that I have been authorised by the Rajput Sabha to state that the Punjab Rajputs would not lag behind the other martial classes of the province to sacrifice everything in a fight against aggression. We fully realise that Britain is fighting a righteous cause. She has embarked on this war in order to put an end to aggression. We are also aware of the fact that we stand or fall with Britain. If Britain is successful in this life and death struggle, India is sure to get Dominion Status. But if Britain is defeated India would be plunged into chaos. Now there can be no two opinions about the fact as to why Britain decided to go to war with Germany. It is admitted on all hands, right from the King-Emperor to Mahatma Gandhi, that this war is being fought to end aggression. I, therefore, hold the view that there exists no difference of opinion between ourselves and the Congress on the issue of war except that the latter wants to express mere lip sympathy with the ill-fated country of Poland and do nothing solid in connection with the restoration of independence to that country, while we are prepared to render active help in the form of money, men and material. As a matter of fact we are ready to stake our all in order to obliterate Nazism altogether. The Congress wants to bargain with England at a time when the latter is waging war for the vindication of democracy. We on this side of the House are of the opinion that in this war of ideals bargaining with England is useless.

This is against our proud martial traditions. Besides, although it is true, as my honourable friend, the Leader of the Opposition, remarked that England had been pursuing imperialistic policy, none can gainsay the fact that if we were to come under the domination of another power like the Nazis we would be much worse off than before. I am, therefore, of the opinion that the policy adopted by the Honourable Premier on the issue of war is the one that is best suited to us under the present circumstances. With these words I support the motion now before the House.

Sayed Mohy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) (*Urdu*): Sir, my resolution may be taken as an amendment to the one moved by the Government benches. It is to the effect that this Assembly—

Mr. Speaker: The honourable member need not move his motion. He may discuss it.

Sayed Mohy-ud-Din Lal Badshah: The problem before us is whether India should take part in the present war and whether or not India should give unconditional help to Great Britain. In order to settle this question we have to see to what extent the interests of India are involved in the present European war. It is no doubt in a way true to argue that if Poland is attacked it does not affect India, but it is not the direct effect upon India of a European war which should be the only concern of the Indian people. We have to bear in mind that every war has its repercussions. It will indirectly affect India's relationship with other countries. It may have a very far-reaching effect on the future of this country.

If unfortunately England were to be defeated in this war India would have to lose all the advantages it has so far received from Great Britain. We want to see India a free country and to march shoulder to shoulder with other countries of the world. No one wishes India to remain under the foreign yoke but no one even desires to lose what India has attained after decades of endeavour and sacrifice. Great Britain's defeat in this war means India's defeat. (*Hear, hear, from the Government benches.*) On the other hand if the United Kingdom wins this war India will not only demand Dominion Status but complete independence can also be demanded. All this is possible so long as Great Britain remains in power, but if she is defeated the question of granting or receiving independence would not arise.

Punjab is very closely linked with the Indian army in so far as the bulk of the fighting forces is recruited from this province. For this very reason I deem it my foremost duty to offer all our available resources to His Majesty's Government. Just as the Honourable Premier has said that he can offer lakhs of recruits I may also venture to say that a few thousand men can also respond to my feeble call. (*Hear, hear.*) Our victory in this case will only be a physical rather than a spiritual or moral one. If all classes and communities in India were to unite and deem it their duty to participate in this war on the side of Great Britain I am sure she will not waver from granting our independence to us and that would be our moral victory. But before we take part, it would also be very proper on the part of the British Government that it should make an announcement at this stage regarding the promises which she had already

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made, so that those who have offered their lives may be encouraged to know that they are giving their lives for the freedom and protection of their own hearth and home.

Mr. Speaker : One amendment has been moved and it is under discussion. All other amendments which deal with different aspects of the same amendment can be discussed together ; but they will be moved, without any speech, of course, and voted upon separately, if so desired.

Malik Barkat Ali : May I take it that those gentlemen who have given notices of amendments to resolutions will not be permitted to speak in support of their amendments ? If not, will they be permitted to speak during the course of this debate ?

Mr. Speaker : Yes.

Mrs. J. A. Shah Nawaz (Parliamentary Secretary): Mr. Speaker, Mir Maqbool Mahmood, in his very eloquent speech, has voiced the sentiments of all of us on this side of the House and I would not have got up if I had not felt it my bounden duty to say something relating to a matter about which the honourable Leader of the Opposition has said nothing during his speech when tracing the history of the constitutional reform in our motherland, I mean the four years during which the deliberations of the Round Table Conferences were taking place. Before I say something about that period I would like to touch one or two other things. I am one of those few persons who believed and still believe that through the League of Nations, the revision of some of the clauses of the Treaty of Versailles could have taken place if the dictators had not taken it into their own hands to start these wars of aggression. When I was in Geneva at the end of 1931, opinion was already crystallising in favour of a revision of many clauses of the Treaty of Versailles and responsible people, responsible statesmen like the Marquis of Lothian, in Great Britain were delivering speeches in connection with it. Unfortunately the dictators especially Herr Hitler came into power and he planned to redress the so-called wrongs through aggression. He began marching towards other countries and the great powers kept silent as long as they felt that some of the places had belonged to Germany and were theirs as of right, but when Herr Hitler started attacking small nations, that were struggling hard for their economic development and were trying to achieve progress in spite of their handicaps, then the world naturally felt that the time had come when such wanton aggression should be stopped. Several of the people who, I find, are criticising some of the methods employed by the British Government or are criticising those very persons who are standing by Great Britain to-day, were cursing Mr. Chamberlain and Great Britain last year when the Munich Pact was signed, I could name some of those very persons who are at present sitting on the opposite benches. (*Hear, hear.*) (*An honourable member :* They are always the opponents.)

The British Government along with the French Government very wisely decided to stand by Poland and check the wanton aggression of Hitler. The time had come for India, and specially, for the Punjab to decide what they were going to do about it. Were they going to offer unconditional help or were they going to say, "First give us something and only then shall we give you the necessary help" ?

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I feel proud of the fact that so far as my own province is concerned, we did not offer any conditional help and we are grateful to the Honourable Premier for voicing the sentiments of not only this side of the House but of every community and race in the Punjab. I challenge my honourable friends opposite to prove that I am wrong. There is not a single community or race in the Punjab, which is not ready to get recruited in hundreds and thousands (*Hear, hear from the Unionist benches*) and will not readily fight for Great Britain. Punjab has realised that this is not an imperialist war, they know that Great Britain and France are fighting to-day for weak nations. They also feel that the balance of power has been completely upset when German Nazism joined hands with Russian Communism. This combination means that the danger is not so far away and we have to be prepared for defending our hearths and homes. It is the duty of every Indian to take this into account and be ready to defend his motherland, hearth and home.

Mr. Speaker : The honourable lady member's time is up.

Mrs. J. A. Shah Nawaz : I will only take about 2 or 3 minutes more. I wish to say something about the Round Table Conference and would like to have an opportunity of saying about my honourable friend, Sardar Sampuran Singh's remarks in the Minorities Committee of the Round Table Conference. It is said that the autonomy granted to the provinces is not full self-government and that the British Government does not wish to give Dominion Status or full liberty and freedom to India. Sir, I am one of those persons, who is convinced—and I repeat the word 'convinced'—that it is not Great Britain which will not give us Dominion Status but it is we ourselves who have not managed to get it. I am at this moment thinking of the heart-rending scenes that I had to witness during the three Round Table Conferences, specially during the Third Round Table Conference, where, unfortunately, very few of us were present, and where the representatives of the minority communities of our provinces sold India. I wish a record had been kept of the speeches delivered by the members of the minorities at that conference but, unfortunately the proceedings were not recorded. Had they been kept the people in our country would have known why these reserved powers for the Governors and the Governor-General have been placed on the Statute of the Government of India Act of 1935.

Premier : Those proceedings were recorded but they are a secret document.

Mrs. J. A. Shah Nawaz : They have not been made public and that is why hardly any one knows about them. What happened at the first Round Table Conference? The majority community went and said, "Hand over everything to us and leave the minorities at our mercy?" The position as explained by my father 9 years ago is the same to-day. Here are a few lines from his speech. This is how far we have advanced. He said—

Believe me, without this Hindu-Muhammadan unity all your dreams of self-government are in vain. With Hindu-Muhammadan unity you can confront the representatives of the British parties and say, "Here is the united demand of India", and then I am perfectly certain they will see that India is now united and is in a position to conduct the affairs of self-government as an equal member of the British Commonwealth of Nations, and they will be more than ready to meet you half way.....

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In connection with this I would like to say that when during the first Round Table Conference, in the first few days, from the Princes to the representatives of the smallest minority said that nothing less than full Dominion Status would satisfy them, people who did not want India to get anything, were trembling in their shoes. I can repeat instance after instance of what I have witnessed with my own eyes. What would happen if everything had to be handed over to the Indians! Such were the questions that were being asked. Now, what was the reply given by my honourable friend, Sardar Sampuran Singh, to my father's stirring appeal. The Muslim community was asking for a statutory majority of 51 per cent., the statutory majority which we are now enjoying to-day and under which provincial autonomy has been such a success in the Punjab. What did my honourable friend say? If only he had accepted this then—I am sure sometimes his conscience does prick him—had he accepted it then, India would not have been in such an unhappy state to-day. What did he say?

Politically we are opposing Muhammadans, who numerically speaking, are much stronger than us and possibly what agitation we can make against the British Empire and what can we do if things are not done according to our wishes.....

My friends were asking for 30 per cent. in the Punjab. (*Sardar Sampuran Singh* : No.) Yes, I can show you. Then further on he said—

I am not threatening anybody, but I know that unless our people at home are satisfied and are shown that justice has been done to them, I feel that there will be great excitement and perhaps, with a Muhammadan government in the Punjab, which it shall be, if they get statutory permanent majority in the councils and the great resources of the mighty British Empire at their back, there might be a "civil war."

That was the exact statement which my honourable friend made at that time. Both of my honourable Sikh friends are witnesses of what happened there. My colleagues on the opposite benches say that it is the British Empire that divides us. Divide and rule is their policy. I challenge them to deny that (*hear, hear*) when we had a talk in the Prime Minister's room where only a few of us were present, Mr. Ramsay MacDonald, Mr. Wedgewood Ben and Mr. J. H. Thomas, the three friends of India from the Labour Party did not leave any stone unturned to make us come to a settlement. They appealed to my friends "For God's sake compose your differences". There were 118 press representatives waiting outside. When after 4 hours' discussion, we got up, did not the Prime Minister say 'Gentlemen, should I go and tell the world outside that India could not settle because of one seat?' My father delivered 17 speeches in the city of London and everywhere he told the people that the real representatives of the majority community were the Congress representatives who had not come; that is why no settlement could be arrived at. The very next year the Congress co-operated. What happened then? Mahatma Gandhi knows all about the discussions that often went on till 3 or 4 o'clock in the morning, and still we could not come to a settlement and even Mr. Gandhi had to say 'Unfortunately I have failed'. Believe me, that I felt so depressed—sitting there one felt that the earth should open and swallow one rather than one should have to witness such scenes. The position is the same what it was nine years ago. When the negotiations broke down, my father came home and

said, 'Let us pack up and go, the Conference is finished!' Yes! indeed it was finished when no settlement could be arrived at.

Now as regards the Viceroy's statement, I took it as a challenge thrown out to our leaders. Had I been in Mahatma Gandhi's place, I would have there and then called all the leaders—Pandit Nehru, Mr. Jinnah, Sir Sikander and others—and would have asked them to sit down round one table and not get up from that place until they had settled everything. We talk of the third party: we talk of other persons and go on quibbling and quarrelling between ourselves. Why cannot we come to a settlement? I said to my sisters at the All-India Women's Conference Committee meeting the other day. My sister sitting opposite was there. I said that our leaders cannot achieve it, let us go and picket their houses and make them settle everything. India is groaning under this heavy burden of disunion. We must have full self-government; we cannot show our faces to the people outside. I know that if an agreed solution were to be arrived at, the British Government will not say 'no' and will not be able to say 'no' to a united demand. With these few words, I give my whole-hearted support to this resolution, but before I sit down I would like to say that the members of my tribe are as impatient to get recruited as are the members of other tribes in the Punjab. (*Applause.*)

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, I am one of those who condemn the Nazi aggression and their unprovoked and brutal attack on Poland. This condemnation has already been expressed by the greatest Indian of our time, Mahatma Gandhi, during his first interview with His Excellency the Viceroy. He extended even his moral support in the prosecution of war. His sympathy with Poland was stated in no uncertain terms. A question then arose and it was this, that the British Government be requested to define its war aims, and be further requested to make a clear and unequivocal statement, whether the principles of democracy and self-determination for which the war was being fought, will apply to India to the fullest degree or not, not immediately and forthwith, I may make it clear, but on the termination of war. This was the demand made by the Congress and it was supported by a large opinion of non-Congress circles also, not only in India but also in England. What has been the response to this demand? The response to the demand was in the form of a statement or declaration made by His Excellency the Viceroy. I put it to my friends on the Ministerial benches whether they will put their hands on their hearts and tell us whether that declaration or that statement satisfied them. To my mind that statement was very halting and wholly unsatisfactory and it has not satisfied anybody, not only in India but also in England. This is what Mr. Wedgewood Ben, a very responsible member of the British Empire and an *ex-Secretary of State* for India thinks of this statement. He says it is a clumsy document: it has a certain Indian tinge. It is massive: it is like an elephant. It is clumsy in action and is followed by something very insignificant. This is not the opinion of an irresponsible extremist but the opinion of a responsible person who is no other than an *ex-Secretary of State* for India. Professor Keith says of this declaration that it is incompatible with the crusade of liberty in Europe. I should put it to my friends whether the making of this demand and asking the British Government to make known their intentions regarding the future of India

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was in any way an extraordinary demand. I put it to my friends whether it is in any way an unreasonable demand? Will not this demand be made by any self-respecting nation which had not obtained its own freedom, before plunging herself whole heartedly into this war, a war which was not directly her concern. I want to lay emphasis on the word 'directly'. Would you or would you not give us even the liberty to ask the British Government to make known their intentions regarding the future of India not to be given effect to to-day but on the successful termination of war?

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

I would like to know from my friends whether there is anything wrong or extravagant in this demand made by the Congress on behalf of India, a demand which is supported by a great volume of politically self-conscious non-Congress India also. This is a direct question and I would expect a direct answer. I should make it clear that I am one of those who believe in co-operation with the British Government. I am one of those who believe in partnership with the British, but a partnership on the basis of equal status and as an equal member of the British Commonwealth of Nations. This is the partnership that I believe in and this is the partnership that I wish to be secured for our country (*hear, hear*). In view of the unsatisfactory nature of the response to the Congress demand, was anything else open to the Congress but to take the step which it has taken in withdrawing its ministries? Let us not have a narrow view of things, let us not forget that India is not only the Punjab. India consists of 11 provinces and its Assemblies. Let us not forget for a moment that 8, if not 9, provinces are united in the demand that unless Britain makes known its intentions India is not going to assist. I concede that some help will even now be forthcoming, both from the Punjab and the other provinces. I do not deny that some support, meagre as it may be, will be forthcoming; but is it not in the interest both of India and Britain that the latter must have the fullest measure of support from this country and which it can get from a satisfied India alone, and not from a discontented India? That is the position that we shall do well to bear in mind and calmly think over (*hear, hear*). This declaration by the Viceroy did not even satisfy the Muslim League, although their dissatisfaction was for reasons other than those of the other political bodies. The advice given by my friend Sardar Bahadur Gurbachan Singh that it is not necessary that we should even think of our own political advancement before plunging ourselves whole-heartedly into war is hard to digest. Is it right to say that we should not even think of our political advancement? Not to think of our own political advancement will be foolish and suicidal. The Congress made their position very clear in stating their case and there was no bargaining in it. They said that if you want help of this country to its fullest degree it would be in the interest both of India as well as England that it should be the spontaneous help of a satisfied and willing India rather than of a discontented and unwilling India. Let us not forget that India to-day is a politically awakened India and nothing short of an assurance of the grant of full Dominion Status in the immediate future can satisfy her. Do my friends mean to say that because there are political differences among the communities, and unfortunately those differences

are there, therefore we shall have to wait till doomsday and until those differences have been finally made up to get what we believe to be our birth right ?

My sister Begum Shah Nawaz has just now been pleased to tell us that it was Sardar Sampuran Singh who did not accede to certain demands at the time of the last Round Table Conference which resulted in the failure of negotiations. Whether it was Sardar Sampuran Singh, Sardar Bahadur Sardar Ujjal Singh or Sir Sundar Singh Majithia to whom this responsibility is sought to be attributed is not a matter of immediate concern to any one. My sister might have spared herself the trouble of reminding us of the contentions and fruitless discussions that took place then. May I however ask her with all respect whether she wants the Muhammadans to stand in the way of India's progress ? Assuming that the Sikhs did then a certain thing, does she wish that the Muslims should in their turn repeat that very thing ? Does she really wish to postpone the Dominion Status for centuries to come ? I do not know if the British Government are really in earnest, but they cannot be otherwise when all this terrible war is raging. What is then that prevents them from making a clear declaration ? It is quite open to His Excellency the Viceroy to say that so far as the British Government is concerned, they are perfectly willing to give Dominion Status as defined by no other authority than Lord Balfour in 1926 when he was presiding over the Imperial Relations Committee in London. The Dominion Status that we ask for is Dominion Status as between equal partners within the British Empire. I think Government should tell us even now if they are really in earnest, that whilst they are quite willing to the grant of immediate Dominion Status, they are not able to satisfy our demands, because of communal differences amongst us. Why do they not say that directly and throw the blame upon us ? There is no doubt that there are differences amongst us, but they are our domestic concern. Those differences must be made up and sooner or later they will be made up. Does it mean that we have to wait until we have finally made up those differences ? I submit, I cannot understand the logic of all that.

Our younger generation is getting impatient. As I have already said they have ceased to think of Dominion Status as the ultimate goal. Nothing short of immediate grant of this Dominion Status would appeal to them and I see no reason why a declaration should not be made in clear terms that India will have Dominion Status on the termination of the war. There can be no two opinions about it.

If the Congress is satisfied and if men like Mahatma Gandhi and Pandit Jawahar Lal come forward to help in the recruitment, I believe that not six lakhs but sixty lakhs of men will be forthcoming in that case.

An honourable member : What about leadership ?

Sardar Sahib Sardar Santokh Singh : I am not concerned with leadership. I am here just to see to the protection of our hearth and home. I am one of those who believe in partnership with the British, but partnership of the nature that I have described and not partnership of domination, a thing that has been going on for centuries. That will have to be put an end to. This was a reasonable demand that the Congress made on behalf

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of this country and it pains me to see that this very reasonable demand has not been met.

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

Let me say this that the British authorities, be they in India or be they in England, have misjudged the entire situation. They have tried to under-rate the influence and power of the Congress. They cannot ignore the fact that the Congress is in power in eight provinces—a power and influence which is not equalled by anybody else, by any other association or organisation, however important otherwise. Their majority in those provinces is indeed very great. I do not think I need take your time in quoting facts and figures and show that you cannot underrate the power and influence of the Congress. The Congress does not represent any one community. It does claim to represent all communities and I do make bold to say that it does actually represent all communities more than any other organisation in India. I do believe that it is the Congress alone which can deliver the goods. My honourable friend, Mir Maqbool Mahmood, who comes from Amritsar, the place from which I also come, made some very sarcastic remarks as to what the Congress had to offer in men and money. So far as money is concerned, the Congress provinces of Bombay and Karachi have much more to offer than the province of my honourable friend. As to men I do not think it should be the monopoly of any one community or of any one province to make this boast. It should be open to everybody and to all classes to offer themselves for war. That is why I have tried to make out the point that there should be no discrimination between martial and non-martial classes, and that all able bodied men should have perfect liberty to join the Army if they want to join it. That is my position.

I think this Assembly will be doing a real service indeed if instead of passing its stereotyped Government resolution, they point out the real position as they see it. Do they or do they not think that a satisfied India will be of much greater help to England than a dissatisfied India and if this is the position I would request the Honourable Premier, through you, Sir, that he should not keep aloof from the other provinces. We should join other provinces in making our demands known to England and telling her that this is what we Indians want. We have our own Hitler in this province before whom even the Premier has to bow.

Premier : Stalin would probably be a better simile.

Sardar Sahib Sardar Santokh Singh : I am sorry that I have to say these things in his absence, but shall we be justified in saying that because he has tried to do so much harm to our community—I mean the community of non-agriculturists—and because he has openly been partial, that provincial autonomy as such has failed? On the other hand this is exactly what the Muslim League has been saying.

Mr. Speaker : The honourable member will please wind up, if possible.

Sardar Sahib Sardar Santokh Singh : Even the European Group in Bombay supported our demand. Mr. Bramble on behalf of the European and Progressive Group in the Bombay Assembly said this :—

All parties and interests are united in the demand for Dominion Status within the meaning of the Statute of Westminster and that a declaration to this effect should be made forthwith.

This is what a European gentleman on behalf of the Progressive Group in the Bombay Assembly said. But what is the advice offered to us from the Unionist benches ? They say, do not think of your political advancement.

Premier : Have you not read our resolution ?

Sardar Sahib Sardar Santokh Singh : Yes, I have read it very carefully. Otherwise I would not have sponsored my own.

Premier : Then you have not understood it.

Sardar Sahib Sardar Santokh Singh : What did my friends of the Muslim League say ? This is an extract from the resolution that they moved in the Madras Assembly, "that the democratic parliamentary system of Government under the present constitution had failed and therefore it was unsuited to the conditions and genius of the people of India". These are not my words but the words of the Madras Muslim League resolution. If my Muslim friends are in a majority in certain provinces and reap all the harvest and the benefit, they are satisfied. But in other provinces where they are in a minority they simply say that representative institutions have failed. Perhaps consistency is not a virtue with my friends. Our Honourable Premier is a very important member of this Muslim League and I am really sorry that such a thing should come from them. I would for my part much rather be under a Muhammadan yoke than under a foreign one and even if I had any difficulties and disabilities they will be removed in course of time. I would much rather be harassed by my countrymen, even by an advanced agriculturist like Chaudhri Sir Chhotu Ram, than by a foreigner. (*Hear, hear.*)

Premier : That is the real patriotic spirit.

Chaudhri Krishna Gopal Dutt : But that is not your position.

Sardar Sahib Sardar Santokh Singh : Muslim League's resolution further claims that "India's future should be wholly reviewed and revised *de novo* and the British Government should not make any commitment without the approval and consent of the Muslim League". Just see the audacious nature of demand being made on behalf of a community, not on behalf of India. Just see the difference between the demand made on behalf of India and the demand made on behalf of a particular community. I submit that such a demand from my Muslim friends has been made only to set back the progress of the country. Imagine the consequences if every other community was to make a similar demand. If you begin to make such demands, I do not know where things will end. Before I conclude I make a very earnest and humble appeal to the Honourable Premier through you, Sir, and it is that he should like the other provinces, make the true position of his province clear to the British authorities and join the other provinces in demanding full Dominion Status for India.

Mir Maqbool Mahmood : Will the honourable member vote with the Premier if he made that statement ?

Sardar Sahib Sardar Santokh Singh : Yes, if his statement came into line with the amendment that I have given notice of.

Sir William Roberts (European) : Sir, I should like to support the motion moved by Sardar Bahadur Sardar Gurbachan Singh. Those of us who have been watching and reading the Indian press for the last three or four years have been convinced of the strong antipathy of Indian public opinion to Hitler and his policy. There has been plenty of criticism of Great Britain for failing to enter into war in the matter of Abyssinia where Italy had been the aggressor. But I should like to remind you that Great Britain was the only power which sent even a single ship to enforce sanctions. Then again, in the case of the rape of Austria, and in the case of war in Spain and in the conquest or taking over of Czechoslovakia, there was strong criticism in the Indian press of a lack of moral action by Great Britain. I believe that the press and the public when criticising in this way felt that they themselves would have been responsible and would have been taking part had Great Britain taken some action. It was not due to some desire to see the Empire involved in trouble to gain a temporary advantage. I do not believe that. When this war broke out there was plenty of evidence that on the moral issues India was overwhelmingly in favour of a declaration of war. After all Nazi power and Nazi claims mean that might and strength is right, in other words, where a country is strong and another weak, you can trample on the rights of the other nation. That is the fundamental thing. It is an issue far bigger than Dominion Status. It is far bigger than the British Empire. It is one of the world conditions for order and progress, and for that reason it is welcome to all of us who love India to find India offering strong moral support for the action of the Empire in declaring war against Germany. (*Hear, hear.*) Then, our leaders, Mr. Jinnah, Mahatma Gandhi and Pandit Jawahar Lal and many others declared unequivocally where their hearts and their opinions lay. But unfortunately these big men were overruled by perhaps smaller men, who did not have such a clear vision—smaller men on the Congress Working Committee—and India is after all far from the scene of war and these smaller men persuaded or the majority insisted at this time on bargaining. It was only in this province and through our leader, Sir Sikander Hyat-Khan, that a clear vision was seen that the attainment of Dominion Status was forthcoming. This is my opinion and I say so sincerely not because I am defending this resolution, but this is the surest and best road for the progress of India, because we would be fighting for something bigger than ourselves, bigger than Dominion Status, bigger than the Empire, and this will be a unifying force to bring us together, to unite us and make us a great nation instead of being so many Hindus, so many Muslims and so many Sikhs. I have been asked by the Chairman of my central organisation, whom I informed that I might be speaking to-day, to convey the sincere tribute and admiration of the European community to our Premier and to the leaders of the Punjab, for the lead they have taken, and I have been asked to say also that this comes from every European in the country. We are after all a minority community and I should like to make it quite clear that we are in sympathy with the Indian aspirations. (*Hear, hear.*)

I myself would like to see Dominion Status attained to-day (*hear, hear*), but I would ask you to remember that we are living in a practical world. We are not all Hindus, we are not all Muhammadans, and we are not all Europeans nor Christians, nor are we all engaged in commercial interests, nor are we all

zamindars. There are so many varied interests that you must adopt a practical scheme whereby these interests are represented, and not mere numbers. I would ask you, therefore, to bear this in mind and to take this opportunity of a cause which after all, as I have told you, is bigger than the Empire and bigger than Dominion Status of bringing about the unity of India, so as to attain this high ideal of Dominion Status (*hear, hear*).

Mian Abdul Rab (Jullundur South, Muhammadan, Rural) (*Urdu*) : Sir, I rise to support the resolution which has been moved by my honourable friend Sardar Bahadur Gurbachan Singh. I have listened with interest to the speeches of many honourable members and I have noted that the Leader of the Opposition, Dr. Gopi Chand Bhargava, has also tried to sing the songs of liberty, but for the life of me I have not been able to understand who can be that unfortunate Punjabi who does not want India's freedom. Who can be that wretched Indian who does not desire India's salvation? If any one says that the Mussalmans are opposed to independence being granted to India, my only reply to him can be (because I do not want to use harsh words) that he is not acquainted with the history of Islam. But one cannot afford to overlook facts and truth and whoever does this commits a great sin.

Dr. Gopi Chand Bhargava has argued that India has nothing to bother about if England is attacked. Probably he has forgotten that this very Hitler had in his statement after the annexation of Czechoslovakia renounced all territorial ambitions in Europe. Still the world knows how wantonly Poland was attacked and subsequently divided between Russia and Germany, on the principle of نصف انى و نصف انكم (i.e., half for me and half for you). Now does my honourable friend believe that in case Great Britain is defeated in this war Hitler will close his eyes towards India? (*Hear, hear*). In the present circumstances helping Britain is tantamount to helping India itself. The person who fights shy of facing the situation under cover of the word "liberty" is perhaps the greatest enemy not only of India but of freedom as well. If the worst comes to the worst and Great Britain suffers defeat, will India then get a passport to freedom? (*Voices* : We will get our liberty). Never, my friends are mistaken. For heavens sake consider this dispassionately and tell me whether Hitler or Stalin will guarantee your freedom. (*Voices* : We will win our own independence). This is only a false hope. The chain of English bondage has rusted after 150 years of British rule and is about to snap but Hitler's new chain will not break so quickly.

I am reminded here of a king's story who selected *mullahs* and *pandits* as his ministers and not a single one of them was a soldier. A neighbouring prince got wind of this matter and attacked his country. The king sought the advice of his ministers but they told him to have patience and everything would be all right. When the enemy had crossed his frontiers and was advancing further the king was alarmed and again asked for their counsel. What could the *mullahs* and *pandits* do now? They merely said, 'Sir, if you will lose your country the enemy will lose his faith'. I wish the same may not be the case with you, lest it should be said that you lost your country and Hitler lost his faith.

Munshi Hari Lall : Why are you exhibiting such cowardice when your strength is 8 crores ?

Mian Abdul Rab : My friend asks me not to exhibit cowardice. For his guidance, I may read an Urdu couplet—

اس سادگی پہ کون نہ مہر جائے اے خدا
لڑتے ہیں اور ہاتھ میں تلوار بھی نہیں

The second thing which I would like to mention is the condition of Great Britain granting something before we can offer any assistance. It is just like the case of the servant who when leaving home in quest of employment was advised by his elders to ask for rewards or increase in salary only when the master seemed pleased. On finding employment with a rich man he was allotted the duty of looking after the horse of his master and was also asked to bathe the animal occasionally.

Sardar Sohan Singh Josh : It seems a nice yarn.

Mian Abdul Rab : Please do not feel so uncomfortable. Try to give me a patient hearing. Well, Sir, after a week the master found that although the animal was given water to drink it was not being scrubbed. He, therefore, ordered that the horse may not be given any water to drink but it must be scrubbed. The servant used to tie the horse's mouth before giving it a bath. One day the horse died of thirst while he was being scrubbed. On being asked for the cause of the horse's death, the servant informed his master that as he had been ordered to scrub the animal and not to give him any water to drink he had obeyed this order to the letter and the horse had died. The richman laughed at the stupidity of the servant and the servant promptly asked for his reward from his master. One should not be such a fool as that servant was, to ask for rewards at the most inopportune moment.

Dr. Shaikh Muhammad Alam : May I know from the honourable speaker who was the *rais* and who was the servant ? (Laughter).

Mian Abdul Rab : The honourable member is not in his seat and therefore has no right to speak. However I can assure him that it is not about the honourable member, so he need not worry.

Now, the Opposition alleges that the policy of divide and rule is being pursued in India. May I ask if the majority itself has done its duty towards the minorities and tried to win their confidence ? If the minorities are satisfied and the British Government is faced with a common front I do not see any reason how the British Parliament can refuse our demands.

I beg to submit, Sir, that my friends of the Opposition should take pity on the wretched plight of India and should at least follow the advice of the Poet of the East which he has expressed in the verse :—

اچھے من میں قلوب کو یا جا چواغ زندگی
تو اگر میوہا نہیں بیٹا نہ بن اپنا تو بن

As true Indians it is our duty, that we should not at least try to oppose those who are going to help Great Britain if we cannot extend our own assistance. In spite of my differences with the Premier I whole-heartedly support him in this war resolution.

Mr. E. Few (Anglo-Indian) : Sir, I rise to support the motion approving the action and attitude of the Honourable the Premier in having placed the resources of the Punjab in the present crisis at the disposal of the British Government. I belong to a microscopic minority community, but what we lack in numbers we are making up by devotion and love of our country and the Empire. We are at a very critical stage just now when the Empire is in a life and death struggle, and the Congress has sprung upon us a demand that they should be allowed some sort of government by which they can perpetuate tyranny of the majority on the minority. You hear these people very glibly talking of freedom. What is freedom? This House is an emblem of that freedom? We do not want that kind of freedom whereby the Congress can perpetuate tyranny as is being done in the Congress governed provinces under the garb of non-violence put forward by Mr. Gandhi. When trouble brews the Congress takes refuge in Mr. Gandhi's non-violence and they follow his lead. Now, Mr. Gandhi, in his personal capacity has offered unconditional help; why then do they not follow him now? It would appear that the Gandhian cult is only an end to a means and that it is made use of when necessity arises. The Congress attitude in bargaining at this particular juncture reminds me of three brothers in a household. These three brothers had differences among themselves regarding the management of the property. They were suddenly attacked by burglars but the junior member remained aloof and said, "unless you promise to make over the charge of the property to me, I am not going to take any part in repelling these burglars." Is this attitude natural? There are quarrels in all families, but directly an outsider appears, the ranks are closed and they keep together.

The other point to be considered is that India in entirety as also the British Empire are agreed that this Nazi aggression should be resisted and unless this is done, there will be no room for anybody else. But though appeals have been made to my brothers on the opposite side, they can only see their own view point. If they really represent the country, then why do they want any condition? It is simply because they do not represent the country, except so far as their vocal performances are concerned. They say "unless you give us freedom, we won't help you." This shows the Congress in its worst and naked form of pure communal selfishness. (*Hear, hear.*) The Poles have been rendered homeless and trampled upon, but the Congress says, it does not matter we should look after our ourselves. Czechoslovakia has been wiped off from the map, but it does not affect the Congress. Austria is now under the heel of the Nazi boot, but it does not matter to the Congress. They want to keep somebody under the heel of their own boot.

5-55 P. M.

(At this stage the Assembly adjourned till 6-25 p.m. to enable the Muslim members to break their fast).

The Assembly re-assembled at 6-25 p.m., Mr. Deputy Speaker in the chair.

Mr. E. Few : Sir, I was saying that the Congress was pressing these demands in spite of the fact that other nations were being obliterated day after day. Therefore, it seems to me that no humanity is left in the High Command. India is at a very critical stage and this is the time when we should all unite together and give of our best. The very fact, that the war is being waged for the purpose of maintaining the principle that right should prevail

(Mr. E. Few.)

over might, should be sufficient for those people who have got no doubt on the subject, because these people have always been claiming that they won the last war. But I do not think they can really lay any claim to that. The last war was won by the peasantry of the Punjab (*Hear, hear*), Muslims and Sikhs. (*Hear, hear*). If they are needed again, I hope, they will be there in the firing line to defend the honour of the Punjab and the Empire.

I have nothing more to say except that we are very fortunate at this juncture to have so noble an individual as the Honourable Premier at the helm of the affairs of the Punjab. The Punjab knows him and he knows the Punjab. When he speaks, it is the voice of the Punjab that speaks. (*Hear, hear*). We owe our allegiance to him and if we follow his lead, I am sure, the result will be that he will lead the Punjab to victory and to our desired end, namely the Dominion Status. (*Hear, hear and applause*).

Mian Sultan Mahmud Hotiana (Pakpattan, Muhammadan, Rural) (*Urdu*): Sir, I rise to support the war resolution moved by my honourable friend, Sardar Bahadur Sardar Gurbachan Singh. It is a matter of gratification that this resolution has been welcomed by a large number of the honourable members of the House. But I intend to make only a few observations with regard to the alternative resolution or amendment, whatever it is, which can safely be divided into 4 parts. In the first part it has been regretted therein that the United Kingdom has made India a participant in the current war without her consent and approval. My submission is that it is not the United Kingdom that has forcibly dragged India into the war but it is India herself that has, in view of her own interests, expressed her willingness to take part in the war. When the Honourable Premier tendered his offer of unqualified support and co-operation to the United Kingdom he did not at all mention that he was doing so at the instance of the former. On the other hand he openly declared that he was making the offer of his own accord.

Besides this, Punjab can only take benefit out of the present war if England comes out victorious. Only in this case our demands can be met and dreams materialised. As far as Indo-British connection is concerned I would submit that never was the safety of India so vital as it is to-day. It is high time to catch time by its forelocks and take advantage of the friendship of the English; if we lose this opportunity, take it from me that everything is lost and it will be nothing but a serious political blunder. I again submit that our aspirations can be satisfied in case we help England and then after that we lay our demands before them. We should not be *bantias* and businesslike as to bargain with the British at this important and critical moment in history. What we should do is to express our loyalty by action and do something solid for the British which can only be done by placing our services at their disposal.

Then, Sir, my submission is that we should not be inactive. Supposing God forbid, India or the Punjab is attacked, who will go to the front to protect the security and honour of the Punjab and to save us from Fascist aggression? Only the English would come to our rescue, as we are not powerful enough to resist that aggression. Moreover when the English are fighting in the name of justice, when they are fighting in order to protect small nations and small states from Nazi aggression, when they are fighting

for the sake of Poland and when they stand by their pledges with Poland I think there is no reason why we should not help the English who are at war with Germany for such a noble and high cause.

The second point that has been opposed by the other side of the House is with regard to unconditional help. In this respect, I would like to submit that Mahatma Gandhi at first was also of the opinion that unconditional help should be given to Britain. But the difference is this that Mahatma has not been faithful to his words and has changed his opinion while our Premier has not changed that opinion and is true to what he has once said. (*Hear, hear*). I have got many instances where Mahatma Gandhi has changed his opinions. Sometimes he says, I am at one with the views of the Congress and sometimes he says, no I am contrary to them. At one time he says, he will do civil disobedience and at another time he changes like wind.

Dr. Gopi Chand Bhargava : I challenge the statement of the honourable member.

Mian Sultan Mahmud Hotiana : Then another objection has been raised by the opposite benches that the services offered by the faithful and loyal people of the Punjab has been offered against the wishes of the Assembly. This objection seems to be very strange. Just imagine when the number of offers made by the people of the Punjab exceeds the number of electorates what should we take? When this is the condition one cannot say that the offers have been made against the wishes of the Assembly which represents the electorates of this province. It clearly shows that the people at large are going to co-operate with the Government with heart and soul in rendering their services to the English. And I am proud that to help in this war against aggression, thousands have come forward from every community and tribe in the province to offer themselves for recruitment.

Then after so much had been said against the attitude and conduct of British towards India, Dr. Gopi Chand Bhargava also stated that provincial autonomy has proved successful in this country and, therefore, England should reward us with Dominion Status. My submission is that the Congress Party to which my honourable friend belongs has not been able to satisfy the minorities of a single province out of eight provinces. And out of those eight provinces, I am afraid, he cannot quote a single instance where they have proved themselves competent enough to administer the province and besides that they are unable to quote any instance of any Congress province whose minorities have declared that they are pleased and satisfied with the Congress Government. When my learned friend, Dr. Gopi Chand says so he should not turn a blind eye to one of those provinces where firing was resorted to like firework.

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

Mian Sultan Mahmud Hotiana : I want to make one more submission and then I will resume my seat. May I ask one question? Do my friends remember that meeting of different leaders when the Viceroy summoned them in order to arrive at a mutual understanding? Do they remember what happened in that meeting? One leader turned his face towards the east and another towards the west, hence they could not place a mutual demand before the Viceroy and therefore the negotiation failed to bear any fruit.

(Mian Sultan Mahmud Hotiana.)

As far as negotiation with the Viceroy is concerned my friends who are sitting on the opposite benches may rest assured that this battle will be won by our Premier. Let the present war come to an end and our Premier would again come forward and would get for us such a constitution by which everybody will be entirely satisfied. With these words I finish my speech and pray to God, the Almighty that to-day as our leaders Mr. Gandhi and Mr. Jinnah are sitting at Delhi with His Excellency the Viceroy and a problem of grave importance is before them to be settled, they may come to a useful and healthy decision so that the names of Mahatma Gandhi and Mr. Jinnah may be written in gold on the pages of history. Let us pray to God that we may listen to very pleasant news to-night on the Radio. (*Voices of 'amen'.*)

Master Kabul Singh (Jullundur East, Sikh, Rural) (*Punjabi*): Sir, realising the horrible consequence of the war we must, before deciding one way or the other know as to what are the British war aims. You are aware of the fact that on the 3rd September the spiritual leader of Sir Sikander, Mr. Chamberlain stated that Britain had entered the war for defending the rights of all nations to live their own lives, for defending democracy and for checking the Nazi aggression. In order to judge the veracity of his statement let us take into consideration his past record of six years. But before taking into consideration this record we should bear in mind that after the last Great War class war began in every country. The peasants and labourers were inclined towards socialism more and more. As a matter of fact Communist Government was established in Russia. Now in view of the statement referred to above so far as the question of the independence of nations is concerned, we are aware of the fact that Japan devoured Manchuria and Mussolini took possession of Abyssinia and Albania but Mr. Chamberlain had long slept over these facts. Let alone checking the aggressors, he even secretly supported Mussolini. So far as the question of defending democracy is concerned the example of Spain is before us. Previously a popular Communist Government was reigning in Spain. But due to the connivance of Mr. Chamberlain now the monarchists and big landlords are reigning supreme. Besides, Herr Hitler and Mussolini openly helped the rebels. Mr. Chamberlain was seeing all these facts but he remained unmoved, and adhered to the policy of neutrality. Not only he remained neutral, but he even compelled France to observe neutrality. Now the result is before the world that instead of popular Communist Government to-day a Fascist of the type of Franco is at the helm of affairs in Spain. Thus Mr. Chamberlain instead of defending democracy gave a great encouragement to Fascism.

Now coming to the question of the Nazi aggression I can say without fear of any contradiction that there is the hand of Mr. Chamberlain in it as well. The reason for this is not far to seek. After the Treaty of Versailles the power of France was on the increase. Mr. Chamberlain fearing from the rivalry of France and further in order to keep the balance of power in Europe thought it necessary to strengthen the position of Germany. In view of this he encouraged Germany to make fortifications in the Rhineland where according to the Treaty of Versailles fortifications were not to be allowed to be made. Ostensibly his object was to increase the power of Hitler

so that France from fear of Germany should always remain dependent on Britain. Besides Germany took possession of Austria. But Mr. Chamberlain and his Government did nothing. Then again he himself handed over Czechoslovakia to Hitler. As a matter of fact even the Russian Government was prepared to help the democratic Government of Czechoslovakia. But Mr. Chamberlain after getting this promise from Hitler that he would attack the Communist Government of Russia, handed over the said country to him. I am confident that if Hitler had assured Mr. Chamberlain of his intention of attacking Russia even Danzig and the Corridor would have been handed over to him silently, because the British Imperialism wishes to keep at a safe distance from the communist and socialistic Government of Russia. To-day her military power is so great that it is not a child's play to begin hostilities against her. Hitler and his military advisers knew this thing full well. And that is the reason why Mr. Chamberlain could not persuade Hitler to attack Russia.

Now Sir, in order to put a stop to the Nazi aggression in Europe Russia wanted to conclude a treaty of mutual assistance between herself, France and Great Britain. The British statesmen carried on negotiations for a long time but were not successful in their efforts. The reason was that Russia wanted that Great Britain should give a guarantee similar to that which they had given to Belgium, to Estonia, Latvia and Lithuania that in case of an attack from any power Great Britain would help them. But the British statesmen did not agree to this. Against this they wanted Russia to help Poland in case of an aggression from any power. Besides the condition on which the help was to be given was that she should not send her forces to fight on the Polish soil. What a funny proposal? It meant that after finishing with Poland when Hitler challenged Russia on her own soil, then and then only she was to fight and not before. But I may point out that Russian statesmen were not such simpletons as the Britishers thought them to be. The result was that after some futile negotiations they came back without meeting with any success. (Premier: It looks as if the whole Cabinet of Russia is seated here). I may point out to-day that our Premier wishes to gather support for the Britishers in their war against Hitler by raising the bogey of Russia and by resorting to other propaganda. But I wish to point out that this war would never have occurred if Russia, France and England had come to an agreement among themselves. It will not be out of place to mention that the real cause of the breakdown of the negotiations was that the Britishers wanted to have undue advantage over Russia. Moreover they wanted to get out of this difficulty by setting Germany against Russia. But Russia knew very well this diplomatic move of the British statesmen. That was the reason why the Russian Government did not agree to the proposals of Britain. In this connection I am reminded of a story which aptly applies to the British statesmen. It is stated that a *biju* once attacked a *bania* and his wife. A *jat* was passing by. He came to the rescue of the *bania* and his wife. Now the *biju* left the *bania* and attacked the *jat*. At this the wife of the *bania* asked her husband to help the *jat*. But the *bania* replied, let the *jat* and the *biju* settle among themselves. Similarly, the British *bania* wanted to escape by setting *Biju* Hitler against Russia *jat*. But Russia knew very well the diplomatic moves of Britain, so he did not come round. The result was that negotiations fell through. As no agreement was

(Master Kabul Singh.)

arrived at between the three powers, so Hitler was emboldened to attack Poland. In the circumstances the whole responsibility of the war lies on Mr. Chamberlain. This is his record up to the 1st September, 1939, who as a matter of fact is not fighting for defending democracy and poor people but is fighting for the sake of giving encouragement to the aggressive activities of the Fascists.

Now Sir, the declarations of Mr. Chamberlain can be judged by his present attitude. After the destruction of Poland, Hitler submitted some peace proposals. Mr. Chamberlain not only spurned them away but he himself did not put forward any counter peace proposals. Here I wish to point out that even Mr. Lloyd George, at whose instance during the last Great War, Sir Sikander made the Muslims attack Turkey and sent to destruction thousands of Mussalmans and got the Khalifa deposed and made the Muslims to fire volleys at their own Holy places, Ka'ba and Madina, has said that they should have carefully considered the peace proposals of Hitler. But Mr. Chamberlain did not agree. And Sir Sikander is also supporting him. Let me point out that if at this time Mr. Lloyd George had been the Prime Minister of England Sir Sikander would certainly have supported him, because he is a person who will always bow before a rising sun. I wish to know from my honourable friends opposite as to why Mr. Chamberlain is fighting even after the destruction of Poland? Is he fighting for the restoration of Poland? No. Because half the Polish territory has been occupied by Russia and Britain has not declared war against her. On the other hand even Mr. Churchill and the British press are justifying her attitude. Besides may I know whether this war is being waged for the restoration of Czechoslovakia? I say no. Because even the allies are not unanimous on this point. In France a provisional Government of Czechoslovakia has been established under the presidentship of Dr. Benes with Paris as its headquarters. On the other hand the ambassador of the dummy state carved out by Hitler is present in London. From this one can safely conclude that this war is not being waged for the restoration of Czechoslovakia but it is being fought in furthering the cause of imperialism. That is the reason why the Britishers are not stating their war aims.

Now the Honourable Premier and his other colleagues say that if they did not help Britain, Germans and the Russians would invade India. And, therefore, in order to oppose them we should assist the British Government. But I ask if the Germans and the Russians invade India what opposition can these people offer? I am sure if at all the Germans and the Russians come here, my honourable friends over there would bow before them as they have always worshipped the rising sun. I can tell them plainly that Russians will never attack this country for they do not invade other countries with swords in their hands. On the other hand by establishing a communist Government in their own country for the last twenty-two years they have launched an attack against the capitalistic world. Now by giving twelve acres of land and a cow and a pig to every peasant in Poland they have launched another attack against my friends Sir Sikander and Major Khizar Hayat Khan and other big landlords of the same type. The Russians need not come here. What is needed is that their achievements should be

broadcast to the poor peasants of this country. When these peasants will come to know of such state of affairs, they will themselves settle their affairs with Sir Sikander and Major Khizar Hayat Khan.

In conclusion I may submit that this war is being waged for furthering the cause of Imperialism. Our country's and poor people's interests are not involved in it. Therefore we should have nothing to do with it. With these words I support the amendment moved by my honourable friend, Dr. Gopi Chand Bhargava.

Khan Sahib Chaudhri Pir Muhammad (South-East Gujrat, Muhammadan, Rural): Sir, those who have been following the events during the last two years, which led to this present war, know fully well how Fascist and Nazi Governments have been acting like hungry wolves and devouring petty states which had the misfortune of being their neighbours. This policy of unjustifiable aggression, if allowed to go unchallenged by the democracies and the liberty loving nations of the world, is fraught with serious consequences to the peace and advancement of the world and as it is likely to bring about chaotic confusion in the political and international relations between the civilised countries of the world, Great Britain, which occupies the foremost place in the great powers of the world, felt duty bound to come to the help of small nations, with a view to protect and safeguard the democratic principles involved and which were being mercilessly trampled upon.

It was thus that France and England were forced to go to war with Hitlerism. They tried their level best, even at the risk of being called cowards when Hitler attacked Poland without any ultimatum. India, a subject country, has been under the benign rule of the British Government for about a century and during this long period it has made considerable advance. The attainment of dominion status is its final goal and that final goal is not only near but is quite visible. This being the case we would be committing a blunder of the gravest magnitude if we, so far as the prosecution of the present war is concerned, embark on a policy which instead of accelerating our progress towards the visible goal, may retard our pace for attaining our objective for a century more. India forms an important unit of the British commonwealth and is treated on an equal basis with other units of the Empire, even with the Dominions; and at the same time has been given a definite promise of Dominion Status in the near future. This being the case, apart from other considerations, our self-respect demands that we should not lag behind any other unit of the Empire in placing our entire resources at the disposal of His Majesty the King for the prosecution of this war. On hearing the speech of Sardar Kabul Singh I thought I was in the Parliament of Russia. There are persons outside who are always trying to instigate people to disloyalty, but I think Sardar Kabul Singh has done worse by saying that Russia has no opportunity of attacking India. The war has just begun: nobody knows when and where it will end; and it is just possible that India may be involved in the trouble and the only country from which India stands in danger of an invasion is Russia. Even by keeping aloof from the war it will increase the difficulties of the British Government in the prosecution of war. We shall be helping and encouraging Russia in a way to invade India as soon as it gets the opportunity. Now

(K. S. Ch. Pir Muhammad.)

a word about the distinction between martial and non-martial races mentioned in the resolution of Sardar Santokh Singh. In this connection I may point out that this distinction has not been made by the Government. This distinction is the creation of the non-martial races themselves simply because they are not anxious to get themselves enlisted in the army; and when by chance, if a member of a non-martial race joins the army he behaves in a manner, which is not in keeping with martial spirit and totally fails as a soldier during the war time. I would, therefore, advise my friend to produce such like men so that when they enter the army they may prove as useful soldiers. With these words, I support the resolution moved by Sardar Bahadur Gurbachan Singh.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban): Sir, I rise to support the motion moved by the Leader of the Opposition (*hear, hear*). I do not support this amendment because I happen to sit on this side of the House. The issues before us to-day are really much too serious for us to decide them on the trivial question whether one sits on this side or that side of the House. The issues before us are as grave as the issues which were before the House of Commons when the question was decided to declare war on Germany. It is as serious as the decision which the German people took—rightly or wrongly—when Poland was to be invaded. We are here to arrive at an equally important and grave decision, because if the resolution moved by the Government or the Government supporters to-day is carried, it means a vast drain on the resources of the province, and it means also practically the death warrant to thousands of youngmen of this country. (*Congress benches: Hear, hear*). But there are times when youngmen are called upon to make sacrifices and when youngmen ought to be called upon and they ought to make sacrifices for the nation. What we have to consider is whether this is the time and whether, if they are to make those sacrifices, for what consideration and what ideals, for what achievement and for what hopes these sacrifices are to be made.

Now, Sir, let us turn for a few minutes to the main resolution moved by my friend, Sardar Bahadur Sardar Gurbachan Singh. That resolution, I take it, represents the view of the party in power. The resolution consists of two parts. The first part is to the following effect:—

This Assembly approves of the policy of the Punjab Government towards the present international crisis in condemning Fascist and Nazi aggression and declares its determination to resist this aggression and to protect the security and honour of the Punjab and India with all available resources of the province.

Now it is surprising how, in all the speeches that have been made by my friends opposite, they have used the words Fascist aggression and Nazi aggression. They have not used any such word at all about the Russian invasion of Poland. If Poland is the real issue in the present war, then I submit that there is no answer to the question why England is not at war with Russia? (*Hear, hear*). If Poland has been torn,

7 P. M. if Poland has been raped, if Poland is the victim of aggression, then, why has not England declared war on Russia? (*An honourable member: Discretion is the better part of valour*). It is not for me to answer that question, it is for Mr. Chamberlain to answer. Last year his air raid precautions were not ready and so he was not prepared to declare

war on the issue of Czechoslovakia. And now, because he is not prepared for war with Russia, he is prepared to allow aggression on the part of Russia, but as he thinks he can fight Germany, he is not prepared to allow aggression on the part of Germany. I am not now seeking to defend aggression on the part of anybody. That is not my position. We are here to criticise aggression whether it comes from Germany or from Russia or even of Great Britain herself as in the case of India. We are against aggression of any kind.

Now what is the next part of the resolution? It speaks of a danger to the honour and freedom of this country and declares that, therefore, it is necessary for the Government to use all its resources, its man power and so on to protect them. A statement on these lines was made by the Punjab Government in August last. May I ask what the Government has done during these two months to meet that danger, beyond arresting a few leaders in the province under the Defence of India Regulations? Has it distributed any gas masks in the province? Has it constructed a single air raid shelter? Has it purchased a single anti-air-craft gun? No. All that it has done is to utilise the Defence of India Regulations and lock-up a few persons, who made speeches. That is the entire contribution that the Punjab Government has made in connection with the war, during the last two months. The rest has been talk.

Now, coming to the second part of the resolution, it says

It (this Assembly) further desires that it should forthwith be made absolutely clear that the constitution of India shall be examined *de novo* at the end of the War with a view to immediate attainment of the objective of Dominion Status.

So far as examination is concerned, the British Government has never said that it would not be prepared to examine the working of the constitution. Even during the last war, the British Government was prepared to examine the constitution and it even did examine the question eventually but it took nearly twenty years to come to a precise stage of any tangible importance and to pass the Government of India Act of 1935. The process of examination went through all sorts of stages during which all sorts of promises were made. It said that the last war was for maintenance of democracy, that it was for safeguarding the rights of minorities, and that it was a war for justice and liberty. We heard all these things being said while we were children in those days. But when we grew up we had the Versailles Treaty. That treaty showed how the ideals of justice and liberty for small nations were really translated into practice. Now, what is the guarantee that all these declarations are not going to suffer precisely the same fate? India has had enough experience of the last war and it is not necessary now for me to excite the feelings of the Punjabis by mentioning the incidents that occurred in the Punjab immediately after the war. Perhaps England might have turned a new leaf now. What we want now is a clear and precise declaration of what its aims with regard to India are. Last time we were deceived, but shall we be deceived now? The people want a declaration that India will be an equal partner with the other parts of the Empire and nothing less. A mere declaration mind you, is asked for. Though England's previous declarations have been found unreliable, we are, nevertheless, prepared to trust her once more and leave the matter to her honour. Although it is more than two months since the war was declared it is a matter of surprise to

(Mr. K. L. Gauba.)

everyone that the British Government has not yet come forward to declare its aims though from all quarters of India there has been a splendid response of loyalty and offer of services.

Premier : Thanks to somebody.

Mr. K. L. Gauba : Thanks to you. (*Cheers*). The other day the Honourable Premier said that if he had his way he would get Dominion Status in fifteen days. I entirely agree that it lies in his power to get India Dominion Status in 15 days, but not in the way that he wants. He wants—

Premier : You leave that to me.

Mr. K. L. Gauba : We have left a great many things to you. We have relied on too many of your promises to our cost. Now, it is perfectly true that the Premier has got the power in his hands to get India Dominion Status in 15 days. Punjab is the place where the army is recruited from. If the Premier took up the position that the Congress has done, if he takes up the position that no recruitment will be made from the Punjab unless the British Government makes a clear declaration of its war aims and unless India is assured of Dominion Status, I am sure we can have Dominion Status in fifteen days. He wants us to place implicit faith in his hands. But I am afraid that the record of the last two or three years precludes us from reposing any faith in his promises.

Perhaps I have exceeded my time. I shall, therefore, conclude my speech by saying that I have carefully considered the resolution with a full sense of responsibility. I do not represent any large party in this House, nor do I represent large land owners like Sir William Roberts. But perhaps I can claim to represent the man in the street and I can say that the man in the street is prepared to take up the question of war provided you meet his demands. The man in the street is not prepared to suffer oppression or an inferior status. I think it lies with the Premier to make that perfectly clear to the British Government. A careful study of the resolution and the amendment has led me to conclude that the amendment of the Honourable Leader of the Opposition correctly represents the view point of the man in the street. I do not belong to the Congress. I have criticised the Congress on more than one occasion. I have had differences with the Congress, but I do feel that the struggle which the Congress is putting up at this moment really represents the best in this country and I think it is the duty of every patriotic Indian to sink his differences and support the cause which the Congress has taken up. (*Hear, hear and cheers*).

Sardar Gopal Singh (Ludhiana and Ferozepore, General, Reserved seat, Rural) (*Urdu*) : Sir, when my honourable friend, Master Kabul Singh was making his speech it seemed as if the distance of hundreds of miles between the borders of Russia and India had dwindled to almost nothing and that the honourable Master Sahib was making a speech preparatory to the promulgation of Russian laws and measures in the province. He has in the course of his speech very innocently asked the British Government to state its war aims. I may not be able to make him understand its designs for waging war against Germany but so far as I know, the British Government wants to give battle to every aggressor—be he a Stalin or a Hitler—who is rendering poor people homeless and making them subsist on dogs' flesh.

Sir, the British Government's war aims are quite simple and plain and they can be very easily understood. The Allies, i.e., the United Kingdom and France have taken up arms in defence of those smaller nations who were unable to maintain their political existence and integrity in face of the Nazi menace. They are out to put an end to all sorts of aggression and to uphold democratic principles against totalitarianism.

As soon as war broke out in Europe, the Honourable Premier made a declaration to the effect that his Government would offer unstinted support to the British Government in its present war operations. I may be allowed to say that the party to which I belong owes allegiance to the Honourable Premier and has most willingly accepted his leadership. It does not seem necessary for any member of my party to make a separate declaration when its leader has already done so. Since a general procedure is being followed here and everyone is expected to give expression to his views, I whole-heartedly support the declaration recently made by our leader outside the House.

Sir, it is not a matter of great surprise if His Excellency the Viceroy has not held out any assurance in his recent memorable declaration that India would be granted Dominion Status after the successful conclusion of the War. I may tell my honourable friends opposite that it is due to the diehard attitude of the majority community in India that we are being denied such assurances to-day. I am a humble member of that weak and down-trodden minority community which is groaning under the tyranny of the majority. Let the majority community understand that so long as it does not concede legitimate rights to the minorities the British Government is not prepared to strengthen its hands by giving it Dominion Status. (*Hear, Hear*).

I should also tell my leader and Mr. Jinnah that if Sir Sikander and Mr. Jinnah come to terms with the Congress and ignore 12 crores Achhuts then Dr. Ambedkar's position would be the same as of Mr. Jinnah's to-day. I must, therefore, submit that before they come to terms they should also consult our leader Dr. Ambedkar. I may again submit that this problem can be solved in no time provided the Congress leaders show their broad-mindedness and come to terms as soon as possible and do not dilate upon it any longer. God forbid, we have not lost our confidence in our Honourable the Premier and as my honourable friends who are sitting on the opposite benches are aware that the whole province is with him as far as unconditional help of the British in the present war is concerned. I being the representative of Scheduled castes also declare before this House that our services however humble they may be are at his disposal. (*Hear, Hear*). I am also at one with those honourable members of this House who belong to martial classes that now again another opportunity has arisen for them to show their loyalty to the Crown by supporting the British cause against Nazi aggression. (*Cheers*). I have also attentively listened to my honourable friend, Sardar Sampuran Singh who has threatened us of the thundering guns of Russia at our doors. I would like to submit one point in a passing manner. And that is this that I think there is nothing common between Sardar Sampuran Singh and Sardar Baldev Singh and the Russians except beard. (*Laughter and cheers from the government benches*). Then, Sir, some-

(Sardar Gopal Singh.)

of my friends who find favour with Russia have stated that Russia is not imperialist. I may submit to them that they are under a very wrong impression. The dictatorship of Russia is even worse than imperialism. Moreover I may tell them that they cannot have better masters than the English. It has been said by my friends who are sitting on the opposite benches that they are not afraid of Russia and that there is no possibility of any hostility from that side. I am sorry to say that if they had had a bit of conscience and sense they must have realised that when the Dictator of Russia can join hands with Hitler and can threaten Finland and Turkey, can he not attack India? What hitch has he got in not doing so? And I may assure my honourable friend, Master Kabul Singh that Russia would not be afraid of him. As it is said that safety lies in fear, it is high time for India to please its minorities by redressing their complaints and gird up their loins for the present war. Mussalmans and Achhuts must be given their due rights. With regard to the minorities I must assure the opposite benches that *Sararaj* cannot be attained by treading upon the claims of 19 crores of people. What do they mean by "other provinces". When there is peace there may be 11 provinces in India but when there is war there is only one province and that is the province of the Punjab. (*Hear, hear*).

Mrs. J. A. Shah Nawaz : Sir, may I with your permission ask the honourable member one question? Is he aware of the fact that one of the main reasons why the Congress could not come to any agreement with the Muslim Delegation in London was because Mahatma Gandhi did not agree to seats being reserved for the depressed classes?

Sardar Gopal Singh : Yes, I very well remember it.

Diwan Chaman Lall : May I interrupt my honourable friend? Do I take it from the Begum that she herself is a greater friend of the scheduled classes than Mahatma Gandhi? (*Opposition Cheers*).

Sardar Gopal Singh : It is abundantly clear that from the military point of view it is only the Punjab that counts. The other provinces simply do not count. Nor is there any martial tribe in them. Then there are no martial races in India other than the martial races of the Punjab and the Gurhas. I may also point out that if the English go away in that case my friends would be left to the mercy of the martial races. In the circumstances it is they who want the British to remain in India as rulers. It is in their interest to keep them here, because if they withdraw from India the trade of my friends would be stopped and their business would come to a stand still. But at the same time they do call the Sikhs and the Muslims as traitors because they want the Britishers to remain in India. In my opinion this allegation is entirely incorrect. The people who really want them to remain in India are not the Sikhs or the Muslims, but they are my friends the Hindus. I do not wish to lay any further emphasis on the point, so I leave it here.

To conclude, I may submit that as the Patnans, Jats, Zamindars and other martial races have assured the Premier of their whole hearted support, in the same way I on behalf of the martial Ramdasias, Ramdharies, and Mazbis assure him that they are at his beck and call and that they are prepared to

support the Britishers with all their available resources. As regards my friend Master Kabul Singh the following Punjabi adage aptly applies to him :—

یار دے دوار — سچان دھڑی رمائی جاون
 دے دھیا ملے نہ ملے الہ جگائی جاون

(*Loud laughter and cheers*). With these words, I support the resolution now before the House.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan, Rural) (*Urdu*) : Sir, I rise to support this resolution not in the mercenary spirit of a lawyer or a lecturer but in the capacity of an honest soldier of the Punjab. I feel that Sardar Gurbachan Singh and other honourable members deserve credit for having brought forward a resolution which truly voices the feelings of all the martial classes in the Punjab. I sincerely believe that at this juncture it is the bounden duty of the martial classes of this province to offer their unstinted and unconditional support to Great Britain in the prosecution of war.

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

Besides, I am of the opinion that a friend in need is a friend indeed. If a friend stands in need of our help, we should not deny it to him. Now at the time of this unparalleled crisis, Britain expects us to stand by her through thick and thin and it behoves us that we should respond to her appeal generously and co-operate with her in rooting out the Nazi aggression. But we deplore the barter spirit of the congress with which it has approached the issue of war. It has made its support conditional. It like the بہارے دار آؤ wants to be assured of some remuneration before giving its full support to the British Government on this grave issue. But I may submit that participation in a war is not a new thing for the Punjab. In fact we of the Punjab are proud of our past high traditions of bravery and loyalty to British Government. The honourable members must be aware of the unique record of services rendered by this province during the last Great War. In this connection my honourable friend the Leader of the opposition was pleased to remark that our country contributed lakhs of men and crores of rupees for the successful prosecution of that war, but all our services and sacrifices proved to be of no avail in getting us the substance of independence. But he conveniently ignored the fact that it was due to those sacrifices of the martial classes, that Congress was holding the reins of government in eight provinces of India.

In my opinion this is not the time for beating about the bush, nor will it do to bury our heads ostrichwise in sand. If we wholeheartedly support the British Government in her campaign against the menace of Nazism I do not see any reason why we may not get Dominion Status after the conclusion of the war?

I want to assure my honourable friends on the opposite benches that not only the young Punjabi but the young and old alike are ready to take up arms in support of His Majesty's Government at the call of their beloved and worthy leader Sir Sikander Hyat-Khan. Mine are no empty words. In spite of the extreme poverty of my district, Mianwali will again be in the forefront in supplying men and money. The havoc wrought by famine will

[K. B. Captain Malik Muzaffar Khan.]

in no way damp the loyalty of my district, and God willing it will once more make its mark as it did during the Great War.

I am not only expressing my personal feelings but I also speak on behalf of those petty land-holders whom I have the honour to represent in this House. I take this opportunity of conveying their sentiments to the Punjab Government.

My honourable friend, Sardar Sahib Sardar Santokh Singh was pleased to recommend to the Government that the distinction between the martial and non-martial classes be removed. I entirely agree with his proposal but there is one thing which should be made clear before this distinction is removed. Experience is the touchstone on which the efficiency of the fighting forces depends. I, therefore, suggest that a company composed of the honourable members from the opposite benches be formed and Lala Duni Chand be made the officer commanding while Chaudhri Krishna Gopal Dutt should be his second in command. This company should be detailed to Waziristan for active service and after six months, on its return, I will be the first person to ask the Government to remove the distinction between the martial and non-martial classes. (*Chaudhri Krishna Gopal Dutt*: I also belong to a martial class). Let him understand that martial classes are those who have laid down their lives in bloody battles and whose blood had painted the battle fields red. It is not easy to remove this distinction of the martial and non-martial classes.

In the end I want to thank the honourable mover of this war resolution and strongly support the resolution in its entirety.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, when the last great war, in which hundreds of thousands of men were killed, in which millions of pounds were spent, thousands of women were widowed and as many children were made orphans, was over the British Government was forced by the circumstances to devise ways and means of putting an end to such wholesale massacres of civil population in future. The result of the deliberations took the form of the League of Nations and its list of members included Great Britain, France, Italy, Germany, Russia Japan, etc. The first to break away from the League were Japanese. Japan attacked China and when according to the covenant of the League of Nations, restrictions were imposed upon her she resigned from the membership of the League. Then Italy in the Abyssinian campaign compelled the League to apply sanctions against her and she also left the League. Germany closely followed in her wake and finally Russia quitted the League of Nations. All of them want to make their power felt through strength and brutal force. Japan has overrun greater part of China. Italy has conquered Abyssinia. Germany started with the incorporation of Austria into the Reich, swallowed Czechoslovakia and has now annexed a part of Poland. All the time Great Britain had been tolerating these acts of high-handedness and now when the situation has become absolutely intolerable she has had no alternative but to declare war. It was only for the protection of the democracies that Great Britain took up arms, otherwise her own interests were nowhere being threatened. If the British Government had not adopted this attitude Germany was sure to have attacked the other smaller States of Europe.

HOURS OF SITTING.

Premier : I move—

That the business may not be interrupted at 7-30 p. m. but that the Speaker may adjourn the House at 8 p. m. without question put.

The motion was carried.

WAR RESOLUTION.

Captain Sodhi Harnam Singh : Sir, I was submitting that had the British Government failed to declare war against the Nazi aggression the latter would have by this time played havoc with the independence of several other neighbouring states also. In the plan of aggression the totalitarian states, i.e., Germany, Japan, and Italy have made it a principle to commit all flagrant acts of direct aggression with one accord. Not only this but also Soviet Russia, the so-called upholder of the cause of the weaker nations, has stepped forward and in spite of a vast ideological difference with Germany has joined hands with her to have its own share in the former's recent swag. It is well-known now that all these aggressors are determined to weed out democracies from the world. If the Allies are defeated in this War, India is sure to be invaded by any of these aggressors. I request my honourable friends opposite to exercise their imagination for a moment and to think as to what would be our condition under any such dictatorial regime. Just as it is being done at present in Germany and Russia similarly in India also every request for legitimate rights would be answered by a volley of bullets. My honourable friend, Master Kabul Singh should be thankful to the political sagacity of the British Government that even after saying such highly objectionable things he is not taken to task. But such a latitude would not be extended to persons of his type under any totalitarian regime. The terrific plans of these dictators include the occupation of all the agricultural countries of the world, and especially India. And so there is greater reason for us to support all those who are out to crush these dictators. Thus it is our bounden duty to place our entire resources at the disposal of the British Government. I, therefore, request the Honourable Premier to do all that is necessary for the successful prosecution of the War. With these words, Sir, I support the resolution moved by my honourable friend, Sardar Bahadur Sardar Gurbachan Singh.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) (Urdu) : Sir, I have carefully studied the resolution moved by my learned friend and Mr. Gauba has already invited the attention of the House to the first two parts of this resolution and stated how absurd this resolution is. I wish to draw the attention of the House particularly to its last part which reads thus :—

It further desires that it should forthwith be made absolutely clear that the constitution of India shall be examined *de-novo* at the end of the War with a view to the immediate attainment of the objective of Dominion Status with effective protection of due rights of the minorities and other sections and in consultation with and agreement of all the parties concerned.

Sir, when I read the last lines of this resolution I was reminded of all those persons who stood in the way of independence and freedom at a time when thousands of youngmen of the country were sacrificing their lives for this noble cause. My submission is that one can understand the position

[L. Deshbandhu Gupta.]
 that all communities and sections should be consulted as to the future constitution of India. This point has been made clear in the amendment moved by the Congress Party also. But the Unionist resolution goes further and says "agreement of all the parties concerned should be obtained." What I want to know is whether the Government have explained to the members of the Unionist Party the full implications of this riddle. Have they kept in view the history of the last 20 years while making such a proposal? Let me ask the Honourable Premier and Mir Maqbool Mahmood whether they will follow their leader, Mr. Jinnah, if an agreement on the questions of independence and the protection of minority rights is reached between him and the Congress. Does not the Honourable Premier remember that ten years back when serious attempts for communal settlement were made by the Congress and the recommendations made by the All-Parties' Conference had received overwhelming support throughout the country and an honourable settlement was within sight, the horse race leader, Sir Agha Khan, was brought to India to fail that attempt? A so-called All-Parties' Muslim Conference was held at Delhi for the purpose when both Mr. Jinnah and late Maulana Muhammad Ali were mobilising Muslim opinion in favour of the scheme passed by the All-Parties' Conference at Allahabad. Have they forgotten that at that time their very friends who are now giving us sermons on unity and independence raised all sorts of objections to prejudice Muslim public opinion against the agreed solution? Let me remind my friends that at that time when the Congress had succeeded in getting the support of Raja of Mahmudabad, persons like Sir Shafaat Ahmad and Muhammad Yakub were put up to torpedo that great effort at unity.

Premier : Which incident is the honourable member referring to?

Lala Deshbandhu Gupta : I am afraid the Honourable Premier has got a short memory, I am referring to the All-Parties' Muslim Conference held at Delhi in 1929, when the late Moti Lal Nehru was also living.

Premier : That settlement was not arrived at with the consent of the Congress and the Muslim League. Both parties met at that time. If the honourable member wants to know further details for his satisfaction he might inquire from Mr. Jinnah, and ask him what happened there.

Lala Deshbandhu Gupta : Sir, this also supports my view. All that I wish to emphasise is that there can be no constitution on which all communities, sections and interested parties can agree. This part of the resolution makes an absurd proposition. I cannot help expressing my fears that if to-day an agreement between Mr. Gandhi and Mr. Jinnah is reached some of these very gentlemen, who are to-day declaring Mr. Jinnah to be their leader, will disown him.

Sir, I fear lest history may not repeat itself. The history of the last 20 years shows that whenever efforts were made for unity *pseudo-leaders* were made to raise all sorts of slogans to thwart such efforts. In view of all this one is simply amazed to find that a resolution has been tabled by my friends opposite in which it is stated that the future constitution of India should be framed in consultation with and "agreement of" all the parties concerned which they know full well is an impossible condition. How strange it looks that the very persons who are responsible for the present disagreement and

disunion in the country are to-day preaching sermons on unity to us! May I point out to them that the bogey of Hindu majority which is raised by them has no real basis? It is a mere myth. With your permission, Sir, I shall read a small paragraph from one of Mahatma Gandhi's recent articles in "the Harijan" in which he has dealt with this question at length. He says:—

I know the fashion is to talk of the Hindus forming the majority community. But Hinduism is an elastic indefinable term, and Hindus are not a homogeneous whole like Muslims and Christians. And when one analyses the majority in any provincial legislature it will be found to consist of a combination of the so-called minorities. In other words and in reality so far as India is concerned, there can be political parties and no majority or minority communities. The cry of the tyranny of the majority is a fictitious cry.

Does not the example of our own province lend support to the view expressed by Mahatmaji that the Hindu majority exists in fiction? Similarly, the so-called religious minorities are a myth. There can be only political minorities in the country. My honourable friend, Begum Shah Nawaz, has just blamed my honourable friend, Sardar Sampuran Singh, for having opposed the unanimous formula for unity at the Round Table Conference. But may I ask her as to why she does not direct her attention to her own side and put this question to Sardar Ujjal Singh, who was the leader of the Sikh delegation at that time? Is it because to-day he is sitting on her side as a Parliamentary Secretary that she does not wish to throw the blame on him? In short, my contention is that there can be only political parties and no majority or minority communities. In addition it has been said that it is not correct to say that the Britishers want to hold India any more, and that the Unionists also stand for the freedom of the country. Let me read once again from "the Harijan" and tell them which category they belong to. The Mahatma writes:—

Britain has hitherto held India by producing before the world Indians who want Britain to remain in India as ruler and arbiter between rival claimants. These will always remain.

This applies to my friends. As a matter of fact my friends who to-day claim themselves to be the great supporters of unity are those very persons whom Britain has always used for its purposes. They have never made any sacrifice for winning India's independence. This fact cannot be denied that even now these people are playing into the hands of John Bull who is their real leader. They dare not say a word against his will. In this connection I am reminded of a beautiful poem by a well known Punjabi poet in which he has drawn a true caricature of my friends. I will not recite the whole poem, but with your permission, only quote one or two verses. Describing the Unionists the poet says:—

مے جان بل جہاں مون نہ مگا مہارا
انگوڑ کا مے خادم اک اک جہاں مہارا
انگوڑ کی غلامی جہاں میں مارے
آسان نہیں ملانا نام و نشان مہارا
برطانیہ سے کہ دو جب تک مہارا دم ہے
خادم رہیگا اس کا ہند۔ ان مہارا

I do not wish to lay any more emphasis on the point that the courage and bravery of my friends is only limited to this much and no more.

L. Deshbandhu Gupta.]

Let me now invite your attention to the remark made by my friend, Mir Maqbool Mahmood, who said that the war was not of Britain's seeking. He has said so to justify the attitude of the Unionist Government towards war, but he forgets that the other day when asked as to what his Government's attitude would be if to-morrow Britain becomes an aggressor against some small country, his leader replied that even in that case he would be the first to support the British Government.

Premier : Who said so ?

Lala Deshbandhu Gupta : Refer to the debates.

Mr. Speaker : The honourable member will please avoid reference to debates of this session.

Premier : I am afraid my honourable friend either did not hear me or else he is making a statement which is not at all correct.

Lala Deshbandhu Gupta : If you are prepared to revise your opinion to-day I shall be the first person to welcome it. But I must say that this is a fact and it suits my honourable friend to forget it so soon.

Premier : I am sure that all these facts are incorrect and the responsibility lies on my honourable friend.

Lala Deshbandhu Gupta : I assert that it is in the personal interest^s of my honourable friends to co-operate with Britain and to justify her actions. Let them frankly admit that and I shall have nothing to say against them in this respect, for, after all, in this world every one is free to choose his purpose in life. Some people have set an ideal before them that they would fight for their country and win independence. The ideal of my friends opposite is to fight for and always co-operate with Britain. Let me also say a word about the military forces that are now paraded before us. It is the same military which resorted to firing in the bazaars of Peshawar while Hindus and Muslims were jointly shedding their blood for the sake of the Khilafat.

Premier : Rest assured your speech will not reach Delhi. I request the press not to publish it.

Lala Deshbandhu Gupta : I know that the Premier has already taken that precaution and warned the press not to report my speech. Let him at least have the patience of hearing the hard facts on the floor of the House. Why should he get perturbed over it ? What I wish to emphasise is that if it suits my friends to say that they would support Britain in all eventualities, they may give this assurance to the British Government by all means. When the time comes they will once again be awarded jagirs and squares of land for their services. But I wish to tell them that they should not at least deceive their province.

My honourable friend, the mover of the resolution stated that the Sikhs of the Punjab were prepared to co-operate with the Britishers unconditionally. I challenge this statement and with full sense of responsibility make an offer to him and to my honourable friend, Sir Sundar Singh Majithia, to resign their Assembly seats and contest the re-election on the war issue with my honourable friend, Sardar Partab Singh, or for the matter of that with any other Sikh member of the Opposition to judge whether public opinion is on his side or on the side of the Congress (*Cheers and interruptions*).

If the public opinion is not on his side, he cannot succeed in throwing dust in the eyes of the world by mere expressions of loyalty. This being the position to persist in that attitude is, to say the least, an act of treachery to the country.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, I thought that my learned friend who preceded me would, while discussing this resolution, advance his reasons to show that the British should not be helped at this critical juncture. But I regretfully say that he, like other speakers, has miserably failed to make out a case. In this connection whatever he said amounted to a sheer criticism of the conduct of the Honourable Premier, the Ministers and the Unionist Party. I would submit that mud slinging, use of vituperative language and raising of such a hue and cry would not help them. All these things have rather convinced me that their efforts would not be crowned with success. Their position is like that of a person who having failed to adduce weighty arguments begins to indulge in sinister attacks. The real issue before the House is whether we should help the English in the prosecution of this war. But my honourable friend preceding me sometimes referred to the Khilafat agitation, sometimes to the Delhi conference and to other irrelevant matters which had absolutely no bearing on the subject under discussion. I fail to understand as to what my honourable friend wanted to show by making a reference to the Khilafat movement and since when and why he has advocated its cause.

Lala Deshbandhu Gupta: I was in jail in the days of the Khilafat movement.

Khan Bahadur Nawab Chaudhri Fazl Ali: Let him be there. Nobody stands in his way. May he remain there for ever. But so far as we are concerned we consider jail as a great curse. We do not even wish our enemies to be in jail. It is only the guilty persons who are sent to jail, but under certain circumstances an innocent person can also be sent to gaol. However, I may point out that the real question now before the House is whether we should or should not render assistance to the British Government in this crisis. It has been urged by the honourable members opposite that Britain failed to keep her plighted word on one occasion and broke her solemn pledges on the other. The fact of the matter is that my honourable friends over there are making frivolous pretexts for not rendering assistance to the British at this hour of dire need. Then another honourable member remarked that when the British Government did not move its little finger against the aggressor who gave a death blow to the independence of two other countries, how is it that they have now declared war against the aggressor for the sake of Poland? Does my honourable friend mean to say that Britain should not sympathise with Poland and give the aggressor full latitude to destroy the weaker nations? Again, previously if for certain reasons Britain did not deem it fit to go to war, does it mean that she should refrain from doing so even now? I may point out that it is our bounden duty to help a weak nation when it is being made the victim of aggression. Decency and humanity demand that we should extend our helping hand to one who, even if he is our enemy, is at war with an aggressor in order to defend the weak. Even our religion teaches us that we should defend the tyrannised against

[K. B. Nawab Chaudhri Fazl Ali.]

the tyrant. But look at the position taken up by the honourable members over there when they say that they would not help the weak unless and until the British concede their demands. They say that they are out to condemn the tragic end of Poland. But when Britain takes up arms against the aggressor and does not permit the use of force, they come forward and say that they are not going to help the British. I may submit that this kind of attitude on the part of my honourable friends is most objectionable and against all canons of decency.

It is a sort of fashion these days to demand some return for every little thing that is done for others. May I ask the Opposition if nothing was granted after the last War? An honourable member said that the present Reforms are the result of the sacrifices made by them and the Unionist Party is eating the fruit of the tree which they fed with their life's blood. I wonder how he can have the cheek to say so when it is well-known to him that we owe all this to the sacrifices and efforts made by Hindu, Sikh and Mussalman jats of the Punjab.

Sir, so far as the Congress spirit of bargaining is concerned I need not make any comment on it. Because it is their *bania* mentality that they will try to avail of every opportunity for bargaining and benefiting by under-hand means in their dealings.

I have one complaint to make against the Government. I do not understand what they are doing. I wonder where is the necessity for His Excellency the Viceroy to invite every Tom, Dick and Harry. I am at a loss to understand what part they can play in this war and in what way they can be of any use to the British Government. All they can and will do is to trade their wares for four or five times their original price. They will no doubt sell one tin of ghee for the price of four. They have nothing to lose by this or any other war. It is we the martial classes who will bear the brunt of this war and will lay down our lives on the battlefield, whereas they will only be making money by carrying on their business as usual. You cannot expect us to sit tight and not to move our hands to assist the British Government when our country is in danger. (*Interruptions.*) Is it gentlemanly to make such a din when some one is speaking?

Every one must do his duty to his King and country. We are soldiers and our duty will take us to the theatres of war. You are businessmen and your duty will be to take up your scales and weigh whether you do it honestly or dishonestly. We have to perform our duty regardless of the fact whether what others are doing is good or bad.

I was at Simla when our Premier issued his timely statement. On my return hundreds of men of my district came to me and sought my advice as to whom to send their offers of services and to whom to address their telegrams. The deputy commissioners of the various districts find no time to do any other work excepting that of receiving such offers. The newspapers are full of lists of those persons who have offered their services and resources. Self-respecting persons know that it is necessary to give proper help to Great Britain. In our district various communities and people of different shades of opinion held public meetings in which they resolved t

offer their services. On the occasion of the Honourable Minister of Education's visit to Lalamusa our Deputy Commissioner in the course of his speech remarked that he was receiving such a large number of offers of help from the district that it left no time for him to attend to his own work. On the other hand the letters offering help and the reports of the proceedings of such public meetings have increased the work of the Government departments so much so that the Government has had to issue orders that such letters be sent to their respective deputy commissioners.

My honourable friends blame the British but they must bear in mind that so long as they do not have unity in India it is impossible for her to get Dominion Status. The English will go on ruling India for a thousand years more if we do not unite. It is only through unity that we can attain freedom.

Those who do not understand the circumstances which led to the present war, those who do not know all the particulars about Poland, are not in a position to judge whether Great Britain is fighting for a just cause or not. My honourable friends opposite who do not know what monarchical change means, do not realise that a new king in place of even a tyrant is always a curse, because in the newly established regime neither the life and property nor the honour of the people is safe. But what have our friends to worry their heads about when they know that the War will be fought by the martial races and if India were defeated they could very easily go to the victor and say that they had all along hated the British and that that was evident from the resolutions they moved before the war. Every thing is expected of these people who have neither sympathy nor good wishes for any one—

کرکھی مر - کو یی جیڈو - شہرا کھول پتاسے پڈو

(Laughter.)

I assert with all the emphasis at my command that nothing can prevent us from taking part in the war.

8 P. M.

(At this stage the Assembly adjourned till 12 Noon on Monday, 6th November, 1939.)

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 6th November, 1939.

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

DISMISSALS OF HINDU AND SIKH EMPLOYEES OF THE LAHORE MUNICIPALITY.

868. Dr. Sant Ram Seth : Will the Honourable Minister of Public Works be pleased to state—

- (a) the number, community-wise, of municipal employees working under the Lahore Municipality in 1937, 1938, 1939, excluding the menial staff;
- (b) whether it is also a fact that a deputation consisting of Rai Bahadur Mr. Mukand Lal Puri, Member, Legislative Assembly, Lala Sita Ram, Member, Legislative Assembly, Lala Guranditta Mal Kapoor and others waited upon the Deputy Commissioner of Lahore on 25th July, 1939, to represent the grievances of the Hindus and Sikhs; if so, what action does the Government propose to take in this connection;
- (c) the number of dismissals community-wise from the Municipal Committee, Lahore, in 1937, 1938, 1939?

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

STUDENTS READING URDU, HINDI OR GURMUKHI IN SCHOOLS IN THE PUNJAB.

869. Dr. Gopi Chand Bhargava : Will the Honourable Minister of Education be pleased to lay a statement on the table of the House showing separately the number of students studying Urdu, Hindi or Gurmukhi, respectively, in each area under the jurisdiction of an A. D. I. of Schools in the Punjab on 31st March in each year from 1937 to 1939?

The Honourable Mian Abdul Haye : I regret I am unable to reply to the question as the benefit derived from the supply of the desired information will not be commensurate with the labour and expense involved in the collection thereof.

ALLOTMENT FOR IN-DOOR PATIENTS IN CIVIL HOSPITALS AND DISPENSARIES IN THE PROVINCE.

870. Mrs. Duni Chand : Will the Honourable Minister of Education be pleased to state the total yearly amount allotted to all the civil hospitals and dispensaries in the province to feed in-door patients and the number of in-door patients admitted into each of those hospitals and dispensaries during the last financial year?

The Honourable Mian Abdul Haye : The labour involved in collecting the information asked for by the honourable member would not be commensurate with the results.

**GOVERNMENT HIGH SCHOOLS IN THE PROVINCE AND
FEES PAID BY STUDENTS.**

871. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to state—

- (a) a list of all Government high schools in the province with the number of students in each class, the amount of fee paid by them and pay bill of the staff as on 30th June, 1939 ;
- (b) a statement of income from fee to each school for the year ending 31st March, 1939, and amount of loss contributed by the Government ?

The Honourable Mian Abdul Haye : The honourable member is advised to consult the printed list of high schools in the Punjab which also gives enrolment. A copy of this list was supplied to him by the Education Department in January this year.

The value of the remaining information would not be commensurate with the time and labour spent on its collection.

**CANDIDATES WHO APPEARED, FAILED AND PASSED IN PRABHAKAR
EXAMINATION.**

872. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to lay on the table of the House a statement showing—

- (a) the number separately of candidates who appeared, who passed and who failed in Prabhakar Examination, 1930 to 1939 separately for each year ;
- (b) the number of candidates who appeared, passed and who failed in papers Nos. 3 and 5 of the said examination during the years mentioned in part (a) of the question and also the number of candidates who obtained less and who obtained more than 30 marks in these two papers ;
- (c) the information asked for in parts (a) and (b) with regard to any of the 10 centres except Lahore, Amritsar, and Delhi including Ambala and Ludhiana for the above period ?

The Honourable Mian Abdul Haye : (a)

Year.					Number appeared.	Number passed.	Number failed.
1930	..	..	..	..	75	30	45
1931	..	..	..	..	110	45	65
1932	..	..	..	..	152	56	96
1933	..	..	..	..	190	73	117
1934	..	..	..	..	243	72	171
1935	..	..	..	..	274	126	148
1936	..	..	..	..	339	153	186
1937	..	..	..	..	397	147	250
1938	..	..	..	..	542	247	295
1939	..	..	..	..	623	263	360

(b) and (c) It is against the established practice of the Punjab University to publish such information.

CENTRES OF COMPULSORY EDUCATION IN AMBALA DISTRICT.

873. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to lay on the table of the House a statement—

- (a) giving full information of all centres of compulsory education in the Ambala district as on 31st March, 1939, with particulars, such as the number of boys receiving and also of boys not receiving education in respect of each tahsil ;
- (b) containing the number of boys receiving education class-wise from infant to 10th class in all schools as on 31st March, 1939, in respect of each tahsil ;
- (c) containing the number of middle and high schools of boys with number of students class-wise from infant to the 10th class learning English with name and place of school in the Ambala district as on 31st March, 1939 ?

The Honourable Mian Abdul Haye : I regret I am unable to reply to the question as the benefit derived from the supply of the desired information will not be commensurate with the labour and expense involved in the collection thereof.

REMODELLING OF MOGAS.

874. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state—

- (a) how many applications were received for the remodelling of mogas by the Canal Department, Bathinda division, from January, 1938, to 1st October, 1939 ;
- (b) the reasons for remodelling them and the expenditure incurred in that connexion ;
- (c) whether it is a fact that Government undertakes the work of remodelling of mogas only in those cases in which they received applications for that purpose ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Four hundred and eighty-six applications were received regarding shortage of supplies on outlets and their shifting or splitting.

(b) Outlets were remodelled either because they were not working well or because the design of the channels was changed to improve their working.

Rupees 2,876 were spent during the period.

(c) Individual outlets are remodelled when applications are received.

Outlets are remodelled without receiving applications if they are over-drawing and tails of channels are suffering from shortage of supply. Outlets are also remodelled without applications when the design of a channel is changed to improve tail supplies.

RELIEF FOR THE ZAMINDARS OF FEROZEPORE DISTRICT.

875. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that in the Ferozepore district generally and in the *ilagas* of *thana* Bagha Purana, Muktsar and Nathana particularly, *chari*, *makki* and *guara* crops have been destroyed by pest; if so, the action the Government proposes to take to give relief to the zamindars of that area who have been continually suffering for the last three years on account of famine conditions?

The Honourable Dr. Sir Sundar Singh Majithia : With the exception of Rabi circle and some of the *barani* villages of the Nathana sub-tahsil, the damage to crops is not appreciable.

There has been shortage of rain, but as 49 per cent of the area in this district is irrigated, it is wrong to say that the zamindars have been continuously suffering from famine conditions.

The question of granting relief does not appear to arise at any rate till after the results of the girdawari are known.

RELIEF FOR FAMINE CONDITIONS IN FEROZEPORE DISTRICT.

876. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state whether it is a fact that owing to the paucity of rains in the Ferozepore district generally and particularly in the *ilagas thana* Bagha Purana, Nathana and Muktsar, severe famine conditions are prevailing in consequence of the failure of *barani* crops; if so, the action the Government propose to take to give relief to the zamindars of that area?

The Honourable Dr. Sir Sundar Singh Majithia : The attention of the honourable member is invited to the reply given to question No. 875 above.

REMISSION OF LAND REVENUE IN CERTAIN VILLAGES OF FEROZEPORE DISTRICT.

877. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that owing to the paucity of rains for the last three years no kharif and rabi crops have been sown in the villages Gobindpura, Joga Nand, Bibiwala, Mahna, Tung Wali, Kahan Singh Wala, Bacha Kalan and Bacha Khurd, in the Ferozepore district, and that even those which were sown were destroyed;

(b) whether the Deputy Commissioner, Ferozepore, has received any representations for the remission of land revenue from the zamindars of the villages mentioned in (a); if so, the action taken on them?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Information available does not bear out the honourable member's statement excepting in village Kahan Singhwala.

(b) Yes. They are being examined and relief, where necessary, will be given in due course according to rules.

REMISSION OF ABIANA IN CERTAIN VILLAGES OF FEROZEPURE DISTRICT.

878. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that in the villages Mahraj, Labra, Dhodlok, Labra, Sondha, Labra Mahabbat, Labra Bega, Ganga, Gohind-pura, Joga Nand, Bibi Wala, Mannha, Beg Wali, Bacha Kalan, Bacha Khurd, Chak Kahana Singh Wala, Chak Om Singh Wala, Chak Fatah Singh Wala, Chak Bohr Wala, particularly and in *ilaga* sub-tahsil Nathana, generally, *makki* and *ghahri* crops have been destroyed by pest and the *gwara* crop has also been severely damaged by *tela*;

(b) whether it is a fact that the zamindars of the above-mentioned villages have submitted representations to the canal authorities for the remission of *abiana*; if so, the action Government propose to take in the matter to give adequate relief to the sufferers?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Yes. Some damage occurred to early sown crops.

(b) Representations have been received and are being dealt with according to the rules.

CANDIDATES TAKEN AS CONSTABLES OR ASSISTANT SUB-INSPECTORS OF POLICE BY SUPERINTENDENT OF POLICE, FEROZEPURE.

879. Sardar Tara Singh : Will the Honourable Minister for Public Works be pleased to state—

(a) community-wise the number of those candidates who were taken as constables or assistant sub-inspectors of police by the Superintendent of Police, Ferozepore, between April, 1937, and October, 1939;

(b) the number of persons taken into the Police Department from the *ilagas* Nathana, Bagha Purana, Muktsar in the Ferozepore district, during the period mentioned in (a) together with their names, parentage and home addresses?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) *Constables*.—Hindus 11, Muslims 98, Sikhs 99.

Assistant Sub-Inspectors.—Direct appointments to the rank of assistant sub-inspector are made by Range Deputy Inspectors-General of Police and the Assistant Inspector-General, Government Railway Police; not by Superintendents of Police. During the period in question the Deputy Inspector-General of Police, Eastern Range, appointed one Sikh and one Hindu from the Ferozepore district.

(b) From Nathana 8
From Bagha Purana 12
From Muktsar 4

It is not the practice to give names in such cases.

**ACADEMIC QUALIFICATIONS OF CLERKS IN THE OFFICE OF THE
DEPUTY COMMISSIONER, FEROZEPORE.**

880. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state, community-wise, the number of clerks in the office of the Deputy Commissioner, Ferozepore, and the number of B.A.'s and LL.B.'s among them ?

The Honourable Dr. Sir Sundar Singh Majithia :

		Total number.	B. As.	LL.Bs.
Clerks ..	Muslims ..	49	1	..
	Hindus ..	50	4	..
	Sikhs ..	24	2	..
	Others ..	1	..	..
	Total ..	124	7	..
Leave Reserve Ap- prentice Clerks.	Muslims ..	5	1	..
	Hindus ..	5	2	..
	Sikhs ..	2	..	..
	Others ..	..	..	..
	Total ..	12	3	..
GRAND TOTAL ..		136	10	..

**ADDITIONAL POLICE POST STATIONED IN CERTAIN VILLAGES
IN THE FEROZEPORE DISTRICT.**

881. Sardar Tara Singh : Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that an additional police post has been stationed in the villages Gholia Kalan, Gholia Khurd, Manoke Kalan in *ilaga* Nathana Bagha Parana in the Ferozepore district ; if so, the period for which it has been stationed, its annual expenditure and the manner in which it will be realized from the inhabitants of those villages ;

(b) whether he has received any representation from the residents of the village Manoke requesting that the expenditure in respect of the said punitive police post may be charged only from villages Gholia Kalan and Gholia Khurd where murders usually take place and not from the people of village Manoke ; if so, the action the Government has already taken or proposes to take on that representation : if no action is contemplated the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) Additional police have been located in the area comprising villages Gholia Kalan, Gholia Khurd, Phulewala and Manoke for two years with effect from the 15th December, 1938, at an estimated cost of Rs. 8,187-4-6 for the first year and Rs. 7,447-4-6 for the second. The cost will be apportioned among the inhabitants in the manner prescribed in subsection (4) of section 15 of the Police Act, 1861.

(b) The honourable member is asked to refer to the answer given to his recent Question *4778¹.

**GRANT TO DISTRICT BOARD, FEROZEPUR, FOR MAINTENANCE
AND DEVELOPMENT OF ROADS.**

882. Sardar Tara Singh : Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of money given by the Punjab Government to the District Board, Ferozepore, during the financial years 1936-37, 1937-38, 1938-39 and 1939-40 for the improvement, maintenance and upkeep of roads in that district ;
- (b) the name of the area in which the above-named district board has constructed new roads out of the grant referred to in (a) ; if no new road has been made, the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) Grants-in-aid totalling Rs. 1,35,981 were given to the District Board, Ferozepore, for maintenance and development of roads, as shown below :—

	Maintenance.	Development.
	Rs.	Rs.
1936-37	34,710	..
1937-38	44,114	7,598
1938-39	24,559	8,600
1939-40 (Payment to be made yet)	16,000	400
Total	1,19,383	16,598

(b) Against the development grant of Rs. 16,598 the District Board improved and constructed the following roads in the area noted against each :—

	Year.	Area.	Amount.
			Rs.
(a) Metalling Bagha Purana Nihalsingh-wala Road.	1937-38 ..	Moga ..	6,000
(b) Construction of culverts on the above road.	1937-38 ..	Moga ..	1,598
(a) Metalling Bagha Purana Nihalsingh-wala Road	1938-39 ..	Moga ..	5,000
(b) Improvement of Muktsar-Jalalabad Road.	1938-39 ..	Muktsar ..	3,800
Improvement of Muktsar Jalalabad Road (Payment to be made yet).	1939-40 ..	Muktsar ..	400
Total .. .. .	..	..	16,598

NEW AND IMPROVED METHODS OF AGRICULTURE.

883. Sardar Tara Singh : Will the Honourable Minister of Development be pleased to state whether it is a fact that demonstrations are organized by the Agricultural Department in the various districts of the province to acquaint the zamindars with the new and improved methods of agriculture ; if so, the number of such demonstrations held in the district of Ferozepore during the last three years ; if no demonstrations have been organized there during this period, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : The reply to the first part of the question is in the affirmative. A statement showing the number of demonstrations given in the district of Ferozepore during each of the 2 years 1937-38 and 1938-39 and for a period of 3 months during 1939-40 is enclosed.

In addition, demonstrations of improved implements and agricultural exhibitions are arranged on the occasions of fairs and other public gatherings in the district. Further, methods relating to the control of insect pests, fungal diseases, etc., are demonstrated each year in a large number of villages in the district.

Statement showing the number of demonstrations given by the Agricultural Department in the Ferozepore district.

	1937-38.	1938-39.	1939-40. 3 months only
(a) Number of Demonstration plots sown.	158	192	125
(b) Demonstrations of the improved implements in the various villages.	362	671	391
(c) Demonstrations of the improved Juice-boiling furnaces.	177	80	..
(d) Demonstrations of budding old and useless ber and mulberry trees.	630	402	618

SUPPLY OF BULLS TO ZAMINDARS FOR BREEDING AND AGRICULTURAL PURPOSES.

884. Sardar Tara Singh : Will the Honourable Minister of Development be pleased to state—

- the action the Government has taken so far to supply better class of bulls to the zamindars for agricultural purposes in *ilaga* thana Bagha Purana, Nathana and Muktsar ;
- whether Government has sent any bulls of Haryana breed to the areas mentioned in (a) for breeding purposes ; if none has been sent there so far, the reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Pedigree bulls are being supplied regularly for agricultural purposes every year at concession rate in thana Bagha Purana, Nathana and Muktsar, through the District Board, Ferozepore.

(b) Bulls of the Haryana breed have been sent to the areas mentioned in (a) for breeding purposes. Their present strength in each *taqas* is as follows :—

Bagha Purana	94
Nathana	90
Muktsar	49

RECRUITMENT OF INSPECTORS OF CO-OPERATIVE SOCIETIES FROM ZAMINDARS.

885. Sardar Tara Singh : Will the Honourable Minister of Development be pleased to state—

- the number of candidates recently taken as inspectors of co-operative societies and the number of those among them who belong to the Ferozepore district ;
- community-wise, the number of persons working at present as inspectors of co-operative societies ;
- the reasons why at the time of recent recruitment the rights of the zamindars of the Ferozepore district which is a backward area, were ignored, and the steps Government propose to take to redress their grievances in this respect ?

The Honourable Chaudhri Sir Chhotu Ram :

(a) First Part	10
Second Part	None
(b) Muslims	105
Hindus	44
Sikhs	38
Christians	2
Total	184

- The number of vacancies to be filled being limited each district cannot be represented in the selections made from year to year.

RELIEF FOR THE ZAMINDARS OF FEROZEPORE DISTRICT.

886. Sardar Tara Singh : Will the Honourable Minister of Revenue be pleased to state—

- whether it is a fact that owing to acute famine conditions that have been prevailing during the last three years in the Ferozepore district, especially in tahsils Muktsar, Moga, and sub-tahsil Nathana the financial condition of the zamindars of those areas has become very wretched ;
- whether it is a fact that they are unable to pay off their *taqavi* loans ;
- if the answer to the foregoing parts (a) and (b) be in the affirmative, the action Government propose to take in the matter ; if no action is contemplated, the reasons therefor ?

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

(b) No.

(c) Does not arise.

APPLICATIONS REGARDING *BENAMI* TRANSACTIONS.

887. Subedar-Major Raja Farman Ali Khan : Will the Honourable Minister for Revenue be pleased to state—

- (a) tahsil-wise the number of applications received regarding *benami* transactions by the revenue authorities in the Rawalpindi district ;
- (b) how many of them were rejected by the tahsildars concerned ;
- (c) how many were accepted by the deputy commissioner of the district and how many were rejected out of them ;
- (d) whether Government is aware that on account of those rejections the zamindars feel so disappointed and dejected that they have given up the idea of submitting applications in respect of *benami* transactions and mortgages in future ;
- (e) the action Government intends to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia :

(a) Rawalpindi	..	..	..	..	497
Gujar Khan	..	..	..	..	297
Kahuta	..	..	..	..	87
Murree	..	..	..	..	Nil

(b) None. The tahsildars do not reject applications, but submit them for the Deputy Commissioner's decision.

(a)			Accepted.	Rejected.
Rawalpindi	..	..	5	18
Gujar Khan	..	..	34	199
Kahuta	..	..	9	20

(d) No. I may inform the honourable member that *benami* cases are generally started *suo motu* by the special tahsildar appointed to investigate such cases, and by other revenue officers during the course of their tours. The zamindars are keen to take advantage of the new legislation.

(e) None.

NOMINATION OF EXTRA ASSISTANT COMMISSIONERS.

888. Subedar-Major Raja Farman Ali Khan : Will the Honourable Premier be pleased to state—

- (a) how many Muslims and how many non-Muslims were selected this year to be nominated as extra assistant commissioners ;
- (b) how many of such candidates are related to extra assistant commissioners who are still in service or those who have retired as such ;
- (c) whether the son of any Indian military officer has been taken as an extra assistant commissioner ;
- (d) how many persons already in Government service have been promoted to the cadre of the extra assistant commissioners this year and how many among them belong to notified agricultural tribes ?

The Honourable Major Sir Sikandar Hyat-Khan :

- (a) Muslims 17
 Non-Muslims 17

(b) This information is not available in the Secretariat and to collect it by addressing all the candidates would entail amount of time and labour out of all proportion to the advantage to be gained therefrom;

(c) Two.

(d) Sixteen, of whom eleven belong to notified agricultural tribes.

FAMINE TEST WORKS IN HISSAR DISTRICT.

889. Rai Sahib Chaudhri Het Ram : Will the Honourable Minister of Revenue be pleased to state—

- (a) what was the total number of famine works maintained by the Government in Hissar district in September, 1939;
 (b) what was the total number of persons working at these works;
 (c) what was the maximum number of famine works in 1938;
 (d) what was the maximum number of persons working at these works;
 (e) whether it is a fact that test works have now been reduced;
 (f) whether it is also a fact that famine conditions in Hissar district are the same even now as they were at this time last year; if so, the reasons for reducing the number of test works?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Thirteen relief works in addition to tank works which varied from 8 to 26.

(b) The daily average of workers and dependents during the month of September was:—

Relief works	.. .. .	27,793 to 47,169
Village tanks	.. .. .	1,653 to 7,460
Dependents	.. .. .	8,705 to 17,518

(c) Twenty-one.

(d) Workers	64,524	} On a daily average.
Dependents	25,349	

(e) Yes.

(f) *First part.*—There has been improvement in the Bhiwani tahsil, not elsewhere.

Second part.—Financial considerations have made imperative a further tightening of control.

EMPLOYMENT OF PERSONS AT FAMINE WORKS IN HISSAR DISTRICT.

890. Rai Sahib Chaudhri Het Ram : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that many persons who go to famine works at Hissar for work are refused employment at these works; if so, why;
 (b) whether it is a fact that on the first date of every week the names of persons, who work at the famine works, are entered on the

registers and no other persons are employed during the week even if some persons who had been employed on the first day absent themselves and make room for others; if so, why;

- (c) whether it is a fact that adult males and females who live within four miles of the famine works are not employed at these works, if so, why?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Admission is refused only to those living within a radius of 4 miles who are obviously not destitute.

(b) The system mentioned was tried, but has been abandoned. Admissions now take place on any week day.

(c) No: but such cases are scrutinized more closely and if relief is not necessary they are not admitted.

DETERIORATION OF HEALTH OF PEOPLE IN HISSAR DISTRICT DUE TO FAMINE CONDITIONS.

891. Rai Sahib Chaudhri Het Ram : Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the health of persons living in rural area of Hissar district has suffered greatly on account of serious famine conditions and there has been an increase in sickness and mortality;

- (b) if the answer to (a) above be in the affirmative, what steps does Government intend taking in the matter and particularly to afford protection against cold to those working at the famine works now that winter is about to set in?

The Honourable Mian Abdul Haye : (a) and (b) Inspections made very recently by the Director of Public Health in person reveal no serious falling off of health. Nevertheless precautions have to continue and in addition to the relief afforded by Government an appeal has been launched for public subscriptions, the proceeds of which will be spent generally in the provision of comforts for the sick and infirm. A grant has also been promised by the Indian Peoples' Famine Trust.

RELIEF FOR FAMINE CONDITIONS AT HISSAR.

892. Rai Sahib Chaudhri Het Ram : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether any reports have recently been received from the Deputy Commissioner, Hissar, and Commissioner, Ambala division, about the serious famine condition at Hissar at present; if so, what steps have the Government taken to save the famine-stricken people of Hissar district;

- (b) whether it is a fact that a fairly large number of people in villages in Hissar district go without meals and have no means of livelihood; if so, what measures, if any, Government proposes to adopt for giving food or providing work to them?

The Honourable Dr. Sir Sunder Singh Majithia : (a) Yes. Relief measures continue.

(b) First part.—No.

Second part.—Yes.

Last part.—Relief measures continue.

EMBEZZLEMENT IN PUBLIC HEALTH EQUIPMENT DEPARTMENT.

893. Chaudhri Abdul Rahim : With reference to the answer to starred question No. 4905¹, asked by Malik Barkat Ali, M.L.A., on 23rd March, 1939, will the Honourable Minister for Education be pleased to state whether the report of the special audit has since been fully examined ; and, if so, what effective measures have been taken to remove complaints of serious embezzlement in the Public Health Equipment Department and also state whether any suitable post has so far been given to Sufi Ghulam Nabi for whom instructions had been issued for a suitable vacancy being provided to him ?

The Honourable Mian Abdul Haye : The report of the special audit is still under consideration. Sufi Ghulam Nabi who was employed as a temporary peon in the Public Health Equipment Depot, Jullundur City, prior to his discharge, was offered a permanent post of peon on Rs. 14 pensem in the office of the District Medical Officer of Health, Jhang, but he did not accept it.

TEMPORARY AND OFFICIATING SUPERINTENDENTS, DEPUTY SUPERINTENDENTS, INSPECTORS AND SUB-INSPECTORS OF POLICE IN ROHTAK DISTRICT.

894. Pandit Shri Ram Sharma : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of temporary and officiating superintendents, deputy superintendents, inspectors and sub-inspectors of police posted in Rohtak district since 1st April, 1937 ;
- (b) communal ratio of the above-mentioned officers on 1st April, 1937, 1st April, 1938, and 1st April, 1939, in the Rohtak district ;
- (c) the total police strength on 1st April, 1939, in Rohtak district, their number community-wise and of those belonging to Rohtak district, the southern districts of Rohtak, Gurgaon, Hissar and Karnal, and other districts separately ?

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

Superintendents	..	..	..	..	4
Deputy Superintendent	..	..	..	..	1
Inspectors	..	..	..	..	2
Sub-Inspectors	..	..	..	..	8

[Major Malik Khizar Hayat Khan.]

(b)—

	SUPERINTENDENTS.				DEPUTY SUPERINTENDENTS.				INSPECTORS.				SUB-INSPECTORS.			
	H.	M.	S.	C.	H.	M.	S.	C.	H.	M.	S.	C.	H.	M.	S.	C.
In 1937..	..	..	1	..	..	..	..	..	..	2	..	..	..	3	..	..
In 1938..	..	..	..	1	..	..	..	..	..	..	..	..	1	2	..	..
In 1939..	1	1	..	..	..	..	..	1	..	..	..	..	..	2	..	..
Total..	1	1	1	1	..	..	..	1	..	2	..	..	1	7	..	..

(c)—

	H.	M.	S.	C.	Vacant.	Total.	Residents of Rohtak, Gurgaon, Karnal and Hissar.	Residents of other districts.
Superintendents	1	..	..	1	Nil.	1
Deputy Superintendents	1	..	..	1	Nil.	1
Inspectors	1	1	..	2	Nil.	2
Sub-Inspectors	3	14	3	..	20	Nil.	20
Assistant Sub-Inspectors	3	5	2	..	10	2	3
Head Constables	27	38	2	1	68	53	13
Foot Constables	181	189	23	4	392	270	122

SELECTION OF PUBLIC PROSECUTORS.

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

- names of persons that are being considered for public prosecutorship in the Rohtak district ;
- the number of vacancies which are to be filled ;
- the main consideration on which the candidates are to be taken ?

The Honourable Mr. Manohar Lal : The appointment mentioned is not vacant and no question of considering candidates for it arises.

WAR RESOLUTION.

Mr. Speaker : The Assembly will now resume discussion on the War Resolution.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (Urdu) : Sir, I only want to make two submissions. One of them is that the whole of the Punjab feels that the Honourable Premier

has saved the honour of the Punjab by the words in which he expressed his sentiments. Everyone is ready to do his duty by his King and country under his guidance. He is to us what was once said about Sir Sayyad Ahmad Khan :—

نورجی ہوئے کہ ہیوم ہمارا تو ہے
قوم کی کشتی کا سہارا تو ہے

The second thing that I want to say is that the honesty of purpose which Sardar Bahadur Sardar Gurbachan Singh has exhibited in expressing the feelings of the zamindars through this resolution deserves special mention and we are grateful to him for his kindness in voicing our sentiments.

Mian Muhammad Iftikhar-ud-Din (Kasur, Muhammadaan, Rural) : Mr. Speaker, speaking at a late stage of this discussion, as I am doing, I have no time to recite poems like the previous speaker. I shall merely confine myself to an analysis of the past and present political activities of those who have called upon the people of this province and of this country to offer unconditional support in this war undertaken by British Imperialism. The role of British Imperialism itself is sufficiently clear to all of us and I think there is not a single speaker or member in this House who would not admit that the mere disappearance of the British Empire from the world would be the greatest step towards freedom that one can imagine. As we all know, not only is British Imperialism the greatest cause of subjection and slavery in the world to-day but it is also the greatest incentive to all would-be aggressors. This has never been more true than in the present decade. The history of the National Government in England during the last four years is so well-known that nobody, not even Mr. Chamberlain, would now deny that Abyssinia, Spain, Austria and Czechoslovakia have been sacrificed not only with the complaisance but with the actual co-operation of that Government.

Now, to come nearer home, this country has received appeals from various quarters. I just mention the more prominent leaders. Sir Michael O'Dwyer, Sir Sikander Hyat-Khan, Sir Sundar Singh Majithia, Sir Chhotu Ram, Bhai Parmanand together with the Indian Princes have asked the people of this country to offer unconditional support in this "war for the defence of democracy and freedom in the world". I ask them, where were they when freedom in Abyssinia and democracy in Spain, Austria and Czechoslovakia were being destroyed? We never heard of Sir Michael O'Dwyer, Sir Sundar Singh Majithia or Sir Chhotu Ram drawing their swords in defence of freedom then. Nor did we hear Sir Sikander Hyat-Khan call upon the people of this province to fight for the freedom of Palestine or to oppose the crimes and atrocities that British Imperialism was committing in that country. (*Congress benches : Hear, hear.*) However, we thank Sir Sikander Hyat-Khan for not repeating his past. We know the military record of the Honourable Premier. The British Government have often referred with appreciation to his activities in the Fourth Afghan War against his Muslim brethren. (*Congress benches : Hear, hear.*) As I said we are thankful to him at least for not repeating his past performance against the Afghans in the case of the Arabs of Palestine. To come back to this country I ask the House, if these people are the defenders, then who on earth is the enemy of democracy and freedom particularly so far as this country is concerned?

[M. Muhammad Iftikhar-ud-Din.]

I ask, is there a more reactionary party than the present Unionist Party of this province? Who on the British side has played a more dishonourable role in the affairs of this country than Sir Michael O'Dwyer? (*Congress benches: Hear, hear.*) These gentlemen have called upon the people of this country to offer unconditional support to British Imperialism. Sir Sikander Hyat-Khan of course has the good excuse that in the interest of the Muslim minority, it is essential to retain the power of British Imperialism in this country. While examining that excuse we must remember that Bhai Parmanand and Raja Narendra Nath and for that matter other Hindu Sabha leaders have also declared that in the interest of the Hindu community it is necessary to maintain British dominance in this country. Apparently there is a contradiction. How is it that both Hindu and Muslim communalists have aimed at the same policy, namely: the preservation of British Imperialism in this country? Naturally if the existence of British Imperialism in this country is beneficial to the one, it cannot be beneficial to the other. However, if you examine it closely you will find that actually there is no contradiction. They are both perfectly consistent in calling upon the people of this country to co-operate in this war. Their consistency lies in their common aim and interest to defend feudalism and to retain with the help of the Princes (*Congress benches: Hear, hear*), and that of British Imperialism their own power and privilege in this country. This is their common aim, and this their common interest. This is why the Muslim communalists on the one side and the Hindu communalists on the other have joined with the British Imperialists typically represented by Sir Michael O'Dwyer and the Indian feudal lords, that is the Indian Princes, to call upon the people of this country to offer unconditional support to British Imperialism.

I ask these people to look for a moment at the moral side of the question. They often say that this is not the time to put forward our demands, that this is not the time to bargain. When there was no war and during the last twenty years this country was carrying on its struggle for freedom in its own way, where were Sir Michael O'Dwyer, Sir Sikander Hyat-Khan and Sir Suhdar Singh Majithia? During war and peace we have known their activities and their objectives. But now, looking at the present crisis from a purely moral point of view, if it is proved by the Premier and Sir Michael O'Dwyer that the non-co-operation of India in this war would lead to the complete disappearance of Poland from the world, I ask, looking at it from a purely moral, international, humanitarian and democratic point of view, is it not justified that the freedom of the four crores or less of Polish people be sacrificed and that of the thirty-five crores or more of Indians be gained? So from the moral point of view it is impossible to argue and prove that democracy and freedom demand the co-operation of a slave India in this war at this stage. But India is prepared to fight even for the liberty of four crores of Poles provided we are certain that she is going to get freedom by this war. But knowing the past history of the leaders of this war, knowing their present and being sure of their future, we cannot but demand of them to declare their war aims—and no declaration is forthcoming. I appeal to Sir Sikander, chivalrous and courageous and brave as he must be, is it chivalrous, is it sportsmanlike, is it fair-play for any people to fight an

unknown enemy for an unknown cause? We have neither been consulted in this war nor informed of its aims. To us both the enemy and the cause are unknown. And if there is any cause it is to us that of British Imperialism. I think as a chivalrous person, as self-respecting person, the Premier should expect every soldier in this country to refrain from joining in this war, even under the penalty of death, when he is not sure that he is fighting for some noble cause. But Sir Sikander might reply that we know the enemy; it is Germany. That we know the cause: it is democracy and freedom. But I would first ask the Premier, if he is really so enthusiastic to defend democracy and freedom seven thousand miles away in Poland, why does he not fight here at home for the freedom of nearly forty crores of Indians? I think every Indian has the right to ask that question of Sir Sikander and the other leaders who have offered unconditional support to British Imperialism in this war.

But I think we can look at the matter from a different point of view. Even for a small country we are prepared to sacrifice the freedom of India. I go further; if we knew that we could gain our freedom only by acting as mercenaries or agents of a foreign Imperialism, as we would be doing in this war, we would forego that freedom. Even if British Imperialism to-day declared in unequivocal terms to give India complete freedom at the end we would not enter this war for the sake of that freedom if we were not sure that this war was being fought for a noble aim. So, when we appeal to our countrymen not to join in this war our appeal is thoroughly moral, completely international and wholly democratic. And if a few representatives of British Imperialism have offered unconditional support and if the poverty-stricken masses of this country are forced to enlist themselves in the army, without having a correct conception of the aims of this war, the guilt for killing will not be on them but on those who lead them into this war and on those who have been the cause of their poverty in the past and in the present. To sum up, the question before the Indian masses is: whether to aid the decadent and demoralized Imperialism in its fight against vile Fascism or to let them both die a natural death. We will not, as I have said, resort to dishonourable means in order to achieve our freedom. If we, the present generation, therefore, fail to wrest freedom from the hands of Britain by brave and honourable means we shall hand our banner unsoiled to the coming generation. The present struggle is not the struggle of any individual country or of a party, but of humanity itself; and from that struggle if we lead this country on the correct path, not only a free India but a free world will arise.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): I am at one with the honourable Leader of the Opposition in deploring the fact that before deciding to enter this war in fulfilment of their obligations towards Poland, His Majesty's Government did not even design to consult India. It is said that India is the brightest jewel of the British Empire. It is also said that India is a separate and independent member of the League of Nations and a very optimistic Secretary of State, Mr. Wedgewood Benn, was so much affected by this improvement in the status of India that in a flight of fancy he went to the length of saying that India, which was aspiring after dominion status, was already in enjoyment of dominion status *in action*. On the occasion of the last war, India's contribution in men and

[**MAJ. BARKAT ALI.**]

money drew forth most eloquent and undoubtedly sincere tributes of appreciation and unstinted admiration from British statesmen of all schools of thought. And yet on this momentous occasion when India was going to be vitally affected, India was not considered worthy of consultation. Why? Is it because India is still treated as a dependency of the Crown, a happy hunting ground for unchecked exploitation and as a snug and cosy corner for British Imperialism? Mr. Wedgewood Benn, who recently so warmly espoused the cause of this country in the House of Commons, felt and noticed the strength and genuineness of this grievance on the Indian side, and with a view to mollify Indian sentiment, he offered the explanation that India could not be consulted because Germany was rapidly advancing towards the East and there was no time for consultation. This explanation, unsatisfactory in the extreme, cannot stand a minute's test in these days of rapid communications, for if the dominions could be consulted over the wires, surely India also could be consulted over the wires. I, therefore, feel that it is the bounden duty of this House in sheer self-respect, to place on record its protest against this treatment that has been extended to this country.

Having said so much, my agreement with the Opposition ends. I regret that I cannot lend my support to that portion of the amendment in which what is called "the attitude and policy of the Punjab Government in offering unqualified co-operation to the British Government" has been condemned. I am not aware of any official statement issued by the Punjab Government in which its attitude and policy have been defined. Probably the honourable the Leader of the Opposition was referring to two pronouncements made by the honourable the Premier. One was a speech made at Simla on the occasion of the dinner which the Punjab Ministers gave to His Excellency the Governor in September, 1938, and the other was a statement issued from Simla on the 25th of August, 1939. Now, it is undoubtedly true that at the time when these pronouncements were made, they undoubtedly caused a good deal of uneasiness in patriotic circles, so much so that even that great organisation to which I belong, namely, the All-India Muslim League, felt itself compelled to dissociate itself from some of the sentiments expressed in those statements and rightly. For, what were the Indian leaders declaring? Simply this, that while they were aware of and prepared to discharge the obligations on the Indian side, they wanted England also to remember that there were obligations on the English side too. To put the matter a little more explicitly, and to mention first, the Leaders of the Muslim League, what did they say? They simply said that the Constitution Act of 1935, which had been forced on India, had proved an utter failure in its actual working and that the Governors on whom special powers had been conferred for the protection of the minorities, had been guilty of utter neglect and indifference in discharging their statutory obligations, and that, therefore, the entire question of India's constitutional advance shall be examined *de novo*. The leaders of the Muslim League also drew the attention of the British Government to its shabby Palestine policy and, therefore, stated that if England was anxious to secure full, effective and honourable co-operation of the Muslims, it was necessary that England should create a sense of security and satisfaction amongst Muslims. The League also declared—I regret that my honourable friend, Sardar Santokh

Singh, is not present—I want him to note this point—the League also declared that while the League stood for the Freedom of India, the League desired that no declaration regarding constitutional advance of India in the immediate future should be made unless and until the consent not only of the Muslim League but of all major interests and communities in the country was obtained previously.

Now coming to the Congress side, what did the Congress leaders demand? The Congress leaders called upon the British Government first to state their war aims. Secondly, the Congress leaders wanted the British Government to declare their intentions as to the future of India and whether those principles of self-determination and freedom for which England was ostensibly going to war were going to be applied to India or not, and thirdly, whether as an earnest of its *bona fides* England was prepared to introduce some element of responsibility at the centre and thus break the complete irresponsibility obtaining there. The House will agree with me that these demands and declarations, whether made on the side of the Muslim League or on the side of the Congress, were perfectly good and honourable demands and that there was certainly no tinge of bargaining in them. The sole motive and desire of those who were putting forward these demands was that India's war effort should be made with dignity and with a sense of freedom and not under the compulsion of an artificially created enthusiasm. (Hear, hear.) Now the English press, the Tory press, the Junker press seized all these declarations and misrepresented India's attitude by saying that these Indian leaders were really engaged in sordid bargaining, being in fact inspired by a desire to take undue advantage of England's difficulty. I am very glad, that the Honourable Premier, who was at first considerably affected by these views and this propaganda expressed in the Tory press, has reconsidered his position, has changed his views and by means of this resolution, which, I take it, is the official resolution, has put himself in a line with advanced political thought in this country, for, does not this resolution declare, No. 1, that England should forthwith make clear that the constitution of India shall be examined *de novo* at the end of the war, and that full and effective protection of the due rights of the minorities and other sections shall be made not merely in consultation with them but with the active consent of all parties concerned—one of the demands made by a major political organisation? No. 2, does not this resolution demand that the immediate objective at the end of the war shall be the attainment of Dominion Status—a demand made by another major political organisation? These were the very demands which were stinking in the nostrils of the Tory press and were construed by them as pieces of sordid huckstering and mean bargaining. If the resolution under debate represents therefore the attitude and policy of the Punjab Government, then I fail to see any material left on which any indictment of the Punjab Government can be based. I, therefore, feel that it is impossible for me to support this part of the amendment.

I will now deal with the principal resolution. I regret that in keeping with my convictions and my allegiance to that great organisation to which I belong, I cannot support this resolution in the form in which it stands at present. My disagreement is not with that portion of the resolution, in which the determination of the Punjab Government to render the utmost aid to the British Government in its life and death struggle with Hitlerism and "to

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protect the security and honour of the Punjab and India with all available resources of the Province" is expressed. This I consider the constitutional duty of every Government functioning under the aegis of the British Crown. Nor am I objecting to that part of the resolution in which it is laid down that the future constitution of India shall be examined *de novo* and that no scheme of further constitutional advance shall be framed except in consultation with and with the active consent of all interests and parties concerned. My objection is to that part of the resolution in which the goal of India's policy is defined as the attainment of dominion status. I object to this goal of dominion status because in the first instance I believe in the independence of my country and I am not going to be content with anything short of full political freedom. I am conscious, I will be told in reply, that dominion status is the highest form of self-Government realisable under the aegis of the British Crown. I am conscious, I will be told, that the dominion status of to-day is not the dominion status of 1926 as it was defined by Lord Balfour, but that it has been considerably extended and widened by the Statute of Westminster of 1931 and by all those constitutional conventions which have gathered in the meantime round the constitutional relations between the mother country and the dominions. I am conscious, I will be told, that as a matter of fact, one of the recently created dominions, no other than Eire, actually declared its intention of remaining neutral in the present war and England did not murmur or utter a single word in protest. I am conscious, I will be told, that another dominion, the South African Government, actually debated on the floor of the House, the question whether South Africa should remain neutral or should stand by England and that during the course of this debate a member of the Government, a Minister, actually stated that even if neutrality had to be departed from, and South Africa has to enter the war, it should be merely by way of passive belligerency for the safeguarding of its defences and not by way of active belligerency. Knowing all this, I still object to this expression "dominion status" because it appears to me that the fundamental principle obtaining in all these dominion constitutions and politics is the rule of democracy, namely, the rule that the Government of a state shall be run by the absolute and unfettered authority of a majority of *its citizens of all ranks and conditions*. I can easily understand this democratic rule working very well in societies like those of the dominions which are perfectly homogeneous societies, societies which know only political majorities and political minorities, such that a majority of to-day may as a result of the swing of the pendulum of the ballot box become a minority to-morrow and a minority of to-day may become a majority to-morrow, but they know no such thing as a permanent never-changing religious majority or a religious minority. There is no such thing in the dominions as the protection of a religious minority at the hands of an intolerant religious majority. If facts are like these, does it not follow that you cannot apply to India absolutely the rule which prevails in the dominion constitutions? This is why I object to dominion status being the goal of India's policy.

Lala Deshbandhu Gupta : May I know whether the present Government is a religious majority or otherwise?

Malik Barkat Ali : I will be told, Sir, by the authors and supporters of this resolution that they do realize my this objection to dominion status, and that is why they have introduced in this resolution a further declaration that this dominion status shall be tampered with by provisions having for their objective "the effective protection of the due rights of the minorities and other sections in consultation and agreement with the parties concerned." My simple answer to that position is this that dominion status and provisions for the protection of the interests of minorities are really a contradiction in terms and that you cannot ask for dominion status on one hand and on the other ask for the protection of the minorities. This is really stultifying yourselves. I submit that in a country like India where there are religious majorities and religious minorities, the rule of majority is entirely out of question.

I will now deal with the objection that was made the other day by Sardar Santokh Singh. He read from the instructions issued by the Leader of the Muslim League, Mr. Jinnah, to the various Muslim League parties in the Congress-governed provinces and drew attention to the following words which were recommended to be used in the counter resolution to be moved by the Muslim League parties :—

"This Assembly recommends to the British Government that the democratic Parliamentary system of government under the present constitution has failed and is utterly unsuited to the conditions and genius of the people....."

My learned friend could not really understand these instructions of Mr. Jinnah. May I ask him whether he made any attempt to understand what Mr. Jinnah meant? He seems to think that when Mr. Jinnah was objecting to the rule of the democratic Parliamentary system he was as it were asking for autocracy or bureaucracy or oligarchy. Nothing of the kind. Mr. Jinnah was only asking for what his party has been asking in this province. Has it not been the standing complaint of his party that they are being subjected in the Punjab to the domination of a permanent religious majority and have they not been complaining that they do not want a religious majority? Undoubtedly the Unionist formation is a complete answer in a way to their objection. But apparently they are not satisfied. Whether they are satisfied or not, the fact remains that a religious majority cannot be put in the seat of power, and Mr. Jinnah has simply emphasised what they have been proclaiming themselves from the housetops, namely, that a religious majority cannot be allowed unchecked away. Mr. Jinnah is perfectly right when he says that we will have to evolve by common consent some form of constitutional device in which the right of the meanest Indian worker or tiller of the Indian soil shall be guaranteed: his right to live, his right to liberty and the pursuit of happiness and all those things that go to make them up. These rights must be assured to him by the constitution. These rights cannot be made dependent on a majority. These rights cannot be made disposable by a majority. They must be assured to the subject by title indefeasible as it were against all majority.

In conclusion, a word about the proposal of a constituent assembly. I will be very brief. The proposal is certainly very attractive to look at, but it is open to the very same objections that I have already enumerated. May I ask, how is this constituent assembly going to be constituted? How

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are the various communities to be represented on the assembly? If representation will be in proportion to their numerical strength, will it not follow as night the day that even on the basis of adult franchise, the great Hindu majority will be the master of the situation? Again, may I ask how you will reach your decisions in this constituent assembly? Will those decisions be reached by the democratic rule of counting heads? Well, if that will be the manner in which these decisions are going to be reached, will it not follow as an inevitable corollary that the great Hindu religious majority will be supreme at the centre? Or is the Congress prepared to declare that no decisions affecting any community will be taken in the constituent assembly except with the consent of members of that community, or at least the bulk of them, say two-thirds? If so, say so, and if not, do we not remain where we are? I therefore say, approach the problem howsoever you will, you come back and back to the same old question of a communal settlement. What have you done in this direction? Do you seriously believe that your proposal of a constituent assembly, in the absence of an agreed settlement, will prove an effective solvent of India's difficulties? I, therefore, find it impossible to support the amendment tabled by the Opposition. I cannot also support the main resolution as it stands for the reasons already given. My view is that this House while recognizing that it is the constitutional duty of every Government functioning under the aegis of the British Crown to render its utmost assistance to His Majesty's Government in the prosecution of the war, should enter a protest against the failure of His Majesty's Government to consult India on this occasion, and should also call upon the British Government to declare that no constitution shall be evolved unless and until all the major parties have not only been consulted but have actually consented. With these words I beg to resume my seat.

Diwan Chaman Lall (East Punjab, non-Union Labour): Sir, I regret very much that this debate in this House has taken on a shape of complete unreality and if evidence were needed of the unreality of this debate, my honourable friend Malik Barkat Ali's speech just delivered would provide that evidence. My honourable friend, Mr. Speaker, in passing I refer to him, said that he regretted very much that the British Government had not consulted India with regard to the declaration of war. But his own resolution which he has tabled recognised the so-called constitutional position of Great Britain to declare war and make India a participant in that war. My honourable friend is a great stickler for constitutionalism. If that is his position, then what is the regret that my honourable friend feels in regard to the participation of India in this war? My honourable friend further says, he recognises the justice of the demand made by my honourable friend the Premier in the Government resolution tabled on this question.

Let us look at the first demand. He says he has no quarrel with the statement that we must resist aggression, Fascist and Nazi aggression. I do not know whether the Fascists are part and parcel of this war today; or whether Italy has declared war against the British Empire or against India. *(Laughter)* I do not know. My honourable friends have more information on this subject than we have although their ignorance is

proverbial. My honourable friend should note that if there is any Nazi aggression in India, it is to be found in the Punjab and nowhere else. (*Hear, hear.*) Can my honourable friend deny that to-day in the year 1939, an honourable member of this House, duly elected, elected unopposed, for two years has been in jail without any trial or charge? Is that Nazism or is that liberty and democracy in action? Will my honourable friend deny that since the passing of the Defence of India Ordinance, and subsequently the Act, within these two months, 133 persons have been arrested in the Punjab by my honourable friend's Government, which is claiming to fight outside India for liberty and democracy and denies that liberty and democracy to our own country? Does my honourable friend deny that a regular reign of terror prevails in the Punjab, politically? Not a newspaper can write frankly and without any fear of being called upon to account for it. Will he deny that? Will he deny that a grave breach of privilege of this House has been committed by my honourable friend in the name of liberty and democracy when he asked newspapers not even to report fully, frankly and freely the debate on this question on the floor of this House? This is liberty and democracy in action to-day in the Punjab and it is these gentlemen who are wanting to fight Nazi aggression not in India, but outside the borders of India.

Again, this very able constitutional lawyer unfortunately forgot to lay stress upon the second statement. It is a very important statement in the resolution which betrays—I do not know whether my honourable friend the Premier has really seen to the wording of the resolution—a very serious state of affairs. It means that if this resolution is adopted by this House there can never be any political or constitutional advance in this country. What does the resolution say?

Malik Barkat Ali : Who will be responsible for that?

Dr. Sir Gokul Chand Narang : You will be responsible.

Diwan Chaman Lall : He who is going to give his support to the resolution; it is he who will be responsible not primarily but secondarily. What does the resolution say? It says—

"With a view to the immediate attainment of the objective of Dominion Status with effective protection of the due rights of the minorities and other sections and in consultation with and agreement of all the parties concerned."

I would ask my honourable friend to be perfectly frank with this House. Does he not realise that the acceptance of this resolution can possibly mean only this that at no stage in the historical development of our constitution from the present stage would India be able to achieve freedom? My honourable friend, Mr. Singha—I do not see him in his seat—says for five years he was out of India in the last war, but I understand it was only as Secretary to the Y. M. C. A. If he gets up and says, I do not agree, or my honourable friend, sitting over there, Mr. Few, representing the Anglo-Indian community, the privileged community, the community which has been guaranteed by the Government a minimum wage of Rs. 55 in the Postal and Telegraph and Railway Departments, if he says this is my privilege, I do not agree to any advance, what will be the result? There will be no advance if the Government resolution is accepted. One man can hold up the entire show. Does my honourable friend agree that this is the position that this resolution would lead us into and that

[Diwan Chaman Lall.]

there would never be any advance, because every section would not only be consulted, but every section would have to be in agreement? This is the reason why I said that there is no atmosphere of reality about this debate. Finally my honourable friend the Premier pointed to the demand for dominion status. I do not know if my honourable friend the Premier and his party are members of the Muslim League or not. If they are members of the Muslim League, the resolution does not talk of independence; it talks of dominion status although I understand that the creed of the Muslim League is independence. I ask my honourable friend the Premier if he is dissociating himself entirely (his affinity and affiliation) with the Muslim League by producing this resolution in contradistinction to the actual wording of the Muslim League creed demanding independence for India? (*Malik Barkat Ali*: The words are "freedom of India"). He does not now recognise his own interpretation. That is why, Mr. Speaker, I again insist that it is an unreal background. The background to this debate is not the conservative officials in the India Office waiting to receive the news in an expectant mood as to the number of members of this House, who support my honourable friend, Sir Sikander Hyat-Khan, in regard to this resolution. This is not the background. That is not the atmosphere in which we should be discussing this matter. The atmosphere and the background are war, the terror and horrible sufferings inflicted upon innocent people, driven to the shambles of war by this Government, in a cause, which they declare to be the cause of liberty and democracy. May I ask my honourable friend, if that is the position and if that is the background, what is the attitude of my honourable friend in regard to those of us here, that is the Congress, which has declared through its recognized leaders full co-operation with the British Government, provided the high purpose, for which this war is being fought, that high purpose is recognized also in the affairs of India? What is my honourable friend's reply to it? I say that in this great task, in this great calamity, in this great tragedy which is facing the whole world, we must not forget the main proposition of the high purpose for which obviously as stated by them, the King, the Viceroy, the Prime Minister, this war is being fought by British statesmen. Writing about the country of Liliputians, Dean Swift reports that the Liliputians with their tiny eyes could see every cell of the skin of Gulliver, but that they could not see his face. That is equally our situation here. We want to discuss every aspect, every little matter, every difference between one community and another, but forget the main issue, which is freedom of India; not even freedom of India but forget the main issue which is whether this war is being fought for a high purpose. Is this war being fought for liberty and democracy? If it is, what about democracy and liberty for India? How can we say to our sons, who are of age, to go to war and say to them with a lie on our lips that this war is being fought for liberty and democracy, when those principles of democracy are being denied, definitely denied, to us? We say to the British Government, "Make this declaration that your purpose is liberty and democracy, but not merely for Poland, not merely for Czecho-Slovakia, not merely for these small countries in Europe, but that your aim in this war is liberty and democracy equally for the four

hundred million of people of India. What difficulty is there for my friend in getting the British to make that declaration? We have seen to-day the declaration of His Excellency the Viceroy, stating that he asked the Muslim League and the Congress to come to terms regarding provincial Governments, meaning the setting up of coalition governments in the provinces, but that they could not come to terms; therefore the matter of central responsibility, freedom and independence at the centre is now at a stand still.

I submit that this is not the first occasion that the British Government has raised this problem of minority and sectional interests. May I remind the House that it was not long ago, I believe it was in the year 1925, that Lord Birkenhead, the then Secretary of State for India, in reference to the Simon Commission wrote to the then Viceroy of India and stated—

I should therefore like to receive your advice if at any moment you discern an opportunity for making this (Statutory Commission) a useful bargain counter for further disintegrating the Swarajist Party.

This was that high official, the Secretary of State for India, Lord Birkenhead, wanting to utilise the Simon Commission, as I suspect the present occasion is being utilised for a similar purpose, in order to disrupt the Swarajist party which was the only party standing up against the Simon Commission at that time as they are wanting to defeat the Congress now. In 1928 Lord Birkenhead said and I want honourable members and particularly members of the Muslim League to listen to the words which I am going to read out now and which he addressed in a letter at that time when he was Secretary of State for India.

"We have always relied on the non-boycotting Muslims, on the depressed community, on the business interest...."

These are the very sectional interests that we talk about in this resolution before us; "on the business interest and on many others, to break down the attitude of boycott", to break down the determination of the Congress to demand a declaration free of all ambiguity regarding the independence of India. The whole policy is now obvious. So this is Lord Birkenhead speaking. Listen again to the policy of divide and rule. "It is to terrify the immense Hindu population by the apprehension that the Commission is being got hold of by the Muslims and may present a report altogether destructive of the Hindu position thereby securing a solid Muslim support and leaving Jinnah high and dry." Mr. Speaker, it is the policy of divide and rule which is applied by Secretary of State after Secretary of State and this is the game which is evidenced by the very words of that Secretary of State, who was responsible for the Simon Commission, when it came to India in 1927.

Malik Barkat Ali: How have you treated Jinnah now?

Diwan Chaman Lall: Oh not badly! But I will come to my honourable friend in a minute. So, this is the attitude and when my honourable friend moves this resolution regarding the agreement of sectional interests, do not forget that it is this idea of dividing the country into sections and relying upon sections (*Cheers from Opposition benches*) that has been the cause of the backwardness constitutionally of this country, that has been a cause of denying to us our original freedom as

[Diwan Chaman Lal.]

an independent nation. During the last war the cry was 'self-determination for nations'. At the end of the war that cry was conveniently forgotten. During this war, at the very outset, the cry is 'liberty and democracy' and when we say, "Grant us our liberty and give us a democratic constitution", both things are denied to us on the plea of sectional interests. The same Mr. Jinnah and the same Congress of the days of Swarajist Party are unable to agree, let them fight one against the other so that the *status quo* may be maintained. That seems to be Birkenhead touch. I appeal to all Englishmen in this province and through them to all Englishmen outside. No man in this House has as many good friends among the English as I have in every walk of life. The best ten years of my life were spent at school and university among them. When I started the labour movement in this country and centralised it, I owed the inspiration to the direct assistance given to me by the British Labour Party, millions of whose members are to-day fighting in the trenches, or will be fighting in the trenches risking their lives. I appeal to these Englishmen to realise that when we ask for a declaration of freedom, independence and democracy for our country, we are asking for it not because we want to take political advantage out of England but because we want to be able to tell our own people with not a lie on our lips but truth upon our lips that this is a cause worth fighting for. (Cheers.) How can we go to them, how can we go to our children and tell them to risk their lives for a high purpose which it is said, is agitating the minds of the British unless the British translate that high purpose into reality as far as our own country is concerned? All that is happening to-day is that Mr. Jinnah and Mahatma Gandhi are being asked to square up their differences. It reminds me of the story of the gentleman who dreamt that the Mother Superior of the Convent and the monk from the Abbey were going along a road towards Heaven. On one side of the road was a drain of muck and on the other side was a drain of honey. One fell into the muck while the other fell into the honey and as they arrived at the gates of Heaven, St. Peter said, "How disgraceful! The condition under which you two can enter Heaven is that you should lick each other clean." (Laughter.) That is what the British Government is wanting—that the Muslim League and the Congress should lick each other clean. We all know perfectly well the absurdity of a position like that. I submit that the time has come not to mince matters but to tell the truth in regard to the position which is a very serious position. Let not my honourable friends run away with the idea that getting hold of mercenaries is solving the problem. This war may end in disaster for everybody. The last war saw three great empires vanish like morning mist and the fourth—the French—on the verge of revolution. The pace is much quicker to-day. Victory cannot go to mercenaries. It can go to nations fighting solidly for an aim for which men can be called upon to sacrifice their lives. If my honourable friend does not know this let him read descriptions of the last war, let him read General Crozier's book and let him read Henri Barbusses *Le Feu* and realise what tragedy war is, what suffering it entails, what sights are to be seen of decaying flesh and strewn bones and how generals themselves have behaved in order to make men fight, how they have had to shoot some in order to make the others fight. War is not a picnic. Therefore, I am surprised at my

honourable friend Chaudhri Sir Chhotu Ram getting up and hoping that the war will last for fifteen years. He hopes that this war will certainly last at least seven years. I ask him to get into touch with the mothers of those sons who are to-day risking their lives in the front line trenches. Ask them whether they want war to last seven years or whether they want it to come every 15 years. The excuse he gave is that the agricultural produce will go up in price (*laughter*) not realising that this is not the only method of making prices go high. It reminds me of the story of burning your house in order to roast your pig. My honourable friend gives a modern version of that story. I submit that the time has come when we should say frankly to the British that we are shoulder to shoulder with them provided they carry out their high purpose in relation to India. (*Hear, hear*) I regret that the news that we have read this morning fills one with despair, that such is likely to be the case of British statesmen. The news this morning is most disappointing and I hope that my honourable friends and their British colleagues will remember that it is not going to be a small matter. The pace, as I have said, is a quicker pace to-day than it was in the year 1914. We do not know, when we are told that after the war this matter will be settled for us, whether there will be a British Empire after the war to settle this matter for us. (*Laughter.*) It is not a matter to be laughed at. It is a serious matter because we do not know how quickly the world is moving towards international disaster and it is for that reason that wisdom dictates, honesty dictates, truthfulness dictates that a declaration should be made that independence would be made for India as soon as possible. (*Loud cheers.*)

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural): Sir, I am neither a politician nor a lawyer. I do not believe in catch words and catch phrases. I am an old man and belong to old school of thought, a school of thought to which some of the most eminent men of Muslim India belonged. I mean Sir Syed Ahmed Khan, the grand old man of Aligarh, Maulana Nazir Ahmed of Delhi, Maulana Shibli Naumanji, the founder of Nadwa-tul-Ulema. Those were men who saw both sides of the picture, anarchy and bloodshed before the British advent and then also saw the progress that had been made under the British Government. It was their well-considered and definite opinion that the fate of India lies with the British and they thought that the wholehearted co-operation of the Indians with the Britishers was in the interest of India. I find it very difficult to change my views at this time of my life and I support this resolution wholeheartedly, not only I support the resolution but I thank the Honourable Premier for bringing forward that resolution. I think that whatever we may say on platform, we all feel that we should help England at this juncture. My honourable friend, Dr. Sir Gokul Chand Narang's son is now in the army and the younger brother of my honourable friend, Lala Gopal Das, has offered his services in the air force which have been accepted. So I say that we should not go by those catch words and catch phrases. We are all one, whatever our political views. I am glad to say that the Honourable Premier has every Hindu, Muslim and Sikh with him in this respect. (*Hear, hear from the Treasury Benches.*)

[Khan Bahadur Nawab Muzaffar Khan.]

I have to say a word in regard to what my honourable friend, Sardar Santokh Singh said. He made a reference to the Congress and while making that reference he said that the Congress was the only body to deliver the goods. I wish it were so. But I regret to say that it is not a fact. Responsible people like Sardar Santokh Singh should not make statements which they know are likely to mislead people in England. He must have seen the statement of Mr. Gandhi, made only the other day in which he stated that the Congress does not enjoy the confidence of either the Muslim League or of the Muslims generally. The same can be said of other minorities in India. I was also surprised to see the resolution of my honourable friend, Pir Mohy-ud-Din Lal Badshah. I know him since a long time and I have known his father. He should follow in the footsteps of Sir Sayed Ahmed Khan and I would have appealed to him, if he had been present here to-day to follow in the footsteps of his own father, the late revered Pir Sahib of Makhad. I remember with what zeal and energy his father went from village to village for recruitment during the last Great War. His resolution shows a spirit of bargaining. It runs as follows :—

"That keeping in view the feelings and aspirations of the various political bodies of the country His Majesty's Government will soon make a declaration about the future of India so that she may stand shoulder to shoulder....."

I think this part of the resolution savours of bargaining and also that he has not kept in view the interests of minorities, whether they are Muslims, Sikhs or depressed classes. I would appeal to him to fall in line with other Muslims, not only in this province but outside the province. I also humbly appeal to Mahatma Gandhi to take lesson from what happened in Egypt and from the policy of the late Zaglul Pasha and inspire confidence amongst minorities in India. There was a time when Muslims had great confidence in Mahatmaji but it is not the case now. He was good enough in the case of depressed classes to resolve to starve himself unto death. Why not do the same in the case of Muslims and thus solve this communal problem and the difficulties that face us to-day? With these few words I support the resolution that has been moved by the three honourable members of my party.

Subedar-Major Raja Farman Ali Khan (Gujarkhan, Muhammadan, Rural) (*Urdu*): Sir, I crave your indulgence for a while to say a few words on behalf of the martial classes and the soldiers belonging to different communities. As I live in the Indian Troop Canteen which is frequented by soldiers of various communities, I am in a position to feel their pulse and say what they aim at. Before coming to the real issue, however, I would like to express how deeply we are indebted to the British nation. It is a plain fact that before the advent of the British into this country, the people here did not know at all what it was to be well dressed. (*Laughter.*) Really they did not know this much. The first and foremost business of the inhabitants of this country was to commit highway robbery. Thousands of people used to be looted in the broad day light and even womenfolk used to be kidnapped. But now who stands to benefit by the peaceful government established by the British people in this country? Obviously the banias stand to benefit thereby. The railway, the motor cars, lorries and ships have come into being and every kind of facility has been provided to the merchants and tradesmen. This

is the age of light and learning. The martial classes used to make raids on their neighbours in the past but now we know it to our cost that our hands have been tied up by the British. Had it not been for education, the honourable members would not have been able to wax eloquent to-day like nightingales in this House. But, alas, we the soldier communities are deprived of this benefit altogether. Our only concern is to uphold the dignity and the old traditions of the Punjab which is the sword arm of India. On the other hand, the rest of our countrymen who have never seen an arrow, a bullet or a battleship have been quietly living from time immemorial as 'pandits' and devotees of learning and deities. They have been pursuing knowledge in the past and are even now concerned with education alone. The only other class that is prosperous in the villages, is that of banias. Their business both in peace and war is to amass wealth through trade and commerce. Besides these two classes of people, there is the third class of martial races to which we belong. We are born as soldiers under the very shadow of swords. We have been wielding swords. Sometimes we killed others and sometimes others killed some of us. That is our old tradition. We are out to uphold it even now. We will maintain and demonstrate our warlike spirit irrespective of any gain or loss. (Applause.)

I fail to understand how the non-martial classes whose only vocation in life is to work at the spinning wheel (*Charkha*) have arrogated to themselves the right to establish their government in this country. When war begins, it is we who fight and embrace the fire of enemy guns. But when the question is to establish government in the country, how is it that the devotees of *charkha*—the spinning wheel—come forward and claim to rule over the country? Our hands are tied up by the British; otherwise we would make these devotees of *charkha* flee before us down to Cape Comorin. (Laughter.) Let me say only this much that Mahatma Gandhi tried at first to entrap the Muslims by spreading the net of Congress throughout the country. At last even he has been obliged to say in so many words that if the Britishers will leave India, the people of the Punjab will come down upon the rest of India and resort to plunder and loot. Furthermore, the North-West Frontier Province is not far away from this place. Let us see what is happening there. The Waziris inhabiting the frontier number only a few hundreds and they kidnap the womenfolk of non-martial classes while the latter do nothing more than cry themselves hoarse against such atrocities. My honourable friends here do not go there to help their brothers in distress. How, then, can they achieve anything in the battlefield? They may deliver speeches and make all sorts of propaganda in the newspapers against war, but let them remember that the martial races will maintain their warlike spirit. The district of Rawalpindi has made an offer to provide about two lakhs of men for the army. My honourable friend Pir Mohy-ud-Din Lal Badshah alone has promised to supply one lakh recruits to the army. Several other persons will likewise help the Government with men and money.

Let me in the end, Sir, say a few words about our benign Ministry. It is a soldiers' ministry while the other provinces have bania ministries. Our ministry has two tried soldiers in it. The first is the Honourable Premier himself. The other is the Honourable Major Nawabzada Malik Khizar Hayat Khan. There is yet a third noble figure who is really a lion.

Mr. Speaker : I cannot allow the honourable member to proceed any further. He has already exceeded his time.

Chaudhri Faqir Chand (Karnal North, General (Reserved Seat) Rural) : Sir, I fail to understand the significance of this class struggle that is going on in our province. On the one hand there is the question of martial and non-martial classes and on the other hand there is a discrimination between the agriculturists and non-agriculturists. We, the depressed classes have always sided with the Government but what has been granted to us as a reward for our services ? Secondly, it is beyond my comprehension that in spite of the fact that our population is no less than 9 crores the Government has not cared a twopence for our welfare, and still has the cheek to expect assistance from us. There are cliques which have the upper hand in the administration of our province and they have their own people upon whom they shower rewards in the form of squares of land or titles for their services. The Government are not aware of the miserable plight of the depressed classes. Whenever their case comes up for consideration, the question of martial and non-martial and agriculturist and non-agriculturist crops up. We are prepared to help the Government in the present war as we did during the last war. But what is the guarantee that our case will not again be filed and will not meet the same fate, and that our condition, despite our sacrifices will not remain the same ?

Our friends on the Treasury Benches boast that they have attained swaraj. I ask them whether this swaraj is going to be synonymous with the regime in which the rights of the minorities are being trampled under foot ? God help us from such a swaraj in which only those who are in power get everything and a population comprising of 40 lakhs of souls is left in the lurch. What is the good of a majority party coming into power when it does not protect the rights of the minorities in the province ? It is no doubt true that the depressed classes have not the means to make their voice heard but the Almighty who is ever watchful over his poor creatures will avenge them.

The major problem which is to be solved, is that of hunger. The people whom the Honourable Minister for Development represents are dying of hunger and are begging in the streets of Ambala. Although very high sounding speeches are delivered by the Honourable Minister, yet nothing is being done for giving relief to these people. He has also his own clique to satisfy and he cannot do anything independently for the poor.

The Government should give equal attention to the public at large and it should not exclusively be confined to its cliques. We, the 40 lakhs who belong to the depressed classes in the province are willing to help Great Britain in this war. It is well known that we have always given every possible assistance to her. On the occasion when the Prince of Wales visited India, and the Congress and the Khilafat Committees received him with black flags we the depressed classes wholeheartedly gave him a rousing reception.

Mr. Speaker : The honourable member's time is over.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I wish to say very few words. There has been a long debate and it is not necessary to make a long speech. The questions before the

House are really two, as I have been able to understand the position. One is whether the policy of the Punjab Government, as announced by the Premier, is to be supported or is to be opposed. The other question is whether any declaration which the Government has to make in compliance with the wishes of the Congress, should or should not be made unless certain conditions are fulfilled. To my mind there is nothing else of any importance before this House. Some people have utilized this opportunity to show their loyalty: they are quite welcome to do it. (A voice: Squares of land.) I would not refer to squares: let them have the benefit of their loyalty. They will have surely fought in any case. What I feel is this that the resolution has probably not been tabled or moved to convince the British Government that the Punjab would fight but with a different object; and it is that object which I want to expose before the House. So far as fighting is concerned I entirely agree with my learned friend here that it is a terrible thing: it causes a great deal of misery and so on; but I am not afraid of fighting if it becomes our duty to fight. Sometimes it becomes a sacred duty to fight, it becomes a national duty to shed blood, it becomes a national duty to welter in blood, to have our bones strewn on the battlefield. It is necessary. I am not by conviction a believer in non-violence, such as is preached by some of our leaders. Non-violence in an individual is a great virtue. Violence without necessity is a great sin. I believe in the saying: *ahimsa parmo dharma* (Non-violence is a great virtue) but sometimes non-violence becomes a great vice, a great evil, and that is when the question of defending one's honour, one's hearth and home arises, and then it becomes a disgrace not to fight. If then any one, whether he is a member of a martial tribe or a non-martial tribe, is afraid of fighting, if he wants to save his skin, if he is afraid of shedding blood, whether his own or of the enemy, I would look upon him as a cad and coward. In fact this is the lesson which I want the Indian people to learn. They have forgotten the virtue of fighting, particularly the so-called non-martial classes, I am not one of those who think that fighting in all circumstances is a sin. In some circumstances not fighting is a greater sin, and I tell you that so far as I can understand the mental attitude of the Punjabis, they would fight whenever they get an opportunity to fight and I can tell the Honourable Premier that even if he had not made any declaration calling upon the Punjabis to fight—I go further even and say that if he had said the Punjabis should not take part in this war—the Punjabis would have still fought (*Shouts of no, no*) and in spite of all these things recruits would have still come forward because either they fight because they are loyal or they fight because of necessity. But I shall not go into this question. It was not necessary at all to publish to the world whether the Punjabi was prepared to fight or not. It was absolutely unnecessary. Any one who knows the Punjabi, whether sitting in the India Office in London or sitting in Delhi or Simla or anywhere else in this country or elsewhere, knows and would have been fully convinced that given an opportunity the Punjabi would fight. (*Interruptions.*) Nobody can deny the truth of that statement. The Punjabi will fight, particularly when he knows that he can gain by fighting. There are hundreds and thousands of people who are starving. Go to Hissar and some parts of Rohtak and offer them the alternative to work in their fields for the whole day or go to the front, and they will say, we shall go to the front. Go to the people of Jhelum and Rawalpindi where

[Dr. Sir Gokul Chand Narang.]

the whole land is *barani* and they cannot make their bread or butter, and offer them the alternative of going to the front and they will prefer to go to the front. So, as I said, it was not necessary to table a resolution to get the opinion of this House that the Government's policy of offering unqualified support to the Government is correct. That goes without saying. But what I suspect is this. So far as the first part of the resolution is concerned it is only an introduction, it is only a sort of padding. The real resolution is in the last two or three lines of the resolution. The sting lies in the tail of the resolution. And what is it? That resolution is intended to warn the British Government not to grant Dominion Status or freedom to India unless every section of the population is consulted and its agreement is obtained. This is the reason for tabling this resolution. This question is pending before the Government. (*Interruptions.*)

Mr. Speaker : No interruptions please. Let the honourable member continue his speech without interruptions.

Dr. Sir Gokul Chand Narang : The Congress negotiations are going on and the Government is relying upon the differences among the Indians, and here comes the most obliging Premier and he says, I shall strengthen your hands, I shall give you the opinion of my Assembly which will say, do not give anything to these people unless every Tom, Dick and Harry is consulted. (*Interruptions.*) I am not referring to any particular body. Far it be from me to speak disparagingly of any great or small political or religious organisation. Not at all. The Honourable Premier must remember, and you would recollect that the other day when this debate started, one of the honourable members on the Unionist benches stood up and said: I warn Sir Sikander that even if the Muslim League comes to an agreement with the Congress, unless we are consulted and we agree, no political advance should be made in India. Here is this friend who calls himself an American, by appearance he is a Sikh, the seat that he occupies belongs to the Hindus and by affinity and alliance he is certainly not a member of the depressed classes. I am referring to him only to give an example. To-morrow any three people can form an organisation and say, we do not agree to this. That organisation may be composed of Hindus, Muslims, Christians or Sikhs. I am speaking absolutely impersonally. That organisation may lay down that there should be no political advance in India unless every interest in this country is consulted and its agreement is taken. I think this is putting a spoke in the wheel of India's constitutional progress, and even if Michael O'Dwyer was drafting a resolution he could not have drafted a worse one. The latter part of this resolution is most mischievous, most disloyal to the country and most unpatriotic, I would not use a harsher word. No one who has the slightest love for his country could have put his signature to the latter part of this resolution, because it means that if this is to be taken literally, there can be no advance in the country for a crore of years, because it is impossible to expect forty crores of people to come to an agreed settlement. If it were the question of a settlement between the Muslim League and the Congress, one could have understood it, because the League represents a large number of Muslims and the Congress is a great non-communal organisation. I may say by the way that Lord Zetland was entirely wrong in saying that the Congress was

a Hindu organisation. (*Cries of 'it is' and 'it is not'.*) As it is, the Congress is being blamed by the Hindus for showing too much favour to the Muslims. I think Mahatma Gandhi—I speak with all deference to him—has been wrong in taking upon himself the task of negotiating with a communal body. He should have said, "if Mr. Jimmah wants to negotiate, let him negotiate with Mr. Savarkar, the President of the Hindu Mahasabha and we shall then step in to square their differences." Mahatma Gandhi has been rightly served and he should take the lesson to heart. The mistake of 1916 has been repeated from time to time, but never with such disastrous results as on this occasion. I hope this will open the eyes of the Congress. As I have said, they should not have taken up the task of the negotiations. They should have said, let the Hindus and Muslims negotiate with a view to coming to an agreement, and then the Congress will step in to square up their differences, if any. In putting themselves in the position that they did, they have lent themselves to the charge of representing only one community, and Lord Zetland has some justification in making his remarks, though he is entirely mistaken with respect to the real nature of the Congress.

I wish to say just one word about fighting. Again and again it has been flung in the teeth of the poor non-agriculturists that they are banias, they are shop-keepers, they will sell ghee, they will sell milk and so on. My own position since 1914, which is now 25 years, has been that if Government is sympathetic, if Government is unsuspicious, if Government is a friend of India, it should introduce conscription in this country and make every mother's son fight for his country whenever necessity arises. Then all these differences of martial and non-martial races would disappear. There is no such distinction in England, there is no such distinction in France. Are there no shop-keepers in France and are there no shop-keepers in England? There are millions of shop-keepers in England and whoever he may be, every man when called upon to take the sword in defence of his country, is ever ready and has it ever been said that a certain section of the Englishmen or a certain section of the Frenchmen because they were shop-keepers and merchants were in any way worse in fighting than others? This is the greatest wrong, I say so on the floor of this House, that the British Government has done to this country. It has made India impotent and absolutely incapable of self-defence. Raja Farman Ali was perfectly right when he said that if it came to that he and his friends would certainly sweep everything before them from Peshawar to Cape Comorin. I have often pointed this out to the Congress leaders but they are sleeping over it. They do not realise this. They go on after prohibition, after Tenancy Bill, after this and after that, very good things in their way but they have not realised what is of primary importance, that is the defence of the country and making the Indian people fit for self-defence. But they have not so far raised their little finger and from that point of view I consider that the Congress has neglected one of its most important duties. I entirely agree with my honourable friend here. The only remedy is not to keep these people back from the army but to make it compulsory for them to join the army, to give them two or three months training and then send them out to fight. No one will then remain behind when it becomes his duty to defend his hearth and home, when he really knows that his country is in danger. He will certainly fight to defend his country, his honour,

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the honour of his womenfolk and his own life and property and the lives of his children and his neighbours. No one will lag behind.

One thing more I would say, with your permission. Now that the Congress has raised this point, the British Government would be most unwise in ignoring it. These gentlemen may help the Government; certainly they will. We shall all help when it becomes necessary, when we know that our hearths and homes are in danger but not for the purpose of receiving titles or squares. I know what these gentlemen will do. When the war is over, they will refer to the pages of the *Civil and Military Gazette* and say 'my name is there, I gave 20 recruits, I gave Rs. 500. What will you give me?' (*Interruption.*) I know it from personal experience. I have seen hundreds of chits taken by these gentlemen from British Officers. I warn the British Government. The Congress has raised this point and it will be suicidal to ignore the wishes of the Congress. After all the Congress represents a very large majority of Indians. We have slight differences with the Congress but we fully and heartily and entirely endorse the demand of the Congress for a declaration regarding India's future. If they do not want any *gadbad* inside the country, they must concede the demand made by the Congress.

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

Dr. Shaikh Muhammad Alam: May I take it that I have not caught the eye of the chair?

Mr. Speaker: Order, order. The honourable member must know that when a minister or the Premier rises to speak, he has to be given preference.

Premier: Sir, it is with a heavy heart, that I rise to-day to speak on the motion before us. To confess frankly, I was expecting better news from Delhi, and hoping that I might be able to announce some satisfactory settlement between the two major political parties in this country. It would have made my task much easier and, incidentally, would have saved the breath of several of my friends opposite, if the consummation which I have always so deeply cherished and desired had been achieved. But unfortunately it has not been so and we must, as stated by His Excellency the Viceroy, hold our patience and see what the future will bring forth. Let us hope and pray that the efforts initiated at Delhi will not be wasted but will eventually materialise and bring in their train that mutual amity and goodwill which alone can bring about real and lasting unity between the major communities and the major political parties in this country. (*Hear, hear.*)

Sir, I should like to congratulate my friends of both sides of the House on the commendable tone and on the level of the debate, which has been conducted in accordance with the best traditions of this Assembly. Except for one or two speeches, which I am sure the speakers themselves in their calmer moments would admit that they should not have made, the discussion on the whole has proceeded on a level worthy of this House. It is hardly necessary for me to impress on this House that the resolution before us is of the greatest importance. We are to-day asked to decide a question of great import and moment, a question on which depends the future not only

of our own province but of our motherland. It is for this reason that I now request my friends on both sides of the House to take stock of the position calmly and dispassionately, without any petty sectional, class or communal bias, and I may be allowed to add, irrespective of party alignments and considerations. May I also warn my friends against being swayed by mere rhetorical eloquence. When my eloquent friend, Diwan Chaman Lall, was speaking with his usual fluency, and when later my honourable friend, Dr. Sir Gokul Chand Narang, harangued us, and in doing so nearly cried himself hoarse, I wondered whether they had grasped the full significance and import of the resolution. In trying to make an impression by mere rhetoric they seem to have forgotten their duty towards their country and province. Let me remind them of what Froude said about rhetoric. He said "Oratory is the harlot of the arts." Those who have dabbled in the game of politics know that rhetoric is a good vote-catching device. As Baldwin once said "Rhetoric can win votes on a division or at an election, but God help the person who tries to think on rhetoric". This House is, however, used to such rhetorical flights and I am confident that it will not be swayed either by the superficial eloquence of my friend, Diwan Chaman Lall, or the impassioned peroration, delivered in best Hyde Park style, of my honourable friend, Dr. Sr. Gokul Chand Narang.

Now, Sir, let us first of all analyze the problem and, as I have already said, examine it dispassionately. Let us assess values at their proper and true estimation in the light of the facts as they are and not as we would wish them to be. I do not propose to waste the time of the House by following the example of my honourable friend, the Leader of the Opposition, in undertaking a chronological or historical survey of the problem. Any such diversion is not likely to help us in the solution of our difficulties, or in focussing our attention on the more important aspects of the problem with which we are faced to-day. Nor would it in any way help—except perhaps in relieving the feelings, to some extent, of those who suffer from an inferiority complex—to use intemperate language in referring to the British nation or Government, or to recapitulate, the omissions and commissions of British rule in this country. Our difficulties and problems are there, and will continue to be there unless we ourselves make up our minds to remove them and put our heads together to solve them. It would be sheer dishonesty to blame the British people and the British Government for the present unfortunate state of affairs in this country. I think that my friends opposite, in their calmer moments, when they are in a mood to give thought to this problem calmly and dispassionately, would come to exactly the same conclusion. Whether there was any justification or not in the past for such accusations, I repeat that to blame the Englishmen, to-day, for our internecine quarrels and troubles would be unfair, unjust and dishonest. (*Applause and interruptions.*) I confess that sometimes I have felt sorely tempted, out of sheer disgust, to pay back my communalist friends opposite in their own coin. But I have always succeeded in conquering that feeling and I can assure you that in spite of repeated and undeserved provocation—and believe me sometimes it is extremely grave and trying—I have never swerved from the path which it is the duty of every patriotic Indian to follow in order to attain national unity—an ideal for which I have been consistently and ceaselessly working for the last 25 years or more (*applause*). I have

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spared no effort towards the attainment of that ideal, and will continue to do my best. I am afraid it is not for me to divulge the details of my recent activities in this behalf now or even later, but, perhaps, when the much desired consummation is brought about and those who are aware of these efforts are free to open their lips they may be able to tell you of the humble part I have played in bringing the parties together. I was hoping that these negotiations, which were being followed anxiously and prayerfully by all well-wishers of India would be successful, sponsored as they were by His Excellency the Viceroy who—I can assert from my personal experience and contact with him—is one of the greatest well wishers of this country (Hear, hear).

Now, Sir, before we proceed further, let us be clear about our objective. What is it we want the British to concede? Let us first take the Congress and those who endorse the Congress demand. They desire Great Britain to make a clear declaration regarding her war aims. I am not sure what the object of this demand is; but apparently they do not want England merely to define her ideology. What we really want Great Britain to do is to make clear her intentions in regard to this country. I, therefore, do not see why we should go about it in a tortuous way. Let us face facts honestly and not try to camouflage our demands. Equally, we should not try to hide or suppress our real sentiments and feelings in regard to the present war. India as a whole, including the Congress, the Muslim League, the Hindu Mahasabha, the Liberal League and for that matter all other parties and communities, has openly and repeatedly denounced the German aggression. There is no difference of opinion on that point. Spontaneous and universal sympathy has been evinced for Great Britain and her Allies in the cause for which they are fighting. Mahatma Gandhi, Mr. Jinnah, Pandit Jawahar Lal Nehru and all other prominent leaders—except of course my honourable friend, the drawing room socialist-cum-communist opposite—have made a declaration to that effect. As I have said, the righteousness of the cause for which the Allies are fighting is admitted, and the sympathy of every conscientious person in this country is with the democracies. Yet I must confess that I am sometimes confused, and I dare say others also find some difficulty in making out the implications of the statements of some of our leaders who, it seems to me, occasionally speak with two different voices. Let me give an instance. Every one of these leaders has declared that he does not want to take advantage of Great Britain's difficulties and therefore is not in favour of any bargaining at this juncture. This is what Mahatma Gandhi has said. He has also declared that he tried his best to get the Congress Working Committee to agree to an unconditional support of Great Britain but apparently without success. Pandit Jawahar Lal Nehru has also said that he does not favour any bargaining; and other prominent leaders of the Congress and other political parties have said exactly the same thing. And to-day we have heard my honourable friend, the Leader of the Opposition, repeat the same sentiments; but in the very next sentence he contradicted himself. It is therefore not surprising that the man in the street, who is incapable of understanding the subtleties of mind of these leaders, is incapable of reconciling these conflicting declarations. For myself I frankly confess that these double-barrelled professions and statements are extremely confusing. An ordinary person like myself can attach only one meaning

to the phrase—no bargaining means no bargaining or, in other words, unconditional support. On the one hand, they say that the British and their Allies are in the right; that they are fighting a war of righteousness; that they have been forced into this war by wanton and unwarranted aggression on the part of the Nazis; that they are fighting to vindicate right against brute force and for the sake of justice, civilisation and the peace of the world. They say all these things; but in the same breath they say that “all these considerations notwithstanding we will not co-operate with you because you have not yet declared your aims and intentions vis-à-vis this country”. When we read these irreconcilable statements reproduced in the press and see the editorial comments of some of the Indian-edited papers, stressing the two conflicting aspects of these pronouncements and winding up with a peroration that India does not want to bargain, we wonder and wonder. I leave it to the House to draw their own conclusions and decide whether this attitude of the Congress constitutes bargaining or not. Personally, I have no hesitation in asserting that it is bargaining and a most despicable form of bargaining, a very mean type of bargaining unworthy of this country. When we are morally convinced that a certain principle is just and worth fighting for, then we must fight for it without ‘ifs’ and ‘buts’, and without any mental reservations.

Diwan Chaman Lall : Is it not true that what the Congress demands is not a bargain but what it demands is honesty and truth? If the British Government is fighting for these high principles why do they not say that these also apply to Indians? This is not bargaining; it is asking for truth and honesty. It is despicable to say that it is bargaining.

Premier : I would have agreed with my honourable friend opposite if he and his friends had merely demanded a declaration regarding the future of this country and had stopped at that until the war was over. If we are convinced that the Allies are in the right, then the proper and honourable course for us is to say, ‘Since you are fighting for justice and for preservation of democracies we will wholeheartedly help you; but when the war is over and you refuse to give us what is due to us then “God help you”’. That is what the Congress should have said. *(Cheers from Ministerial benches and interruptions from the Opposition.)*

Lala Bhim Sen Sachar : آپ کا ایمان گیا۔ *Ap ka iman gaya.*

Premier : I have not followed what my honourable friend has said; but I believe he repeated what my honourable friend Mian Abdul Rab said. My honourable friend forgets that we all desire political advance for our country. There is no Indian worth the name who does not want political emancipation of his country and I repeat that we on this side of the House are second to none in the desire for the early achievement of our ideal. *(Hear, hear.)* All political parties, including the Congress and the Muslim League, have declared in unambiguous terms that they want political freedom for their country.

Dr. Sir Gukul Chand Narang : Your resolution does not say so.

Premier : My honourable friend is unnecessarily impatient. I will deal with the point which was made by him and by Diwan Chaman Lall and Lala Deshbandhu Gupta later, though I am not sure if I will be able to convince him.

Dr. Sir Gokul Chand Narang : May I ask whether the Honourable Premier is prepared to omit the words after the word 'minority'?

Premier : This is not the occasion to put questions. Let me proceed with my speech now. We will deal with these details later. Sir, I was saying that there is no Indian worth the name—and the Punjabi is foremost among them—who does not desire self-government for his country ; but the problem is how are we going to achieve this objective. My honourable friend who interrupted me is aware that Great Britain is engaged in a life and death struggle. Does he want to take advantage of her difficulties to force a charter of freedom from her ? My honourable friend must remember that empty words will not win India her freedom. At no time have mere words won freedom or independence. I challenge my honourable friend opposite to point out a single instance in history where words alone have won freedom for people. It is deeds that can win freedom. (*Hear, hear.*) My honourable friend seems to have forgotten that well-known adage "First deserve and then desire". If they believe that the harangues of my honourable friend Diwan Chaman Lall, or his drawing room socialist colleague, or for that matter even the speeches and statements of more highly placed leaders, can win freedom for this country, they are living in fools' paradise.

Diwan Chaman Lall : Slavish mentality. Independence is our birth-right.

Premier : My honourable friend is again indulging in slogans and catch-phrases which would be in place in a Hyde Park meeting, but which are not appropriate or becoming in an Assembly like this. Let me remind him that 'self-determination' and similar other slogans have done a lot of mischief and are largely responsible for the present day ills of this world.

Mr. Speaker : I request the honourable members not to interrupt the Premier.

Premier : So far as we on this side of the House are concerned, we are content to wait for the attainment of our goal until after the war. My honourable friends, opposite, however, want an immediate declaration. That is the line of argument adopted by them in their speeches. So far as our objective is concerned, I have already said that there are no two opinions. We all want to achieve our political objective at the earliest possible opportunity ; but there is a difference of opinion between my friends opposite and those on this side of the House as regards the methods and means. My honourable friends opposite want to take advantage of the present difficulties of Great Britain. We on this side do not consider that course as fair or honourable. Our training and traditions teach us to spurn a person who tries to take advantage of the difficulties of his friend (*cheers*). A true Punjabi can never stoop to exploit the difficulties of a friend. If my honourable friends do not consider the British to be their friends, they must have some regard for their long association with them. We are Punjabis and Punjabis are renowned for their chivalry and valour. It is foreign to the nature of a Punjabi to stoop to anything which may savour of meanness or subterfuge. Let us give the British and their Allies unconditional support at this time of their need. Let us not stoop to any bargaining. We know perfectly where we stand. And we know also our strength. Let us give

our unstinted and unconditional support to them now and when the war is over that very strength and support which we extend to Great Britain to win the war will win us our freedom. When the war is successfully concluded, we will say to Great Britain "we have stood by you in time of your need; now as honest and honourable people you must give us our due." If they refuse then to concede our legitimate demand, I would be the first to lead you in fighting for our political rights. My honourable friends opposite insist that Great Britain must make an immediate declaration and want our charter of freedom signed, sealed and delivered now. What would happen, may I ask them, if Great Britain is defeated in this war? Would they then get that charter framed and show it to the aggressor who invades India and beseech him to desist from setting foot on Indian soil on the strength of that charter; or would they have the declaration printed and placard the route of the invader and expect him to refrain from overrunning our country because of that declaration? The position which my honourable friends have taken up is neither prudent nor honourable. No sensible and honourable man will take up that position; and I am confident that the Punjab, the province of brave and honourable people, will never take up that position. (*Cheers and interruptions.*) My honourable friends must not interrupt me. These are all hackneyed arguments which I have already met. I repeat my question. What would happen if England is defeated? Will my honourable friends opposite then attain their freedom?

Diwan Chaman Lall: You will be just as great a slave.

Premier: I will be, but what about my honourable friend? I am trying to impress upon him and his friends that they would always remain slaves in this country if, God forbid, the British are defeated.

Diwan Chaman Lall: Unless you change your mentality. (*Laughter.*)

Premier: I want you to change yours if you genuinely desire freedom. As I have said, freedom can be attained only by deeds and not merely by lip professions.

Dr. Sir Gokul Chand Narang: May I ask the Honourable Premier a question? (*Voices: No, no.*) (*Interruptions.*) The Chair can say if the question is not allowed. Does he not think that if India is contented

there is a greater chance of England winning the war than otherwise? In fact, there will be less chance of its being

defeated than if India were discontented.

Premier: How can India be contented so long as people like my honourable friends opposite insist on denying to the minorities their due rights? (*Cheers from Ministerial benches.*)

Dr. Sir Gokul Chand Narang: This is nonsense. Your minority wants India to remain a slave.

Premier: I am not concerned with minority interests at the moment. My honourable friend insists on bargaining with Great Britain. He and a handful of his colleagues opposite are welcome to indulge in their pastime. Let them, if they can do so, coerce the Imperial Parliament. So far as we on this side are concerned we do not subscribe to those principles or tactics. We believe in above board and straightforward

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methods. If we had come to the conclusion that it would be in the interests of our country to withhold our support we would have said so openly and boldly. We would have acted up to our convictions and not contented ourselves by passing wordy and tortuous resolutions behind closed doors; nor would we have taken shelter behind slogans and catch phrases. As I have said this is no time for bargaining but for action. The Nazis have kindled the flame of war and the blaze might spread throughout Europe and even beyond. Is it not our duty to stamp out that flame before it reaches us? When the countryside is on fire, one instinctively sets about extinguishing the fire in order to save the house even if the ownership of the house is disputed. On an occasion like that one does not think of title-deeds but of saving the property first. My honourable friends opposite say that since they have got only occupancy rights in the house they will not help in extinguishing the fire until they are assured of complete ownership and for some inexplicable reason they seem to ignore the blatant fact that if the house is burnt to ashes there will be little left of it, while they may be quarrelling among themselves or with a third party regarding its title or ownership. The analogy in the present case is complete.

Lala Deshbandhu Gupta: This is exactly what you have been doing.

Premier: This is exactly what I have been asking my honourable friends not to do.

Lala Deshbandhu Gupta: You do not want freedom of the country unless something is granted. (*Interruptions.*)

Premier: I know the kind of freedom my honourable friend wants. He wants supremacy for himself and nothing for me. We would have attained freedom long ago if he and those of his ilk had wanted freedom for the whole country.

Now, let me refer to His Excellency the Viceroy's declaration which has been criticised by some speakers opposite. It has been described by some as wholly unsatisfactory and halting in character, while a few have had the fairness to concede that except for a few minor details it is on the whole not so unsatisfactory as has been depicted in a section of the Indian-edited press. I am prepared to admit that His Excellency the Viceroy's pronouncement has not met with complete approval either from the majority community or the minorities. Neither of them, if I may use a hackneyed Punjabi phrase, consider it to be 16 annas satisfactory. This is not surprising. In view of the widely-conflicting demands of the majority and the minority communities, it is extremely difficult, if not altogether impossible, to formulate a declaration which would completely satisfy all the various interest concerned when there is such divergence of opinion among them. But let us not overlook the fundamental principle which has been conceded in the Viceroy's statement. This statement was elucidated by Lord Zetland in a recent speech in the House of Lords, and was further clarified by Sir Samuel Hoare, who, as we are all aware, was intimately connected with the framing of the present constitution as Secretary of State for India. A careful study of all these pronouncements makes one thing clear beyond doubt and that is that the British Government is prepared to grant Dominion

Status to India immediately after the war, provided we can come to some kind of agreement amongst ourselves. It is surprising that this particular aspect of the statements made by these responsible officers of the Crown has either been completely ignored or glossed over by the 'nationalist' press in this country. It has been even said that Sir Samuel Hoare deliberately qualified his statement in order to make the two major communities in this country fight. I hold no brief for Sir Samuel Hoare ; but I must say that these hackneyed arguments and accusations will not convince any one in these days of provincial autonomy. If those who doubt the *bona fides* of the British are themselves honest, why do they not take Sir Samuel Hoare at his words and try to smooth the way for full-fledged Dominion Status ? Instead of bandying words and phrases they should try to press the leaders of their respective parties to come to an immediate agreement over the outstanding issues and then say to the British Government "Here you are we have settled our differences, now you fulfil your undertaking and let us have Dominion Status".

Sardar Sohan Singh Josh : We know them too well.

Mr. Speaker : Order please. I have already requested and request again that no interruptions be made.

Premier : I thought my honourable friend's knowledge was confined to Russia alone. I was not aware that he could condescend to recognise smaller fry like Sir Samuel Hoare. His horizon was blinded by such stalwarts as Stalin and Lenin.

Sardar Sohan Singh Josh : They will come.

Premier : That day will never dawn, you may rest assured. Let me now point out the implications of Sir Samuel Hoare's statement. There seems to be a great deal of confusion regarding the scope and meaning of Dominion Status. Even my friend Malik Barkat Ali seems to have slipped up as is evident from his own remarks. He said that, while he agreed with this resolution, he could not whole-heartedly endorse it because Dominion Status is mentioned and his creed is complete freedom. These may not be the exact words which he used ; but I gather that that was the meaning which he wanted to convey. If he is here now, I might point out to him that freedom as I understand it means that India should have full control over her affairs. Mahatma Gandhi and other prominent leaders have also given exactly the same interpretation to this word. While it undoubtedly postulates that the control of Defence and External Affairs should also eventually be transferred to Indians, it does not necessarily connote that we should cut adrift from the British Commonwealth altogether. And why should we ? At a time when powerful nations with conflicting ideologies are wooing each other in order to gain strength and supremacy over their adversaries, it would be suicidal for India even to think of severing its connection with Great Britain. Nazi Germany, which was only yesterday thirsting for Russia's blood, is today hugging Russia to its bosom. The same Herr Hitler who depicted Russia as the biggest enemy of mankind in his book "Mein Kampf" is to-day going arm in arm with Monsieur Stalin in order to usurp the independence of their weaker neighbours and to share the loot. I am surprised that my friend Sardar Sohan Singh Josh should still continue to applaud Russia in spite of the fact that his foreign *Guru* is today a bosom

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friend of the blood-thirsty Nazis whom he and his friends were never tired of denouncing.

Sardar Sohan Singh Josh : What did Churchill say about it ?

Premier : Churchill probably hates them both and he is quite right too.

Diwan Chaman Lall : He says "make pact with Russia at all costs." (Interruptions.)

Premier : Do not let us be side-tracked over extraneous issues. Let us be quite clear in our minds about our future status. We, all of us, want freedom for our country, but, as I have said, not necessarily outside the British Commonwealth. Mahatma Gandhi has declared in unambiguous terms that he will be quite content with the freedom conferred by Dominion Status provided it is of the variety granted to other Dominions. And what did Sir Samuel Hoare say in his speech ? Let me quote his own words. He said :—

There are no two kinds of Dominion Status as some people seem to think. The Dominion Status that we contemplated was Dominion Status which has been described by Mr. Wedgwood Benn, Dominion Status of 1926, that is, Dominion Status of the Westminster Statute.

Now this is the Dominion Status which has been guaranteed to us by the British Government and which, in addition to other privileges, also carries with it the right to sever our connection with Great Britain if we so desire. What more do my honourable friends opposite want if they can get this kind of Dominion Status without blood-shed and without even raising their little finger. Would they not be content with it ? I ask my friend Dr. Sir Gokul Chand Narang whether he would not be content with the Dominion Status of the variety I have described. I put the same question to my friend, Diwan Chaman Lall. Is he prepared to say that he would not be content with Dominion Status of Westminster variety ? I make bold to ask even my socialist friends opposite whether they would not accept it.

Dr. Sir Gokul Chand Narang : I shall be content with real Dominion Status, but you will not be. The Muslim League wants complete freedom.

Premier : My honourable friend need have no fear or doubt on that score. I would be perfectly content with the kind of Dominion Status defined by Sir Samuel Hoare ; but this does not mean that I would favour severance of connection with Great Britain as I consider that it would be suicidal to do so. Without British help and protection our newly-earned freedom will not last long. The country will be overrun by covetous marauders in no time. We will soon be groaning under the Nazi heel or flattened out under the heavy Soviet foot. Surely, my honourable friends cannot be aspiring for freedom of that kind. I hope not. Anyway, I am not one of those who aspire for that kind of freedom.

Coming back to the Viceroy's declaration, it may be disappointing, but may I again, even at the expense of annoying my honourable friends opposite, ask, who is responsible for the unsatisfactory nature or character of that declaration ?

Dr. Sir Gokul Chand Narang : Those fifty people who rushed to the Viceroy.

Premier : My honourable friend cannot evade the issue by trying to be frivolous. Let us face facts as they are. I make bold to assert that we—by “we” I mean Indians—are ourselves to blame if that declaration does not completely conform with our wishes. On the one hand, the major political party in this country pressed him for a declaration which would ignore the existence or interests of other parties in the country and may I remind my friends opposite—

Lala Deshbandhu Gupta : There is the Congress Working Committee’s resolution.

Premier : My honourable friend is talking about resolutions. I am stating facts and I know the facts, as I was one of those who had the privilege of being consulted in this matter. The Congress wanted a particular kind of declaration. There are other parties and interests which demanded a different kind of declaration. In the circumstances, how can you with any justification blame His Excellency the Viceroy for not making a declaration which would satisfy every one of the fifty two interests mentioned by my friend, Dr. Sir Gokul Chand Narang ? It is unfair and unjust to blame the Viceroy when the fault lies elsewhere. We know that in Lord Linlithgow we have a true friend who is keenly sympathetic towards the aspirations of India. It was Lord Linlithgow who went out of his way to placate the Congress and to persuade them to accept office in the provinces. I do not think that any Indian, who has any sense of decency or honesty, will wish for a better friend and Viceroy than Lord Linlithgow at this juncture. He has been incessantly and continuously trying to help this country to rise to its full political stature. He tried to accommodate the Congress Party even at the risk of alienating the sympathy of other interests and parties to an extent which verged on consternation among the latter. It is an irony of fate that to-day the very party which he tried to placate is the most pungent in its criticism of the Viceroy’s declaration. I call it sheer ingratitude. I consider that the whole country owes a deep debt of gratitude to Lord Linlithgow for his untiring efforts to compose our differences and to solve our complex problems. I should like to take this opportunity of paying my quota of tribute to Lord Linlithgow for his farsighted statesmanship, sagacity, perseverance and courage and for the sympathy with which he has dealt with the vexed Indian political problems. During the past fortnight he has seen no less than 52 representatives of the people and I am glad to say that most of them—I do not say all of them but a large majority—came back satisfied that in him India had a true and sympathetic friend (*applause*) and whatever may be the result of his efforts—and let us hope that they will be crowned with success—he can derive some consolation from the knowledge that he has earned and enjoys the confidence of all the numerous and diverse interests in this country. I am confident that he will continue to do his very best to bridge the gulf which unfortunately at present exists between the major communities and the other parties ; and I hope and pray that he may succeed in bringing about harmony and unity among the various communities without which, I am afraid, there can be no hope of our attaining freedom. (*Interruptions.*)

Lala Deshbandhu Gupta : Will the Honourable Premier name one Viceroy who was not a friend of India ?

Premier : I am now speaking of the Viceroy whom my honourable friend himself quoted. Probably, he has changed his opinion because of the anxiety of the Viceroy to safeguard the interests of the minorities also. It is no use throwing blame on others for our own sins and weaknesses. It is fashionable among certain types of politicians to throw the blame on the British. Loose talk of this kind might have been justifiable in the past; but it would be sheer dishonesty and injustice to hold the British responsible for our communal differences to-day. If a communal settlement is achieved, I am confident that Dominion Status will be ours for the mere asking. On a previous occasion I said that we would secure Dominion Status within 15 days if the various interests could come to an agreement.

Dr. Sir Gokul Chand Narang : Now one week ?

Premier : Yes, even that may not be impossible provided you accept my advice. But so long as the mentality of my honourable friend and of his associates remains unchanged, all these aspirations would remain unfulfilled as mere dreams. And why is it that we have not succeeded so far ? Because, to put it frankly, my honourable friends opposite are not sincere and are fond of confusing the issues instead of trying to face facts boldly and squarely. Their silvery smooth-tongued speeches cannot have any effect so long as they speak with mental reservations. They say one thing and mean quite another. One of the main reasons which stands in the way of a settlement is the desire on the part of various political and communal parties to gain supremacy at the expense of others. They seem to overlook the fact that if one party tries to exploit another, its rivals can play the same game; and the result is that each tries to outreach the other. I am afraid that without a change of mentality there is no hope of this vexed problem being solved. Unless we approach it in a spirit of accommodation and mutual confidence and goodwill, it will be futile to hope for any tangible results. My honourable friends opposite may be clever and subtle in trying to accuse their opponents of adopting 'a dog in the manger' policy; but such accusations and counter-accusations will not bring us any nearer to the solution of our difficulties. I have been in close touch with prominent leaders of the various parties for the past few months and I have done my utmost to bring about a *rapprochement* but so far without success. I have, however, not given up hope and am confident that the time is not far off when the two main political parties will come nearer each other. The most formidable obstacles in the way of an agreement are those pseudo-nationalists who go about the country side with nationalistic slogans on their lips and communal bigotry and venom in their hearts; spreading poison from town to town and village to village. It is these political adventurers who are largely responsible for thwarting the efforts of those patriotic persons who are striving for an honourable settlement. I hope my friend, Lala Deshbandhu Gupta, will forgive me if I say that the speech which he made the other day was most unfortunate. It is such utterances that help in widening the gulf. I hope he won't mind my saying so openly and frankly.

Lala Deshbandhu Gupta : Truth is always unpleasant.

Premier : Exactly that is why I ask for my honourable friend's forgiveness. Let him search his heart and say whether he and those of his ilk are responsible for widening the gulf or whether it is the British Government or the Britisher in this country.

Lala Deshbandhu Gupta : It is you and your friends.

Premier : I do not propose to argue with my honourable friend, but I make him a present of my views which should provide him with ample food for thought. Now, Sir, before I proceed further, let me deal with the two amendments which have been moved.

Mr. Speaker : Only one amendment has been moved.

Premier : But the other, No. 6, has also been discussed. I am glad it has not been formally moved and I trust it will be withdrawn. I will briefly refer to it because I was somewhat intrigued to receive notice of it, as it has been tabled by a member of the Independent Party. Subsequently however, I found that it was sponsored by the honourable mover in his individual capacity and not on behalf of the Independents. The first portion of his resolution is identical with our own and is as follows :—

This Assembly views with approbation the policy of His Majesty's Government to crush Nazism and Fascism and assures them that the province of Punjab will place all its resources and be ready for every sacrifice in order to uphold the dignity of democracies".

Then it goes on to say :—

This assembly further views with satisfaction His Excellency the Viceroy's move to again discuss the situation with leaders of public opinion in India and hopes that this step will prove useful for the country.

Unfortunately, those efforts have hitherto proved abortive ; but I may point out that the latter part of this sentence is somewhat vague and obscure and my honourable friend has failed to explain what he wants to convey. And finally his motion concludes thus :—

This assembly, however, without any idea of bargaining is strongly of the opinion that keeping in view the feeling and aspirations of the various political bodies of the country His Majesty's Government will soon make a declaration about the future of India so that she may stand shoulder to shoulder with other respectable countries of the world and make befitting sacrifices.

Now my honourable friend has not made it clear to which political parties he refers. He has also not indicated whether His Excellency the Viceroy and the British Government in making a declaration should respect the wishes of the Congress or the Muslim League or the Liberals or some other political party. He is no doubt aware that there is a sharp cleavage between the views and demands of the various parties I have mentioned ; and the difficulty arises from the fact that unless these differences can be composed it is impossible for any one to make a declaration which would be acceptable to all the parties and interests concerned. But what is even more important and significant is that my honourable friend's amendment makes no reference whatsoever to the rights and interests of the minorities. Perhaps, he does not consider it necessary to provide any safeguards for the minorities. He is, of course, perfectly at liberty to ignore them if he so desires. He is the religious leader of a large Muslim community and has every right to say that no safeguards are necessary for minorities. This nationalistic and non-communal tendency is a welcome indication of his liberal political outlook and I wish him luck. But I request him not to move it in view of the fact that his amendment, except for the concluding portion, is almost identical with the Ministerial Party's resolution, and the part which differs from the main resolution is objectionable from the point of view of the minorities.

[Premier.]

Now, let me try to explain the implications of the resolution moved by my friend, Sardar Bahadur Sardar Gurbachan Singh, on behalf of the Ministerial Party. The first part merely reiterates the position which the Punjab has taken up regarding the present war and voices the feelings and views of the people of this province. I wish to express my gratitude for the wholehearted support of my war policy which my honourable friends have extended to me in the course of this debate. I was fully aware that I had the support of the people of the province and their representatives when I made my declaration at the outbreak of hostilities. I know my Punjab and I know the sentiments and feelings of the martial classes and their leaders as also of the representatives of the people in this House. And I was fortified by that knowledge when I made that declaration on the 3rd of September last. I am gratified that every word of that declaration has been endorsed and vindicated by the accredited representatives of the people of this province yesterday and to-day. (*Hear, hear and applause.*)

Now let me deal with the concluding part of this resolution. It runs thus :—

It further desires that it should forthwith be made absolutely clear that the constitution of India shall be examined *de novo* at the end of the war with a view to the immediate attainment of the objective of Dominion Status with effective protection of the due rights of the minorities.

My honourable friends Dr. Sir Gokul Chand Narang, Lala Deshbandhu Gupta and Diwan Chaman Lall, have taken objection to this part of the resolution and even they have no quarrel with it except for the words "agreement of the parties concerned". Now let me try to explain why these particular words were embodied in the resolution. My honourable friends are perfectly aware that we have been making continuous and repeated attempts to settle our communal differences, but unfortunately without success. And why have these attempts proved abortive? I have already stated some of the reasons which have been responsible for thwarting our efforts; but where there is a will there is a way. If we decide even to-day to sink our differences and make a united demand regarding the future constitution of this country, I am certain it will be conceded by Great Britain. And after all, what are these differences which are keeping us apart? The question of loaves and fishes and a share in the administration. These matters can be settled without difficulty provided there is a spirit of accommodation on both sides. The community which happens to be in a majority in a particular province can afford to be generous to the minorities. After all we are brothers and an elder brother should show a spirit of magnanimity in dealing with his younger brothers. If all of us make an approach to this problem in a spirit of give and take, it will be solved in no time. And why can we not do it? We have done it in the Punjab and are hopeful that these differences will yield to similar treatment elsewhere.

Lala Deshbandhu Gupta : The day you are free to take up that position.

Premier : My honourable friend is still harping on hackneyed and obsolete slogans and this particular one is a dishonest slogan. It may have had some justification 10 years ago; but, as I have said, it would be sheer dishonesty to hold Great Britain responsible to-day for the existing communal

controversies in this country. I may remind my honourable friend that some of his co-religionists openly advocate that the Hindus should not endeavour for a settlement with the minorities and that they should, and can, win *swaraj* single-handed and then deal with the minorities according to their sweet will. My honourable friend Mr. Deshbandhu Gupta and the other protagonists of this view, however, are either ignorant or deliberately seem to ignore the fact that the caste Hindus as such do not constitute an absolute majority in this country. There are at present 12 crores of *Achhuts* who are included in the category of "Hindus". These 12 crore *Achhuts*, call them *Harijans* or by whatever name you like, constitute the bulk of the Hindu population.

Lala Deshbandhu Gupta : Do you claim to represent them ?

Premier : I do not claim to represent them ; but they have their representatives in this House and you can ask them what they think about this proposition. I may remind my honourable friend that even Mahatma Gandhi had admitted that they constitute one of the minorities in this country. If you take away 12 crores of *Achhuts* and 9 crores of Muslims as also the Parsees, Anglo-Indians, Indian Christians and numerous other smaller minorities such as Sikhs, Budhists, etc. the result would be that all these minorities combined will constitute a majority ; and the remaining caste Hindus will become a minority. This is the analysis from the communal point of view. Now let us examine it from the political point of view. The Congress is undoubtedly at the moment the largest political party in this country ; but even so it commands allegiance of only a very small proportion of the vast population in this country. Put the Congress on one side and the Muslim League, the Liberal Federation, the Hindu Mahasabha and the various provincial political parties such as the Justice Party, the Khalsa Nationalist Party, and if you add to them the Communists, the Kisans and similar other organisations, not to speak of Indian States which constitute one-third of India, it would be found that the balance is heavily over-weighted against the Congress. I am not in the habit of mincing matters and now I have explained the position both from the communal and the political points of view, I trust my honourable friends opposite will appreciate why I put in the resolution those particular words to which they have taken objection. Let me further clarify my point. Let us assume for the sake of argument that all these various minority parties come to an understanding and put forward a united demand that since they together constitute an overwhelming majority of the people of this country, the new constitution should be framed in accordance with their wishes. And supposing His Majesty's Government accepts this plea, then what would my friends opposite do ? It would not be logical for them to oppose this demand because they have been pressing the British Government to accept their point of view on precisely identical grounds. If a constitution is imposed on this country at the combined request of the interests opposed to the Congress, will they be prepared to accept it ? I am sure they will then turn round and vehemently denounce it on the ground that it was not an agreed solution.

Diwan Chaman Lall : Exactly what they want.

Premier : They will then cry themselves hoarse and blame the British Government for betraying them. It is for this reason that I put in those words in the resolution so that every one of the parties should have the satisfaction of knowing that they will have a voice in framing the future constitution for this country—a matter which is of vital concern to all the parties and interests concerned. Let me, however, hasten to add for the assurance of my honourable friends that this part of the resolution does not necessarily imply that there must be complete unanimity even in minor matters of detail. After all, these words must be interpreted in the widest possible sense and the whole resolution must be seen in its true perspective. What we mean to convey is that, so far as the basic and fundamental principles and some of the more important details are concerned, there should be a general agreement among the parties concerned. Once the various parties and interests are agreed on broad principles, there should be no difficulty in coming to an agreement over the details. It is the vital basic issues which matter and not the minor details, which should not be difficult of adjustment. Without this agreement it would be impossible to formulate a constitution which could be expected to work smoothly and harmoniously. Any constitution which is superimposed without the agreement and consent of all the parties concerned would lead to endless trouble and might result in chaos and civil war. Surely, we do not want another 'treaty of Versailles' which is mainly responsible for the present hostilities and bloodshed in Europe. I hope my honourable friends are now satisfied that those particular words in the resolution are not only not objectionable but are essential in the interests of every one concerned. I do not think it is necessary for me to analyse or explain the rest of the resolution which is clear and self-explanatory.

I should now like to say a word or two about the counter-resolutions of which notice has been given by the Opposition. You will remember, Sir, that during the last war a section of the press in this country and certain political fugitives, who had taken up their abode in European countries, published statements which gave an erroneous impression to our enemies in regard to the sentiments and feelings of the people in India. It is believed that these incorrect and mischievous statements were partly responsible in encouraging Germany to undertake the bloody and unsuccessful enterprise of 1914. Germans were under the impression that on the declaration of war there would be a universal upheaval in this country. I venture to suggest to my friends opposite that their resolutions may also give a misleading impressions to our foes. When we know that the whole of India has condemned Nazi aggression in the strongest possible terms, it would be improper to move such resolutions. We, of course, know that these resolutions are nothing more than political tactics and do not even represent the real sentiments and doubts of that microscopic section of the public whom my honourable friends represent in this House : but these resolutions will be published and might mislead people in other countries which, I am confident, is not the intention of my friends opposite. They must realise that they would be taken there at their face value and there would be no Gopi Chand or Chaman Lall to interpret them there. The present war is no joke but constitutes a real menace to this country. My honourable friends opposite should take warning ; the danger is much nearer than they

realise. I appeal to my friends to try and be a little more realistic. I repeat that the danger is there, and that it is much nearer than even some of us on these benches realise. We know that when we are face to face with this danger, my honourable friend Lala Deshbandhu Gupta, will not be there to meet it and it would be for us on these benches and those whom we represent to bear the brunt of the attack and repulse it. (*Hear, hear and cheers from Ministerial benches.*) My point is that such resolutions, which do not reflect the opinion of any section of the people in this province, might mislead and encourage unscrupulous aggressors who have got a covetous eye on this country. It is for this reason that I wish that these resolutions had not been tabled. That they will be thrown out by the House I have not the slightest doubt.

Sir, I am afraid, I have already taken a great deal of the time of this House, but I should like very briefly to refer to one or two other points made by my honourable friends opposite. I will first deal with the speech of my honourable friend, the Leader of the Opposition. He started by twitting my Sikh colleagues on these benches. He said: "My Sikh brethren apparently look upon England as their motherland". I need only say in reply that it is an irony of fate that my Sikh friends on the opposite benches should have to rely upon Doctor Gopi Chand and Lala Deshbandhu Gupta to protect the interests and champion the cause of the Sikhs. (*Interruptions and cheers from the Ministerial Benches.*) Let me remind my honourable friend, the Leader of the Opposition, that a true Sikh never shirks his duty to fight for justice and righteousness. Indeed, it is his religion, his faith to fight against tyranny and oppression. If the Sikh stalwarts of the Punjab have decided to offer their wholehearted and unstinted support to fight against the Nazi aggression and Zoolm they are merely acting up to the valiant traditions of the community (*applause*); but my honourable friends—(*Interruptions*).

Mr. Speaker: I have more than once requested the honourable members not to interrupt. I will request them once more to let the Premier continue uninterrupted.

An honourable member: His speech is provocative.

Premier: I next come to Sardar Kabul Singh. If you will allow me to say so, his name is a misnomer. It should have been Moscow Singh and not Kabul Singh (*Laughter*). From the way he spoke one might have thought that we were sitting in Moscow or Leningrad because he went over the whole field of international politics in a manner which would have done credit to a full-blooded Bolshevik; he spoke as though the Russian Foreign Minister, M. Molotov, was speaking (*Laughter*). But it is my duty to remind my honourable friend that his duty is not to Moscow but to his own country and above all to his *Panth*. He should not try to side-track the gallant Sikhs by his Bolshevik ideas. Nor should he try to discourage the Sikhs from joining the army. By doing so he will be doing the greatest injury and the greatest Zoolm to his community. (*Interruptions.*) If he and his Sikh colleagues on those benches are true Sikhs—and I hope they are, although a section of their community doubts it, but I am sure my friend Giani Kartar Singh is a true Sikh because he wears the Akali *pugree* (*laughter*)—I earnestly appeal to them not to do or say anything which

[Premier.]

might affect the Sikh position in the army. They must remember that the importance of the Sikhs is due to the fact that they contribute the largest percentage of any community in this country to the Indian Army. There are as many as 24,000 Sikhs in the peacetime strength of the Indian Army. Do they want the Sikhs to lose their importance? Sardar Kabul Singh and his friends may desire it; but I, as a Punjabi, do not wish our province or the Sikhs to lose the benefit which we derive from the presence of these brave soldiers in our army. (*Cheers and interruptions.*)

My honourable friend, the Leader of the Opposition, also criticised the recent amendment of section 126 of the Government of India Act and mentioned that it involved the transfer of law and order to the Government of India. I am afraid he has not had time to study carefully the amendment or the original provision in the Act. The administration of law and order has not been taken away from the provinces and will continue to be our responsibility.

Dr. Gopi Chand Bhargava : The responsibility of action under the Defence of India Act lies with the Government of India.

Premier : The Defence of India Act is a Central Act and the Government of India can take action under that Act if the provinces fail or refuse to take the necessary action themselves; otherwise most of the powers are entrusted to the provincial Governments. And even where the Government of India decides to take uniform action throughout the country it has to be taken through the provincial agency.

Dr. Gopi Chand Bhargava : But you are not responsible.

Premier : Why not? I am responsible for the action of my officers. I am as much responsible as every Congress Government was before it decided to quit office. (*Interruptions.*) Another remark which my honourable friend, Dr. Gopi Chand Bhargava, made and on which he laid a great deal of stress was this. He said "*Ham Indianisation chahte hain.*" My answer to this is that now is the opportunity to attain it. He cannot have it both ways. On the one hand, he says do not join the army, and on the other he wants Indianisation. Now when an opportunity has come he spurns it. Apparently, he wants only peacetime soldiers; but he must realise that scope for rapid Indianisation in a peacetime army is limited because the strength of the army in time of peace is comparatively much smaller. There will be a big scope now on account of our war requirements and if he is genuine, he and his friends should avail of this opportunity by offering their services in large numbers.

Then my friend, Dr. Sir Gokul Chand Narang, raised the question of martial and non-martial classes and said that there should be no discrimination. There seems to be some confusion of thought about this matter. There are no such categories as 'martial' and 'non-martial'. There are the enlisted classes and those who are not enlisted for the army. Those who are included in the category of 'enlisted' classes have been selected after careful test and trial spread over a long period. My own regiment was originally a Madras Regiment which was raised about 200 years ago. Now it is manned exclusively by Punjabis. By a process of trial and test on active service, the less efficient were gradually replaced by more suitable and efficient elements, and these are detained until more suitable and better material

is found. That is how the present magnificent Indian Army has been constituted. If my honourable friends opposite want their kith and kin to adopt a military career, there will be ample opportunity for them to offer their services during the course of the present war. If they can come forward in large numbers when a demand is made on them, they will have ample field for proving their worth and staking their claim for a share in our fighting forces. I have made that suggestion on several occasions before also, and when the opportunity offers I hope that they will not fail to avail themselves of it. During the last war the doors were thrown wide open, and ample opportunity was afforded to non-enlisted classes to join up, as pointed out by my friend, Diwan Bahadur Mr. S. P. Singha, and other speakers during the course of this debate. Had my friends been keen they would have come forward then. Several people belonging to these classes did avail of this opportunity though their number was small and they mostly came from the north-western districts. I can give instances, from my own knowledge, of individuals belonging to non-enlisted classes from Rawalpindi and Attock districts who joined up. Most of them were Arora or Khatri Sikhs. I had a hand in recruiting them. Some of them, before they joined the army, used to go about with their donkeys from village to village buying agricultural produce and doing retail business on a small scale. Others used to sell *Gur* and *Ohholas*; but they did quite well once they joined up. There may still be young men of these classes in Gujar Khan and other tahsils of the Rawalpindi and Attock districts who may be keen to follow the example of their kith and kin during the last war. I understand that some relations of one of the prominent Sikh leaders are even now serving in the army. They may not be descendants of Sardar Hari Singh Nalwa, but even so they provide good fighting materials. Then there are Sikh *Sunyaras* who make extremely good fighters. The same is the case with *Mazhabi* and *Labana* Sikhs. Only the other day three *Sunyaras* reservists from my own village were recalled for service in a mechanical transport unit. All these classes provide excellent material for the army. (Dr. Sir Gokul Chand Narang: Conscription.) It is easier said than done. Where will he find the money to pay for universal conscription? That is an important aspect of the question which my honourable friend in his enthusiasm seems to have overlooked. But why worry about conscription? There is no dearth of volunteers and, as I have said, when the present war develops there will be ample opportunity for all those who are anxious to serve their country to enlist. As I have said, now is the opportunity to prove your worth and stake a claim. If and when the call comes and the classes whom you represent come forward and offer their services to fight for their King and their country, nobody will be happier than myself. But I would vehemently oppose any claim for a share in the peacetime army if they refuse to come forward and offer their services during the war.

Chaudhri Kartar Singh (Punjabi): *Sikhan te gas mask fit nahin aume:* "سیکھوں کے گیس ماسک فٹ نہیں آئے۔" (Laughter.)

Dr. Sir Gokul Chand Narang: May I just ask one question about the point which the Honourable Premier was just now raising? It is of importance. Is it not a fact that the so-called non-martial people are only being registered and not recruited? This is a very important point from his own point of view.

Premier : It seems that my honourable friend opposite has not studied the registration scheme. Both the enlisted classes and the non-enlisted classes are eligible for registration under that scheme. Some of them will be embodied in regular units while others will be enlisted in territorial units as and when the necessity arises.

Dr. Sir Gokul Chand Narang : Only for the period of war and twelve months after the war.

Premier : My honourable friend seems to be confusing the registration scheme with some other scheme. Surely, my honourable friend understands that the strength of the army cannot be retained on a war footing when the war is over. The strength is considerably less in times of peace and a very large proportion of officers and other ranks will have to be demobilized when the present war is over. The point which I want to stress is that the classes which prove their worth and merit on active service will have a legitimate claim for retention in the peacetime army also. Surely, he cannot expect that people with hoary traditions and long connection with the army extending over more than a century should make room for peacetime aspirants for an army career.

Sir, I may be allowed to make a passing reference to an uncharitable remark made by my honourable friend, the Leader of the Opposition, in the course of his speech to-day. I was somewhat surprised when he uttered—

”پنجاب گورنمنٹ کو تو کوئی تکلیف نہیں ہوگی۔ وزیر تو مزے کریں گے
ایک دن پنجابیوں کو تکلیف ہوگی۔“

*“Punjab Government ko to koi taklif nahin hogi. Wazir to maze karenge
lekin Punjabion ko taklif hogi.”*

I wish he had not made those remarks. I feel a great deal of diffidence and embarrassment in having to controvert this unwarranted aspersion and if I do so it is because I owe it to my colleagues to vindicate their position. Let me inform my honourable friend—and I believe he already knows it—that my colleagues here are every one of them prepared to make every possible sacrifice, material, financial or otherwise, to help in the successful prosecution of the war. (*Applause.*) Those of us who have sons of serviceable age have already offered them in the service of their motherland. The youngest son of my honourable colleague on my right—Sir Sundar Singh Majithia—is now serving with the Royal Air Force. (*Cheers.*) And allow me, Sir, to detail the information for the benefit of my honourable friend and other members of this House that there is not a single individual on the Ministerial benches who has not already offered his personal services and his resources to Government. Every one of them is ready to fight for the honour and safety of his country. (*Cheers.*)

Dr. Gopi Chand Bhargava : I never said anything of this nature because I was never personal in my speech.

Premier : My honourable friend if he looks at the report will find that he used the very words which I have quoted. However, I do not blame him because he was probably judging us by the standards acceptable to his colleagues on those benches. He would have been nearer the mark

if he had said that his "drawing room socialist friends" and others of that type will be comfortably sitting in their houses when other people would be fighting.

Dr. Gopi Chand Bhargava: That I know.

Premier: Perhaps it would have been more appropriate if I had used the word boudoir or parlour instead of a drawing room. My honourable friend, the Leader of the Opposition, was equally unfair and unjust when he said that :

"یہ صوبہ ہندوستان کے لئے بدنامی لائے والے ہے۔ اور یہ صوبہ ہندوستان کی غلامی کا باعث ہے۔"

"Yeh sooba Hindustan ke lie badnami lane wala hai : aur yeh sooba Hindustan ki Ghulami ka bais hai."

It was hardly necessary for him to remind us that we are not politically free yet ; we all know it. But we are all anxious to achieve that ideal at the earliest possible opportunity. There is no difference of opinion among us on that issue. The only difference between us is in regard to the method for the attainment of that objective. Who knows if the course which we on these benches advocate may not prove to be more expeditious and effective than the one which my honourable friend wishes to follow ? Personally, I am convinced that the method which we favour is more honourable, and is likely to lead us to our goal much quicker than any other course. I am sorry that my honourable friend should have used such disparaging remarks for his own province which is pursuing a more honourable and a more straightforward method of achieving our objective than the Congress, which is at the present moment engaged in bargaining with Great Britain. And may I ask my honourable friend :—

"وہ کس کے ہل بوتے پر سودا کر رہے ہیں۔ پنجاب کے ہل بوتے پر۔"

"Woh kis ke bal bote par suda kar rahe hain — Punjab ke bal bote par".

They are trying to bargain with Great Britain on the strength of the Punjab.

Dr. Gopi Chand Bhargava: Congress is not bargaining. You are bargaining.

Premier: I would leave that to the House and the country and the world to judge. Then my honourable friend glibly said : "Why should we worry about Russia ? Why should we worry about Germany ?—because they are not going to invade India. And even if they do so we will rout them by sheer force of non-violence." Germany and Russia can invade this country only if Great Britain is defeated. Then why ask Great Britain for a declaration regarding the future political status of this country ? And why all this bargaining ? If my honourable friend is morally convinced that Great Britain and her Allies are fighting for a righteous cause, then it is his moral duty to support them. If, on the other hand, he thinks that Great Britain is going to be defeated and that when Germany and Russia come here he will rout them by his non-violence, it is no use demanding a charter of freedom from the British Government. (*Interruptions.*) My honourable

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friend said that he would by sheer force of non-violence rout such formidable enemies as Russia and Germany. These were the words which he used :—

”م روس اور جرمنی کو بھاگ دینگے جو بولش ایمریٹلزم کو بھاگ سکے ہیں
وہ روس اور جرمنی کو بھی بھاگ دینگے۔“

“*Ham Roos aur Germany ko bhaga denge ; jo British Imperialism
ko bhaga sakte hain woh Roos aur Germany ko bhi bhaga denge.*”

If my honourable friend is so sure of the efficacy of this doctrine of non-violence, then why should he hesitate to give his unstinted support to Great Britain at this juncture, when she, according to the admission of his own leaders, is fighting in the cause of righteousness and justice ; and later when the war has been brought to a successful conclusion he can use his weapon of non-violence against the British to win our freedom if they refuse to concede it with good grace.

Now, Sir, I come to my honourable friend, Mr. Gauba. I hope he will forgive me for not dealing with the whole of his somewhat lengthy speech which except for one or two points, does not deserve much notice. He began by saying : “I represent nobody. I do not belong to the Muslim League, nor do I belong to the Congress. But I belong to the man in the street.” I have no quarrel with this statement of his and I am prepared to accept that he represents nobody. His other point was that Government had done nothing to ensure the safety of the people and the only reason which he gave in support of his contention was that we had not provided a single gas mask. It was amusing to notice that this request for gas-masks immediately followed a heated peroration which ended up with the words “we are not afraid of Russia ; we are not afraid of Japan ; we are not afraid of anybody.” Apparently, the sudden thought that a bomb might explode on the Golf Road in the compound of his residence seems to have upset him ; hence his request for provision of gas masks to the members of this House and people outside. Let me assure my honourable friend that Government is doing everything possible for the safety of the people in this province. I doubt if gas masks could be of much use ; but in case my friend is particularly anxious to secure one I might inform him that Messrs. Medoomull and Durga Dass otherwise known as Cheap John have in stock a large number of these masks. He can buy one from them for the small sum of Rs. 4-15-0. (Laughter.) Now, Sir, a brief word in regard to my honourable friend Sardar Santokh Singh's speech in which he repeatedly said : “Let us be in earnest.” I do not think that anybody on these benches will disagree with him in this view ; but there may be some uncharitably disposed persons who consider that Sardar Santokh Singh himself will not be prepared to act up to this exhortation if he finds that the Muslim League is likely to get into power in this province. I, however, do not endorse that view because my friend, Sardar Santokh Singh, also said in the course of his speech that he would be prepared to serve under anybody provided they were his countrymen. I congratulate him for expressing these patriotic sentiments. If others also follow his example, Dominion Status would be ours to-morrow, but mere occasional expression of such sentiments in this House is not likely to take us very far. We must put them into practice in our daily life in the clubs, at social gatherings and in our homes. If this

is done, the atmosphere of the province will change for the better in no time and the mentality of the masses with it.

Dr. Sir Gokul Chand Narang : Teach Jinnah the same lesson.

Premier : My appeal is meant for everybody ; but charity begins at home ; and it would be more useful if my friend, Dr. Sir Gokul Chand Narang , gave a lead in this matter.

Sir, I particularly wish to draw the attention of the House to a very important and significant speech made by my honourable friend, Sir William Roberts. He was speaking for the European community—not only the non-official Europeans in the Punjab whom he represents in this House but on behalf of the whole European community in this country. He read a message from the Central European Association which cannot but evoke feelings of friendship and goodwill among Indians for their British fellow subjects in this country. That message contains an unequivocal and most welcome expression of views regarding our future political status. It clearly and unreservedly indicates that the non-official British community is wholeheartedly with us in our desire for early attainment of Dominion Status and that nobody would be happier than they if Dominion Status was granted to us at once—to-day. These are noble sentiments indeed ; and I wish to take this opportunity to convey to the European Association, on behalf of this House, our warm and grateful thanks for this friendly gesture. I also wish to offer my thanks to Sir William Roberts and through him to the Central Association for their generous appreciation of the war offer made by the Punjab. Sir William Roberts said that “the European community was full of gratitude to the Punjab for the promise of its unconditional support in the war”. I have quoted Sir William's words to support my contention that a generous gesture from India at this juncture cannot fail to evoke an equally generous response from Great Britain. The initiative taken by the Punjab has had the effect of winning the sympathy and willing support of the European community, from Peshawar to Tuticorin and from Bombay to Calcutta, for our political aspirations. If the rest of India were to follow the example of the Punjab and thus demonstrate that ‘a friend in need is a friend indeed’, I am confident that Great Britain would not have the slightest hesitation in conceding our demand for Dominion Status.

Dr. Sir Gokul Chand Narang : Did they add the rider with respect to consultation and agreement of every Tom, Dick and Harry ? And if they did not add, why have you added it ? They are more just than you.

Premier : I have already met his point, but as I predicted his blind obduracy would not allow him to see reason.

Sir, I must make a passing reference to the speech of my honourable friend, Diwan Chaman Lall. It was a masterpiece of laboured eloquence. With a greater part of his speech, which consisted of exploded platitudes, we on this side have no quarrel. But I must say that he was unfair and unjust in his criticism of his erstwhile leader Mr. Jinnah. Perhaps in his eagerness to please his communal-minded colleagues on those benches he forgot that Jinnah whom he was condemning to-day is the same Jinnah whom he and his friends lauded to the skies. Only a week ago the *Hindustan Times* in a leading article praised him and hailed him as the same old Jinnah of

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pre-Muslim League days—as the one and only leader who held the key to the solution of the Indian problem—and beseeching him to give a lead to the country as a whole. Now that this tactical manoeuvre to get him to agree to the Congress viewpoint has failed I would not be surprised if he is again the recipient of fulsome and filthy abuse from the same quarters. But whatever others may say about Jinnah, it does not behove my friend, Diwan Chaman Lall, to emulate them because, as I have already said, he was not long ago his colleague and accepted leader.

It now remains for me to deal with the last speaker on the Opposition benches—I mean my friend, Mian Itikhar-ud-Din, the drawing room socialist. Most of his speech was so confused and incoherent that it was difficult to follow. But during those rare moments, in his impassioned harangue, when he was coherent I gathered that he was talking about Russia, Siberia and the inequities of British Imperialism. All that I can say is that if Stalin and his henchmen were here to listen to his harangue to-day, they would be trembling in their shoes, for the safety of Stalin who would find it difficult to retain his undisputed dictatorship of the Soviet in face of such a formidable rival and exponent of Bolshevik ideals.

Mian Muhammad Itikhar-ud-Din: Just as Mr. Chamberlain will yield to him.

Premier: I do not want anybody to yield to me. But the strong arm of the Punjab is capable of forcing even the strongest to yield. We, however, do not look to Russia for inspiration.

Sir, I would not keep the House much longer but before I wind up my speech I may be allowed to read a message from some members who are unavoidably absent to-day. You will have noticed, Sir,
 3 P.M. that the attendance is very full to-day. This is as it should be considering the importance of the business before us. The nine members who are absent to-day, owing to illness or other unavoidable reasons, have asked me to communicate to the House that they whole-heartedly and enthusiastically support the resolution moved by my honourable friend, Sardar Gurbachan Singh, on behalf of the Ministerial Party. These names are:—

Sir Muhammad Nawaz Khan,
 Rai Bhagwant Singh,
 Sardar Balwant Singh,
 Sardar Fatehjang Singh,
 Sayad Afzaal Ali Hasnie,
 Rai Bahadur Sham Lal,
 Khan Bahadur Makhdum Muhammad Hasan, and
 Rai Bahadur Binda Saran.

Dr. Sheikh Muhammad Alam: On a point of order. Is it in order to read names of people that are in favour of a particular resolution? Is that the convention?

Premier: I am merely communicating a message from some members of this House.

Diwan Chaman Lall: I notice that Mr. Chamberlain's and Lord Zetland's names are missing from this list (*laughter*).

Premier: They will be added at the same time as my honourable friend's name (*laughter*).

In conclusion may I remind the House that the Punjab has already declared its intention of supporting Great Britain and its Allies in this war with all its resources. And why has it taken that decision? Because, as I have repeatedly made it clear in my speeches and statements, it is imperative in the interests of our own country that we should give unstinted and unqualified support to the Allies. India with its vast land frontiers and extensive sea board is extremely vulnerable. If, God forbid, Great Britain is defeated in this war we would be at the mercy of those ruthless aggressors who are planning to bring the whole civilised world under their sway. We would be an easy prey to any invader from the east or the north-west. My communist friends opposite may be looking forward to Russian penetration and dreaming of a Soviet India. Let me tell them that Stalin would not commit such folly in a hurry. But it is not only Russia that we have to consider. There are others who would be prepared to sacrifice a great deal in order to get a hold over India. Let me warn the House that long before any of the bigger powers make a move for India we will have to face and quell trouble nearer home. We have turbulent neighbours on our borders and beyond them. Even in peace time they are a handful. We are aware of the raids and kidnappings at Kohat, Bannu and Dera Ismail Khan, in the settled districts of the North-West Frontier Province where a Congress Government has been functioning for over two years now. Some non-Muslims are afraid that the predominantly Muslim tracts in the north-west may welcome an invasion from their co-religionists across the frontier. They are labouring under a misapprehension. Let me assure them that they are doing a great injustice to their Muslim brethren by harbouring such ideas. We who live in that part of the province still remember the harrowing tales of Durrani invasions and raids when they used to overrun our *ilaga* plundering and burning our homes and of the untold misery and destitution which they left in their wake. It is we in the north-west of the Punjab and later the rest of the Punjab who will have to bear the brunt if India is invaded and not those down-country glib-tongued politicians who are either incapable of realising the danger to which this country is exposed or deliberately ignore it. If they had been placed as we are they would then have appreciated the gravity of the situation; and instead of indulging in the dangerous pastime of sitting on the fence or bargaining with the British, when the safety of India is at stake, would have done precisely what we in the Punjab have done by offering unconditional support to Great Britain and her Allies. We in the Punjab are fully aware of our obligations to our own province and to our motherland. It is our duty, as the Sword Arm of India, to protect our country and our hearths and homes against the onslaught of invaders from without and the mischief of traitors from within (*cheers*). It is a matter for gratification that the appeal which I made at the outbreak of hostilities on September 3rd has evoked a generous and enthusiastic response throughout the province from every class and section of the people. Both His Excellency the Governor and I have been inundated with a spate of telegrams and letters from individuals, associations, tribes and communities, offering their services and resources for the great and patriotic cause which

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we in this province have espoused. (*Applause.*) I take this opportunity of expressing once again my gratitude and thanks to all those numerous public-spirited and patriotic Punjabis who have made such splendid and generous response to the call for duty (*hear, hear*). I am glad to be able to inform the House that Raja Narendra Nath, Bhai Parmanand, Dr. Sir Gokul Chand Narang, and their friends are also among those who have offered their services. They deserve special credit for their patriotic gesture because in spite of their political differences with us they have not lagged behind others in placing their resources and services at the disposal of Government for the sake of their King and country (*hear, hear*). I am proud of them for this truly Punjabi gesture and congratulate them for the patriotic and public-spirited lead which they have given to the classes whom they represent. It has had the desired effect for we have received an offer from one such caste to raise a whole battalion of young men exclusively of that caste for service (*hear, hear*).

As for Congressmen, their attitude is inexplicable. They concede that Great Britain is fighting for a just and righteous cause and are willing to help but at a price. The safety of the country or its honour does not seem to worry them, but they are prepared to join in if Great Britain would throw some crumbs at them. I however do not blame them. It is obvious that they have not yet realised the gravity of the situation. When they begin to appreciate it, I am confident that they will revise their opinion and attitude. They are at present like the ostrich which buries its head in sand to avert the danger. My socialist-cum-communist friend, Mian Iftikhar-ud-Din, is also labouring under a similar misapprehension. Or may be he is awaiting the advent of Bolsheviks to secure his rightful place as the Stalin of India. He may be visualising that if there is any movement in Russia or the borders of India there will be *hulchul*—a revolution—in this country and then he would play the part of Stalin and Sardar Sohan Singh Josh would be his Commander-in-Chief (*laughter*). If so, let me tell him that he is living in a fools paradise. Long before that eventuality arises he and his friends would be safely housed elsewhere (*laughter*). And, in any event, his palatial houses, luxurious motor cars, valuable estate and big bank balance would all have gone to the proletariat long before the election of the dictator takes place (*laughter*). Then why not adopt the straightforward and honourable course and stand shoulder to shoulder with us in defending the honour and integrity of our country? Sir, whatever the rest of India may do, the Punjab will continue to play its honourable role, and, if needs be, fight to the last man to defend our country, to protect the honour of our women-folk and for the safety of our hearths and homes. It looks as if we will have to fight outside our country to avert the danger which at present threatens to wipe off the democracies of the world and to destroy the whole fabric of civilisation. The Punjab has already given its verdict and will live up to its great and hoary traditions of courage and sacrifice. I can confidently assert that if we are called upon to do so, the Punjab would be prepared to put a million combatants in the field within a few weeks in order to fight the ruthless and unscrupulous enemies of liberty, justice and religion (*cheers*); And incidentally win freedom for our motherland (*applause*) not by political manœuvring or

bargaining but by virtue of its deeds and by extending whole-hearted and honourable co-operation to a friend when he needs our support (*cheers*). Let us hope that others in this country will soon follow the example of the Punjab and even try to vie with each other to outstrip us in the service of humanity and our motherland. Sir, as I have said, Punjab has already given its verdict. The people of the province irrespective of class and creed have unequivocally declared that they will stand by Great Britain through thick and thin in this war. They have done their duty—as was to be expected of brave and honourable people. It is now for the accredited representatives of these people to do theirs. I am confident that they will not shirk it and by their vote to-day indicate that they are worthy of the confidence of the valiant people of this province and are out to uphold the honourable and gallant traditions of this great land of the Five Rivers. (*Loud and prolonged cheers.*)

Sardar Sohan Singh Josh : The Premier is playing the game very well and he deserves the Defence Secretaryship.

Mr. Speaker : Question is—

“That the question be now put.”

The motion was carried.

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

“After the words ‘This Assembly’ the following words be substituted for the words occurring in the original resolution :—

“views with grave concern that the British Government have made India a participant in the War between Great Britain and Germany without the consent of the people of India and that in complete disregard of Indian opinion laws have been passed and measures adopted curtailing the powers and activities of Provincial Governments.

This Assembly being definitely of the opinion that the declarations, authorised by the British Government, in answer to the demand of an unambiguous statement of its War and peace aims in reference to India, are wholly unsatisfactory and disappointing, recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present War, it is essential in order to secure the co-operation of the people of India, that the principles of democracy and self-determination should be applied to India, and her policy be guided by her own people and that India be regarded as an Independent nation entitled to frame her own Constitution safeguarding *inter alia*, in the fullest degree, the rights and interests of all minorities and further that suitable action be taken in so far as possible in the immediate present, to give effect to these principles in regard to the present governance of India.

This Assembly disapproves of the attitude and policy of the Punjab Government in offering unqualified co-operation to the British Government in the face of the denial of our rights by the British Government and in utter disregard of public opinion in the country, thereby lowering the honour of the province.”

The Assembly divided : Ayes 86, Noes 105.

AYES.

Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.

Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Gaubha, Mr. K. L.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.

Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mula Singh, Sardar.

Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.

Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Joginder Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mohy-ud-Din Lal Badshah, Sayed.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Asbraf, Chaudhri.

Muhammad Azam Khan, Sardar.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.	Pohop Singh, Rao.
Muhammad Hassan Khan, Gur-chani, Khan Bahadur Sardar.	Prem Singh, Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Pritam Singh Siddhu, Sardar.
Muhammad Husain, Chaudhri.	Ram Sarup, Chaudhri.
Muhammad Jamal Khan Leghari, Nawab Sir.	Ranpat Singh, Chaudhri.
Muhammad Qasim, Chaudhri.	Rashida Latif Baji, Begum.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Sarfraz Khan, Chaudhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Sarfraz Khan, Raja.	Roberts, Sir William.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Sadiq Hassan, Shaikh.
Muhammad Yasin Khan, Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Yusuf Khan, Khan.	Shahadat Khan, Khan Sahib Rai.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Shah Nawaz, Mrs. J. A.
Muzaffar Ali Khan Qizilbash, Sardar.	Shah Nawaz Khan, Nawab Sir.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sikander Hyat-Khan, The Honourable Major Sir.
Muzaffar Khan, Khan Bahadur Nawab.	Singha, Diwan Bahadur S. P.
Nasir-ud-Din, Chaudhri.	Sohan Lal, Rai Sahib Lala.
Nasir-ud-Din Shah, Pir.	Sultan Mahmud Hotiana, Mian.
Nasrullah Khan, Rana.	Sumer Singh, Chaudhri.
Nannihal Singh Mann, Lieutenant Sardar.	Sundar Singh Majithia, The Honourable Dr. Sir.
Nawazish Ali Shah, Sayed.	Suraj Mal, Chaudhri.
Nur Ahmad Khan, Khan Bahadur Mian.	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sardar.
	Wali Muhammad Sayyal Hiraj, Sardar.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): I beg to move—

That after the first two words of the original resolution the following words be substituted—

“Assures the Government of India and through them the British Government of the fullest co-operation of the Punjab in the prosecution of the war against Hitlerism, but views with disappointment the announcement recently made by His Excellency the Viceroy and is of the opinion that an immediate declaration by the British Government to apply to India the principles of freedom and democracy for which this War is being fought and to introduce full Dominion Status in India on the termination of the War will alone induce Indians to offer help and make sacrifices which Britain does expect and which help will not be spontaneously fully forthcoming otherwise.”

It also recommends that all distinctions between martial and non-martial classes be removed forthwith so as to allow every able-bodied Indian to offer himself for recruitment.”

Mr. Speaker : The question is—

That the motion moved by Sardar Santokh Singh take the place of motion moved by Sardar Bahadur Sardar Gurbachan Singh.

The Assembly divided : Ayes 11 ; Noes 101.

AYES.

Faqir Chand, Chaudhri.
Gauba, Mr. K. L.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.

Muhammad Wilayat Hussain Jee
lani, Makhdumzada Haji Sayed.
Santokh Singh, Sardar Sahib Sar-
dar.
Sita Ram, Lala.
Uttam Singh Dugal, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Allah Bakhsh Khan, Khan Baha-
dur Nawab Malik.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-din Qadri, Khan
Sahib Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Dina Nath, Captain.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
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 Baha-
dur Maulvi.
Ghulam Qadir Khan, Khan Baha-
dur.
Ghulam Samad, Khan Sahib Kha-
waja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.
Haibat Khan Daba, Khan.
Hans Raj, Bhagat.
Hari Chand, Rai Sahib Rai.
Harnam Singh, Captain Sodhi.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The
Honourable Major Nawabzada
Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Amin, Khan Sahib
Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.

Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Husain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan
 Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nur Ahmad Khan, Khan Bahadur
 Mian.

Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Sabib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz, Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmud Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

Mr. Speaker : The question is —

This Assembly approves of the policy of the Punjab Government towards the present inter-
 national crisis in condemning Fascist and Nazi aggression and declares its deter-
 mination to resist this aggression and to protect the security and honour of the
 Punjab and India with all available resources of the Province. It further desires
 that it should forthwith be made absolutely clear that the constitution of India
 shall be examined *de novo* at the end of the War with a view to the immediate
 attainment of the objective of Dominion Status with effective protection of the due
 rights of the minorities and other sections and in consultation with and agreement
 of all the parties concerned.

The Assembly divided. Ayes 103¹ ; Noes 39.

AYES.

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdes-
 pur).

Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.

¹For correction of the figure vide page 599 *infra*.

- 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, Khan Sahib Sayed.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Dina Nath, Captain.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.
 Mohy-ud-Din Lal Badshah, Sayed.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchari, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Husain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Wilayat Hussain Jee-lani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.

Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Honour-

able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmud Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

NOES.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gauba, Mr. K. L.
 Gokul Chand Narang, Dr. Sir.
 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.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Raghibir 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.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

ENTERTAINMENTS DUTY.

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

That the draft order, prescribing rates of entertainments duty, under subsection (1) of section 3 of the Punjab Entertainments Duty Act, 1936, as amended by the Punjab Entertainments Duty (Amendment) Act, 1939, published with Punjab Government notification No. 3706-Ex., dated the 28th August, 1939, be taken into consideration.

Sir, in submitting this simple motion to the House it is not necessary for me to say more than a few words.... You will observe that this draft order, as published in the Gazette, contains exactly the same duties on admission to places of entertainments as are contained in section 8 of the Act of 1936, except in regard to the first item, that is, "where the payment, excluding

the amount of the duty does not exceed four annas—Six pies.” In other words, according to this draft order, as now proposed, it is intended to remove the exemption limit which rested before at 4 annas. We are doing so because in many other provinces the exemption limit to-day is much less than 4 annas. As a matter of fact, in one of the provinces there is no exemption limit at all. The matter was examined at great length by the Retrenchment and Resources Committee and the evidence that was produced before them was unanimous in the direction in which the proposed draft order is conceived now. All that I need say further in support of my motion is that the result of this change is expected to yield a further income of about 70 or 80 thousand to the Punjab exchequer. There is no reason why this exemption limit should exist here when a lesser limit exists elsewhere and none in some places. It cannot be argued that a person, who, for admission to a cinema or other entertainments, can pay 4 annas or two annas cannot pay an additional duty of 2 pice. Therefore, I submit my motion for the consideration of the House.

Mr. Speaker : The motion moved is—

That the draft order, prescribing rates of entertainments duty, under subsection (1) of section 3 of the Punjab Entertainments Duty Act, 1936, as amended by the Punjab Entertainments Duty (Amendment) Act, 1939, published with Punjab Government notification No. 3706-Ex., dated the 28th August, 1939, be taken into consideration.

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

4 P.M.

Sir, I rise to object to the draft order now under consideration. My submission is that the imposition of the proposed entertainment tax would mostly affect people living outside Lahore. In mufassil cinema houses tickets worth one anna and two annas are generally sold. Now if this tax of 6 pies is imposed on one anna ticket it would mean a levy of 50 per cent tax on each ticket, and if it is levied on 2 annas ticket this would amount to 25 per cent. The Honourable Ministers drawing fat salaries cannot realise the hardship of this tax but the poor cinema-goers would surely be hard hit by this surcharge of 6 pies. Let them ask the poor and labouring classes as to how strongly they would feel it. These poor people visit cinemas for the sake of either entertainment and relaxation or education, and therefore they should be allowed to enjoy as much as they can. The Honourable Minister of Finance is free to enhance the rates of tax proposed to be levied on tickets of higher classes. The other day a ministerialist moved a resolution to the effect that a certain tax should be imposed only on richer classes. But it is a pity that to-day the Government intends to replete its exchequer by imposing a tax on poor and labouring classes also. With these words, Sir, I request the Honourable Minister of Finance to exempt the poor classes from the imposition of this tax.

Mr. Speaker : That point will be considered when the draft order is taken into consideration.

The question is—

That the draft order, prescribing rates of entertainments duty, under subsection (1) of section 3 of the Punjab Entertainments Duty Act, 1936, as amended by the Punjab Entertainments Duty (Amendment) Act, 1939, published with Punjab Government notification No. 3706-Ex., dated the 28th August, 1939, be taken into consideration.

The motion was carried.

Minister for Finance : Sir, the amendment¹ of which I have received notice is really a negation of the proposal which I have made.

You will see that in the original Act, section 3, the whole of the provision already exists, except as regards duty on admission fee up to annas four. The suggestion made in the amendment is that that be deleted. The effect will be that it will be left with the original position as in the Act itself. It is a sheer negation of the proposal I have submitted before the House. Further this amendment, in the form in which it has come, is not in time. Unless the honourable member proposes to oppose the whole order, this amendment cannot be taken up.

Dr. Gopi Chand Bhargava : My answer to the objection is that we are now revising the whole schedule and when we are revising the whole schedule we are revising every part of it. The Finance Minister thought it proper to fix the same rate as was fixed before. Therefore it is a new rate and not the old rate. It is not negation. A certain part in the schedule is to be removed : that is why this is an amendment and is in order.

Mr. Speaker : When was this draft circulated ?

Finance Minister : The notification was issued over two months ago.

Dr. Gopi Chand Bhargava : The question is when was notice given that it would be taken up for consideration to-day. We are expected to give notice of an amendment two clear days before it is taken up. We could give notice of an amendment only when we were informed that it was going to be moved to-day.

Finance Minister : The least that was to be done was to give timely notice of the amendment. The motion is on the agenda paper for to-day and honourable members have had adequate notice.

There was no justification for delaying notice of amendment beyond the permissible day. It is one of those cases in which I think you, Mr. Speaker, would not think it proper to condone the provision that requires two days' notice.

Sardar Kapoor Singh : Notice was given on the 3rd before 3 p.m.

Mr. Speaker : If the whole draft order is taken as one clause then, of course, the proposed amendment can be treated as such ; but if each item is to be treated as a separate clause, then it is a negation.

Dr. Gopi Chand Bhargava : If it is one clause even then we have a right to move an amendment.

Mr. Speaker : If we do not take it as one clause, that is to say, if we take each item proposing a tax as a separate clause then it will be a negation. Let us take each item as a separate clause. This appears to be the safest course.

Item. The question is—

“That the item

Where the payment, excluding the amount of the duty does not exceed four annas..... six pies”

be passed.

¹That in line 8, the words “does not..... six pies” be omitted.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Urdu) : Sir, Generally speaking, entertainment duty is imposed on those who go to cinemas. And I may submit that there are four or five kinds of cinema-goers. The first kind consists of those who get a fat salary, say Rs. 1,000 a month and this type of people go to pictures for mere relaxation.

There are others who have got money as well as leisure. They find time hanging heavy at their hands and to while it away they go to some cinema house at 5 P.M. or 9 P.M. Then there is the student community who go to cinemas merely to feast their eyes on the sights which I need not describe. But there is another class which goes there not to enjoy itself but to gain knowledge. To them the pictures are a source of knowledge and information. When villagers go to cities they part with some of their money not for the sake of entertainment but to satisfy their curiosity and to add to their knowledge by seeing the pictures acting and talking like living beings. The same is the case with the working classes in the cities. Whereas for the rich the picture houses are merely places of entertainment, for the poor labourers they are temples of knowledge. Thus the pictures have an educative value for them and, therefore, to saddle them with a tax will amount to putting an insurmountable obstacle in the way of their gaining knowledge and adding to their information.

Thus the Honourable Minister of Finance wants to tax these poor people and to deprive them of all opportunities of gaining knowledge. I need not say, Sir, that the lower class seats are occupied by the poor. The Ministers, police officers and others are always to be found in higher classes. Moreover, these higher class visitors of cinema houses and other places of entertainment are almost invariably admitted free. The police officers have their free passes. So have the members of the Board of Censors, and I think the Ministers are no exception to the rule. I submit, Sir, that if a list of those officials is prepared who get free passes and then the price of one or two tickets is deducted from the salary of each one of them the exchequer will receive much more than Rs. 70,000 which the Honourable Minister expects from the proposed tax. The Honourable Minister of Development will bear me out that the poor villagers go to picture houses merely to gain knowledge and that, therefore, to tax these poor and uneducated people is nothing less than callously depriving them of the benefits of an attractive source of education and knowledge. With these words I request that the item proposing a tax of 6 pies on a ticket worth four annas be deleted.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural) : Sir, I would like to say a few words in this connection. My honourable friends over there, at one moment are very loud in claiming that they want schools, that there should be colleges, that there should be hospitals, that there should be rural uplift and so on and so forth; and at another moment their demand is that the *abiana* should be reduced by 50 per cent or that land revenue should be reduced to 60 per cent and that no new tax should be levied. I would remind my honourable friends that unless and until there is a large sum of money at the disposal of Government to balance the budget of the province and unless and until they resort to some sort of

taxation, it is impossible to satisfy their demands or to give the desired relief to the poor. The allegation of my honourable friend, who preceded me is that the proposed tax will be paid by the poor people, who go to cinemas for the sake of acquiring knowledge. The first thing which I submit is that this proposed tax is certainly a luxury tax, because going to cinema is not a necessity. We may go to cinema for acquiring knowledge or entertainment. There is no necessity or compulsion for the poor man to go to cinemas and pay this tax. This tax of two pice which the Government proposes to levy is very reasonable and I do not think that they should raise even their little finger against this proposal. If this tax is going to hit the poor very hard, there is no reason why they should go to the cinema at all. If they can afford to pay annas 4 for this luxury they can certainly pay two pice more.

I was a member of the Resources and Retrenchment Committee and this matter was thoroughly discussed in that committee. We unanimously decided to recommend the levy of this luxury tax. The percentage of the tax paid by the rich people, who buy tickets for Rs. 3 or Rs. 4 is higher than the percentage which the poor people desirous of going to cinemas will have to pay. If they are really poor, there is no reason why they should go to cinemas at all. They may consider this small tax of two pice as a tuition fee for acquiring knowledge and learning through cinemas. With these few words I support the motion.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan, Women Urban) (*Urdu*): Sir, the draft order prescribing rates of entertainments duty now before the House aims at levying a tax on those who go to cinemas and spending the sum so realized in a way that may be conducive to the public good. In this connection my submission is that a person who can spend four annas for admission to a place of entertainment can also very easily pay 6 pies by way of an entertainment duty. In this way the revenues of the province will also be increased.

Besides, if you think that a tax of 6 pies on every four anna ticket will discourage the people from going to cinemas, it will be all the more conducive to the public good. Because, only those persons go in for the four anna class who earn only so much which at night time ignoring the interests of their wives and children they spend on going to cinemas. If instead of squandering away their meagre earnings on cinemas they spend them on their wives and children it will be a thousand times better. Along with this I wish to bring this matter to the notice of the Government that as generally in all cities places of entertainment are situated within the municipal limits, therefore the Government are not justified to levy tax on them. In my opinion the money thus realized should be handed over to the municipal committees concerned.

Mr. Speaker : That matter is not now before the House.

Begum Rashida Latif Baji : Certainly that is so, but we have to bring these matters to the notice of the Government. I therefore avail of this opportunity and bring this matter once again to the notice of the Government. There is no gainsaying the fact that there are numerous places of entertain-

ment at Lahore and if only a tax of 6 pies per ticket is realized that sum can amount to thousands of rupees. In my opinion this sum can go a long way in improving the conditions of the city. I perfectly remember that the Lahore Municipal Committee once passed a resolution to this effect that a tax should be imposed on places of entertainment and in this way the income of the said Committee should be increased. But the Government opposed the suggestion of the committee. Now, I, as a representative of the urban people consider it my duty to inform the Government that they have no right to levy this entertainment duty. But on the other hand municipal committees should be allowed to levy this tax.

Mr. Speaker : That is a separate matter.

Begum Rashida Latif Baji : I know that that is a separate matter. After all we have to lay our views before the Government. While supporting the draft order prescribing rates of entertainments duty, I request the Government that the tax so realized should be spent for the welfare and benefit of those persons from whom it could be realized.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, the entertainment duty that is proposed to be levied under this draft order on all payments for admission to any entertainment will affect two classes of people. In the first place it will affect the cinema goers. For instance, if anybody goes to a cinema and spends one or two or four annas for admission, he will have to pay six pies by way of entertainment duty. Secondly, it will affect the film industry and the film distributors. In view of this I propose to discuss the matter now before the House from these two standpoints.

Now Sir, the Honourable Minister has stated that this measure is likely to bring in an annual income of Rs. 70,000 to 80,000. He has also pointed out that there is not a single province in which this exemption is given and there is no reason why it should be continued in the Punjab with a consequent loss of revenue to Government. Further, my honourable friend Chaudhri Riasat Ali has pointed out that if the cinema goers cannot pay four annas and six pies instead of four annas they should give up the habit of cinema going. Let me point out that if my honourable friend wishes to stop these people from going to cinemas in this way he should have asked his Government to enact a law directing the managers of cinemas not to charge less than four annas and six pies in any case. If he had done that it would have been quite a separate matter. But he does not wish to do so and simply wants to tax them. Besides, if he wishes that people should not go to cinemas, may I know how his Government would be able to realize Rs. 70,000 by way of entertainment duties? Then again, if the cinema goers cease going to cinemas what is the object for which he proposes to levy this duty? In my opinion this argument of my honourable friend does not hold water.

Now let alone the closing down of cinemas, everywhere in the world efforts are being made that those people who labour day in and day out should be provided with some sort of entertainment. The independent and free nations provide such films for their people from which they can learn much. But in our country our film censors do not keep this thing in their view

I may submit that if labourers and other people were compelled to give up cinema going on account of this high duty then in my opinion they would be compelled to have recourse to other bad and pernicious entertainments, for instance, wine drinking and such other entertainments which are not only injurious from the point of view of health but are ruinous from the financial standpoint as well. The harmless entertainment of cinema was invented merely for the sake of saving the people from falling a victim to other bad entertainments. In my opinion it is a harmless entertainment and at the same time it is very useful as well. Previous to the coming into field of movies, pictures were shown by means of magic lantern. Now we have a very highly developed film industry and all along providing entertainments to our people we can impart education to them by means of films. Now the draft order provides that a duty of 6 pies should be levied on tickets where the payment excluding the amount of duty does not exceed four annas. It means that a person who buys a ticket for two annas will have to pay six pies by way of entertainments duty. Previously such persons generally spent two annas for buying the ticket and two pice for some edible. But now they would be compelled to spend six pies more which brings the total to three annas. Besides, it has been stated by my friends opposite that a higher duty has been placed on tickets of more value and if they raise that duty still further, it would prohibit the people from going to cinemas and thereby the cinema owners would be put to a great loss. But let me point out that many people who go for higher classes go free. For instance every owner of a theatre gets 10 free passes daily and similarly police people also get free passes. If a tax is imposed on such tickets it would be justifiable as well as profitable. Even if a duty of eight annas is levied it can be realized very easily. But the pity is we do not take into consideration these facts.

Further a person who can spend Rs. 2 or 3 for a ticket, on whom my friends have levied a duty of six annas, could have very easily paid if the duty was enhanced to eight or nine annas. They would not have minded paying this extra duty. But to ask the poor cinema goers to pay a duty of six pies is in my opinion a great hardship.

In addition if my friends are opposed to cinema going, they can pass an order prohibiting the people to go to cinema. But as they are not against cinema going and as a matter of fact are in its favour, so it behoves them to impose such a tax on this kind of entertainment which should help the development of the film industry and particularly the Indian films from which the people can learn much and which can provide entertainment as well. In the circumstances I suggest that the tax of six pies should not be imposed on tickets of less value than four annas. But on the other hand after ascertaining the number of free goers to cinemas this duty can be levied which will bring in more revenues as well as save the poor people from further taxation. With these words I oppose the draft order prescribing the entertainment duty.

Mr. Speaker : The question is—

That the following item be passed:—

Where the payment, excluding the amount of the duty — does not exceed four annas—
Six pies.

The motion was carried.

Mr. Speaker : The question is—

That the following items be passed :—

Exceeds four annas but does not exceed eight annas	..	One anna ;
Exceeds eight annas but does not exceed one rupee	..	Two annas ;
Exceeds one rupee but does not exceed two rupees	..	Four annas ;
Exceeds two rupees but does not exceed three rupees	..	Six annas ;
Exceeds three rupees but does not exceed four rupees	..	Eight annas ;
Exceeds four rupees but does not exceed five rupees	..	Twelve annas ;
Exceeds five rupees but does not exceed seven rupees and eight annas	..	One rupee ;
Exceeds seven rupees and eight annas but does not exceed ten rupees	..	One rupee and eight annas ;
For every five rupees or part thereof in excess of the first ten rupees, in addition to the payment on the first ten rupees	..	One rupee.

The motion was carried.

Minister for Finance : Sir, I beg to move—

That the proposed draft order be passed.

The motion was carried.

Secretary : I have to report to the Assembly that an error which occurred in marking the name of a member upon the division list when the division on Sardar Bahadur Sardar Gurbachan Singh's motion took place, has been corrected. The result of voting after this correction will be—

For the motion	..	104
Against the motion	..	89

VILLAGE PANCHAYAT BILL.

Clause 6.

Mr. Speaker : The Assembly will now resume discussion on the clauses of the Village Panchayat Bill.

Pandit Muni Lal Kalia : There is one amendment—

That at the end the following proviso be added—

Notwithstanding anything contained in sub-section (4) or any rules made by the Government thereunder, an outgoing panch shall, unless the Government otherwise directs, continue in office until the election of his successor is confirmed.

Mr. Speaker : This is a new clause. The honourable member cannot move it without obtaining the leave of the House. He may read it without making a speech. If the House gives him the requisite leave he may move its consideration.

Pandit Muni Lal Kalia : I beg to ask for the leave of the House to move—

That at the end the following proviso be added :—

Notwithstanding anything contained in subsection (4) or any rules made by the Government thereunder, an outgoing panch shall, unless the Government otherwise directs, continue in office until the election of his successor is confirmed.

Mr. Speaker : The question is—

That leave be given to move that at the end the following proviso be added :—

Notwithstanding anything contained in subsection (4) or any rules made by the Government thereunder, an outgoing panch shall, unless the Government otherwise directs, continue in office until the election of his successor is confirmed.

The motion was carried.

Pandit Muni Lal Kalia : Sir, I beg to move—

That at the end the following proviso be added :—

Notwithstanding anything contained in subsection (4) or any rules made by the Government thereunder, an outgoing panch shall, unless the Government otherwise directs, continue in office until the election of his successor is confirmed.

Minister for Public Works : I accept the amendment.

Mr. Speaker : The question is—

That at the end the following proviso be added :—

“Notwithstanding anything contained in subsection (4) or any rules made by the Government thereunder, an outgoing panch shall, unless the Government otherwise directs, continue in office until the election of his successor is confirmed.”

The motion was carried.

Mir Maqbool Mahmood : Sir, before this clause is put to the vote I wish to raise an important matter for the consideration of the Government. I am sure that the Government is entitled to the gratitude of the province for having brought in this Bill. The two greatest leakages in the small income of the zamindars of the province are, firstly, excessive interest, and, secondly, costs of litigation. Litigation alone costs zamindars Rs. 4 crores a year which is equivalent to the whole of the land revenue paid. Government have already passed beneficent laws to relieve indebtedness. The present Bill should reduce at least 2 crores a year of the litigation expenses of poor villagers, saving them from the harassment to which they are now subjected in certain courts. This Bill will also give a new life and tradition of self-respect to the village brotherhood and should lead to improvement of village conditions. There is, however, another side of the picture. Luckily in most of the villages of the province, relations between the *peshawars* (generally known as Kamins) and the landlords are healthy and friendly. So far as these villages are concerned there is no reason to believe that the *peshawars* stand the risk of any oppression at the hands of the panches. But unfortunately that is not so in all the villages. And though there are many villages in which inter-communal relations are very good, on which they deserve to be congratulated, there are some villages—such as in my district—wherein due to communal frenzy the *peshawars* belonging to one community are not properly treated, by certain landlords belonging to the other community. For such places, it is only fair that Government when framing rules for the constitution of the panchayats should take due care having regard to the condition of the panchayat areas concerned to ensure that legitimate representation is given to the *peshawar* classes. I would further submit that these panches have to decide by a majority and will have judicial powers to decide cases. Giving of judicial powers to the panches is very welcome and necessary reform. It would, as stated by me, give protection to the rural population and would be a most welcome relief to their heavy burden. But here again the poor *peshawar*, in case against the landlord—particularly if the bulk of landlords and *peshawars* belong to different religions—is not likely to have fair play from the landlords—with rare exceptions—in the present circumstances of the province. As such in those villages where the relations are not friendly, the *peshawars* are likely to be oppressed. Similarly if the landlords belong to different religions and their relations are not good there is a similar risk. I would, therefore, suggest that when the Government are framing rules they should issue instructions to see that in such cases, by transfer of the case or

other suitable method, due protection is given against harassment. Moreover, in certain villages, poor *peshawars* are not given ordinary facilities to case themselves or to bury or to cremate their dead or to deposit their manure. Powers should be given to panchayats, and where they fail, to the Provincial Panchayat Officer on revision, to deal with such cases even if it may necessitate compulsory acquisition of land preferably out of Government land. These are the points which I wish to place before the Government and I would request a declaration of their policy in the matter before this clause is passed.

Minister for Public Works (The Honourable Major Nawabzada Khizar Hayat Khan Tiwana): Sir, as far as due protection of the *peshawars*—including the scheduled castes, the christians and other classes—is concerned, I am in complete agreement with the Parliamentary Secretary (General). Government will give due consideration to this question when framing the rules. Ample powers have been given under the Act to officers concerned to prevent any majority tyrannising the minority. Instructions will be issued in this connection and such injustices will not be allowed to happen. If they do happen, action will be taken promptly. As to the complaint that in certain cases *peshawars* are not being treated well by the zamindars this Bill should help to cure that. As soon as *peshawars* are enfranchised, the landlords or the majority community or whatever party seeks power will have to look to them for votes. That fact itself would, I think help in remedying the trouble. Nevertheless, wherever there is justification for such complaints or reasonable chance thereof, as stated, Government will issue instructions to see that it is avoided.

Mr. Speaker: The question is—

That clause 6 as amended stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon on Tuesday, 7th November 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 7th November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

SEARCH MADE OF CERTAIN HOUSES IN VILLAGE GHANIEKE.

***4615. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that the houses of Bhai Jagat Singh, Bhagat Singh and Sunder Singh of village Ghanieke (Bangar), thana Fatehgarh, district Gurdaspur, were searched on the night of 10th December, 1938, under the Arms Act ;
- (b) whether anything incriminating was found with them ;
- (c) whether the above-mentioned persons were taken into custody, if so, the period for which they were kept under restraint ;
- (d) the reasons for arresting them and then letting them off ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) and (c) No such searches or arrests were made by the police. It is alleged by some of the persons mentioned that a party of bad characters posing as police officers searched one or more of the houses in the village but I believe I am right in saying that none of them make any accusations against the police.

(b) and (d) Do not arise.

***4633. Cancelled.**

INFRACTUOUS TRIAL OF MR. K. L. GAUBA BEFORE A DISTRICT AND SESSIONS JUDGE.

***4668. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that soon after the purchase of land mentioned in question No. *4667 the same District and Sessions Judge was appointed by the Government as special Sessions Judge to try criminal case against Mr. K. L. Gauba (son of late Lala Harkishan Lal) and others ; if so, did he inform the Government at the time of appointment that he had purchased land of Lala Harkishan Lal and Sons from Special Official Receiver ;

[Dr. Gopi Chand Bhargava.]

- (b) whether any application was made by Mr. K. L. Gauba in the High Court for transfer of the case from his court on the grounds of above-mentioned purchase of land ; if so, what was the result and will the Government lay a copy of the judgment on the table of the House ;
- (c) if transferred whether the case was tried *de novo* ;
- (d) what did the infructuous trial before the court of District and Sessions Judge cost the Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The officer in question was District and Sessions Judge, Gujranwala, and as such an Additional Sessions Judge for Lahore. The case "Crown *versus* K. L. Gauba and others" was entrusted to him in this capacity, in May 1937. He did not make any special report to Government of the purchase of the land, since it had been effected by his wife and son.

(b) Yes. An order for transfer was made on the 19th August, 1937. Copies of the order can be obtained from the court in the usual way, and it does not seem necessary to lay a copy on the table here.

(c) Yes.

(d) The matter is nearly two years old, and figures of the cost could not be collected now without an expenditure of labour out of proportion to the result to be secured.

CRIMINAL CASES CHALLANED BY SUB-INSPECTORS OF POLICE IN
AMRITSAR DISTRICT.

***4710. Sardar Sohan Singh Josh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of criminal cases challaned by sub-inspectors of police in the Amritsar district in 1938 ;
- (b) in how many of these cases the accused persons were acquitted ;
- (c) whether any entries are made in the character rolls of sub-inspectors if any cases challaned by them result in acquittal ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) and (b) I am afraid that I am not clear what the honourable member means by "criminal cases challaned by sub-inspectors of police." As he will see from a perusal of Rule 27·1 of the Punjab Police Rules, no case is put into court except under the orders of a gazetted officer and after a thorough scrutiny of the charge sheet by the police prosecuting staff. Possibly the honourable member wishes to have figures of criminal cases investigated by the various sub-inspectors. I am accordingly laying on the table a statement showing the number of cognisable cases registered in each of the police stations in the Amritsar district in 1938, with a summary of the results. In considering these figures, however, it must be remembered that in most police stations there are two or more investigating officers.

(c) No. (The current instructions regarding the making of entries in character rolls will be found in Rule 12·34 of the Punjab Police Rules).

*Cases registered in the various Police Stations of the Amritsar District,
with their results.*

Serial No.	Police Station.	Cases registered.	Sent for trial.	Convicted.	Discharged.	Cancelled.	Untraced.	Pending.
1	2	3	4	5	6	7	8	9
1	Kotwali	201	112	90 153*	22 49*	9	65	15 1*
2	A. Division	155	83	73 79*	10 23*	13	56	3 1*
3	B. Division	70	30	22 41*	8 20*	11	29	0 0
4	C. Division	82	46	37 49*	9 16*	7	28	1 0*
5	D. Division	145	61	49 64*	12 37*	13	68	3 10*
6	Civil Lines	236	92	61 127*	31 75*	33	108	3 2*
7	Sadar	252	110	86 59*	24 51*	23	119	.. 0*
8	Lopoke	161	66	42 64*	24 57*	11	80	4 3*
9	Ajnala	154	63	35 41*	18 37*	14	83	4 2*
10	Ram Das	99	42	28 42*	14 19*	7	48	2 1*
11	Majitha	198	66	47 78*	19 59*	11	113	8 *
12	Kathu Nangal	115	47	32 50*	16 37*	9	57	2 *
13	Jandiala	226	108	76 107*	32 59*	18	93	7 1*
14	Beas	187	88	57 73*	31 77*	10	92	7 3*
15	Verowal	143	65	38 62*	27 37*	12	64	2 1*
16	Sarhali	297	125	74 111*	61 109*	24	138	10 3*
17	Tarn Taran	410	192	142 131*	50 76*	48	157	18 2*
18	Jhabbal	208	99	65 87*	34 74*	14	91	4 5*
19	Gharinda	196	105	57 91*	48 80*	14	73	4 1*
20	Railway Police ...	75	50	48 56*	2 6*	6	19	..
	Total	3,610	1,640	1,159 1,570*	481 998*	307	1,571	92 36*

Figures marked * show the number of persons involved in the cases.

EXEMPTION OF SWORD FROM ARMS ACT.

***4711. Sardar Sohan Singh Josh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the districts in which sword has been exempted from the Arms Act ;
- (b) whether any increase in crime has occurred in those districts since its exemption ;
- (c) if not, whether he has considered the question of exemption of sword from the Arms Act in other districts of the province also ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Since September, 1935, there have been no restrictions on the possession and carriage of swords (other than sword-sticks) in any district of the Punjab.

(b) During the last few years there has been a serious increase in the number of murders in the province, and a rise in certain other forms of violent crime, but there is no reason whatever to connect this with the orders issued in regard to the possession of swords.

(c) Does not arise.

RESOLUTION PASSED BY THIS HOUSE ON SUBJECT OF FEDERATION.

***4721. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether he has received any acknowledgment of the receipt of the resolution passed by this House on the subject of Federation last year and forwarded to the Secretary of State for India and also any intimation as to the intention of the British Government in the matter subsequent to the receipt of the resolution ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : *First Part.*—Yes, an acknowledgment was received from the Government of India.

Second Part.—No.

CHALLAN OF ACCUSED PERSONS IN CONNEXION WITH CRIMINAL ASSAULT ON CONGRESS WORKERS AT ASAUDHA.

***4743. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether the police has so far put the formal challan of the accused persons in connexion with the criminal assault on the Congress workers at Asaudha on 19th February, 1939 ; if so, the date of arrest, the names of arrested and the date of challan put in the court ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes, a challan in the Asaudha Riot case (F. I. R. No. 12, dated 19th February, 1939, under Sections 324, 325, 326 and 148, Indian Penal Code, Police Station Bahadurgarh), was put in court on the 24th April, 1939. Six persons were arrested on the 20th February, four on the 21st February, one on the 8th March and four on the 21st April, 1939. Of these, six persons were not challaned, evidence against them being insufficient. It is not in the public interest to give names.

RIOTS AND THE POLICE AT AMRITSAR.

***4747. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether it is or it is not a fact that law abiding peaceful citizens of Moghul Gate, Karmon Deori, Katra Jaimal Singh, Katra Kanahayan and Hall Bazar of Amritsar made a request to the police present on the spot to help them while they were being looted by the rioters, but the police on duty remained inactive ?

Parliamentary Secretary (Mir Maqbool Mahmood): If the honourable member will specify the date on which the alleged incident is believed to have occurred, I will make inquiries.

RAID ON THE HOUSE OF DR. ISHAR DASS BHATIA IN AMRITSAR.

***4748. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the house of Dr. Ishar Dass Bhatia, a leading and respectable citizen of Amritsar, was raided by the police with some *badmashes* and the police insulted his brother and servants in his absence and refused to leave the house unless and until requested by Mr. Farid, M.A. (Cantab.), a Professor in Islamia College, Amritsar ; if so, what punishment does the Government propose to award to the police men concerned ?

Parliamentary Secretary (Sardar Badadur Sardar Ujjal Singh): The house of the gentleman named has never been raided by the police ; but during the communal rioting on the 2nd March last it was necessary to post police on the roofs of some of the houses in this locality to prevent the throwing of missiles on persons engaged in the Muharram celebrations. It is understood that two constables did enter the house of Dr. Ishar Dass Bhatia for this purpose, and made their way up to the roof, but there does not appear to be any foundation for the suggestion that they insulted the inmates or that they were requested to leave. Had there been any improper behaviour, it may perhaps be assumed that it would have been brought to the notice of the local officers, but no such complaint has ever been made to the Deputy Commissioner or to the Superintendent of Police.

Dr. Sant Ram Seth : I am in possession of a joint statement of his daughter, his servant, his brother and Mrs. Ishar Dass in which it is complained that the police trespassed into their house without permission and acted in an objectionable way and when asked to stay away and go back, the police men began to beat them.

Parliamentary Secretary : If they had any complaint, they should have lodged it with the police officers or the Deputy Commissioner.

Dr. Sant Ram Seth : The people have no confidence in the police.

Premier : And they have confidence in you alone ?

Dr. Sant Ram Seth : When you are the Premier, how can we enjoy the confidence of the people ?

Premier : Then you should allow those in whom they have confidence to secure justice to them.

Munshi Hari Lal : Is it not a fact that house trespass is a cognisable offence, and there is no need of making any complaint to the authorities by a private person ?

Mr. Speaker : But a report has to be made to the officer in charge.

Munshi Hari Lal : Not when the police is itself involved.

Lala Duni Chand : May I know whether in view of the valuable information supplied by the honourable Dr. Sant Ram Seth, Government will take more serious action in the matter and make enquiries into the truth of the information that has been given by the honourable member ?

Parliamentary Secretary : If the honourable member who has got this information prefers this complaint to local officers, they will certainly make inquiries.

Lala Duni Chand : May I know whether the Government is going to do anything in the matter, whether it is going to move the district magistrate or any other officer to inquire into the correctness or otherwise of the information given ?

Parliamentary Secretary : What is there to prevent my honourable friend from forwarding this report to the local authorities for making the necessary inquiries ?

CONTRACT OF CARRYING POLICEMEN AND POLICE OFFICERS IN LORRIES.

*4764. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the name of person or persons to whom the contract of carrying policemen and police officers in lorries within the same town or from place to place in the Punjab by motor vehicles, is given ;
- (b) the rate of charges and the yearly cost of the same ;
- (c) on what basis the selection of a contractor or contractors has been made ?

Parliamentary Secretary (Sardar Bahadar Sardar Ujjal Singh) :
(a) Contracts have been made with—

- (i) Bawa Narindar Singh Bedi, the proprietor of the Sri Guru Nanak Motor Company, Muzaffargarh, for one year from the 1st August, 1938, for the carriage of police in the Muzaffargarh district.
- (ii) The British Automobile and Engineering Company, Lahore, for the transport of under-trial prisoners in the districts of Lahore, Amritsar, Multan, Ferozepore, Jullundur, Ludhiana, Ambala and Hissar. Under the terms of the contract, which extends till the 22nd November, the Company is also required to place vehicles at the disposal of the police for the carriage of men of the Force in times of disturbance ;
- (iii) The same company as at (ii) above, for the carriage of Additional Police throughout the Ferozepore district ;

(iv) Seth Sri Chand, Mail Contractor, Dera Ghazi Khan, for the carriage of police officers in lorries in the Dera Ghazi Khan district ;

(v) Lala Tikkan Lal, Mail Contractor, Dera Ghazi Khan, for the carriage of police officers in lorries in the Dera Ghazi Khan district ;

(b) (i) The rates are fixed per trip, varying from five annas to one rupee per passenger according to the length of the journey ;

(ii) The cost of vehicles required for the transport of police is included in the main contract for the carriage of under-trial prisoners ;

(iii) Rs. 8,880, per annum ;

(iv) Rates ranging from five annas to nine annas a mile ;

(v) Rates ranging from four annas to nine annas a mile.

(c) Contracts (i) and (iii) were concluded after calling for tenders. In the case of (ii) the present contractor was chosen by selection, with the approval of Government. Tenders for a new contract were recently called for.

In the case of contracts (iv) and (v) the Superintendent of Police entered into engagements with the contractors of the Postal Department. It is understood that the latter department had called for tenders before entering into their engagements. If and when these contracts are renewed the desirability of inviting tenders will be considered.

Lala Duni Chand : May I know for how long the company referred to by the Parliamentary Secretary has been enjoying the monopoly or the contract ?

Parliamentary Secretary : I don't know, which company the honourable member is referring to but I have stated that in certain cases the contract was given in 1938 and in another case probably in 1937 but that expires on the 22nd of this November.

Lala Duni Chand : Is it not a fact that this company has been enjoying this monopoly for a considerable time ?

Parliamentary Secretary : Which company ?

Lala Duni Chand : The company to whom the contract of lorries has been given. You have mentioned it in your answer.

Parliamentary Secretary : I have stated in my reply that in different districts different contractors are employed and if my honourable friend wishes to make inquiries about any particular contractor he might give notice of a new question.

Lala Duni Chand : Is it not true that a particular contractor has been given contract in more than one district ?

Parliamentary Secretary : Yes.

Lala Duni Chand : May I know what is the name of that contractor or that company and the proprietors thereof ?

Parliamentary Secretary : I have stated in reply to part (a) (ii), the British Automobile and Engineering Company, Lahore, for the transport of under-trial prisoners in the districts of Lahore, Amritsar, etc., and also for the carriage of police.

Lala Duni Chand : I want to know for how long this company has been enjoying this contract ?

Parliamentary Secretary : If my honourable friend gives notice of a question, then I shall collect the necessary information.

Lala Duni Chand : Is it not a fact that people have come forward to carry policemen in lorries at much more reduced rates than those granted to this company ?

Parliamentary Secretary : I am not aware of it, but if my honourable friend gives fresh notice, I shall collect the information.

DERAHS OF EUNUCHS IN LAHORE CITY.

***4772. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of *derahs* of eunuchs in Lahore City ;

(b) whether he is aware that these *derawalas* purchase boys of poorer classes and get them castrated for the purpose of dancing, etc ;

(c) whether he is also aware that in these *derahs* these boys are offered on wages to *badmashes* for unnatural offences ;

(d) whether the police has ever raided these *addas* ;

(e) any other action that Government intends to take in the matter ?

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

(b) and (c) No. If the honourable member desires more detailed information I would invite him to read the account at pages 331-332 of the Glossary of Tribes and Castes of the Punjab and North-West Frontier Province (Volume II) (1911).

(d) No.

(e) Does not arise.

Khan Sahib Khawaja Ghulam Samad : May I know whether any effort was made in order to inquire into the allegations made in this question ?

Parliamentary Secretary : The answer was prepared after full inquiry.

RECRUITING CAMPAIGN BY COMMISSIONER, RAWALPINDI.

***4777. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether the Commissioner, Rawalpindi division, has started a recruiting campaign at the direction of Punjab Government ;

(b) whether the Punjab Government has received instructions from the Central Government in connexion with the recruitment propaganda and campaign ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) and (b) No.

Chaudhri Kartar Singh : Will the Honourable Premier please state whether the recruiting camp that is carrying on its activities in the province has been instructed by the Punjab Government to abstain from recruiting Sikhs belonging to certain districts ?

Parliamentary Secretary : Not to my knowledge.

Chaudhri Kartar Singh : May I know if the recruiting is carried on under the orders of the Government of India ?

Parliamentary Secretary : Punjab Government has nothing to do with it at the present moment.

Chaudhri Kartar Singh : Does the Punjab Government let the Government of India carry on recruiting without its permission ?

Mr. Speaker : Disallowed.

RECRUITMENT OF POLICE OFFICERS FROM ROHTAK DISTRICT.

***4781. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state the number and residence of assistant sub-inspectors, sub-inspectors and inspectors of police from the Rohtak district recruited since the introduction of Provincial Autonomy with names of those who were recommended by the Punjab Government for these posts ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Since April, 1937, three residents of the Rohtak district (one of Rohtak proper, one of Ganaur, and the third the son of an official who is understood to have come originally from the Rohtak district) have been appointed assistant sub-inspectors. One of these was later appointed to the rank of prosecuting sub-inspector. No other residents of the district have been recruited to the rank of sub-inspector or inspector. The concluding phrase in the question is not understood. These appointments are made by the prescribed departmental authority in accordance with Police Rules, and Government do not take any part in the selection.

RECRUITMENT OF EXTRA ASSISTANT COMMISSIONERS AND OTHERS FROM HISSAR DISTRICT.

***4782. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) the number and residence of extra assistant commissioners, tahsildars and naib-tahsildars, with educational qualifications, belonging to the Rohtak and Hissar districts recruited during the last 8 years ;
- (b) the names of those, if any, whose rolls were called for directly by the Punjab Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) A statement is laid on the table ;

(b) The roll of one person, viz., Chaudhri Amar Singh, B.A., was sent for by Government. The recruitment to post of naib-tahsildars is made by commissioners of divisions.

Statement.

Serial No.	Name of the officer.	Residence.	Educational qualifications.	REMARKS.
1	2	3	4	5

Extra Assistant Commissioners.

1	Chaudhri Amar Singh	Village Harita, District Hissar.	B.A. ..	Accepted on register A-I (Tahsildars and Naib-Tahsildars).
2	Chaudhri Sube Singh	Village Jakbauda, District Rohtak.	B.A. ..	Accepted on register C (direct nomination).
3	Pandit Din Dyal Sharma.	Hissar ..	B. A. (Hons.), LL.B.	Accepted on register B (competition).

Tahsildars.

1	Chaudhri Ram Narain Yadava.	Village Kosli, District Rohtak.	B.A.	
2	M. Abdul Latif Khan.	Rohtak ..	B. Sc.	
3	Kanwar Muhammad Zulfiqar Khan.	Village Kalanaur, District Rohtak.	B.A.	
4	Lala Deoki Nandan	Hissar ..	B.A., LL.B.	
5	Shaikh Akhtar Islam Ehsan.	Hissar ..	B.Sc., LL.B.	

Naib-Tahsildars.

1	M. Rukun Din ..	Village Alika, District Hissar.	Matric.	
2	Pandit Brij Behari Lal.	Sirsa, District Hissar	Matric.	
3	Chaudhri Marri Singh.	Village Dighal, District Rohtak.	B.A.	
4	Pandit Nand Kishore Sharma.	Village Tajpur, District Rohtak.	M.A.	

MAULANA FAZAL ELAHI OF WAZIRABAD.

*4831. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

- (a) whether there exists a ban on the return to the Punjab of Maulana Fazal Elahi of Wazirabad who has for long been a political exile from the country ;

- (b) if answer to (a) above be in the affirmative, reasons for the same and whether he has ever considered the question of lifting it ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) No, except in so far as he is a fugitive from justice.

- (b) Does not arise.

CONVICTIONS OF KISAN JATHAS IN LAHORE.

***4874. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the detailed account of the arrests and convictions in connexion with the Kisan jathas at Lahore during the last week ;
 (b) the reason for refusal of the Honourable Premier to allow any member of the deputationists to see him to represent their case ;
 (c) the steps the Government propose to take to solve the situation ?

Parliamentary Secretary (Mir Maqbool Mahmood): This question, which was originally tabled for the preceding session of this House, is now completely out of date, and the honourable member appears to have renewed notice without considering the purport of the question.

REPRESENTATION OF LAND-OWNING ZAMINDARS OF ROHTAK REGARDING HOLDING OF CONGRESS CONFERENCE IN THEIR COMMON LAND.

***4875. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether he and the district authorities, Rohtak, received a representation by registered post before 19th February, 1939, from the land-owning zamindars numbering more than forty that they wanted the Congress Conference to be held in their common land ; and
 (b) whether they further asked the Government to take necessary action as breach of peace was apprehended ;
 (c) the action taken on the representation ; if any ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Yes, but all the persons who signed the representation were not landowners and those who were, owned only about 4 per cent of the land in the village.

- (b) Yes.

(c) The necessary arrangements were made to preserve order at the conference.

Pandit Shri Ram Sharma : May I ask whether any one of the 40 or 50 signatories to the representation was a landowner of the village, and whether in spite of this representation the Government did not take any action ?

Parliamentary Secretary : I have already stated in reply to the main question that some of the signatories to the representation owned land in the village but their share in the common land amounted to no more than 4 per cent and in spite of that the Government took suitable action.

Pandit Shri Ram Sharma : What was the number of the land-owning zamindars who signed the said representation ?

Parliamentary Secretary : I have already stated that the share in the common land of the land-owning signatories to the representation was only 4 per cent.

Pandit Shri Ram Sharma : Is it a fact that the particular land on which the conference was proposed to be held was the property only on section Thola of the village, and most of the zamindars of that section had signed the representation ?

Parliamentary Secretary : Their share in the common land is only 4 per cent, but you are welcome to your own calculations.

Pandit Shri Ram Sharma : My question is whether considerable number of such landowners who belonged to the section that owned that land in common had signed the said representation.

Parliamentary Secretary : I submit that the honourable member is giving information rather than asking for it. If he wants to ask for any specific information he should put a separate question.

Pandit Shri Ram Sharma : My question is whether that particular common land is the property of the whole village or only a part of it ?

Parliamentary Secretary : I want notice for that question.

Pandit Shri Ram Sharma : Is it not the duty of the Government to take proper action when it is requested to do so irrespective of the fact whether the signatories own less or more percentage of the common land ?

Parliamentary Secretary : I have already stated that suitable action was taken in spite of the fact that the share of the signatories in the common land was very small.

Pandit Shri Ram Sharma : May I know whether the Government's conception of suitable action is that there was an awful disturbance and certain people had to be removed to the hospital in spite of the fact that Government was forewarned ?

Premier : If political rowdies would not desist from their nefarious activities, surely the Government cannot be blamed.

Pandit Shri Ram Sharma : May I know how many of these rowdies were the henchmen of the Honourable Premier and Minister of Development ?

Mr. Speaker : Disallowed.

DACOITIES AND ROBBERIES COMMITTED IN PURKHALLI.

*4920. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of murders, dacoities, and robberies committed during the period between 1st April, 1938, and 31st March,

1989, within a radius of ten miles from Purkhali, including Purkhali, Rupar tahsil, Ambala district ;

- (b) whether it is a fact that Munshi Ram, Mangal Ram and Jiwa Ram of the said village Purkhali were made, as a result of threatening letters received from dacoits, to pay Rs. 300 at one time and Rs. 500 at another time and now they have received threatening letters demanding Rs. 1,100 more ;
- (c) the steps that the Ambala police has taken in the matter and the steps that the Government intends to take ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Murders ..	..	..	..	..	2
Dacoity ..	..	..	..	..	1
Robbery ..	..	..	..	..	1

(b) Three threatening letters were received by Jiwa Ram, in one of which Rs. 500 were demanded and in another Rs. 1,100. In the third no specific sum was mentioned. Neither of the other men mentioned appear to have received any such letters, and none of the three have actually paid any money to anyone. The letters received by Jiwa Ram are believed to have been written by a resident of Purkhali with whom he is on inimical terms.

(c) Every effort is being made to bring the persons responsible for the recent dacoities in the Ambala district to justice, but as already explained there is no reason to connect the letters received by Jiwa Ram with these crimes.

Lala Duni Chand : May I know if the Government is aware of the fact that in the past the district of Ambala has not been a criminal district and that it is only recently that Ambala district has exhibited criminal tendencies ? (*Laughter.*) May I know the reason why it is so ?

Premier : Perhaps my honourable friend has now taken to touring the villages and preaching certain unwholesome doctrines.

Lala Duni Chand : May I know whether it is not true that the fact of the district of Ambala becoming a criminal district is entirely due to the policy persistently followed by the Government for the last two years ?

Premier : Perfectly true, inasmuch as the Government has been very lenient and has given a very long rope to those people who have been preaching such doctrines.

BEATING OF NAGHAHIA RAM DAKAUT OF VILLAGE BHARATGARH BY
THE POLICE.

*5009. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that during the night between 24th and 25th March, 1989, burglars broke open the doors of four shops belonging to Kishori Lal, Partap Chand, Barkat Rai and Muni Lal of the village Bharatgarh, Rupar tahsil, Ambala district ;

[L. Duni Chand.]

(b) whether it is a fact that on 26th March, 1939, the sub-inspector of police concerned came to the said village and sent for one Naghabia Ram Dakaut and beat him on his saying that his son suspected by the sub-inspector of police to be the thief in the case, had been away from the village for the last seven years or so ;

(c) whether it is also a fact that Lambardar Ram Singh, Subedar, realized eleven annas three pies from each of the owners of the four shops mentioned above to meet the cost of the food of the sub-inspector and his men who had come to the village for investigation ; if so, the action, if any, that the Government propose to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) The attendance of Naghabia Ram was required in the course of the investigation. It is not correct that his son was suspected, or that he himself was beaten.

(c) No.

SOHAN SINGH, SON OF GANGA RAM, VILLAGE CHOKI MINAR, THANA
BARSAR, DECLARED AS BADMASH No. 10.

***5019. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Sohan Singh, son of Ganga Ram, village Choki Minar, thana Barsar, has been declared Badmash No. 10, or his history sheet opened in the police station and restrictions have been imposed on his movements ; if so, the reasons for the same and the action the Government intends to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The contents of Police Register X are not made public, and I do not think that it would be in the public interest to answer questions on this subject.

Pandit Bhagat Ram Sharma : May I know whether any information with respect to the history sheet of such persons is also confidential ?

Parliamentary Secretary : Yes.

Pandit Bhagat Ram Sharma : May I know whether the Punjab Government has changed its policy during this year ? Has not the Government been answering such questions in the past ?

Mr. Speaker : Disallowed.

DEMAND OF SECURITY FROM LALA NAND KISHORE KOHLI, IN CON-
NEXION WITH 'PRABHAT' FILM JOURNAL.

***5138. Master Kabul Singh :** Will the Honourable Premier be pleased to state whether he is aware of the fact that recently Lala Nand Kishore Kohli of Jullundur City applied to file a declaration of a monthly film journal named 'Prabhat' ; if so, whether any security has been demanded in that connexion ; if so, the reasons therefor ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): Yes. Nand Kishore Kohli applied to start the *Prabhat*. As District Magistrate, Jullundur, had reasons to believe that the proposed venture was likely to be used for one or other of the purposes enumerated in section 4 (1) of the Indian Press (Emergency Powers) Act, XXIII of 1981, read with section 16 of the Criminal Law Amendment Act, XXIII of 1982, he demanded security under section 7 (1) of the Act which is refundable under section 7 (2) if no action against the paper is taken within 3 months by the Punjab Government.

QUASHING OF THE ORDER DEMANDING SECURITY FROM "ARYA MUSAFIR"
BY THE PUNJAB HIGH COURT.

***5246. Lala Deshbandhu Gupta** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the order of the Punjab Government demanding security of Rs. 1,000 from "Arya Musafir" (Urdu weekly of Lahore) under section 4 (1) (h) of the Indian Press (Emergency Powers) Act has been quashed by the Punjab High Court on 10th July, 1989, with costs ;
- (b) whether it is a fact that the learned Judges held that the translation of the alleged offensive poem filed by Government was wrong and that the Advocate-General also agreed with the Honourable Judges ;
- (c) if so, what action has Government taken against the person who had translated the said poem for the Government ;
- (d) what precaution did the Honourable Premier take before ordering the forfeiture of the security to verify whether the translation was correct or not ;
- (e) whether he read the poem (which is in Punjabi) himself before passing orders or merely relied on the translation put up by his subordinates ;
- (f) what precaution do Government propose to take to guard against such mistakes in future ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) No. It was not an order of the Punjab Government demanding security of Rs. 1,000 from the *Arya Musafir* which was set aside by the High Court, but an order forfeiting a security of Rs. 1,000 deposited by the publisher of the paper in May, 1987.

(b) No, but the Advocate-General did not contest the meaning or intention that the publisher placed on the poem subsequently in court.

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

Lala Deshbandhu Gupta : Does the Honourable Parliamentary Secretary mean that the Honourable Judges of the High Court did not set aside the order and did not declare that the translation was not correct ?

Parliamentary Secretary : They did not specifically declare that the translation of the Government was incorrect.

Lala Deshbandhu Gupta : Has the honourable member studied the copy of the order ?

Parliamentary Secretary : Yes, I have.

Lala Deshbandhu Gupta : Will the honourable member please let us know as to what were their findings on this point of translation ?

Parliamentary Secretary : If the honourable member feels so interested he can find it out for himself, but I repeat that the High Court did not state that the translation filed by Government was incorrect.

Lala Deshbandhu Gupta : What then were the reasons for the High Court to quash the order ?

Mr. Speaker : I disallow the question.

Lala Deshbandhu Gupta : The honourable member is trying to evade the question. He is trying to say that the High Court quashed this order of security on some other ground, while I maintain that it is not so. This is why I am asking the honourable member to give the reasons for the order of the High Court.

Is the Parliamentary Secretary in a position to confirm or contradict that the translation submitted by the translator was correct ?

Parliamentary Secretary : I have carefully examined the translation and I still hold that the translation filed by the Government Department concerned was not incorrect. But what actually happened was that the petitioner submitted another translation which unfortunately was not contested by the Advocate-General and the High Court thought that because the Advocate-General did not contest, it must be correct.

Lala Duni Chand : Has the Parliamentary Secretary got a copy of the order of the High Court with him ? If so, will he be pleased to let us know what were the findings of the High Court ?

Parliamentary Secretary : I have seen the order of the High Court and if the honourable member so desires he can get a copy of it and I repeat that what I have been stating is on the basis of the judgment of the High Court.

Lala Duni Chand : May I know how long ago the Parliamentary Secretary read the order of the High Court ?

Parliamentary Secretary : For the last time this morning and for the first time about three weeks ago.

Lala Deshbandhu Gupta : Was the translation examined by the Honourable Premier before sanctioning the forfeiture of the security ?

Mr. Speaker : I disallow the question.

Lala Deshbandhu Gupta : There is a definite question on that point. I am drawing attention to part (e) which is to this effect—

“ Whether he read the poem (which is in Punjabi) himself, before passing orders or merely relied on the translation put up by his subordinates.”

Parliamentary Secretary : I submit that parts (c), (d), (e) and (f) of the question arise out of parts (a) and (b) and as the answer to those parts is no, therefore these questions do not arise.

Lala Deshbandhu Gupta : Part (e) asks a definite question whether the Honourable Premier, or whoever passes orders of forfeiture, examined

that translation himself or simply relied on the translation submitted to him by his subordinates?

Parliamentary Secretary : All such papers are examined by the department concerned and in case of doubt the Honourable Premier also does go through them and it will interest him to know that I understand that not a single case has occurred in recent times in which the High Court has disputed the official translation.

Lala Deshbandhu Gupta : Why did not the Advocate-General then take exception to the translation filed? I want an answer to this question that if the translation submitted by the Government was correct why did not the Advocate-General justify that and take exception to the translation filed by the defence.

Parliamentary Secretary : That question can be addressed to me if I were the Advocate-General.

Lala Deshbandhu Gupta : Does the Parliamentary Secretary mean that they are not responsible to explain the reasons for Advocate-General's attitude in this matter?

Parliamentary Secretary : If the honourable member gives a separate notice of that question, it could be looked into.

Lala Deshbandhu Gupta : Did the Government write to the Advocate-General asking as to why he did not raise any objection to the translation?

Parliamentary Secretary : I have nothing to add to the answer already given.

Lala Deshbandhu Gupta : Does not the Parliamentary Secretary feel that the Government gets a bad name if translations of such matter are not accepted by the High Court as correct and the orders of the Government are set aside?

Parliamentary Secretary : I beg to object to his repeated insinuations that the translation was not accepted.

Lala Deshbandhu Gupta : There is no insinuation. It is clear.

Parliamentary Secretary : Not true.

Lala Duni Chand : May I know whether in view of the admitted facts that as many as 300 papers have been required to deposit securities, the Government, the Honourable the Premier or the Parliamentary Secretary, will give closer thought to this order of the High Court and issue necessary instructions?

Premier : The information of the honourable member that more than 300 papers have had to pay their securities, is quite incorrect.

CANCELLATION OF GUN LICENCES.

*5260. **Chaudhri Kartar Singh :** Will the Honourable Minister for Public Works be pleased to state whether, after the last District Board elections in Hoshiarpur, the gun licences of certain persons have been cancelled and their guns confiscated in the Hoshiarpur district; if so, the reasons for this action?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The District Magistrate recently cancelled the licences held by certain persons in Hoshiarpur, but this action had nothing to do with the District Board election, which had been completed several months before. The cancellations were ordered because in the opinion of the District Magistrate the licensees could not safely be left in possession of arms.

ARMS LICENCES OF MIAN ALIAS MUHAMMAD, PRESIDENT, GREY
CANALS REFORMS COMMITTEE.

***5269. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) when and why the arms licences of Mian Alias Muhammad, President, Grey Canals Reforms Committee, of village Sadhu-shahwala, tahsil and district Ferozepore, were suspended ;
- (b) whether any inquiry was held regarding the alleged allegations made against him ;
- (c) if so, who conducted the inquiry and the result of the inquiry ;
- (d) the opinion of the police as reported to the inquiry officer ;
- (e) the period for which his licences remained suspended ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) The arms licence of Mian Alias Muhammad was suspended by the District Magistrate on the 23rd November, 1938, as it was reported that the licensee was very old, that one of his hands was defective, and that he was in the habit of handing over his weapons for other persons to use.

(b) and (c) An enquiry was made under the District Magistrate's orders by the Tahsildar and the *ilaga* Magistrate. It revealed that the Mian Sahib was an old man, but the other allegations were not fully established.

(d) It is not the usual practice to disclose the contents of the police reports in such cases.

(e) The order of suspension was revoked on the 10th October, 1939.

LICENCES FOR REVOLVERS IN HISSAR DISTRICT.

***5294. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of licences for revolvers granted in the Hissar district during the years 1937-38-39 with the names of the persons who have been granted licence and also the criterion observed in the matter of granting such licences ;
- (b) whether any number is fixed up to which such licences can be granted in the said district ; if so, what is that number ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a)	1937	..	..	..	..	4
	1938	..	..	..	..	4
	1939	..	..	..	..	5

I do not think it necessary to give the names. Licences for revolvers are granted only to those who have a genuine need for them, and can be relied upon to keep them in safe custody.

(b) No.

KISAN AGITATION IN LAHORE.

***5302. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) the total number of persons arrested during the Kisan agitation at Lahore under sections 145 and 117/188, Indian Penal Code, respectively ;
- (b) whether and when does the Government intend to release the prisoners incarcerated in connexion with this agitation, now that the Provincial Kisan Committee has decided and ordered the agitation to be suspended ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) 1,580. Out of these 1,226 were arrested under section 145, 322 under section 188, 28 under section 143, and 1 under sections 117/188 of the Indian Penal Code, while 8 were arrested under sections 107/151 of the Criminal Procedure Code.

(b) The attention of the honourable member is invited to the *Press Communiqué* issued by the Punjab Government on the 9th of September, 1939.

Press Communiqué.

As a result of the assurances given to the Premier by the deputation that met him in Simla on August 28th the Punjab Government have decided to release as soon as possible all prisoners convicted during the recent Kisan agitation with the exception of certain ring-leaders and persons sentenced for instigating others to take part in the movement. The cases of these latter prisoners will also be considered individually in due course.

V. B. STANTON,
*Deputy Secretary to Government,
Punjab, Home Department.*

Dated Simla, the 9th September, 1939.

INTERVIEW BETWEEN MAHATMA GANDHI AND HONOURABLE PREMIER
RE RELEASE OF POLITICAL PRISONERS.

***5303. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) whether recently any interview took place between Mahatma Gandhi and the Honourable Premier regarding the release of Punjab political prisoners ;
- (b) what has been the outcome of that interview ;
- (c) whether the Punjab Government has after that interview considered afresh the question of the release of the political and State prisoners in question in the Punjab ; if so, with what result ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) No.

(b) and (c) Do not arise.

PROSCRIPTION OF "CHINGARI."

***5304. Sardar Harjab Singh:** Will the Honourable Premier be pleased to state—

(a) whether the Government proscribed the 1939 June issue of "Chingari" monthly edited by Sajjad Zaheer from Saharanpur;

(b) if the answer to (a) be in the affirmative, on the basis of what article published therein was the action taken and the reason thereof?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) Yes.

(b) The issue was proscribed as it contained matter of the nature described in clause (a), (d), (f) and (i) of subsection (1) of section 4 of the Indian Press (Emergency Powers) Act, XXIII of 1931. I must decline to give further publicity to objectionable articles by placing them before the House.

Pandit Bhagat Ram Sharma: May I know the reasons why Government is unable to disclose to this House the article on the basis of which this prosecution took place?

Parliamentary Secretary: As already stated I should not give further publicity to objectionable articles by replying to such questions.

Lala Deshbandhu Gupta: Reasons can be stated without giving publicity to articles. He wants the reasons and not the articles.

Pandit Bhagat Ram Sharma: I want the reasons.

Parliamentary Secretary: Reasons cannot be given without making mention of the objectionable articles.

Lala Duni Chand: Is this the reason that the *Chingari*, as its name applies, will conflagrate the Punjab?

Parliamentary Secretary: No. That is not the reason.

CALLING OF MEMBERS OF JAMIAT-UL-QURESH-I-HIND AS MIRASIS.

***5313. Dr. Gopi Chand Bhargava:** Will the Honourable Premier be pleased to state whether he has received a copy of the resolution adopted by Jamiat-ul-Quresh-i-Hind, in its conference held on 26th August, 1939, protesting against its members being called *Mirasis* as a community; if so, what action does he propose to take in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): *First part.*—Yes.

Second part.—Until it is clear that public opinion supports the request, no action is possible.

RECRUITMENT OF *ACHHUTS* IN PUNJAB POLICE FORCE.

***5319. Chaudhri Jugal Kishore :** Will the Honourable Minister for Public Works be pleased to state whether or not any *Achhut* has been recruited to the police force in the Ambala district during the last two years in compliance with the instructions issued by Government that in future *Achhuts* should also be recruited to the provincial police force ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : No. No *Achhut* candidate with the requisite physical qualifications has yet presented himself.

Lala Deshbandhu Gupta : Has Government issued instructions to relax the standard of qualifications in respect of the depressed classes so that they may be recruited as police constables ? The Government can enlist the second best man, if he belongs to depressed classes.

Parliamentary Secretary : The Government has issued no such instructions. The police has to perform most important work, therefore, the qualifications cannot be relaxed in respect of any candidate.

Lala Deshbandhu Gupta : Has Government taken any steps to make these people fit for recruitment ?

Parliamentary Secretary : Preference will be given to a depressed class candidate, if he possesses the requisite qualifications.

Lala Deshbandhu Gupta : When Government can find two suitable persons for the posts of Parliamentary Secretaries, there is no reason why they cannot find any depressed class candidate for the post of a police constable.

Lala Deshbandhu Gupta : May I know if the Government have called for a report whether depressed class candidates appeared for the posts of constables or not ? What particular deficiency have the Government found in them ?

Lala Deshbandhu Gupta : Have the Government called for any information on this point ?

Parliamentary Secretary : No information on the point requires to be called for. Whenever recruitment is made, every candidate is selected on merits and, as I have already said, if a depressed class candidate of suitable qualifications comes forward, he will be recruited.

Lala Deshbandhu Gupta : I want to know whether any depressed class candidate did apply and if so what was the result ?

Parliamentary Secretary : So far as this question is concerned it deals with Ambala district and in that district no depressed class candidate with suitable qualifications presented himself.

Lala Deshbandhu Gupta : How many depressed class candidates came forward for enrolment ?

Parliamentary Secretary : If my honourable friend gives notice of that question, I will collect the information for him.

Pandit Shri Ram Sharma (Urdu) : What are the qualifications after all which he cannot find in depressed class candidates ? Were they of short chest and of low stature ?

Parliamentary Secretary : General physical fitness and suitability of the candidate to perform duties that are expected of policemen.

Pandit Shri Ram Sharma (Urdu) : May I ask as to whether the candidates belonging to the scheduled castes happened to be physically unfit for police service ?

Parliamentary Secretary : Not all of them but as stated the depressed class candidates in Ambala district have not come forward who were considered to be suitable for recruitment in police force.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary in a position to make a statement if Government have considered depressed class candidates in any other district as suitable for the posts ?

Parliamentary Secretary : Some depressed class men have been recruited.

Lala Deshbandhu Gupta : How many ?

Parliamentary Secretary : I think nearly two dozens but if my honourable friend gives notice of a question I will collect exact information for him.

Lala Deshbandhu Gupta : Two dozens out of how many ?

Parliamentary Secretary : It is not possible for me to reply to that question off hand. I have stated that if he gives notice of a question I shall supply him with the necessary information.

INTERNMENT OF PUNJABI BY ENEMY IN HOSTILE COUNTRIES.

***5332. Sayed Amjad Ali Shah :** Will the Honourable Premier be pleased to lay on the table the number and names of the Punjabis who have been interned by the enemy in hostile countries ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : An inquiry has been made from the Government of India on this subject. In the meantime, if the honourable member has obtained any information from private sources, and can give me the names of any residents of the province believed to be in Germany, I should be grateful if he would do so.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary in a position to say whether the publicity in charge who generally talks in Hindustani from Berlin is a Punjabi ?

Parliamentary Secretary : May be ! (*Interruption.*)

Sayed Amjad Ali Shah : He might be a Nazi and, therefore, not interned.

Dr. Gopi Chand Bhargava : What is your information ?

Parliamentary Secretary : Probably he does not wish to return to his home.

USE OF KHADDAR CAPS AND KHADDAR COATS BY GOVERNMENT OFFICIALS.

***5334. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether there are any instructions by the Government against the use of Khaddar coats and Khaddar caps by Government officials serving in the Punjab, while on duty ;
- (b) if the answer to (a) be in the affirmative, whether Government has made inquiries that there is no old government circular prohibiting the use of Khadi dress requiring cancellation ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The honourable member's attention is invited to the reply given to question ¹*4355 put by Munshi Hari Lal on 12th April 1939.

(b) Does not arise.

Lala Deshbandhu Gupta : Will the honourable Parliamentary Secretary kindly read that reply ? It is not likely to be a long one and I want to know the nature of that reply.

Parliamentary Secretary : The reply has already been given and he can refer to that answer.

Lala Deshbandhu Gupta : What objection is there now ?

Parliamentary Secretary : It is stated that no instructions have been issued.

Lala Deshbandhu Gupta : I want to know whether old instructions stand, whether the predecessors of the present Government had issued any instructions to that effect and those instructions still stand.

Parliamentary Secretary : I have already stated that if he will refer to the question put earlier, the answer will be found.

REPRESENTATION MADE BY THE INTER-COLLEGIATE MUSLIM BROTHERHOOD, LAHORE.

***5344. Khan Muhammad Yusaf Khan :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a representation has been made to him by the Inter-Collegiate Muslim Brotherhood, Lahore, asking him to issue instructions to all Government schools, colleges as well as Government aided schools and colleges and to all other Government departments that in order to conveniently perform their Jumma prayers and attend the *Khutba* the Muslim students and Government servants be permitted to absent themselves from their institutions and offices, respectively, from 12 o'clock in the noon to 2-30 P.M., on every Friday ;
- (b) whether his Government is aware of the fact that the Central Government has already admitted this religious right of the Muslims and has conceded to this legitimate demand ;

[Khan Muhammad Yusaf Khan.]

- (c) if the reply to (a) or (b) above be in the affirmative, what action has the Government taken so far, or contemplates to take in this respect?

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

(b) I am not in a position to say what orders have been issued by the Central Government.

(c) Orders have been in force for many years directing the heads of all offices in the Punjab to give any Muslim official who may apply for it leave on Friday for a sufficient time to enable him to take part in the Jumma prayers. In this connexion the honourable member is invited to refer to paragraph 3-A of Punjab Government Consolidated Circular 1. If any case is brought to the notice of Government that sufficient time is not allowed to any Muslim so desiring for Jumma prayers by any heads of offices, Government shall take suitable action. As regards schools and colleges, perhaps the honourable member will put a question to my honourable colleague here, if he desires further information.

WEAPONS USED BY CERTAIN ORGANISATIONS OF A MILITARY CHARACTER.

***5345. Khan Muhammad Yusaf Khan:** Will the Honourable Premier be pleased to state—

- (a) the number of private organisations of a military character for instance 'Bajrang Aklara', etc., in the Rawalpindi City and mufasil;
- (b) the nature of the weapon; if any, that each of these organisations has adopted as an essential symbol of the organisation;
- (c) whether any of the weapons such as the trident (*tarshool*) of the 'Bajrang Aklara' used or carried by the members of these organisations comes under the Arms Act;
- (d) whether it has been brought to his notice that weapons carried by the members of such organisations are offensive, and dangerous to human life, if used, and stand as constant menace to public safety in case a communal riot or a clash of any other nature that takes place in the city or at any other place in the Rawalpindi district;
- (e) if the reply to (c) or (d) above be in the affirmative, what action the Government propose to take in order to ensure public safety?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) 8.

(b) Belchas, Tirsuls, swords, hatchets, Banas and Dangs.

(c) Tirsuls, used by one of these bodies, are believed to be weapons for purposes of the Arms Act.

(d) Yes.

(e) The matter is under consideration.

***5358. Cancelled.**

PROVINCIAL SERVICE OFFICERS.

***5362. Khan Haibat Khan Daba :** Will the Honourable Premier be pleased to state the names and designations of provincial service officers who are holding joint charge of two or more posts under the Government and are receiving allowances for all such posts ?

The Honourable Major Sir Sikander Hyat-Khan : Unless the honourable member explains and justifies the purpose of the enquiry, it seems that the time and labour involved in collecting the information sought would not be justified. If the honourable member specifies any special case on which he desires particular information or explains the purpose of his enquiry the matter will be attended to.

ARRESTS UNDER DEFENCE OF INDIA ACT, AND UNDER INDIAN PENAL CODE.

***5391. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state district-wise the total number of arrests (i) under Defence of India Act, (ii) under section 124-A and sections 107, 147 and 153, Indian Penal Code and (iii) under Criminal Law Amendment Act, during the period from May to October, 1939, and the total number of convictions out of them ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The number of arrests and convictions under the Defence of India Rules reported up to the 2nd of November, 1939, were 137 and 29 respectively. The arrests under the Defence of India Act were for offences connected with the war and included a batch of Ahrars who courted arrests under the Defence of India Act for sinister purposes. As to the rest of the question, to give publicity to statistics relating to sections of such wide and varied application would not serve any useful purpose and might lead to considerable misunderstanding.

DEATH OF KALA SINGH, SON OF GURDIT SINGH, LAMBARDAR.

***5417. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Government has arrived at any final conclusion regarding the tragic circumstances under which death took place of Kala Singh, son of Gurdit Singh, Lambardar, Lyallpur district, in July, 1939 ;
- (b) the contents of the findings of Mr. Ved Prakash Gautam, 1st Class Magistrate, Lyallpur, who held the inquest ;
- (c) the contents of the report submitted by the deputy superintendent of police who was specially deputed to make further inquiries ;
- (d) the observations of the Inspector-General of Police on the above report ;
- (e) what action has the Government taken or intends to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) and (e) It is likely that the police officer concerned will be proceeding on leave preparatory to retirement during the next few weeks. If so, Government propose to leave matters at that.

(b) A reference is invited to the reply given to Question 1*3471 put by the honourable member for the Lyallpur and Jhang (General-Rural) Constituency in the autumn session last year.

(c) The honourable member presumably refers to the inquiries made under the orders of Government by the Deputy Inspector-General of Police, Central Range, at the beginning of this year. These proceedings were purely departmental and Government do not propose to publish the Deputy Inspector-General's report, but I may say that the inquiry did not bring out any material facts over and above those which had already come to notice in the course of the magisterial investigation. I should like to draw attention to the fact that in the last paragraph of his report the Magistrate clearly indicated his opinion that no such influences had been brought to bear on the deceased Kala Singh as would have caused a normally balanced person to resort to suicide.

(d) Government cannot undertake to disclose the observations of the head of department in a matter of this kind.

BEHAVIOUR OF DEPUTY SUPERINTENDENT OF POLICE, LAHORE,
TOWARDS MIAN IFTIKHAR-UD-DIN, M. L. A.

***5418. Mr. Dev Raj Sethi:** Will the Honourable Premier be pleased to state—

(a) whether any inquiry into the untoward behaviour of the Deputy Superintendent of Police, Lahore, towards Mian Iftikhar-ud-Din, M. L. A., during the last budget session, was held as then promised by him on the floor of the House; if so, what were the findings;

(b) whether any action has been taken against the police official concerned; if so, what?

The Honourable Major Sir Sikander-Hyat Khan: This is a question about the inquiry that I promised regarding the incident in which Mian Iftikhar-ud-Din was involved. Enquiries were made under the orders of Government by the Deputy Inspector-General of Police, Central Range. He examined the Deputy Superintendent of Police concerned, five other officers who were on duty at the time, and eleven non-official witnesses. The result was to make it plain that the Deputy Superintendent neither abused nor assaulted the honourable member in any manner whatsoever. On the contrary, the enquiry shows plainly that the honourable member's conduct was most unbecoming as a member of this Legislative Assembly, and that action against him under section 353 Indian Penal Code, would have been fully justified.

Lala Deshbandhu Gupta: Will the Honourable Premier be pleased to state the names of non-official witnesses that were examined?

¹Vol. VI, page 183.

*Though the question was not put it was answered by the Premier in the public interest.

Premier : If he will give notice of the question I will consider.

Lala Deshbandhu Gupta : Has he not said that they were all independent ?

Premier : I have said that, and I would add, for the benefit of my friend that I have satisfied myself about the inquiry which shows that the language used by my friend Mian Iftikhar-ud-Din was not what a gentleman should use.

COMPLAINTS AGAINST ZILLADAR OF BHIWANI SECTION.

***4555. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the name of the zilladar of Rajbah Bhiwani, Section Bhiwani, Rohtak Division ;
- (b) the name of the Deputy Collector in the above division ;
- (c) the name of the Sub-Divisional Officer in the Bainsi sub-division ;
- (d) the name of the Executive Engineer of the Rohtak division ;
- (e) whether village Mahem, district Rohtak, is in the beat of the zilladar of Bhiwani Section ;
- (f) whether any complaints of demanding bribe from the land-holders of Mahem and of adopting communal measures in granting remission has been received by him, recently against the zilladar mentioned in (e) ;
- (g) if so, whether any inquiry has been held into the matter ;
- (h) the result of that inquiry and if no inquiry has been held, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Lala Viroo Ram, Zilladar, 1st grade.

- (b) Bakhshi Dwarka Das, Deputy Collector.
- (c) Lala Chander Bhan, Upper Subordinate (Residue).
- (d) Mr. A. N. Wilson, Executive Engineer.
- (e) Yes.
- (f) Yes, at end of December, 1938.
- (g) Yes.

(h) The complaints were received long after crops were cut when no evidence at site was available : kharaba had however been checked by the Deputy Collector.

The allegations were not proved in enquiry.

Khan Sahib Khawaja Ghulam Samad : Were any steps taken by the Government to remove the disproportionate appointments of one community in that department ?

Parliamentary Secretary : I regret to say that I am unable to answer any communal question on the floor of the House. If the honourable member will give notice of an unstarred question, he will get the answer.

Khan Sahib Khawaja Ghulam Samad : It is not a communal question. I protest against the insinuation. The question gives the names of certain officers appointed in the Irrigation Department of the Ambala division and the names given are of one community. May I know what action was taken by the Government thereafter when the fact came to the notice of the Government that the representation of other communities is totally missing and the members of one community only hold the senior posts?

Minister : There is no question of any community. The exigency of service requires that those people should be appointed who are best suited.

Khan Sahib Khawaja Ghulam Samad : May I know whether persons of no other community were found suited to fill some of those appointments in that division?

Minister : Is that a question?

DAMAGE DONE TO CROPS BY HAILSTORM IN AMRITSAR DISTRICT.

***4598. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state the names of the villages, tahsil-wise, in the Amritsar district where crops have been damaged owing to the hailstorm in the months of February and March, 1939 and whether any relief has been given to the sufferers?

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

Sardar Sohan Singh Josh : Again, I have not received a copy of that statement.

Minister : My honourable friend can get a copy from the Assembly office.

Sardar Sohan Singh Josh : This question should be settled once for all.

Mr. Speaker : According to our Rule 27, it is the Minister who has to supply such copies to the members concerned one day before.

Minister : How are we to find out the addresses of members? We generally supply these copies to the Assembly office and they are laid on the table and are available to the members here.

Secretary : The answers to Assembly questions received from Government are treated confidential till they are actually read out in the Assembly.

Premier : Can members treat them otherwise? The difficulty is that a question is supposed to be confidential until it is put in this House. But we would try to send a copy a day earlier.

Minister for Revenue : But it is very difficult to locate the members.

Parliamentary Secretary (Mir Maqbool Mahmood) : Rule 27 says:—

“Lengthy answers to starred questions may, on statement by the Minister concerned, be placed on the table of the Assembly without being read but a copy in such case shall, if possible be delivered to the member...”

Sardar Sohan Singh Josh : In our case it will always be impossible.

Premier : We do not know the addresses of several honourable members, therefore, we can only send them to the Secretary and he can communicate it to the members concerned.

Dr. Gopi Chand Bhargava : Is the Secretary authorised to circulate copies of such statements?

Mr. Speaker : If for any reason, the Minister concerned is not able to send a copy of the statement one day before to the member concerned, he may certainly have it communicated to the member concerned through the Secretary.

Premier : Quite so.

Lala Deshbandhu Gupta : But the difficulty is not solved.

Mr. Speaker : It can be solved only by an amendment of the relevant rule. The rule as it stands is elastic enough to let a Minister say that it was not possible for him to comply with it.

Lala Deshbandhu Gupta : They should at least plead that it is not possible. Up till now they have been shifting their responsibility on the Secretary. If it is not possible, that can only mean that the statement is not ready, and it cannot be supplied.

Mr. Speaker : For one thousand and one reasons it may not be possible for a Minister to communicate it.

Sardar Sohan Singh Josh : Then you should hold that they are not prepared to abide by the rules.

Lala Duni Chand : The difficulty can be solved by your ordering the Government that they must supply copies of such statements to the members one day before.

Secretary : Whenever a Minister wants a copy to be forwarded to the member concerned, an extra copy may be forwarded to the Assembly office.

Mir Maqbool Mahmood : If possible.

Pandit Bhagat Ram Sharma : The Minister for Development promised the other day to supply copies beforehand. May I know whether the Government is not ready to abide by the promise already made by one Minister?

Mr. Speaker : There is no question of promise. The Rule is clear. Under it a Minister shall, if possible, supply a copy of the answer to the member concerned one day before.

Dr. Gopi Chand Bhargava : The reply which has been given by the Honourable Minister was that a copy was sent to the Assembly office and that it was the duty of Secretary to forward it to the member concerned. They seek protection under that excuse. We say that it is not the duty of the Secretary. Under the rules the particular Minister or Parliamentary Secretary has to supply a copy. If they were to say that it is not possible to supply a copy, then it would have been a different thing. Their argument was that it was the duty of the Secretary, but they did not say anything whether it was possible or not possible for them to do so, and we want your ruling on that point.

Mr. Speaker : I have already tried to explain that if for any reason a Minister is not in a position to send a copy one day before, as required by the rule, to the member concerned, he may forward it to the Secretary with a note that he (the Secretary) may do his best to send it immediately to the member concerned.

AMRITSAR DISTRICT.

Statement showing details of damage done by hailstorm on 16th February, 1939, 28th February, 1939, 1st March, 1939, 30th March, 1939 and 6th April, 1939 in the villages of the Amritsar district and relief given thereon.

Tahsil.	Name of villages.	Land Revenue remitted.	Local Rate remitted.	Taccavi loan given for fodder.
1	2	3	4	5
		Rs.	Rs. A. P.	Rs.
Amritsar.	Banchari	35	4 6 0	..
	Pandori	189	23 10 0	500
	Mehman	22	2 12 0	..
	Jhita Khurd	28	3 8 0	60
	Bhagtpura	10	1 4 0	..
	Jhita Kalan	6	0 12 0	..
	Rakh Jhita	33	4 2 0	..
	Varpal	60	7 8 0	..
	Ibhan Kalan	340	42 8 0	480
	Thanda	51	6 6 0	..
	Fatahpur	130	16 4 0	..
	Kot Said Mahmud	6	0 12 0	..
	Mandiala	70	8 12 0	..
	Bhom	36	4 8 0	..
	Chek Mokand	30	3 12 0	..
	Khasa	121	15 2 0	370
	Khurmanian	2	0 4 0	..
	Kathanian	27	3 6 0	..
	Bal Sarai	15	1 14 0	..
	Waraich	13	1 10 0	..
Total of Tahsil Amritsar ..		1,224	153 0 0	1,410

Tahsil.	Name of villages.	Land Revenue remitted.	Local Rate remitted.	Taccavi loan given for fodder.
1	2	3	4	5
Ainala.	Boparai Khurd	50	Rs. 6 4 0	..
	Boparai Kalan	39	4 14 0	..
	Chhiddan	18	2 4 0	..
	Jasra-ur	52	6 8 0	..
	Ghogha	54	6 12 0	..
	Bhindi Aulakh Khurd.. ..	22	2 12 0	..
	Tanana	6	0 12 0	..
	Jhonj	14	1 12 0	..
Total of Tahsil Ainala		255	31 14 0	..
Tarn Taran.	Ratsul	1	0 2 0	..
	Sheikh	2	0 4 0	..
	Jeobala	5	0 10 0	..
	Tappa	7	0 14 0	..
	Bargari	34	4 14 0	..
	Keron	100	13 10 0	..
	Gopala	21	2 10 0	..
	Koharka	6	0 12 0	..
	Jaura	95	11 14 0	..
	Kot Dharam Chand Kalan	40	5 0 0	..
	Manochahal	46	5 12 0	..
	Chicha	210	26 4 0	45
	Bhakna Khurd	84	10 8 0	..
	Kasel	34	4 4 0	..
	Rakh Sarai Amanat Khan	39	4 14 0	..
	Mahmud Nagar	8	1 0 0	..
	Nathupur	335	41 14 0	455

Tahsil	Name of villages.	Land Revenue remitted.	Local Rate remitted.	Taccavi loan given for fodder.
1	2	3	4	5
		Rs.	Rs. A. P.	Rs.
Tarn Taran—consold.	Malowal	50	6 4 0	..
	Bhakna Kalan	139	17 6 0	..
	Chandhiwala	213	26 10 0	..
	Bhathel Bhaike	268	33 8 0	..
	Kishen Garh	91	11 6 0	..
	Phailoke	92	11 8 0	..
	Kot Muhammad Khan	32	4 0 0	..
	Naushera Pannuan	22	2 12 0	..
	Nandpur	83	10 6 0	..
	Durgapur Gharbi	44	5 8 0	..
	Durgapur Sharqi	26	3 4 0	..
	Thathian	240	30 0 0	700
	Varyah	28	3 8 0	..
	Sirhali Kalan	521	65 2 0	..
	Dhadber	11	1 6 0	..
	Pandori Sidhuwan	3	0 6 0	..
	Pandori Hasan	4	0 8 0	..
	Total of Tarn Taran Tahsil ..	2,943	367 14 0	1,200
	Total of the Amritsar district	4,422	552 12 0	2,610

NEGOTIATIONS WITH BILASPUR DURBAR IN CONNECTION WITH BHAKRA DAM PROJECT.

***4776. Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state—

- whether the negotiations proceeding with the Bilaspur Durbar in connection with the Bhakra Dam Project have fallen through,
- if the answer to (a) above be in the affirmative, on what grounds,
- whether an alternative scheme has been devised by the Government; if so, the main features of the scheme?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a), (b) and (c) Owing to the war and the fact that an alternative scheme, is under examination, negotiations with the Bilaspur Durbar are at the moment in a state of suspense but have in no sense been broken off.

Lala Deshbandhu Gupta: What has the war to do with it?

Parliamentary Secretary: Because it is very difficult to import large materials from England which are necessary for the construction of this Dam.

Lala Deshbandhu Gupta: Does the honourable Parliamentary Secretary mean that the moment the negotiations are finished an order will have to be placed?

Parliamentary Secretary: I wish the honourable member may try to understand the answer. What I said was that the Government feel that on account of war it is very difficult to get large materials from England for the construction of the dam. Negotiations with Bilaspur Durbar depend upon the construction of the dam. The other thing is that the Government have found out another alternative scheme wherein it is not necessary that the same difficulties may arise as in the case of this scheme. Therefore, the Government, for the present, have suspended negotiations with Bilaspur Durbar.

Lala Duni Chand: The question relates to the negotiations with Bilaspur Durbar. May I know whether the war has anything to do with those negotiations?

Parliamentary Secretary: I have already said that on account of war and also because there is another alternative scheme, which the Government is considering, we have suspended those negotiations.

Lala Deshbandhu Gupta: Does the Parliamentary Secretary mean and will he give us a frank reply that the Government is of the opinion that the alternative scheme is better than the scheme which has been under consideration for such a long time and whether it is in view of that fact that they have given up the idea of the Bhakra Dam Scheme?

Premier: My honourable friend is now asking which scheme is better. Our experts will decide which is the better of the two. Even if we conclude negotiations with Bilaspur Durbar now, it would not be possible for us to start work at once on account of the war. So we thought it desirable that negotiations should not proceed and for the present should be suspended—not that we have given them up—pending the settlement of the question whether Bhakra or the other scheme is better, more economical and more beneficial. If the new site is found to be unsuitable then it would undoubtedly be necessary for us to negotiate with Bilaspur Durbar. But if we find that the other scheme is likely to be promising, even so we propose to continue negotiations with the Bilaspur Durbar.

Dr. Gopi Chand Bhargava: May I know the date by which the matter will be decided and the alternative scheme proceeded with?

1 P.M.

Minister for Revenue: I cannot give any definite date.

Lala Deshbandhu Gupta : Does the Premier realise that it has already taken a very long period for them to negotiate? Is it not open to the Government to conclude the negotiations and yet wait for sometime to give effect to the scheme?

Premier : My honourable friend has got strange ideas. They do not seem to realise that when once you give a definite undertaking and promise to another party you must abide by it like a gentleman. This is what gentlemanliness demands.

Lala Deshbandhu Gupta : I protest against the insinuation. The record supports my contention. He is trying to evade the question. The question is a simple one. I only wish to know as to why could not Government conclude negotiations owing to the outbreak of war.

Premier : I have already said that once you conclude an agreement you must abide by it like a gentleman. We do not believe in concluding agreements and then treating them like scraps of paper.

Lala Deshbandhu Gupta : What a high sense of justice: Why talk of gentlemanliness!

Mr. Speaker : Question hour is over.

Chaudhri Suraj Mal : As we want to put more supplementary questions, this question may be taken up the next day.

Mr. Speaker : If other members also wish to put more supplementary questions, they may do so on the next day.

Lala Deshbandhu Gupta : They are simply trying to throw dust in the eyes of the people.

ADJOURNMENT MOTION.

UNAPPROVED MOTOR STANDS.

Maulvi Mazhar Ali Azhar (North-Eastern Towns, Muhammadan, 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 failure of the Government to take action under rule 58-A of the Punjab Motor Rules, 1931, read with section 2 (24) of the Motor Vehicles Act, 1939, by stopping public motor vehicles from collecting passengers from unapproved motor stands, resulting in serious inconvenience and nuisance to the public.

No objection being taken Mr. Speaker fixed 3-30 p.m. for discussion.

VILLAGE PANCHAYAT BILL.

Clause 7.

Mr. Speaker : The House will proceed to consider the Punjab Village Panchayat Bill.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : I beg to move—

That in sub-clause (1), lines 4-5, the words "for a period of one year" be omitted.

Mr. Speaker, the clause now under consideration is clause 7 and relates to the election of 'sar-panch' and 'naib sar-panch'. The select committee has recommended that they should be elected for a term of one year only while the object of our amendment is that they should be elected for a longer period, say 3 years.

Sir, I beg to submit that the 'sar-panch' will have to do a lot of work. When the panchayats come into being he will have innumerable duties assigned to him. It would not be an exaggeration if we call him the chief executive officer of a panchayat. His duties will be civil, as well as executive, judicial as well as criminal. He will have to be a sanitary inspector as well as an engineer. He will also have to function as a revenue collector. Taking all these things into consideration it does not seem advisable to elect a sar-panch for one year only. For, in that case he will not be of any use at all. Out of the twelve months for which he is elected he will have to spend six months in getting his training and during the remaining six months, he will give most of his time to canvassing for next election. If it is designed that these panchayats may be popular and that they should function on a sound basis, it is very necessary that the sar-panch should be a capable person and secondly that his term of office should be the same as in the case of municipal committees, i.e., 3 years. There is already very little literacy in rural areas and if in addition to this, inexperience is also added to a sar-panch's drawbacks, he will prove an utter failure.

Our amendment that the election should be for a period of 3 years instead of one year as recommended by the select committee, seeks to check another evil prevalent in rural areas. It is well known that the factional spirit is the order of the day in our villages. This spirit is brought into play during such elections. If it is desired to mitigate this factional spirit the Government cannot do better than accepting this amendment.

Let me assure the Honourable Minister for Public Works that this amendment has nothing to do with party politics. For the success of the panchayats it is very essential that this amendment should be accepted. This amendment is practically the same as that which is going to be moved by some of my honourable friends on this side and which is to the effect that the term of one year should be increased to three years.

With these words, Sir, I move my amendment.

Mr. Speaker : Sub-clause (1) under consideration, amendment moved is,—

That in lines 4-5 the following four words be omitted :—
" For a period of."

Mr. Dev Raj Sethi : I have another amendment to this clause and both the amendments may be moved together.

Mr. Speaker : Only those amendments or motions can be discussed together which raise different aspects of the same matter. In the present case the substitution of the word 'three' for the word 'one' has nothing in common with the other amendment, viz., that the words " for a period of one year" be deleted. Therefore, I had to propose that amendment in the form I have done and that is parliamentary practice. To quote the exact words :

Whenever several amendments are about to be moved to the same clause, the chairman proposes each of them in such a form as not to exclude any later amendments; and with this view he often proposes only the first words of an earlier amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Urdu) : Sir, It is laid down in clause 6 which has already been passed by the House that a panch shall hold office for three years. This means that the life of each panchayat will be three years. This being so there is no reason why the sarpanch and naib sarpanch should not be elected for three years. It is clear even to the meanest imagination that the duties of a sarpanch are both administrative and judicial and therefore cannot be fully understood and mastered in the twinkling of an eye. Again the people of the villages are not highly educated and that is another reason why a sarpanch should not be expected to become expert and efficient in a month or two. He must be allowed sufficient time to become conversant with the duties of his office so that he may be able to discharge them properly and thus prove really useful to the villagers. With these remarks I commend to the House the proposal that in line 5 for the word "one" the word "three" be substituted.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I only want to say that this aspect of the question was fully considered and we decided against it for this reason that it is desirable to have a change. These panches will have executive and other duties and if at any other time they think there should be a change they can do so. We do not want them to go to the stage of no-confidence motions or other elaborate procedure. If a sarpanch is doing well he will continue. This is nothing new. Even in the case of municipalities and district boards the vice-presidents' tenure is for one year and after that there is a change. (*Interruption.*) I meant 'Vice-chairman.' By providing the clause as it is we want to take care that an undesirable man should not remain in office for any length of time. If he does not command the confidence of the majority in the panchayat he will go ; but if he is a good man, he will be re-elected and continue to do good work.

Sardar Kapoor Singh : Suppose the majority of the panchayat passes a vote of no-confidence against a sarpanch, then would the Government remove him even if one year has not passed ?

Minister : If there is election after every one year, there is no necessity for such motions. Members would not like to bring forward no-confidence motions against a colleague. They would rather wait for a few months and at the time of election they will elect a new man. This will be in the interests of the villagers themselves.

Pandit Bhagat Ram Sharma : The functions of the vice-chairmen of municipalities and district boards are altogether different from those of the sarpanches. The duties of the former are purely administrative, whereas in the case of the latter they are judicial also. So, my point was that it was necessary that the Government should consider that the man who is expected to administer justice should have efficiency about him.

Minister : There is a mistake in the honourable member's conception of the functions of these panchayats. All decisions are by the majority. One man's decision will not be effective. Further, if the man misbehaves in any way in the discharge of his judicial duties, it is all the more essential that a change should take place.

Mr. Speaker : Question is—

That the four words 'for a period of' in lines 4-5 be omitted.

The motion was lost.

Mr. Dev Raj Sethi : I beg to move—

That in sub-clause (1), line 5, for the word "one" the word "three" be substituted.

Mr. Speaker : The question is—

That the word "one" in line 5 be omitted.

The motion was lost.

Pandit Muni Lal Kalia : I beg to move—

That in sub-clause (1), line 6 for the word 'one' the word 'another' be substituted.

It is only a verbal change in order to remove ambiguity. One member may be elected both as sarpanch and panch if people like it.

Mr. Speaker : Sub-clause under consideration, amendment moved—is—

That in sub-clause (1), line 6, for the word 'one' the word 'another' be substituted.

Minister for Public Works : I accept the amendment.

Mr. Speaker : Question is—

That in sub-clause (1), line 6, for the word 'one' the word 'another' be substituted.

The motion was carried.

Mr. Speaker : Question is :

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

The motion was carried.

Mr. Speaker : Question is—

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

The motion was carried.

Sardar Kapoor Singh : I beg to move—

That in sub-clause (3), line 3, between the words 'area' and 'for' the words 'or is unable by illness or other circumstances to perform his duties' be inserted.

The motion was carried.

Mr. Speaker : Question is—

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

The motion was carried.

Sardar Kapoor Singh : I move that leave be granted to introduce the following new sub-clause after sub-clause (3)—

"(4) In the absence of sarpanch and naib-sarpanch from the panchayat meeting the panches present in meeting may elect one of them as chairman of that meeting with right of an additional or casting vote."

The motion was lost.

Mr. Speaker : Question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Munshi Hari Lal : I beg to move—

That in sub-clause (1), line 2, for the figure '75,' the figure '70' be substituted.

My amendment is a simple one and merely formal.

Mr. Speaker : Amendment moved is—

That in sub-clause (1), line 2, for the figure '75' the figure '70' be substituted.

Minister for Public Works : It is correcting a misprint and I accept it.

Mr. Speaker : Amendment moved is—

That in sub-clause (1), line 2, for the figure '75' the figure '70' be substituted.

The motion was carried.

Mr. Speaker : Question is—

That first six lines of sub-clause (1) stand part of the sub-clause.

The motion was carried.

Mr. Speaker : Now the House will discuss part (a) of sub-clause (1).

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
I beg to move—

That in part (a) of sub-clause (1), line 1, for the words 'a non-bailable' the word 'an' be substituted.

The clause will then read as follows :—

Who is convicted of an offence or subjected to an order which in the opinion of Government or of the officer to whom Government has delegated its power of removal,

My object in moving this amendment is that instead of non-bailable offence it should be any offence, because in that case there is less likelihood of the powers being misused. It would be a case where the nature of the offence is such that it makes a man unfit for the job he holds. Therefore it does not matter even in ordinary cases where the police cannot take cognizance of the case. There may be instances when a person is undesirable. Why should he go scot free when in the popular estimation he is a person undesirable for the post. I think it does not make any difference. In a way it enhances the power of the Government. For this reason I hope the Honourable Minister will not have any objection to accepting this amendment. It only enhances the power of the Government.

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

That in part (a) of sub-clause (1), line 1, for the words "a non-bailable" the word "an" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I oppose this amendment. If the word "non-bailable" is excluded from this clause, the result will be that the persons, who are convicted of trivial offences, such as motor driving, etc., will be debarred

from being a member of the panchayat. There are bailable offences, in which the character of a person is not affected. I think such persons are entitled to be elected to the panchayat.

Munshi Hari Lal : Sir, I am surprised to see the opposition coming from the Honourable the Minister. It shows his ignorance of law. There are offences of serious nature which are bailable. May I give him the instance of section 354, outraging the modesty of a woman. Offences under section 354 are bailable. Offences under section 448—house-trespass—punishable for 2 years—is bailable. Offences under sections 494 and 498 are bailable. Offences under section 420—punishable with 7 years' imprisonment—are bailable. Offences under sections 470, 417 are all bailable. It shows that the Honourable Minister is not aware that there are offences, which even involving moral turpitude, affecting the character of a man, and condemning the man in society, are bailable. I can give further instances of the offences that are bailable, but which are of very heinous character. I submit that the Honourable the Minister should take into consideration all these bailable offences and should not allow any person convicted even under these sections, to become a member of the panchayat. The Honourable Minister will be well advised to make the panchayat pure. The panchayat will be administering justice and it is necessary that it should inspire confidence and be above board. The panchayat should consist of persons of unimpeachable character and this can be achieved by accepting the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*) : I was really surprised to hear the Honourable Minister stating by way of an argument that if the word "non-bailable" is removed even people convicted of some offence connected with motor driving will be disqualified. I wish he had paid a little more attention

Minister of Public Works : If the word 'an' is substituted for the words 'a non-bailable' the scope of disqualification will become too wide.

Pandit Bhagat Ram Sharma : That is exactly what you have not been able to understand. Our contention is that the Government under the clause under discussion already have the power to remove a person who is not fit to be a panch. Then where is the necessity for inserting or retaining the words "a non-bailable". Let the Government have full discretion in the matter so that if the Government or the officer to whom it may have delegated its powers in this behalf is of the opinion that a certain person has been convicted of an offence which renders him unfit to be a panch the person in question may be removed forthwith. This Government is very fond of retaining widest possible powers in its hands and we are giving it more powers. Why should it fight shy of accepting those powers ? This amendment in reality gives some powers to the Government. The present Government has always been enamoured of assuming more and more powers to itself. Now this is a God-sent opportunity for them and they can avail of it and accept the amendment now before the House.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, I wish to add one word only, that is, that the Honourable Minister should at least recognise the service that Munshi Hari Lal has done him. It seems as if he has no knowledge about the matter now before the House. He seems

[Lala Diwan Chand.]

to think that a non-bailable offence necessarily implies defect of character and moral turpitude while in the case of a bailable offence it is not so. In my opinion Munshi Hari Lal has clarified this matter beyond any doubt and now it behoves the Honourable Minister not to persist in retaining these words in the clause under consideration. I also hope that he would thank Munshi Hari Lal for the service which he has rendered to him and accept this reasonable demand. I, therefore, request him that in view of the old adage "better late than never" he should accept this amendment.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural), (Urdu) : I may point out that my learned friend, who has just spoken does not know as to what is the real object of the sub-clause under consideration. Now I would tell him as to what the Honourable Minister means by non-bailable offences. What he means is that if any Congressite goes into the jail under section 153-A or Defence of India Act, because such offences would be non-bailable offences, he should not be allowed to become a panch in any case. That is what the Government is really aiming at. As a matter of fact he is fully aware of the fact that under section 124-A, 153, or under the Defence of India Act no such defect of character is involved but he knows at least this much that such offences are non-bailable offences and likely to be committed by Congressmen. The Congressmen are bound to be arrested and imprisoned under the measures referred to above and therefore he thinks it better to debar them from becoming members of panchayats. If, on the other hand, Government's object is to keep out persons of bad character from the panchayats, in that case panches convicted of any offence, whether bailable or non-bailable involving defect in character should be removed from panchayats. There are certain bailable offences, say section 498 and 354, Indian Penal Code, conviction under which involves a defect in character but panches convicted for any such offence would not be liable to be removed if this amendment is not accepted by the Government. Will it be proper that a person who kidnaps a woman and is even convicted for that offence be allowed to become a panch ? In the circumstances I would request the Honourable Minister at least to consider over this matter dispassionately. If he wishes to exclude the bad character from the panchayats he should do well to accept our amendment. Let me also point out that if he wishes to retain these words merely to disqualify the Congress members, there are hundred and one ways of disqualifying them. But he should not insist on retaining these words in the sub-clause under consideration. I would therefore, again request him to accept our amendment.

Munshi Hari Lal : I want to put a question to the Honourable Minister. May I remind him that sections 108, 109 and 110 of the Criminal Procedure Code, deal directly with the point of character ? Section 110 of the Criminal Procedure Code is

Mr. Speaker : Is that a question or a speech ?

Munshi Hari Lal : Does he mean to say that anybody who is convicted under section 108, 109 or 110, in which the defect of character is established, can be bailed out ? Does he mean to say that—

بدمشا ۱۰ نمبر کا پی جی آر سیکشن ۱۰

Badmash of No. 10 can be a panch ?

Minister for Public Works : As far as I have been able to understand there has been unnecessary criticism and discussion about a very clear clause. There are two parts of it. The first relates to one who is convicted of a non-bailable offence, whether he is a Congressite or anybody else. There was an insinuation made that it is meant for a particular class. I can assure you that I never realised that all non-bailable offences or convictions were reserved for my honourable friends opposite. If that is the case then I might agree with them but otherwise provision against non-bailable offences apply to all accused alike. It only means that a man who is convicted of a non-bailable offence will be dealt with under this clause. Then there is the second part dealing with the criticism advanced by Munshi Hari Lal. Offences that are non-bailable but still involve defect in character, will be dealt with under the second part, that is—

- (a) who is convicted of a non-bailable offence or subjected by a criminal court to an order which, in the opinion of Government or of the officer to whom Government has delegated its power of removal, implies a defect of character unfitting him to be a panch.

So all non-bailable offences will be dealt with by part 2 and not by part 1. So it is clear enough. I do not know what is all this confusion about. You can add a comma after the word 'offence'.

Munshi Hari Lal : No court would put the interpretation as put by the Honourable Minister.

Minister of Public Works : I am not a lawyer, but the language is clear.

Dr. Sir Gokul Chand Narang : Therefore you must follow the lawyer.

Minister of Public Works : Is it because the honourable member has quoted the Indian Penal Code irrelevantly, that I should follow him ?
(Interruptions.)

Sayed Amjad Ali Shah : Sir, may I ask you a question and have some light on this matter ? My honourable friends on this side of the House seem to think that the words "implies a defect of character" apply also to the first part ?

Pandit Muni Lal Kalia : There are no two parts.

Sayed Amjad Ali Shah : As far as I understand, it applies to the second part, that is, "or subjected by a criminal court". Will you throw light on this ? Let us take for instance, that the amendment of my honourable friend, Pandit Muni Lal Kalia is accepted, would not all offences—whether they concern a radio licence or a motor driving licence—be covered by this amendment (Voices : "No,") and people will be debarred ? (Voices : "There is no qualification.") That is what I am asking the Honourable Speaker. That qualification applies to the second part.

Pandit Muni Lal Kalia : I do not say that there are no parts in this clause. The clause is—

- "(a) who is convicted of a non-bailable offence or subjected by a criminal court to an order which, in the opinion of Government or of the officer to whom Government has delegated its power of removal, implies a defect of character unfitting him to be a panch."

I take it my friends on the other side understand that by the simple use of the word 'or' the clause becomes two parts, but, as a matter of fact, that is

[Pt. Muni Lal Kalia.]

only an alternative. The main clause is there. What is the main portion ? It is that any person who is convicted of a non-bailable offence or has been subjected to an order of a criminal court, such order or such offence, such non-bailable offence, which in the opinion of the Government or the person to whom such powers have been delegated, implies a defect of character unfitting him to be a panch. There is the qualifying clause also that in this case the Government wants to introduce two points, that is, non-bailable offence which implies a defect of character unfitting him to be a panch.

The Honourable Minister in charge of the Bill says that he is a layman and that he only talks in the tone of a layman. In this case
2 P.M. I only want to bring this point to the notice of the Government that most of the ordinary offences may imply a defect of character. So, if the main idea of the Government is to remove a person of bad character there should be no classification of the offence, because there are offences under the heading 'non-bailable offences' which directly or indirectly or strictly speaking imply a defect of character. My honourable friend Munshi Hari Lal and others have given a long list of such offences. Just now, my honourable friend, Sayed Amjad Ali, was pressing whether the holders of licences under the Motor Vehicles Act and Radio Act, when convicted will be removed for defect of character. I say if there is cheating on the part of such persons, they must also be removed. The idea is that any person having a bad character should not hold that post and should be removed, whether he has committed one offence or the other. It appears that in the draft the word 'bailable' has been left out. There is no ambiguity otherwise. 'Bailable' must have been used first and then 'non-bailable'. A person may be of a defective character, but if the offence is bailable, you do not want to touch him.

Mr. Speaker : The second part of this sub-clause relates only to an order.

Minister of Public Works : After the word 'or' the second part starts.

Pandit Muni Lal Kalia : There are no parts. That is only an alternative with regard to an offence or crime. I will just read it out to you. The first part in the alternative is like this :—

"Who is convicted of a non-bailable offence or subjected by a criminal court to an order."

That is the first use of the word 'or'. The second use of the word 'or' is :

"Which in the opinion of Government or of the officer to whom Government has delegated its power of removal...."

So, if you remove these two alternatives, then the sub-clause reads as follows :—

"Who is convicted of a non-bailable offence which in the opinion of Government implies a defect of character unfitting him to be a panch."

I do not understand where there are two parts in this sub-clause. There is only one part. That part is that any person who is convicted of a non-bailable offence must be removed. Our objection is that if a person commits a bailable offence or offences under section 107 or 108 or 109 meant for miscreants, or offences under that section which is meant only for those persons who are wanderers and who have got no work can become panches, and the Government will not remove them.

Mr. Speaker : What does the word 'which' in line 3 refer to?

Pandit Muni Lal Kalia : It refers to 'non-bailable offence or an order of criminal court.'

Mr. Speaker : Order and conviction are two things.

Pandit Muni Lal Kalia : The ambiguity is obvious. What is the idea of having the words, 'non-bailable offence'? The second alternative is sufficient. If that is to be taken correct, then it means that the first portion becomes redundant.

Mr. Speaker : Why?

Pandit Muni Lal Kalia : Because the words, 'who is subjected by a criminal court to an order' are sufficient. My submission is that the expression used in the first part is redundant. This thing should be done under the second alternative which is free from ambiguity.

Lala Duni Chand : The first part relates to conviction and the second part relates to an order passed under section 109 or 110, Criminal Procedure Code. If that interpretation is correct, then it will not cover bailable offences.

Mr. Speaker : Non-bailable offences are taken out of the purview of the sub-clause.

Dr. Sir Gokul Chand Narang : May I just ask one question, which, I hope, the Honourable Minister will be pleased to answer? Certain sections of the Indian Penal Code were quoted which are bailable and which imply a defect of character, like section 420, etc. The reply of the Honourable Minister to this was that that case would be covered by the order. Is not that so if I understood him rightly? Has he satisfied himself that an order also applies to a conviction. *Prima facie* the reference is to an order passed under preventive measures under the Criminal Procedure Code, say, sections 107, 108, 109 and 110; otherwise the word 'conviction' would have been used and there would have been no necessity of a different language. I hope the Honourable Minister would be following me or trying to follow me at least. (Minister for Public Works : "I am".) I do not mean any disrespect to him. If he will try he will understand. If he does not make any distinction between a conviction order and an ordinary order passed under Criminal Procedure Code, then of course, it is very difficult to convince him. But if he thinks that this language is used with a purpose and is intended to apply only to orders passed under the Criminal Procedure Code, then I would tell him, with due respect to him, that his object would not be served, because, then he cannot say that, if a person is convicted under section 420, legally he will be able to remove him because that is not an order passed but it is a conviction. Though, of course, generally speaking an order of conviction is also an order, but then the language which would have been used would have been different. If I am correct in the submission that I have made that it refers only to orders passed under the Criminal Procedure Code, then surely an evil would follow. The Minister's hands would be tied if he finds that a panch has been guilty of grossly defective character under sections 498 or 420 or such other thing. I do not know if sections 376 and 377 are bailable or not; probably they are non-bailable. Under the amended Criminal Procedure Code all offences are now bailable

[Dr. Sir Gokul Chand Narang.]

except those punishable with death or transportation for life. In view of the distinction made between bailable and non-bailable—and these offences are entered in the schedule as non-bailable—I think the amendment ought to be acceptable to the Honourable Minister. Surely it does not mean that he is not going to unseat a member of the panchayat who has been guilty of a bailable offence although it implies grossly defective character. If he really wants to protect them then it is a different matter ; but if he does not want to protect them, he ought to accept the amendment. My question to him is, does he want to protect the people who are guilty of a bailable offence implying defective character ?

(*Shaikh Faiz Muhammad, Parliamentary Secretary, stood up.*)

I ask the Minister. You are his legal adviser but not his conscience keeper. I want to ask the Minister.

Minister for Public Works : The word 'order' I think would cover both cases. If that language does not serve the purpose I have no objection to making it more clear. Would it meet his objection if we say 'convicted of any bailable offence' ?

Dr. Sir Gokul Chand Narang : So far as I am concerned it will be all right ; I think they too will be satisfied. (*Congress benches : "Yes, yes"*.)

Now, would the Honourable Minister's lawyer colleague frame an amendment or should we frame one ?

Shaikh Faiz Muhammad : In that case it would be 'who is convicted of a non-bailable offence ; or is convicted of a bailable offence or subjected by a criminal court to any such order as in the opinion of such court involves a moral turpitude or implies a defect of character, unfitting him to be a panch.'

Pandit Muni Lal Kalia : That does not meet the point. If a person is convicted under section 326 of grievous hurt, does it mean that he should be removed ?

Minister for Public Works : Yes, because that implies rash habit and the man is unable to control himself on certain occasions.

Shaikh Faiz Muhammad : All persons convicted of non-bailable offences whether that non-bailable offence implies defect of character or not are included. So far as bailable offences are concerned we are going to include offences involving defect of character. Therefore the clause would read :—

Who is convicted of a non-bailable offence or is convicted of a bailable offence or subjected by a criminal court to any such order as in the opinion of such court involves moral turpitude or implies a defect of character, unfitting him to be a panch.

Mr. Speaker : Is 498 bailable or non-bailable ? (*Voices : "Bailable."*)

Shaikh Faiz Muhammad : That implies defect of character.

Mr. Speaker : This clause does not cover all offences. Bailable offences are naturally excluded. The best course in these circumstances would be to divide the whole clause into two parts : (i) who is convicted of a non-bailable offence, and (ii) who is convicted of a bailable offence or subjected by a criminal court to any such order.....etc. The word 'convicted' must be used otherwise it will be misinterpreted, i.e., 'who is convicted of

a bailable offence or subjected by a criminal court to any such order as in the opinion of such court involves a moral turpitude or implies a defect of character, unfitting him to be a panch.' Both the purposes will be served.

The change I have suggested is this that in the case of a non-bailable offence nothing is left to Government or the authority to whom power has been delegated to show any favour to the man : the man must go. But in the case of conviction of a bailable offence or in the case of any order of a criminal court which in the opinion of such court involves a moral turpitude or implies a defect of character, the man must be tried.

Munshi Hari Lal : Our object is that it should be also in the case of conviction of a non-bailable offence.

Shaikh Faiz Muhammad : It means defect of character.

Dr. Sir Gokul Chand Narang : The apprehension in the mind of these gentlemen is that this may apply even to offences which may come under the Defence of India Act. I have just been told that even profiteering is made a non-bailable offence under this temporary measure. I do not think that the Minister had that in view when he was framing the clause : certainly not. So that if it appeals to him he may add the words 'non-bailable offences under the Indian Penal Code' and the rest as proposed by the Honourable Speaker.

Mr. Speaker : Question is—

That in part (a) of sub-clause (1), line 1, for the words "a non-bailable" the word "an" be substituted.

The Assembly divided Ayes 93, Noes 64.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Sardar.
Kishan Singh, Sardar.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Seyed.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Muni Lal Kalia, Pandit.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.

Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Badr Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jagjit Singh Mann, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.

Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 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.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : May I move an amendment to remove any ambiguity ?

That for sub-clause (a) the following be substituted :—

- (i) who is convicted of a non-bailable offence ;
- (ii) who is convicted of a bailable offence or subjected to an order which conviction or order in the opinion of the officer to whom Government has delegated its powers of removal, implies a defect of character unfitting him to be a panch.

Mr. Speaker : The Government member has just now handed over to me a slip on which the following amendment is proposed :—

For sub-clause (a) of clause 8 (1) the following be substituted :—

- (i) who is convicted of a non-bailable offence ;
- (ii) who is convicted of a bailable offence or subjected to an order which conviction or order in the opinion of the officer to whom Government has delegated its powers of removal, implies a defect of character unfitting him to be a panch.

Munshi Hari Lal : It means then that 35 members on this side who have been convicted are unfit to be panches. It means then a stop to political activity.

Mr. Speaker : I propose to put this amendment to the vote of the House in two parts. The question is—

“ That sub-clause (a) which runs as follows :—

‘ (a) who is convicted of a non-bailable offence ;’ may stand part of the clause...

The motion was carried.

The second part as drafted and now handed over to me runs as follows :

- (b) who is convicted of a bailable offence or subjected to an order which conviction or order in the opinion of the officer to whom Government has delegated its powers of removal, implies a defect of character unfitting him to be a panch.”

Lala Duni Chand (Ambala and Simla, General, Rural) : I do not want these words : ‘implies a defect of character unfitting him to be a panch’. I have made a substitution for these words. My amendment is—

“ That in part (a) of sub-clause (1), lines 7—9 for the words ‘implies..... panch’ the words ‘discloses a case of moral turpitude or moral degradation’ be substituted.”

(Urdu) : The rejection of the previous amendment of Pandit Muni Lal Kalra has added not a little to the importance of my amendment. The object of this amendment is quite clear. This part of the clause is very dangerous in its present form. If my amendment is not accepted the position will be that even if a man is convicted of a bailable offence or has been subjected to an order which does not imply any moral turpitude the Government will have the power to remove him from the office of a panch. Thus if a Congressman is convicted of a bailable offence and the Government does not like that man he will not be allowed to become or remain a panch. The words “implies a defect of character unfitting him to be a panch” in the present clause are too wide and vague. You have no clear conception of what that defect of character will be. On the other hand the meaning of the expression “moral turpitude” is quite definite and clear. The High Court has explained this expression in several rulings. Similarly, there can be no doubt or ambiguity with regard to the meaning of “moral degradation.” But it is not the same with the expression “defect of character.” As I have said it is too vague and indefinite.

The present attitude of the Government raises serious doubts about its intentions. The clause as it stands can mean only one thing. It is that everything should be left to the sweet will of the Tiwana. It means that if a man has been convicted under section 124-A, Indian Penal Code,

[Lala Duni Chand.]

the Honourable Tiwana Sahib will be willing to allow him to become a member of this Assembly but not of a panchayat even if he is a saintly person and a staunch nationalist. This is the mentality of the Government and, therefore, if the clause is left as it is and the interpretation of the law remains in the hands of the present Minister and his officers it is very likely that an offence which in the case of a Congressman is taken to imply defect of character may be interpreted otherwise, than where a non-Congressite is concerned. This shows that the intention of the Government is not to improve the law so as to make it more useful for the people but to forge new fetters for nationalist workers.

I would like to make it absolutely clear that I hold no brief for those who are guilty of offences involving moral turpitude. If there is such an offence remove the man by all means, but do not leave the law vague. If my amendment is accepted you will have the ruling of the High Court to guide you as to the correct interpretation of moral turpitude. But in the present form of the clause you can put any interpretation upon the expression "defect of character". You can go to the extent of murdering King's English to suit your purpose. With these words I commend my amendment to the acceptance of the House.

Mr. Speaker : Before I propose Lala Duni Chand's amendment I want to explain the second part of the proposed amendment, because every honourable member has not got a copy of the new amendment. The second part is—

"(b) who is convicted of a bailable offence or subjected to an order which conviction or order in the opinion of the officer to whom Government has delegated its powers of removal, implies a defect of character unfitting him to be a panch."

The last 11 words are proposed to be omitted by Lala Duni Chand.

Minister for Public Works : Sir, I would suggest that, if the honourable members have no objection we should leave this sub-clause, and take up the next sub-clause. We will amend the sub-clause, if necessary, after the whole clause has been discussed. Thus we will save the time of the House. I accordingly move—

That the consideration of the whole of sub-clause (a) be postponed.

The motion was carried.

Mr. Speaker : The question is—

That part (b) of clause 8 (1), stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That part (c) of clause 8 (1) stand part of the clause.

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
Sir, I beg to move—

That in part (d) of sub-clause (1), lines 2—4, for the words "from panchayats" the words "for a period of more than two months" be substituted.

Under the Rules, Sir, three meetings may be held during the course of 3 or 4 days, and the man may be absent from his village for 3 or 4 days or so, and he could be removed from the panchayat. To safeguard this I

have included the period of more than two months. These meetings may be held within one week or a fortnight, and the man may be absent from his village for about a fortnight for one reason or the other. One meeting may be held at 12 o'clock and the other adjourned meeting might be held at 4 P.M. I want that at least minimum period should be fixed. If the Honourable Minister thinks that the period of two months is a longer period a lesser period should be fixed. There should be some safeguard. It is likely to be abused against persons who are in minority in the panchayat.

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

That in part (d) of sub-clause (1), lines 2—4, for the words "from panchayat" the words "for a period of more than two months" be substituted.

Minister for Public Works : I do not think any change in the present sub-clause is necessary. The words "reasonable cause" would meet the circumstance if it is a reasonable cause. If a person is absent for any cause which is not reasonable, he will be removed from the panchayat. The panchayat will be sitting from day to day and will be performing judicial and administrative functions, it would be inadvisable to change the sub-clause.

Pandit Muni Lal Kalia : I do not want to press my amendment.

The motion was by leave withdrawn.

Mr. Speaker : The question is—

That sub-clause (d) stand part of clause 8 (1).

The motion was carried.

Pandit Muni Lal Kalia : Sir, I beg to move—

That in part (e) of sub-clause (1), lines 1—4, the words "in the opinion of the Government or of the officer to whom Government has delegated its power of removal" be omitted.

Sir, this is a repetition, because in the opening words of the clause "Government, or any officer to whom under section 75 (1) it may delegate its power in this behalf may after such enquiry as it or he
3 P.M. may deem fit remove," cover the whole clause. Therefore, it is redundant here.

Minister of Public Works : It is essential that these words be retained.

Mr. Speaker : The question is—

That in part (e) of sub-clause (1), lines 1—4, the words "in the opinion of the Government or of the officer to whom Government has delegated its power of removal" be omitted.

The motion was lost.

Mr. Speaker : The question is—

That part (e) of sub-clause (1) of clause 8 stand part of the sub-clause.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Urdu) : Sir, I beg to move—

That in part (f) of sub-clause (1), lines 2—5, for the words "Government or of the of removal" the words "the majority of electors of the panchayat area" be substituted.

[Sardar Kapoor Singh.]

Sir, I find that the Honourable Minister has adopted this sub-clause from the District Boards Act. But he has been pleased to incorporate only that portion of the clause which served his purpose and has left out the remaining portion as it did not suit him. I may point out that it is laid down in the District Boards Act that a member can be removed if in the opinion of the Government or the majority of the electors, his continuance in office is undesirable in the interests of the public. Similarly my object in moving this amendment is to vest the power of removal of a panch in the majority of the electors of the panchayat area. That is, if the majority of voters of a panchayat area consider that a panch should be removed from office as his continuance would prove detrimental to the interests of the public or the panchayat, they would send a requisition or request to the Government for his removal in the same manner as is provided in the District Boards Act. But here in this sub-clause (f) the Honourable Minister has withheld the power from the electors. I see no reason why they should be deprived of their right to throw out a panch if in their opinion he is not a desirable person to continue in office, when a provision to this effect exists in the District Boards Act. Besides, the Honourable Minister is aware that there is nothing in the Bill which allows a vote of no-confidence to be moved against a panch, so the grant of the power of removal to the majority of electors is all the more desirable. This would enable them to get rid of an undesirable panch. With these words I request the Honourable Minister to accept my amendment.

Mr. Speaker : Question is—

That in part (f) of sub-clause (1), lines 2—5, for the words "Government or of the of removal" the words "the majority of electors of the panchayat area" be substituted.

The motion was lost.

Sardar Kapoor Singh : I beg to move—

That in part (f) of sub-clause (1), line 5, between the words "removal" and "undesirable" the words "the majority of electors of the panchayat area" be inserted.

I expect that the Honourable Minister in charge would accept this amendment. The Government has power of removal. There should be some option left for the voters also for the removal of any undesirable panch. This should be done because we find that there is no other power given to voters to remove any panch, who is undesirable, by the passing of a vote of no-confidence. I hope that the Minister would accept this amendment.

Mr. Speaker : Will the honourable member please read the sub-clause after inserting the words proposed?

Sardar Kapoor Singh : That would read in this way—

"(f) whose continuance in office is, in the opinion of the majority of electors of the Panchayat Area " (*Interruptions.*)

Mr. Speaker : After the word 'removal' the honourable member has to read the words 'the majority of electors of the panchayat area.'

(*Voices :* It does not make sense.)

Sardar Kapoor Singh : Then may I again redraft the amendment if the Honourable Minister is prepared to accept the principle?

Mr. Speaker : The honourable member may redraft it if he likes.

Minister of Public Works : I must oppose the principle also. How can we agree to invest the voter with the power of removal before a particular period? In this case they will be exercising civil and judicial powers and if a panch happens to fall out in the heat of the moment, they might go and canvass and try to turn that man out. Memories are generally short and in three years time he may not be there. It would mean that if the proposal is carried it would go against the working of the panchayat.

Mr. Speaker : The question is—

That part (f) of sub-clause (1) of clause 8 stand part of the sub-clause.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu) : Sir, I want to secure the deletion of sub-clause (f). Not only myself but six or seven other members from this side also desire that sub-clause (f) be deleted. I have stood up to point out, in case it may have escaped your notice, that I consider this portion of the clause to be one of those dangerous clauses which can be used improperly. What is required is that panchayats should be popularised among the villagers and to achieve this purpose the guiding principle should be one of creating a spirit of social service. With sub-clause (f) in the Bill that spirit cannot be created.

According to this clause the Government intend to reserve such powers to themselves as might make it possible for them to do as they please. The exact words of the sub-clause are "Whose continuance in office is, in the opinion of the Government or of the officer to whom Government has delegated its power of removal, undesirable in the interests of the public or of the panchayat." I know Sir, what will be the causes for which the panches would be removed. Any one who desires to serve his countrymen but is not a *persona grata* with the Government will be removed. There are a large number of village workers who are not in agreement with the ideals or policy of the Unionist Government and I am afraid they will certainly come under this clause. The prescribed authority has already been empowered under clause 6 to accept or reject any election he likes, and so far as the Government could devise they have specified all such conditions in sub-clauses (a), (b) and (c). Now they are trying to take another power in their hands, that is, of removing a panch without rhyme or reason.

The honourable members on this side of the House suspect the Government of having some ulterior motive in keeping this sub-clause in the Bill. They apprehend that the presence of the public workers of rural areas in the panchayats will not be tolerated, and if they are selected they will be removed on one pretext or the other. If that is not the case the Government should accept this amendment. I ask the Treasury Benches to let the House know as to what power they want to keep to themselves. In ordinary circumstances these powers will be nothing but a sword of Democles hanging constantly above our heads.

With these words I propose that sub-clause (f) be deleted.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : Sir, this sub-clause (f) is extremely vague and gives almost unlimited, undefined and unqualified authority to the Government and officers appointed under their order. If such authority is given, I am afraid, none of the members of panchayats will be safe from such officers. If they want to be unfair towards those members, they can remove them very easily. This is against the

[S. Sampuran Singh.]

general principle of democracy. Democracy requires that executive officers or the Government themselves should not be in a position to interfere with such institutions without any proper and judicial reasons. As we go through clause 8, we find that Government has tried to make a very exhaustive list of all those acts for which a panch can be dismissed. They have in sub-clause (a) given the authority to the officers to remove a person who is convicted of a non-bailable offence or who is subjected by a criminal court to an order which in the opinion of Government or the officer, implies a defect of character. Then in sub-clause (b) they have given them the authority to remove a person who refuses to act, or has become incapable of acting or is adjudged an insolvent. Then again in sub-clause (c) they have taken very vague powers to remove a person who has been notified as disqualified for appointment in the public service and so on and so forth. They have practically tried to lay down every little cause which could possibly be imagined for the removal of such panches. After that they give vast and undefined powers to the officers of turning out a man for no reason but only if that officer or Government happen to think that in their opinion he is not a fit person to be kept there. This is a very vast power and in a country where we are supposed to work on democratic principles, it is very unfair that the Government under this enactment should try to give that *carte-blanc* to such executive officers.

With these remarks I very strongly oppose this sub-clause (f) and would submit in the end that this is against all principles of legal jurisprudence that such vague powers should be given to any officer of the Crown.

Mr. Speaker : The question is—

That sub-clause (f) stand part of sub-clause (1).

The Assembly divided : Ayes 60, Noes 26.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.

Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Habib Ullah Khan, Malik.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
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 Major Nawabzada Malik.

Kishan Das, Seth.

Manohar Lal, The Honourable Mr.

Maqbool Mahmood, Mir.

Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Hassan Khan Gur-chani, Khan Bahadur Sardar.

Muhammad Jamal Khan Leghari, Nawab Sir.

Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muzaffar Khan, Khan Bahadur Captain Malik.

Nasir-ud-Din, Chaudhri.

Nawazish Ali Shah, Sayed.

Pir Muhammad, Khan Sahib Chaudhri.

Prem Singh, Chaudhri.

Pritam Singh Siddhu, Sardar.

Ranpat Singh, Chaudhri.

Riasat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Rai Sahib Thakur.

Roberts, Sir William.

Sahib Dad Khan, Khan Sahib Chaudhri.

Shah Nawaz, Mrs. J. A.

Sikandar Hyat-Khan, The Honourable Major Sir.

Singha, Diwan Bahadur S. P.

Sultan Mahmud Hotiana, Mian.

Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.

Tara Singh, Sardar.

Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur Sardar.

NOES

Ajit Singh, Sardar.

Bhagat Ram Sharma, Pandit.

Chaman Lal, Diwan.

Chanan Singh, Sardar.

Dev Raj Sethi, Mr.

Duni Chand, Lala.

Duni Chand, Mrs.

Gokul Chand Narang, Dr. Sir.

Gopi Chand Bhargava, Dr.

Hari Lal, Munshi.

Harjab Singh, Sardar.

Jalal-ud-Din Amber, Chaudhri.

Kabul Singh, Master.

Kapoor Singh, Sardar.

Kartar Singh, Sardar.

Kishan Singh, Sardar.

Mazhar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Iftikhar-ud-Din, Mian.

Muni Lal Kalra, Pandit.

Prem Singh, Mahant.

Raghubir Kaur, Shrimati.

Sampuran Singh, Sardar.

Sant Ram Seth, Dr.

Sohan Singh Josh, Sardar.

Sudarshan Seth.

ADJOURNMENT OF THE ASSEMBLY.

Premier : Sir, I move—

That the Assembly at its rising this day shall be adjourned till Monday the 20th November, 1939.

The motion was carried.

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

ADJOURNMENT MOTION.

UNAPPROVED MOTOR STANDS.

Maulvi Mazhar Ali Azhar (North-Eastern Towns, Muhammadan, Urban) (*Urdu*) : I beg to move—

That the Assembly do now adjourn.

Before I proceed with my speech I would like to submit that if the government is labouring under the impression that I believe that the old rules are not in operation and something else is in force in the Punjab then I think the Government is entirely mistaken. What I want to submit is that the same rules as are provided under the old Act are being in force in the Punjab to-day. But first of all I would like to draw your attention to Rule 53 (a) of the Punjab Motor Rules, 1931, which empowers the registering authorities to control the bus stands and reads as follows :—

“ The person in charge of a light motor bus shall not allow such light motor bus to loiter in any public place for the purpose of collecting passengers or goods or to stand for the aforesaid purpose in any public place other than one approved by the Registering Authority for the purpose.”

As regards the old Act and rules I would say, it is clear from them that a stage carriage, as it has been stated, cannot collect passengers or goods in any public place unless it has been approved by the Registering Authority for this purpose. My submission is that the definition of a public place as given in old Act is something different from one given in the present Act. And that is why the necessity of moving this adjournment motion has arisen. Let me also submit that as regards the old Act the definition of public place was as follows :—

“ Public place ” means a road, street, way or other place, whether a thoroughfare or not to which the public are granted access or over which they have a right to a pass.

Under this definition instead of having registered public places for getting passengers, people began to keep lorries on their own or rented land and in this way they carried on their business. In that case the question arose whether such places were to be considered as public places. This case went up even to the High Court. The decision made by the High Court is as follows :—

“ The mere fact that a place would be styled as a public place for the purposes of the Gambling Act and the Penal Code does not necessarily mean that it is a public place under the Motor Vehicles Act, 1914 ; to make it a public place under the Motor Vehicles Act, it must be a road, street, way or a place over which the public have a right to pass, or to which the public are granted access.”

It is clear from this decision of the High Court that places taken on rent for carrying on this business cannot be considered as public places because the public have no right to pass over them, or to these places the public are not granted access. But we do not find this sort of definition in the Motor Vehicles Act of 1939. The definition of public place has been changed in this Act. The definition of a public place in section 2, sub-section (24) reads as follows :—

“ Public place ” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage.”

The last part of the definition makes it clear that a public place includes any place or any motor-stand at which passengers are picked up or set down by a stage carriage. As regards the word "stage carriage" I would like to draw your attention to the definition of this word also as given in section 2, sub-section (29). It reads thus :—

"Stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey."

Now it would be clear from the definition of public place given above that under the present Act enforced from 1st July, even those places that have been declared private places by the High Court have come under the definition of public places. I think, it might be said in reply from the opposite benches that the old rules are in force. I may tell them that I agree with them as far as rules are concerned. But what I really object to is this that the definition of the old Act is not in operation. It has already been laid down in Rule 58 (a) that no motor vehicle is entitled to pick up passengers from any place other than the one approved by the registering authorities.

Now I want to draw your attention to the present position. How strange it is that the Government, instead of enforcing the present rules in the Punjab, has made attempts to enforce the old rules from the 1st of July although the new Act is now in force! I may further add that none of these stands which are a source of mischief in many a way has been authorised by the registering authority. In this respect I would like to quote an instance of a case filed against a private motor-stand in Amritsar. The driver of that unapproved motor-stand was prosecuted and he confessed his guilt in the court and eventually he was fined. Do you know what happened afterwards? Instructions were issued to the police not to challan such *addowalas* in future. Since the case, fortunately or unfortunately being an ordinary case was disposed of in a lower court and did not go up to the High Court, we could not therefore have the ruling of the Honourable High Court regarding this particular matter. This has been the position for the last so many months and as you are aware, Sir, the private motor-stands are increasing day and night and therefore it cannot be denied that the increase in the number of private motor-stands is resulting in serious inconvenience and nuisance to the public. Besides, these private stands affect the business adversely. Even the lives of passengers travelling in lorries are not safe as the lorries starting from private, unapproved, and unauthorised motor-stands generally try to overtake one another. Reports regarding these private stands show that several of these accidents are due to the said stands and failure to take action against them is another contributory cause. My submission, therefore is that the problem is really one worthy of careful consideration mostly for the reason the lorry traffic is becoming not only a nuisance for the public, but also a danger to public safety. Everyday happenings clearly show that it is high time that the authorities concerned bestir themselves and take proper steps to remove this potential menace to human life. It is, I think, necessary for the Government to consider every possible point, minor or major, before the introduction of a new Act, in order to avoid any difficulty that may stand in its way later on and not to sleep over matters at the initial stage. It is up to the Government to see if there is any obstruction in the

[M. Mazhar Ali Azhar.]

way of an Act. And if actually some difficulty arises, the Government should see to its remedies before that Act is enforced. Otherwise hundred and one other difficulties would arise out of it which will prove harmful to the Government later on. If my contention is true, then it follows that collecting of passengers from the private motor stands is in direct contravention of the existing rules, and that the Government is guilty of abetting such people to commit this offence. I am sure the Government would say in reply to my remarks that the old rules are still in force in the province. But my submission is that even the old rules do not allow collection of passengers from the private stands without the previous sanction of the registering authority. I may in this connection submit for the information of the Government that definition of the expression 'Public Place' is clear beyond all doubts. Since I do not propose to take further time of the House, I commend my motion for its acceptance.

Mr. Deputy Speaker : Motion moved is—

That the Assembly do now adjourn.

Sardar Ajit Singh (South West Punjab, Sikh, Rural) (*Punjabi*) : Mr. Deputy Speaker, my honourable friend Maulvi Mazhar Ali Azhar has just remarked that private motor stands shall also come within the definition of public stands according to section 2 (24) of the Indian Motor Vehicles Act, 1939. Rule 53 (a) of the Punjab Motor Vehicles Rules, 1931, clearly lays down that private stands cannot be run without the previous sanction of the Local Government or the registering authority. But in spite of these provisions, private stands are being allowed to work unhampered and unchecked without registration. If even now the Government realises its mistake, because it has cared little in the past for the various representations of the public and the motor unions—it is worthy on its part, and should henceforth order the closing of unregistered motor stands and admit our adjournment motion. In this way much of the precious time of the House will be saved. The Government should not feel ashamed of realising its mistake, because wise people say—

صم کا بدولت م نہ کر ا جائے تو اسے بدولت نہ کہنا چاہئے

The Government will rather deserve congratulations if it stops this nuisance. Much of the uneconomic competition of the lorrywallas in fares and speed will be avoided, and lakhs of zamindar's sons who have already parted with their lands and purchased lorries will be able to earn their livelihood. The general condition of these private stands is getting worse day by day. Even in Lahore, the most developed and civilised city of the province, most insanitary and filthy plots of land are being utilised as private stands. Some people have adopted this as a profession, like the pahalwans of Lahore, and pay Rs. 2 or Rs. 4 as rent for the land per mensem and hire the services of two or three scoundrels (badmashes) to work as hawkers, and thus start a regular stand. Now this filthy piece of land will fetch them about three to four hundred rupees a month because they will charge each lorry from Re. 1 to Rs. 3. These hawkers are indeed becoming an immense nuisance to the public. If, even the Honourable Ministers and especially the Honourable Premier were to visit the crossing between the Banda and Azad Bus Service stands in front of the railway station in ordinary dress, the hawkers of the Azad Bus Service would pounce upon them and

drag them to their stand, and in the scuffle that may ensue they are sure to get their clothes torn to pieces and they may even lose their senses. Such an experience will open their eyes and bring home to them the truth of our contention. It is evident from the recent Government report that there are 25 private motor stands in Lahore alone, but I am sure that there must be not less than 50 at present. Had there been some check or restraint on the starting of such stands there would have been no possibility of any insult to anybody. It is a pity that the Government which was anxious the other day to impose an entertainment tax on poor people who purchase cinema tickets of less than four annas value does not think it proper to levy a fee on such badmashes and dacoits who loot the lorrywalas in broad daylight by the sheer dint of their manual force, and without any investment charge Rs. 2 to Rs. 8 per lorry as *adda* commission and make money by such foul means. I believe that if all the private motor stands were amalgamated into one and a single stand is auctioned either by the local Government or the Lahore Municipality, it is sure to bring in no less than one lakh of rupees as motor stand fee. This step on the part of the Government would not only replete the exchequer by a substantial sum, but it would also redress the grievances of the public to a great extent. Now-a-days the poor passengers have to wait for the departure of the lorry for hours together in each stand. But if there is only one stand, lorries would depart after every five minutes and this would considerably save the time of the passengers.

There is another nuisance caused by the existence of these numerous stands. The hawkers of each stand promise the passengers that the lorry would stop at any place required even if it is only to stop at the first nearest town. Moreover, the passengers are auctioned as it were to the lorrywalas and whoever agrees to take the passengers at the lowest rate is allowed to take the passengers in his lorry.

In 1938 the Indian Motor Vehicles Bill was introduced in the Central Assembly. At that time there were several doubts and apprehensions in the public mind in regard to certain provisions of the Bill. But thanks to the efforts of the Congress party in the central legislature, the Bill was so amended that every big or small motorwalla can now safely earn his livelihood without the least difficulty if the rules are framed in such a way that it is beneficial to him. But it is a pity that the Act has not yet been brought into force in spite of the fact that except Chapter IV the Act is enforced under the rules of 1931 from 1st July, 1939. The Punjab Government is responsible for this loss to the industry due to its not properly working the Act. Anyway the delay is causing great hardship to the interests of poor motor-wallas who are unable to compete successfully with big capitalists. Now with the exception of Chapter IV the whole Act has been brought into operation. In fact only this Chapter can benefit the poor lorrywalla, but the power to enforce that chapter rests with the local Government according to the notification of the Central Government and the local Government can enforce that chapter even now without waiting till April, 1940, if it has any sympathy for the poor lorrywallas. I hope and trust that the Government would exercise its right of controlling the motor stands under rule 53. (a) by instructing deputy commissioners and registering authorities not to allow unauthorised stands and disallowing such stands forthwith. With these words I support the adjournment motion.

Master Kabul Singh (Jullundur East, Sikh, Rural) (*Punjabi*): Sir, whenever any section of population becomes conscious of its position, in accordance with the old adage "unity is strength" it organises itself in order to protect its interests and rights. Now a section of people whose interests are opposed to the interests of the former section considers it as a danger to itself and consequently begins to throw obstacles in the way of the former section. And in many cases they come into conflict with each other. In view of this we see that for some time in the past poor people consisting of kisans and labourers after selling their landed property have bought lorries in order to make their livelihood by plying them for hire. Such vehicles ply for hire from public motor stands. Now some selfish and clever people in order to keep control over the motor traffic have set up private motor stands. And those people who ply their vehicles for hire from public motor stands have organised themselves into a motor union. The said union is doing excellent work. In many cases the said union has excelled the police in many respects because it has a great control over the drivers of public vehicles. Naturally the owners of private motor stands who have formed monopolies of their own are feeling uneasy and have set up private motor stands at numerous places and are becoming a source of danger to the public at large. Just as in the old days tongawalas troubled the public, in the same way these people pull the passengers this way or that way. And in this so-called scuffle the passengers are put to a great trouble. Not only this but these people in order to collect passengers drive their vehicles at a tremendous speed which results in serious and fatal accidents. Let me point out that this is not only my opinion but even the responsible police officers are of the same opinion. The Superintendents of Police of Jhelum and Gujrat in their reports of 1936 and 1937 have stated that one of the many causes of numerous lorry accidents is the setting up of various private motor stands. The Superintendent of Police of the Jhelum District wrote in his report that these people in order to collect more passengers drive their lorries at a speed of 45 miles per hour. Consequently many accidents are the order of the day. Sometimes this competition for collecting passengers becomes very unhealthy and financially weak persons are ruined. In other words those people who have sold their lands and have taken to lorry driving in order to provide their children and themselves with livelihood, cannot compete with the capitalists. In this way those people are debarred from putting up something for the rainy day. After getting ruined they become unemployed and thus augment the number of unemployed and in this way become a source of danger to the public. Therefore it is the duty of the Government that they should not sacrifice the interests of the public in order to benefit a selected few. But it behoves them to discontinue the setting up of private motor stands and discourage the monopoly holders and thus protect the interests of the public.

One word more. Road Development Association was formed under the patronage of the last Governor of the Punjab. The object of the said association was to benefit only a few "yes" men of the Government. But the pity is that our so-called zamindara Government, who in fact are the Japan made zamindara Government, are following the same policy. In the circumstances I appeal to the Government that they should discontinue the system of private motor stands and encourage the

public motor stands and thus protect the interests of the public. With these words, I support the adjournment motion now before the House.

Shrimati Raghbir Kaur (Amritsar, Sikh Women) (*Punjabi*): Sir, the question now before the House is that the Government have failed to protect the interests of those people who are plying their motor vehicles for hire from public motor stands. Everybody knows that the interests of such people are protected in foreign countries. But here in the Punjab no attention is being paid to safeguard the interests of such experts and mechanics. The Government who have power in their hands are in the habit of singing their own praises in season and out of season that they are the great well-wishers of the poor and that they are out to protect their interests and to better their condition and want to eradicate poverty, but whenever the question of the bread of the poor comes before them they do not pay any attention to it. I wish to tell them that poor people who found it difficult to make their living on land sold their ornaments and lands and bought lorries. They did not buy these lorries for pleasure and merely for the sake of fun. On the other hand they bought them for providing their children and themselves with livelihood. These poor people have neither lands which they can till, nor can they get employment. Therefore disappointed on all sides they took to driving of lorries so that they should make their both ends meet. Now the owners of the private motor stands are bent upon ruining them. What they do is that they set up a private motorstand by demolishing a house and there they stand their lorries and ply them on hire. The result is that the poor lorry drivers who ply their vehicles for hire from public motor stands are put to a great loss. I request the Government which claim to be the wellwishers of the poor to give a serious consideration to this matter.

Besides, the owners of private motor stands mete out a very insulting treatment to the public. In this connection I wish to cite an incident which I saw with my own eyes. I was at Sargodha. There I saw one husband and wife who wanted to go somewhere. Although both of them wanted to go to a particular place, still one lorrywala forcibly made the husband sit in his lorry and the other lorrywala forced his wife to sit in his lorry. Neither of the lorrywalas allowed them to get down. The result was that both of them felt very much insulted. I may also point out that when the new Motor Vehicles Act was enacted we thought that henceforward the setting up of private motor stands would be discontinued and thus the public would be saved from disgraces and insults which previously they were used to receive from the tongawalas. The Honourable Minister for Public Works is a rich man and I am certain that he has never travelled in tongas or lorries and therefore it is very difficult for him to know how the people are insulted and disgraced by these lorrywalas.

Minister : I have travelled several times in lorries.

Shrimati Raghbir Kaur : I would therefore request him to prohibit the setting up of private motor stands. It behoves him to think of the poor people who have neither houses to live in nor clothes to put on. Let me also point out that on every lorry not only one but three persons depend for their livelihood. Namely the owner, the driver and the cleaner. If the setting up of private motor stands is not stopped the result would be

[Sh. Raghubir Kaur.]

that many people would become unemployed. And according to the old adage "an idle man's brain is the devil's workshop" they would try to bring about "inqlab" in the country. In the circumstances it behoves the Government to solve this problem. With these words I support the adjournment motion now before the House.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural)
(Urdu): Sir, I must point out at the very outset

4 P.M.

that to-day my honourable friends on the treasury benches do not appear to be serious about the motion now before the House. The reason is quite obvious. The subject matter of the motion does not relate to war—a subject on which the Honourable Ministers are very keen to express their views in order to win the approbation of the higher authorities. Again so far as the urgent importance of this matter is concerned, Government think that the motion perhaps pleads the cause of a union which is not so important as would require serious notice on their part.

But the Government should consider the matter from a different point of view. That is, they should look at it with a view to find out how much lorry traffic there is in the province and whether there is any part in the Punjab where the lorries do not ply. Incidentally the Punjab is the only province in India which has the greatest mileage of metalled roads to its credit and it is but natural that the traffic should also be terrific. The traffic has been gradually on the increase since this ministry came into power. (*Hear, hear.*) Now the object of the motion under consideration is to bring this fact to the notice of the Government that they have miserably failed to take action under the rules to stop public motor vehicles from collecting passengers from unapproved motor stands, resulting in serious inconvenience and nuisance to the public. In this connection I might make a mention of the fact that some time back in reply to a question we were informed by Government that there were no less than 25 lorry stands in the city of Lahore alone. I am of the opinion that too many motor stands prove to be a great nuisance to the public. The passengers are put to much unnecessary inconvenience because they have to wait for a long time before the requisite number of seats of a lorry are occupied. I hold the view that the motor stands should be established at fixed and authorised places. Their number should be reduced. For instance, if instead of two motor stands in a city, there is only one motor stand, it would prove beneficial to both the passengers as well as the lorry owners. The former would be saved weary waiting and unnecessary inconvenience, while the latter would be sure of passengers coming in large numbers. Besides, additional facilities can be provided to the passengers if the motor stands are established at authorised places. Naturally the lorries would be started at fixed timings, adding to the efficiency of the motor traffic as well as to the convenience of the passengers. But the difficulty is that Government would quietly make a reply that they are not prepared to interfere with the administration of the municipal committees as this affair comes within the purview of their administration. It would not be out of place to mention that Government stands to gain by adopting this attitude, but as different bus associations have influential members

of the Government party as their patrons or secretaries who would not allow anybody to interfere with the irregular activities of these associations, we fully realise that if a change is brought about in the rules relating to the motor traffic, the trade of the minions of Government would heavily suffer and that is why Government continue to connive at them and take no action in this matter. Moreover it appears that Government have no intention to offend these lorrywalas. As lorries are an excellent means for making propaganda during the elections, Government want their co-operation and assistance immensely. So, they would not move their little finger to take action against them for their irregularities. Besides, Government are apt to reply to our criticism that they feel averse to meddling with the affairs of local bodies who are responsible for this state of affairs. If we press the Government in the matter, they would say that as the municipalities are incompetent and have failed to discharge their duties efficiently, they would like to supersede them or else appoint executive officers to carry out their administrative work. As a matter of fact Government would try to shift the responsibility of this sorry state of affairs to the municipal committees which in turn would blame the people. I, therefore, submit that if Government evince no interest in this matter, it is because they have nothing to gain by doing so. Again, it is a thousand pities that lakhs of rupees go to the coffers of the Government by way of licences issued to the drivers and contractors of motor stands, but the authorities pay no heed to the grievances of the drivers. Government think it wise to leave the lorrywalas alone to take care of themselves, who hold conferences and pass resolutions enumerating their grievances and requesting the Government to redress them. Only the other day a conference of the lorrywalas was held at Ferozepore. Shaikh Hissam-ud-Din was elected its president. He explained to them their difficulties and through a resolution requested the Government to remove them. But the Government instead of redressing their grievances thought it fit to make arrests from among them for the speeches made by them.

As I find that the honourable members are getting anxious to go and take part in a certain function I would finish my speech by appealing to Government to amend its rules relating to the motor traffic and enforce them so that the public may be relieved of the inconvenience which is being caused to them on account of unapproved motor stands. With these words I support the motion now before the House.

Honourable members : The question be now put.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Minister for Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana): Sir, I thought that this was hardly a matter on which an adjournment motion could have been moved, entailing loss of time of this House and an expenditure of a few thousand rupees. We must examine what is the position at present. The mover of the adjournment has admitted that at present old rules are in force. He knows perfectly well that no action of the sort that he contemplates can be taken under these rules on account of the High Court judgment to which a reference

[Minister for Public Works.]

has been made. He confused the issues and said that the new definition of a "public place" in the new Motor Vehicles Act, 1939, applies. I am afraid it is not the case. It is a question of opinion about a legal matter. I take the view at present I am advised to take; while my honourable friend can take another view. He is quite at liberty to do so. I will try to convince him that under the rules in force no administrative responsibility of the Government is involved. He tried to argue that though the old rules are in force, the definition of "public place" is not applicable. How can that be? Under the rules in force I am not empowered to take the action which he wants me to take. Under the new Act, the old rules will remain in force for 9 months. I will read the relevant section of the Act. Section 182 (2) says:—

"Notwithstanding the repeal of the Indian Motor Vehicles Act, 1914, rules made by any provincial Government under subsection (2) of Section 11 of that Act and rules made by the Governor-General in Council, under section 14 of the Act, being rules in force at the commencement of this Act, shall, subject to the provisions of sub-section (3), continue to be in force for a period of nine months from the commencement of this Act."

Now, Sir, the position is that these old rules are in force for a period of nine months. The Act came into force on 1st July, 1939. Therefore, the period for which the rules would remain in force is till the 1st of April. That being the case, I do not see how the Government can take action as has been asked by the honourable mover of the adjournment motion. I am fully conscious of the evils and I am at one with him that efforts should be made to remedy them. The betterment of the motor trade is one of our concern and I am anxious, as anybody else—I would say more than anxious—to set the motor trade on a stable footing and to bring about more earnings to the lorry owners as well as the drivers. (*Hear, hear.*) This object will be achieved when new control has been set up. We will then have regional control authorities who will limit the number of vehicles on particular routes and this will avoid the cut-throat competition which has been complained of. But until these rules come into force, nothing can be done and, as I have pointed out at present, whether we agree or not, the evil is there. We are powerless under the present legislation to take any action. I would suggest that in similar cases, in order to save public money and time of this House, the honourable members should put a question that can elicit such like information. Where was the object in rushing forward about the legal interpretation of a rule and wasting the time of the House? (*Interruptions.*)

Mr. Deputy Speaker : Order please.

Minister of Public Works : Why table an adjournment motion? I am here on the floor of the House but the honourable member never asked me about it. I would have been too glad to tell him that the rules are not in force and nothing can happen till the 1st of April next. New rules would be brought into force from that date. (*Interruption*) (*An honourable member :* Action can be taken to-day.) (*Interruption.*) So, when the time comes to make these rules, we will take into consideration all the points that have been raised to-day. I cannot say what form the rules will take, but due care will be taken that rules are framed in such a way that

they result in the safeguarding of the interests, convenience and safety of the travelling public and others, and as soon as those rules are framed and passed, all these troubles that have been mentioned will be dealt with. With this assurance given on the floor of the House I do not think that the honourable member would press this motion for a division. (*Voices : Withdraw.*)

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The motion was lost.

The Assembly then adjourned till 2 p. m. on Monday, 20th November, 1989.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 20th November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

NEGOTIATIONS WITH BILASPUR DURBAR re. BHAKRA DAM PROJECT.

Chaudhri Suraj Mal : With reference to the answer to question 4776¹ asked on 7th November last, will the new scheme of tube-wells and supplying water during the rainy season to some parts of the Hissar and Rohtak districts affect in any way the idea of the Government of completing the Bhakra Dam scheme or the Kangra Valley scheme?

Minister for Revenue : I do not think so.

Lala Deshbandhu Gupta : Will the Honourable Minister please inform us whether the proposed new scheme is likely to benefit all the crops or only the fodder crops of certain areas?

Minister : If my friend gives notice I will give a reply.

Lala Deshbandhu Gupta : Do I understand that the Honourable Minister does not know that the proposed new scheme is to provide water only for a particular season?

Minister : I do not want to commit myself. I require notice.

Lala Deshbandhu Gupta : Does the Honourable Minister know that there is wide resentment against the proposed scheme amongst people living in those areas?

Minister : I am not aware of it.

Lala Deshbandhu Gupta : Will he kindly give us the reasons why the Government is not proceeding with the original Bhakra Dam scheme?

Minister : The negotiations with regard to it have been suspended on account of war and other things. My friend must have seen the Governor's speech and accordingly we cannot carry out the scheme immediately.

Lala Deshbandhu Gupta : Does the Honourable Minister mean that owing to the outbreak of war they cannot even proceed with the maturing of the scheme?

Minister : Yes, unless we get the opinion which has been collected by the engineers from America.

Lala Deshbandhu Gupta : The two engineers who have returned from America and who went there at Government expense in this connection, have they been asked to submit their report and revise the scheme in the light of the knowledge gained in America?

Minister : I am very sorry that my friend is very hasty. The engineers came only a few days ago. They will submit their report and the Government will consider it.

Lala Deshbandhu Gupta : Has the Government asked them to give up that project and not to proceed with it ?

Minister : No.

Lala Deshbandhu Gupta : What are they doing at present ? Are they busy writing their report ? Have they not been informed of the decision of the Government that they are not to proceed with the Bhakra Dam scheme ?

Minister : There is no such decision.

Lala Deshbandhu Gupta : Has not the Bhakra Dam scheme or the negotiation been suspended ?

Minister : Suspension does not mean that they should not go on preparing that scheme.

Chaudhri Kartar Singh : Is it a fact that the material required from foreign countries and for want of which the construction of the dam has been postponed cannot be had in this country ?

Minister : The machinery has to come from England or from America. America supplies it at a very great cost. Therefore, we are not in a position to get all the machinery immediately.

Chaudhri Kartar Singh : I want to know whether the Government has enquired from any institution here whether it can supply the required material or not ?

Minister : We make a great deal of these things in our own workshops.

Pandit Shri Ram Sharma : May I know whether the negotiations with Bilaspur Durbar have been given up ; and if so, why ?

Minister : I am sorry I cannot give that information.

Pandit Shri Ram Sharma : Is it a fact that the negotiations were discontinued because the Durbar demanded more money which the Government was not prepared to pay ?

Minister : No, Sir. It is a very delicate question and I refuse to answer that.

Chaudhri Kartar Singh : May I know if the Government is prepared to take up the construction of the dam if the Tata Steel Works supply the required material at a price lower than that charged by foreign firms ?

Mr. Speaker : That is a hypothetical question.

Lala Deshbandhu Gupta : Have the engineers submitted any report mentioning the difficulties in procuring the necessary material ? Is there anything on record to show that the material is not available in India ?

Minister : We are all business people and we know what is required.

Lala Deshbandhu Gupta : May I know definitely whether Government have any intention of proceeding with that scheme in the near future ?

Minister : I have already replied that question.

Pandit Shri Ram Sharma : May I ask if there will be any necessity of the Bhakra Dam scheme after adopting the alternative scheme?

Mr. Speaker : The next question.

Chaudhri Kartar Singh : May I know if the difficulty because of the scarcity of material which is being felt in the case of the Bhakra Dam scheme was also experienced in the case of the Haveli Project or not?

Mr. Speaker : Disallowed.

IRRIGATION OF LAND BY WESTERN JUMNA CANAL AND SIRHIND CANAL.

***4783. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) the area, in bighas, of the land irrigated by the Western Jumna Canal and the Sirhind Canal in the Ambala district;

(b) the names of villages in the Ambala district with the area of land of each village irrigated by the above-mentioned canals?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Sirhind Canal does not irrigate any area of the Ambala district.

A statement is placed on the table giving the required information.

Statement showing the names of villages in the Ambala district with the area of land of each village irrigated by the Western Jumna Canal, with total for the canal.

	Bighas.	Biswas.
(a) Western Jumna Canal	13,021	14
(b) Tajewala	156	4
Doodhar	634	15
Bhud Majra	13	16
Nainawala	162	10
Bahadarpur	875	3
Kishenpura	3,685	7
Khizrabad	2,855	1
Tehmun	1,573	6
Karkoli	1,956	17
Dasorah	464	10
Yaqubpur	582	11
Rayanwala	11	..
Nogowan Sarkar	2	11

	Bighas.	Biswas.
Shehsadpur	1	16
Burya Sarker	1	17
Buria Jagir	3	..
Bhogpur	2	14
Byalgarh .. .. .	..	19
Amadalspur .. .. .	..	5
Darwali	4	14
Gadholi	4	1
Monda Majra	6	3
Aurangabad	17	5
Eshopur	3	12
Potasgarh	1	17

INQUIRY INTO THE SYSTEM OF *KANKUT* AND OTHER MATTERS IN TAHSIL UNA.

***4841. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state the result of the investigation conducted by a Commissioner appointed by the Government last year to go into the question of the grievances of the tenants of 84 villages in tahsil Una in relation to the system of *Kankut* and other allied matters, and the action taken or proposed to be taken in the matter by the Government?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No such Commissioner was appointed by the Government last year.

Dr. Gopi Chand Bhargava : Has any enquiry ever been made, if not by the Commissioner, by any other official?

Parliamentary Secretary : I have said that no officer was specially deputed to hold an enquiry.

Dr. Gopi Chand Bhargava : Was any enquiry made by any subordinate official or by any person?

Minister : The Commissioner has got a Revenue Assistant who deals with such complaints.

Dr. Gopi Chand Bhargava : What was the report of his enquiry?

Minister : The Revenue Assistant is there to look after these complaints.

Dr. Gopi Chand Bhargava : I want to know the result of those complaints, whether they were contended, or whether they were in order or justified or unjustified?

Minister : It is a matter of opinion.

Dr. Gopi Chand Bhargava : I want to know the actual facts and not the Honourable Minister's opinion. What were the orders passed by the Revenue Assistant ?

Minister : My friend said whether they were justified or unjustified. I say that it is a matter of opinion.

Dr. Gopi Chand Bhargava : What was the opinion of the Revenue Assistant who conducted the enquiry ?

Parliamentary Secretary : I have already said that the Government did not appoint any special officer. There are Revenue Assistants in the districts, who look into such matters. The Government has received no special report with regard to this matter.

Dr. Gopi Chand Bhargava : Was any representation received by the Government ?

Parliamentary Secretary : As I have already said, the Government did not appoint any officer to hold such enquiry and no report has been received by them.

Lala Deshbandhu Gupta : Did Government receive any representation from these villages and have they made any enquiry into the allegations ?

Minister : There have been allegations for the last twenty years.

Lala Deshbandhu Gupta : What was the last representation received by the Government about ?

Minister : I am afraid I cannot give my honourable friend the information, but if he gives notice I will look into the matter.

DAMAGE TO CROPS BY HAILSTORMS IN MULTAN AND MONTGOMERY DISTRICTS.

*4873. **Sardar Ajit Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the crops in Chak 1/14-L., district Montgomery, were totally destroyed by hailstorms on the evening of the 27th February, 1939 ;
- (b) whether it is a fact that the crops of Chaks 94, 95, 96, 88/6-R. of Montgomery district were destroyed on the evening of the 28th February by hailstorm ;
- (c) whether it is a fact that the crops of Chaks 55, 56, 57, 58, 88, 86/12-L. of Montgomery district were destroyed on the evening of 26th February by hailstorm ;
- (d) whether it is a fact that the crops of Chaks 132, 133, 134, 135, 136, 137, 138, 117, 118, 139, 140, 141/10-R., district Multan, were totally destroyed by hailstorm on 28rd March, 1939 ;
- (e) if the answers to (a), (b), (c) and (d) above be in the affirmative, the action the Government has taken so far or intends to take to help the sufferers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) To the extent of 64 acres only.

(b) and (c) No. The storm was slight there.

(d) The damage to crops was severe in Chaks Nos. 184, 185 and 186 ; moderate in Nos. 133, 117 and 118 (10-R) ; slight in the others.

(e) A statement showing the relief granted is laid on the table.

Statement showing the relief granted in certain chaks of the Montgomery and Multan districts on account of damage done by hailstorms in Rabi 1939.

District.	Chak No.	Land Revenue remitted.	Abiana remitted.	Taccavi loans advanced.
	Rs.	Rs.	Rs.	Rs.
Montgomery	1 (14-L.)	216	255	..
Multan	134	244	506	225
Do.	135	3,812	4,688	1,410
Do.	136	1,885	3,256	1,410
Do.	133	316	573	..
Do.	118	308	355	..
Do.	117	155	253	..

ASSESSMENT OF THE URBAN AND RURAL AREAS IN LAHORE DISTRICT.

***4927. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total land revenue to which the rural and urban areas in Lahore and Chunian tahsils were assessed at the time of last settlement, that is, in 1911-12 respectively ;

(b) the total proposed land revenue to which the rural and urban areas in Lahore and Chunian tahsils respectively are to be assessed according to the recent settlement in 1937-38 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The land revenue imposed at the settlement of 1911-12 was :—

Tahsil.	LAND REVENUE IMPOSED.		
	Rural areas.	Urban and sub-urban circles.	Total.
	Rs.	Rs.	Rs.
Lahore	3,83,422	1,09,548	4,92,970
Chunian	5,73,324	7,409	5,80,733

(b) The land revenue demand imposed at this settlement (1937-38) is subject to sliding scale remissions to be announced at each harvest on the basis of current prices. During the last *rabi* a remission of 2 annas per rupee of the sanctioned demand was allowed. Supposing the same rate of remission will be found due for this *kharif*, the net demand for the year works out to Rs. 4,17,774 for the Lahore tahsil and Rs. 6,20,541 for the Chunian tahsil.

NUMBER OF LAMBARDARS IN THE PROVINCE.

***4936. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state the number of lambardars in the whole province taken into custody in the year 1938 for not depositing the sums of land revenue collected by them in time and the number of days of their detainment in each case ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that Government do not feel justified in calling for them.

Sardar Sohan Singh Josh : That is what I expected.

Minister : You might expect anything you like.

TOTAL AREA OF LAND SOLD IN THE GANJI BAR.

***4938. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total area sold so far in the Ganji Bar, Montgomery district, and the maximum rates per acre realized so far in this respect ;
- (b) total area given as grants in different forms in the said Ganji Bar and on what conditions ;
- (c) total area given on lease for temporary cultivation at present in the same colony and the terms of such leases ;
- (d) remaining area in the said colony which has not yet been brought under cultivation ;
- (e) what are the plans of the Government for the disposal of the lands not yet disposed of in the said colony ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The total area in Multan and Montgomery districts is 76,689 acres. For Montgomery alone since 1925 it is 41,228 acres. The highest price realized is Rs. 1,018 per acre.

(b) 889,548 acres, as per details given in the statement attached. The conditions will be found in Punjab Colony Manual, Supplement IV, 1933 edition.

(c) 39,759 acres. Conditions are given in the correction slip No. 27-C. M., dated the 17th March 1937, page 235 of the Punjab Colony, Supplement IV, 1933 edition.

(d) 69,657 acres.

(e) Most of the area left is either of poor quality or cannot easily be irrigated. Future allotments must depend upon the supply of water available.

Statement showing area allotted as grants in different forms in Lower Doab Canal Colony.

Montgomery.	Multan.	Acres.		District.
..	7,179	Acres.	1	
460,589	103,325	Acres.	2	Criminal Tribes.
..	27,168	Acres.	3	Abadkari.
..	6,784	Acres.	4	Horse-breeding.
..	37,246	Acres.	5	Tree Planting.
..	839	Acres.	6	Half resumable.
..	42,854	Acres.	7	Jagir grant.
9,744	1,923	Acres.	8	Military grant.
..	4,011	Acres.	9	Landed Gentry.
..	7,639	Acres.	10	Tumandari.
..	5,581	Acres.	11	Camel Corps.
..	6,379	Acres.	12	Lambardari.
300	400	Acres.	13	Kamins.
1,450	..	Acres.	14	Retrenched agriculturists.
26,812	15,467	Acres.	15	Graduates.
7,300	..	Acres.	16	Special tenancies.
5,635	..	Acres.	17	Depressed classes.
60	..	Acres.	18	Free reward grantees.
14,063	..	Acres.	19	Garden tenants.
20,043	..	Acres.	20	Dakhilkar Nilam.
8,543	..	Acres.	21	Abadkari Nilam.
553,619	235,929	Acres.	22	Cow-breeding.
		Acres.	23	Total.
	839,548	Acres.	24	Grand total.

*5024.—Cancelled.

AREA NOT CULTIVATED IN RABI 1989.

*5025. **Pandit Bhagat Ram Sharma**: Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a very large area has not been cultivated in *rabi* 1989 in the province;
- (b) whether it is a fact that this non-cultivation is due to the failure of rains at the time of sowing of *rabi* crops;
- (c) if the answer to (a) and (b) above be in the affirmative, whether the Government intends to grant or proposes to grant any remission to the zamindars so affected in the province?

Parliamentary Secretary (Raja Ghazanfar Ali Kuan): (a) The area sown in *rabi* 1989 fell short of that sown in *rabi* 1988 by 11 per cent.

(b) Yes: most probably.

(c) Liberal suspensions and remissions of land revenue and *abiana* have been granted to those who suffered from shortage of rain, kungi, hailstorms, etc.

Pandit Bhagat Ram Sharma: May I know whether any remission was given to the Kangra district or any part of the Kangra district?

Parliamentary Secretary: I am afraid I cannot give figures districtwise unless the honourable member gives notice.

COMPLAINTS AGAINST THE DISTRIBUTION OF *TACCAVI* LOANS IN
HISSAR DISTRICT.

*5029. **Pandit Shri Ram Sharma**: Will the Honourable Minister of Revenue be pleased to state—

- (a) the method according to which *taccavi* fodder to the zamindars of district Gurgaon is being distributed at present;
- (b) whether complaints of corruption regarding Re. 0-4-0 per bullock and also misappropriation of fodder by those entrusted with the distribution of *taccavi* fodder have recently reached the Government; if so, with what result;
- (c) whether it is also a fact that fire recently broke out in the fodder heaps at Faridabad and Ballabgarh in the Gurgaon district; if so, whether it has been ascertained that it was only a trick to conceal the dishonesty of those concerned with the distribution work;
- (d) whether Government have also received complaints about weightment of fodder at the Government dumps in the districts; if so, with what result?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Deserving zamindars are at first given by tahsildars fodder *parchis*, on the presentation of which at the nearest fodder dump, fodder is supplied accordingly.

[Raja Ghazanfar Ali Khan.]

(b) Yes : such complaints about corruption as have reached Government are being investigated by the local officers. No complaints of misappropriation have been received.

(c) Yes. But in the course of a magisterial enquiry it was found that there had been no attempt to conceal the dishonesty of those entrusted with the work of distribution.

(d) No.

Pandit Shri Ram Sharma : May I know by whom the enquiry was conducted ?

Parliamentary Secretary : By the Revenue Assistant.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state whether those persons who made complaints were examined and their statements recorded and also whether they were afforded an opportunity to substantiate their allegations ?

Parliamentary Secretary : I cannot give the honourable member the details of the enquiry. But this much I can assure him that an enquiry was held in this connection.

Pandit Shri Ram Sharma : May I know if the complainants were called upon to give their statements ?

Parliamentary Secretary : I regret the details of the enquiry and the manner in which it was conducted cannot be given.

Pandit Shri Ram Sharma : May I take it that enquiry means that the complainants should not be examined nor afforded any opportunity to substantiate their allegations ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know whether the enquiry was conducted on the spot or at the headquarters ?

Parliamentary Secretary : As I have already stated the details of the enquiry cannot be given.

PRICES OF *BHOOSA* AND *KARVI* MEANT FOR DISTRIBUTION AMONG
ZAMINDARS OF GURGAON DISTRICT.

*5030. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the rates of prices fixed by the Government for *bhoosa* and *karvi* that is being given to the zamindars on *taccavi* in Gurgaon district ;
- (b) whether Government has ascertained the prices of fodder, *bhoosa* and *karvi* in the adjacent United Provinces, district of Muthra, etc., if so, what are these prices ;
- (c) whether it is not a fact that the zamindars who bring fodder from the adjacent United Provinces district get it four times cheaper as compared with the rates fixed by the Punjab Government for the *taccavi* fodder ;

- (d) if so, the action Government contemplate to take to provide fodder at cheaper rates to the zamindars of Gurgaon in the famine-stricken area ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) (i) *Bhoosa* at Re. 0-12-0 per maund.

(ii) *Karvi* at Re. 0-12-0 per maund during June 1939. In other months it varied from Re. 0-12-0 to Re. 1 per maund.

(b) The prices of *bhoosa* and *karvi* in the adjoining district of Muttra in the United Provinces varied from Re. 0-7-0 to Re. 0-9-0 per maund. The incidental charges on account of freight, loading, etc., amounted to Re. 0-5-0 per maund, in the case of *bhoosa* and in the case of *karvi* to Re. 0-6-0 per maund.

(c) No. They had to pay a higher price than the price fixed by the Punjab Government.

(d) Does not arise.

REMISSION GRANTED TO KISANS OF DOABA.

***5047. Shrimati Raghbir Kaur** : Will the Honourable Minister for Revenue be pleased to state what remission and financial help, if any, have been allowed to the Kisans of Doaba where the last Rabi crops have been destroyed by drought and hailstorms ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : As regards hailstorms there has been no serious damage, and no remission.

On account of drought, Rs. 31,870 have been suspended from the land revenue demand for Rabi 1939.

There has been no special demand for *taccavi*.

CLERICAL AND MINISTERIAL ESTABLISHMENT IN DEPUTY COMMISSIONER'S OFFICE, JHANG.

***5104. Sayed Nawazish Ali Shah** : Will the Honourable Minister for Revenue be pleased to state—

(a) the strength of the clerical and ministerial establishment in the Deputy Commissioner's Office, Jhang ;

(b) how many of them are agriculturists and non-agriculturists ;

(c) how many of them belong to the district of Jhang and how many are outsiders ;

(d) how many of them belong to Chiniot tahsil ;

(e) what steps Government intend taking to give proper representation to the said tahsil and eliminate the element that does not belong to the Jhang district ?

Parliamentary Secretary (Raja Khazanfar Ali Khan) :

(a)	..	..	84	
(b)	Agriculturists	..	27	
	Non-agriculturists	..	57	
(c)	Residents of the district	..	72	
	Outsiders	..	12	This includes three divisional appointments not under the control of the Deputy Commissioner.
(d)	..	..	5	

(e) It is not possible for Government to fetter the discretion of officers in selecting the best candidates by giving special consideration to as small a unit as a tahsil.

—

**APPEALS TO COMMISSIONER, JULLUNDUR, AGAINST ORDERS OF
DEPUTY COMMISSIONER, FEROZEPORE.**

***5105. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the names of officials of all classes working in different departments under the Deputy Commissioner, Ferozepore, who preferred appeals to the Commissioner, Jullundur, against the orders of punishment by Mr. Amin-ud-Din, I.C.S., Deputy Commissioner, Ferozepore, who has since been transferred ;
- (b) how many of these appeals were accepted and how many were rejected ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) As regards the giving of names attention is invited to the policy of Government enunciated in the Volume of Secretariat Instructions, Chapter XVI, paragraph 427, clause (e). The number was ten.

(b) Five and five.

—

REPRESENTATION MADE BY INSIDAD NAQAIS GREY CANALS COMMITTEE.

***5109. Captain Sodhi Harnam Singh :** With reference to the answer to my starred question No. 4606¹, asked on 17th April, 1939, will the Honourable Minister for Revenue be pleased to state—

- (a) whether the matter represented to him by the deputationists consisting of the members of the *Insidad Naqaish* Grey Canal Committee on 4th January, 1939, has been finally considered ; if so, the action taken or proposed to be taken in the matter ;
- (b) whether the deputationists were given an opportunity to produce evidence in support of the complaints made by them in that representation : if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Enquiries into the matter are proceeding.

NAIB-TAHSILDARS AND TAHSILDARS.

*5198. **Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state:—

- (a) the number of Naib-Tahsildars and Tahsildars appointed directly communitywise from 1st April, 1937, till now in the Province;
- (b) the minimum educational qualifications necessary for being selected for the above mentioned appointments;
- (c) whether those candidates who were selected for these posts satisfied these conditions?

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

			<i>Tahsildars.</i>	<i>Naib-Tahsildars.</i>
(i) Muslims	..	..	8	24
(ii) Hindus	..	..	3	21
(iii) Sikhs	..	..	3	12
(iv) Others	..	..	1	1

(b) (i) *For Tahsildars*.—The rules will be found at Rule 5 (1) (a) of the Punjab Tahsildari Rules.

(ii) *For Naib-Tahsildars*.—The rules will be found at Rule 5 (1) (b) of the Punjab Tahsildari Rules.

(c) Yes : with one exception which was covered by proper authority.

NAIB-TAHSILDAR, KHARAR.

*5199. **Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that recently serious allegations against the conduct of the present Naib-Tahsildar of Kharar have been made to the Deputy Commissioner, the Commissioner and the Government;
- (b) whether Sardar Naranjan Singh, Pleader of Kharar, district Ambala, has made representations against the said Naib-Tahsildar to the above authorities;
- (c) the enquiry, if any, held and the action, if any, taken thereon?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Yes, allegations were made against the present Naib-Tahsildar of Kharar to the Deputy Commissioner and Commissioner by and at the instance of Sardar Naranjan Singh, Pleader of Kharar.

(c) After a thorough enquiry it was found that these allegations were totally false.

Pandit Shri Ram Sharma : May I ask if the pleader who made the complaint was given an opportunity to prove the allegations?

Parliamentary Secretary : Yes.

Lala Duni Chand : May I know whether the complaint was made in writing and whether the specific allegations were made in writing?

Parliamentary Secretary : Yes, Sir.

Lala Duni Chand : If these allegations were found to be false, was any action taken or is intended to be taken against the pleader?

Parliamentary Secretary : It is not necessary that if allegations are not proved, action should be taken against the person who made such allegations. On the other hand, the policy of Government is to encourage the public to bring to the notice of Government cases of corruption or malpractice.

Lala Duni Chand : Is it true that the allegations made by the pleader against the naib-tahsildar referred to actually happened in open court?

Parliamentary Secretary : As far as I know the statement of the pleader was taken, when he said that his complaint was not against the Naib-Tahsildar himself but against one of his munshis for taking bribe.

Lala Duni Chand : May I know if this gentleman made a representation to the Bar Association, Ambala, and he repeated the same allegations that he had made in writing to the Deputy Commissioner?

Mr. Speaker : Disallowed.

APPLICATIONS RELATING TO *BENAMI* TRANSACTIONS.

***5231. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number of applications made to and disposed of by the revenue officers under the new legislation relating to *Benami* transactions in the Rawalpindi district;

(b) if the action is still to be taken on such applications, the reasons for the delay in disposing of these applications?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 813 and 197.

(b) Applications are being duly considered but it may be observed that only with difficulties is attendance of parties secured as cases relate to scattered villages in the district, and most cases have to be heard on the spot.

LAMBARDARS.

***5259. Chaudhri Kartar Singh :** Will the Honourable Minister of Revenue be pleased to state the names of lambardars of the Hoshiarpur district who have been suspended or dismissed after the last district board elections in Hoshiarpur and the reasons for the action taken in each case?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): With your permission, Mr. Speaker, I should like to give one answer to cover this question and questions Nos. *5204¹ and *5178²—

(a) A statement is laid on the table. For detailed reasons in each case the honourable member is referred to the files of the cases from which copies may be obtained under the rules. Of those dismissed one was for taking part in a subversive movement; his case is *sub-judice*, on appeal; and 8 were for unauthorised absence. Of those suspended one zaildar was dealt with on a police report; one *sufedposh* for subversive activities; 2 lambardars for failure to pay their dues to the village bank; one for an offence in connection with the recovery of land revenue; 3 for taking part in a subversive movement; 2 for non-payment of fines; 3 for neglect of duty and 5 for giving false evidence. One zaildar was degraded for neglect of duty.

(b) The information is included in the statement.

Chaudhri Kartar Singh: May I enquire from the Parliamentary Secretary whether the zaildar who has been degraded had refused to fight the district board elections against a nominee of the Congress?

Parliamentary Secretary: About whom is the honourable member asking this supplementary question?

Chaudhri Kartar Singh: About the zaildar who has been degraded because he had refused to fight elections against the nominee of the Congress.

Parliamentary Secretary: No zaildar has ever been degraded on account of his having refused to fight district board elections against a nominee of the Congress.

Chaudhri Kartar Singh: Then what was the charge against him?

Parliamentary Secretary: I have already said that if the name of the person concerned is mentioned, I would furnish the necessary information.

Lala Deshbandhu Gupta: Was the zaildar concerned degraded because he had refused to stand against a Congress candidate in the district board elections?

Parliamentary Secretary: It is an unfounded insinuation.

Chaudhri Kartar Singh: Then, for the neglect of which duty was he degraded?

*5204. **SARDAR HARI SINGH**: Will the Honourable Minister of Revenue be pleased to state the number of lambardars suspended and dismissed in Hoshiarpur district since the last elections to the District Board, Hoshiarpur, with the names of those suspended and dismissed and reasons therefor?

*5178. **SARDAR HARI SINGH**: Will the Honourable Minister of Revenue be pleased to state—

(a) how many zaildars, *sufedposhes*, lambardars have been either dismissed or suspended or degraded since 1st March, 1939, in the district of Hoshiarpur, and, reasons in each case;

(b) number of similar cases last year?

Parliamentary Secretary : I will let the honourable member know after making an enquiry if he tells me the name of the zaildar. But it should be sufficient for an honourable member of this House to be told that action was taken against an official for the neglect of his duties.

Mr. Speaker : Disallowed.

Parliamentary Secretary : Such supplementary questions should be withdrawn rather than disallowed.

Statement showing action taken against zaildars, sufedposhes and lambardars in Hoshiarpur district.

	FROM 1st MARCH, 1938, TO 29th FEBRUARY, 1939.			SINCE 1st MARCH, 1939.		
	Dis- missed.	Sus- pended.	De- graded.	Dis- missed.	Sus- pended.	De- graded.
Zaildars ..	..	..	..	..	1	1
Sufedposhes ..	..	..	..	..	1	..
Lambardars ..	10	9	..	9	16	..

POSTPONEMENT OF SETTLEMENT OPERATIONS IN GURDASPUR.

***5261. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether he has received a resolution regarding postponement of settlement operations in Gurdaspur district, adopted by the District Board, Gurdaspur; if so, what action does he propose to take on it?

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

(ii) The matter is under consideration with the forecast report of re-assessment of the Gurdaspur district. No orders have yet been passed.

DAMAGE BY FIRE IN VILLAGE MATAB GARH, DISTRICT AMBALA.

***5270. Chaudhri Jugal Kishore :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether he is aware of the fact that a heavy fire broke out at village Matab Garh *alias* Taprian, Police Station Jagadhri, District Ambala, on 8th December, 1938, and caused a serious loss to the *Achhuts* of that place so much so that they were left destitute;

(b) whether it is a fact that soon after the fire broke out the Naib-Tahsildar of Jagadhri went to the said village to see things for himself;

- (c) whether it is also a fact that the aforesaid *Achhuts* have submitted a representation to the authorities at the Jagadhri Tahsil for help; if so, the action taken or intended to be taken thereon?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) I am now informed that fire broke out in December 1938, in the *abadi* of Chamars known as Taprian in Jagadhri tahsil.

(b) Yes.

(c) *First part*.—None reached the Deputy Commissioner.

Second part.—I am asking the Deputy Commissioner to report.

Chaudhri Jugal Kishore: Is it a fact that the houses of the Harijans were completely burnt down?

Parliamentary Secretary: I have already replied to that question, and have stated therein that reply is awaited from the Deputy Commissioner and has not been received upto this morning.

Chaudhri Jugal Kishore: A year has passed and yet no remedy has been provided.

CLOSURE OF BAHUNA MINOR IN HISSAR DISTRICT.

***5290. Khan Sahib Chaudhri Sahib Dad Khan**: Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Bahuna Minor (Western Jumna Canal) in Hissar district, remained closed from 5th to 11th July, 1939; if so, the reasons for this closure;

- (b) whether the zamindars concerned have suffered any loss by the temporary closure and if so, whether Government intends compensating them for the loss?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No. The Minor remained closed only on 8th July, 1939, but had reduced supply on 9th and 10th July, 1939, as it could not draw any more on account of low supply in the Sirsa Branch.

(b) The zamindars have not suffered any loss and the question of compensation, therefore, does not arise.

TEMPORARY ALIENATION OF LANDS.

***5291. Khan Sahib Chaudhri Sahib Dad Khan**: Will the Honourable Minister of Revenue be pleased to state whether Government's attention has been drawn to the revenue ruling reported in Lahore Law Times of 1926 at page 15 and the Civil Ruling reported in Lahore All-India Reporter 1939 at page 235 which hold temporary alienations of land given in execution of money decrees as lease not terminable before the fixed period and on the strength of the above rulings, one Habib, Rajput, of village Mangali, Hissar district, has failed to get his land (80 b. k., half canal irrigated and half *barani* given as temporary alienation for 14 years for Rs. 75) redeemed on pay-

[K. S. Ch. Sahib Dad Khan.]

ment of proportionate decretal amount ; if so, what amendment Government proposes to make in the existing law to afford relief to the zamindars whose lands are given on temporary alienation in money decrees without proper regard to their income ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Yes, I have also seen the order passed on Habib's application.

The point raised in the question will be referred to the Law Department for consideration.

CONSOLIDATION OF LANDS.

***5297. Sardar Harjab Singh :** Will the Honourable Minister of Revenue be pleased to state as to whether after consolidation the land is treated as ancestral or self-acquired ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The answer would appear to depend on the nature of the rights held in the land vacated. The attention of the honourable member is invited to section 12 of the Punjab Consolidation of Holdings Act, 1936.

REMISSION OF LAND REVENUE IN DOABA.

***5298. Sardar Harjab Singh :** Will the Honourable Minister of Revenue be pleased to state whether Government intends remitting land revenue chargeable from *kharif* crops this year in Doaba on account of the failure of rains at the proper time ; if so, how much of the land revenue is intended to be remitted ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The question of granting relief will be considered in due course according to rules after the results of the *girdawari* are known.

GRANT OF LAND TO MEMBERS OF JAMIAT-UL-QURESH-I-HIND.

***5314. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Revenue be pleased to state whether he has received a copy of the resolution adopted by Jamiat-ul-Quresh-i-Hind, in their conference held in Lahore on 26th and 27th August, 1939, regarding grant of land to the members of that class and if so, what action does he propose to take on the resolution ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Yes. A petition was received asking for special consideration for Mirasis alleged originally to be Qureshis. While Government are always ready to consider any deserving claims, they are not aware of any grounds for granting special consideration to this class.

SUPPLY OF SEED FOR RABI CROPS TO ZAMINDARS OF AJNALA TAHSIL.

***5320. Khan Sahib Chaudhri Fazal Din :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that on account of the failure of last *kharif* crops and also of the refusal of the

village *sahukars* to lend money the zamindars of *barani* villages in the Ajnala tahsil are unable to get seed for the cultivation of the next *rabi* crop ; if so, the action that Government propose to take to help those zamindars in this predicament ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes. If rain falls it is our intention to provide *taccavi*. Without rain grant of seed *taccavi* is useless.

SCHEME FOR THE SUPPLY OF WATER TO BARANI TRACT OF HISSAR DISTRICT.

***5322. Chaudhri Suraj Mal** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a sketch of a scheme to supply water for the *kharif* crops in *barani* tract of the Hissar district out of the surplus water of the river Jumna has been proposed ; if so, whether Government has come to any conclusion after consideration of that scheme ;
- (b) if the answer to (a) above be in the affirmative, whether he will be pleased to lay a copy of the scheme on the table of the House and also state when it is likely to be taken in hand, whether immediately or at some future date ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes. Government has sanctioned detailed surveys to be carried out and an estimate prepared.

(b) A copy of the plan¹ showing the approximate alignments of the proposed channels is placed on the table. The irrigation boundary as shown in this plan is only tentative, final boundary will be fixed when the scheme has been completed after surveys when it will be definitely known how far the area can be commanded. The construction will be taken in hand immediately after estimates are completed and the House sanctions funds.

EXPENDITURE INCURRED ON FAMINE RELIEF MEASURES IN HISSAR DISTRICT.

***5323. Chaudhri Suraj Mal** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the total expenditure incurred on the famine relief measures of all kinds in the district of Hissar from 1st July, 1938, to 31st August, 1939 ;
- (b) the total expenditure on the over-head charges in this connexion, including the expenditure on tools and plant and charged for their conveyance from the headquarters to the relief centres and the total pay of all the additional officers from the Financial Commissioner down to the tahsildars employed in this direction during this period ?

¹Kept in the Library.

The Honourable Dr. Sir Sundar Singh Majithia : (a) The total cost of relief measures on famine in the Hissar district from 1st July, 1938, to 31st August, 1939, is as under :—

	Rs.
(1) Famine Relief measures	37,74,364
(2) Expenditure on special famine staff including the pay, etc., of the Fodder Adviser and his staff	1,22,216
(3) Concession rates for the import of fodder (separate figures for the Hissar district are not available, but it is understood that the major portion of the amount was spent for the import of fodder in this district)	18,67,471
(4) Amount of <i>taccavi</i> advances under— Act XII of 1884	18,67,292
Act XIX of 1883	11,350
(5) Remissions of <i>abiana</i> during the harvests of <i>kharif</i> 1938 and <i>rabi</i> 1939	7,17,730
(6) Remissions of land revenue during the harvests of <i>kharif</i> 1938 and <i>rabi</i> 1939	3,43,017
(7) Remissions of <i>taccavi</i> under both the Acts	63,993
(8) Suspensions of land revenue during the harvests of <i>kharif</i> 1938 and <i>rabi</i> 1939	10,68,058
(9) Suspensions of <i>taccavi</i> during the harvests of <i>kharif</i> 1938 and <i>rabi</i> 1939	6,90,635
Total	1,05,26,126

These figures include the pay of special famine staff, the pay and travelling allowance of the Fodder Adviser and his staff and the cost of fodder concessions, as it is understood that major part was spent for the import of fodder in the Hissar district. Suspensions and remissions have been included for *kharif* 1938 and *rabi* 1939 only, as the figures required are with effect from 1st July 1938. The figures of *rabi* 1938 are not included, as the collections for *rabi* are normally over by 1st July.

(b) *First part.*—The expenditure on over-head charges and the cost of tools and plants and their conveyance charges are included in the cost of relief measures. The time and labour involved to separate this information will be incommensurate with the results.

Second part.—The expenditure on account of the pay of additional officers and establishment employed exclusively on famine duty amounts to Rs. 1,05,762 plus £ 75 on account of the overseas pay of Assistant Commissioners. It does not, however, include the pay of additional officers, viz., Additional Financial Commissioner and Additional Revenue Secretary and Additional Deputy Commissioner, as they were not exclusively engaged on famine administration.

Chaudhri Jugal Kishore : May I know what is the amount which fell to the share of Harijans out of the relief money sanctioned by the Government ?

Minister : I have already mentioned it in the statement.

Chaudhri Jugal Kishore : What action does the Government propose to take against those officials of Government who have been guilty of embezzlement in this respect ?

Minister : Does it arise out of this question ?

Lala Deshbandhu Gupta : Have any instances of embezzlement on the part of the members of the distributing agency come to the notice of the Government ?

Minister : Probably my honourable friend is thinking of another question which comes later on.

REPRESENTATION FOR REVISION OF LAND REVENUE IN VILLAGE
MIRA, DISTRICT ATTOCK.

***5330. Pir Mohy-ud-Din Lal Badshah :** Will the Honourable Minister of Revenue be pleased to state whether he has recently received any representation from the zamindars of village Mira, tahsil Pindi Gheb, district Attock, requesting that on account of the failure of crops successively for some years past land revenue for the current year may be remitted ; if so, the action taken thereon ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes.

Second part.—Report from the local officers is awaited before any action could be taken.

CHAHI-NAHRI CROPS IN CHAK NAHRI, TAHSIL GUJRAT.

***5343. Khan Sahib Chaudhri Pir Muhammad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that in Chak Nahri in tahsil Gujrat, which is non-perennial and is under fluctuating assessment, remission of land revenue on account of protective leases to wells is granted only when rabi crop matures by well irrigation alone but not to crops which are sown by means of nahri irrigation and are matured by well irrigation, i.e., chahi nahri crops ;
- (b) whether he is aware of the fact that such like nahri crops in the rabi harvest are only assessed to chahi rate of land revenue and not to nahri rate, i.e., they are treated as chahi only for purposes of land revenue ;
- (c) if the answers to the above be in the affirmative will he kindly state the reasons for depriving chahi nahri crops in rabi harvest from the benefits of a protective lease, and whether the Government with a view to remove this anomaly and the long standing grievance of the owners of the wells in this chak, intend to take any action in this matter ?

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

(b) Yes.

(c) The rules sanctioned at settlement, do not allow the benefit of protective lease to be given to such *chahi-nahri* crops as their assessment at *chahi* rates alone is a concession in itself.

Khan Sahib Chaudhri Pir Muhammad : What is the reason for the difference in the treatment of these two kinds of crops ?

Minister : The idea is that the man must make something out of what he has spent from his pocket.

Khan Sahib Chaudhri Pir Muhammad : May I know whether in such areas where the crop cannot be matured without well irrigation, it is not justifiable to give protective lease?

Mr. Speaker : That is a hypothetical question.

**SCHEME TO SUPPLY CANAL WATER TO KOKRI-KALAN, KAPURE,
BHINDER-KALAN AND KHURD.**

***5352. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Government have sanctioned a scheme to supply canal water to the area consisting of Kokri-Kalan, Kapure, Bhinder-Kalan and Khurd and surrounding villages ; if so, when it will be operated ;
- (b) whether any representations have been made to the Government by the inhabitants of Kokri-Kalan or the said *ilaga* in this connexion ; if so, the action taken or intended to be taken on them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A scheme has been prepared and is under consideration. If it is found practicable, a demand will duly be put up to the House.

(b) It is not clear to which representation the honourable member refers. The inhabitants of this *ilaga* made representations for preparation of a scheme and for changing the alignment of the proposed channels which have been given due consideration.

Sardar Rur Singh : Will the Parliamentary Secretary kindly state as to how long the scheme will take to mature ?

Parliamentary Secretary : Not much time.

Sardar Rur Singh : Every time this question is put the stereotyped answer is given that the scheme will mature soon. May I definitely know how long it will take the scheme to mature ?

Parliamentary Secretary : Not much time.

SHORTAGE OF WATER-SUPPLY AT THE TAIL OF KAHROR MINOR.

***5353. Munshi Hari Lal :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the irrigators at the tail of Kahrur Minor issuing out of Mailsi canal sent telegram, in May and in October to the irrigation authorities complaining against shortage of water supply ; if so, reasons for the shortage of water supply and the action intended to be taken in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The answer to the first part of the question is in the affirmative.

Owing to river supply in April, May and June, 1939, being the lowest on record, and supplies in October being below requirements, all outlets on Sutlej Valley Project Canals, including those at tail of Kahrur Minor, did not get their full supply during these months.

However every effort was made to distribute the available supplies proportionately to each Chak.

THAKUR NARAIN SINGH, TAHSILDAR, JAGADHRI.

***5354. Chaudhri Jugal Kishore :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that Thakur Narain Singh, Tahsildar, Jagadhri, is hard of hearing ;

(b) if the answer to part (a) above be in the negative, whether the Government intends to get him medically examined to find whether he is fit for Government service ?

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

(b) This physical disability is not such as to make this officer unfit for Government service.

Chaudhri Jugal Kishore : Did the Government get Thakur Narain Singh medically examined ?

Parliamentary Secretary : Government does not as a rule get everybody medically examined.

Chaudhri Jugal Kishore : Then, how can he hear what is said in his court ? (*Laughter.*)

ALLOTMENT OF LANDS IN NILI BAR.

***5363. Khan Haibat Khan Daba :** Will the Honourable Minister of Revenue be pleased to state the total area of Government lands given on lease for temporary cultivation in Nili Bar and the area of the land that has been permanently allotted so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—829,812 acres.

Second part.—554,265 acres.

IRRIGATION OF LANDS BY HEAD WORKS, PALLAN MARI, S. V. P.

***5364. Khan Haibat Khan Daba :** Will the Honourable Minister of Revenue be pleased to state—

(a) how much of the new area was brought under new scheme of irrigation after the construction of the Head Works, Pallan Mari, S. V. P., and how much of the area previously irrigated by old Mailai canal was included in the new scheme ;

(b) how much of the area previously under the natural *sailaba* of the Sutlej river was transferred to the new scheme ;

(c) how many villages (with names) were included in the new scheme ;

(d) whether it is a fact that *sailaba* area was transferred to the new scheme to the great detriment of the proprietary owners of the villages in this area owing to the unsatisfactory arrangement consequent upon the new scheme ;

[Kh. Haibat Khan Daha.]

- (c) if the answer to (d) is in the affirmative, whether the loss then incurred by the proprietary owners was brought to the notice of the Government; and if so, to what extent these sufferers were compensated for this loss?

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

	Acres.
New Area	241,015
Area previously irrigated by the old Lower Sutlej Inundation Canals, all of which has now come on the new Mailsi and Pakpattan Canals ..	818,709
	<hr/> 1,059,724

(b) 15,351 acres.

(c) A statement¹, giving the names of the villages irrigated at present from the new Mailsi Canal is placed on the table.

(d) No.

(e) Does not arise.

DROUGHT IN MIANWALI DISTRICT.

***5377. Khan Bahadur Captain Malik Muzaffar Khan:** Has the attention of the Honourable Minister of Revenue been drawn to the scarcity of rain and the consequent drought prevailing in the Mianwali district for the last four years; if so, reasons why it has not been declared a famine-stricken area like that of Hissar, Rohtak and Gurgaon and no relief works have been started to help the poor inhabitants of the area?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Drought in the Mianwali district came to the notice of Government in January, 1939, when reports were called for from the Veterinary Department as well as from the Deputy Commissioner, Mianwali and Commissioner, Rawalpindi.

Owing to substantial rainfall in February last, the situation has considerably eased.

Scarcity of fodder has been met by the introduction of concession rates for the carriage of fodder to Piplan and Aluwali stations in the Mianwali district.

A sum of Rs. 89,000 has been sanctioned for distribution as *taccavi* under Act XII of 1884 and another sum of Rs. 7,000 under Act XIX of 1883.

Pandit Shri Ram Sharma: Is it a fact that the districts of Rohtak and Gurgaon have not been declared famine-stricken areas?

Parliamentary Secretary: There is a very long distance between Mianwali and Gurgaon.

¹Placed in the Assembly Library.

Pandit Shri Ram Sharma : The Parliamentary Secretary has not taken the trouble of going through the main question which runs as follows :—

Why has it not been declared a famine-stricken area like that of Hissar, Rohtak and Gurgaon ?

Now my question is whether they are actually declared as such.

Parliamentary Secretary : The question is about Mianwali and the honourable member is referring to Rohtak, Gurgaon and Hissar.

Pandit Shri Ram Sharma : Is it or is it not a fact that the districts of Rohtak and Gurgaon have not been declared famine-stricken areas ?

Minister : There is no question of declaring Rohtak and Gurgaon as famine-stricken areas.

Pandit Shri Ram Sharma : Is it a fact that Rohtak and Gurgaon have not been declared as famine-stricken areas ?

Minister : Yes.

LANDS REDEEMED UNDER THE PUNJAB ALIENATION OF LAND
(SECOND AMENDMENT) ACT AND THE PUNJAB RESTITU-
TION OF MORTGAGED LANDS ACT.

***5379. Khan Bahadur Captain Malik Muzaffar Khan :** Will the Honourable Minister of Revenue be pleased to lay on the table a list showing—

(a) the area of lands of Mianwali district which has been redeemed under the Punjab Alienation of Land (Second Amendment) Act and the Punjab Restitution of Mortgaged Lands Act, separately ;

(b) whether he is aware that agriculturists in the Mianwali district are experiencing great hardship in the redemption of their lands ; if so, what action does he intend to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 127 kanals and 1 marla under the Punjab Alienation of Land Act, and none yet under the Punjab Restitution of Mortgaged Lands Act.

(b) No. The latter part does not arise.

Khan Bahadur Captain Malik Muzaffar Khan : Is it a fact that in some districts special officers have been appointed for this purpose ?

Minister : We have appointed nobody as yet.

Khan Bahadur Captain Malik Muzaffar Khan : Is the Government prepared to appoint any such officer for the Mianwali district ?

Minister : Applications are being received and as soon as a sufficient number has been received Government will consider them.

Dr. Sir Gokul Chand Narang : Has it been brought to the notice of the Honourable Minister that some of these tahsildars abuse, threaten and intimidate people ?

Minister : I have no such information.

PATWARIS.

***5416. Khan Muhammad Yusaf Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (i) whether patwaris are to all intents and purposes Government servants and
- (ii) that in the matter of concession and privileges attached to Government service these patwaris are not treated like all other Government servants; if so, the reasons for continuing to treat them differently from other Government servants ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) No.

(ii) Does not arise.

ACHERIS OF HISSAR DISTRICT.

***5419. Master Kabul Singh :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that one hundred and seventy-five Acheris of the Hissar district have not so far been exempted from the operation of the Criminal Tribes Act; if so, the reasons therefor;
- (b) whether the Government intends to exempt those persons from the operation of the Criminal Tribes Act whose conduct ever since their conviction over five years ago has been above reproach ?

The Honourable Mr. Manohar Lal : (a) No. Only 75 members of Aheri Tribe, whose antecedents and criminal record did not justify exemption and who have been declared as members of a notified criminal tribe by name, are now restricted under the Criminal Tribes Act.

(b) If and when the District Magistrate, Hissar, is satisfied by their behaviour that these men are entitled to exemption he will take appropriate steps.

ACHERIS OF HISSAR DISTRICT.

***5428. Chaudhri Sahib Ram :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the one hundred and seventy-five Acheris of the Hissar district have not so far been exempted from the operation of the Criminal Tribes Act; if so, the reasons therefor;
- (b) whether the Government intends to exempt those persons from the operation of the Criminal Tribes Act whose conduct ever since their conviction over five years ago has been above reproach.

The Honourable Mr. Manohar Lal : The honourable member is referred to the reply just given to question No. *5419 put by Master Kabul Singh.

FOREST CASES OF KANGRA DISTRICT.

***4799. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Development be pleased to state the total number of forest cases tried under the Forest Act within the limits of Kangra district during the financial year 1988-89, and the total expenditure incurred thereon ?

The Honourable Chaudhri Sir Chhotu Ram : *First part.*—84.

Second part.—Rs. 552-12-0 on account of diet money and travelling allowance to witnesses and to the officials of the Forest Department who attended the courts as witnesses or as in charge of prosecution.

Pandit Bhagat Ram Sharma : Were all these trials purely under the Forest Act or also under the Indian Penal Code ?

Minister : The question relates to the Forest Act only.

COLLECTIVE FARMING.

***4922. Khan Muhammad Yusaf Khan :** Will the Honourable Minister for Development be pleased to state—

- (a) whether the Government has allotted any substantial amount for encouragement of collective farming for the zamindars of the province, specially for those who inhabit the barani areas and own small tracts of land ;
- (b) the number and names of places, if any, where the experiments in this respect are being carried out by Government or by private enterprise to the knowledge of the Government;
- (c) the results, if any, so far achieved in this connexion ;
- (d) whether the Government proposes to encourage such enterprises amongst the zamindars ?

The Honourable Chaudhri Sir Chhotu Ram : So far as parts (a)—(c) of the question are concerned, no scheme for the encouragement of collective farming has been sanctioned by Government or is contemplated.

(d) The matter requires very careful consideration and Government do not regard it as desirable to make any definite statement in answer to a question beyond this that the question will be carefully considered.

THE MARKETING ACT.

***5157. Pandit Shri Ram Sharma :** Will the Honourable Minister for Development be pleased to state—

- (a) the approximate time within which the Marketing Act may be expected to be enforced ;
- (b) whether it will be applied throughout the province or to a few selected markets only ;
- (c) in case the Act is to be applied to certain markets, the names of those markets ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rules are under preparation, and no date can be specified yet when the provisions of the Act will be enforced in practice.

[Hon'ble Minister for Development.]

(b) and (c) Government have arrived at no decisions in regard to the points on which information is sought.

Pandit Shri Ram Sharma : May I inquire as to how much time it will take to frame these rules ?

Minister : The honourable member may inquire but I cannot answer the inquiry. (*Laughter.*)

Pandit Shri Ram Sharma : How is it that the Honourable Minister finds it impossible to reply to my question ?

RELIEF AFFORDED BY THE CO-OPERATIVE DEPARTMENT DURING THE
FAMINE PERIOD TO THE FAMINE-STRIKEN
AREA IN AMBALA DIVISION.

***5238. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

(a) tahsilwise the number of court decrees, attachments, auctions, arrests and convictions made in respect of the realisation of the debts by the Co-operative Societies in the districts of Rohtak, Hissar, Gurgaon and Karnal during September, 1938 to August, 1939 ;

(b) the steps which the department took to afford relief to the debtors of these areas during this famine period ?

The Honourable Chaudhri Sir Chhotu Ram : The information asked for by the honourable member is being collected and will be supplied when received.

APPROVED LIST OF NEWSPAPERS FOR THE PUBLICATION OF NOTICES OF DEBT
CONCILIATION BOARDS.

***5245. Pandit Shri Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

(a) whether it is a fact that the Government has supplied an approved list of newspapers for the publication of notices of Debt Conciliation Boards ;

(b) the basis of the selection of newspapers included in the said list ;

(c) whether there is only one list for the whole province or different lists for different districts of the province ;

(d) the names of the newspapers included in the so supplied list or lists ?

The Honourable Chaudhri Sir Chhotu Ram : (a) and (c) Government have instructed the Director, Information Bureau, to advise the Chairmen of Debt Conciliation Boards regarding the selection of newspapers in which the notices of the Boards are to be published.

Accordingly, the Director, Information Bureau, recommends from time to time to each Board separately the names of suitable newspapers.

(b) The selection of a newspaper for such recommendation is determined by the following considerations—

- (i) its circulation in the area served by the Board concerned ;
- (ii) the rate of its charges ; and
- (iii) its general attitude towards the principle of conciliation of debts as embodied in the system of the Debt Conciliation Boards.

(d) It is not in public interest to disclose the names of newspapers which have been recommended. It is, however, open to every newspaper to apply to the Director, Information Bureau, and satisfy him regarding its suitability for the publication of the notices of some or all of the Debt Conciliation Boards.

Rai Bahadur Mr. Mukand Lal Puri : Would it not be proper, and would it not be in the public interest to publish the names of those papers that are patronized by the Debt Conciliation Boards ?

Minister : As I have already stated it is not in the public interest to disclose the names of the papers.

Rai Bahadur Mr. Mukand Lal Puri : To what papers should the litigants look for these advertisements ?

Dr. Sir Gokul Chand Narang : Is the Honourable Minister serious in saying that it is not in the public interest to disclose the names of these newspapers ?

Dr. Sir Gokul Chand Narang : It is in the public interest that the names of these newspapers should be widely known to the public, so that the public may know in which papers the advertisements will appear. The public has a right to know the names of these papers. If the Honourable Minister is serious then I would say that his attitude is most perverse.

Pandit Shri Ram Sharma : Does this public interest which the Honourable Minister wants to conceal, mean that most of the advertisements are given to a certain paper that belongs to him ?

Pandit Shri Ram Sharma : May I know whether the policy of those papers is also taken in view when advertisements are given to those papers ?

Minister : I have nothing to add to the answer already given to this question.

Dr. Sir Gokul Chand Narang : I want to know whether the Honourable Minister is serious in giving this reply ?

Minister : Yes, I am serious.

Dr. Sir Gokul Chand Narang : Then it is most perverse. He has something to conceal.

Minister : There is nothing perverse ; there is nothing to conceal. In fact it is my honourable friend who is perverse.

Dr. Sir Gokul Chand Narang : Certainly the Honourable Minister has something to conceal.

Diwan Chaman Lal : May I ask in what way the public interest is damaged by disclosing the names of the newspapers ? Is it democracy or Nazism in action ?

Minister : I have nothing to add to my previous answer. The honourable member is at liberty to form his own opinion.

Diwan Chaman Lall : Yes, I have formed an opinion about you and it is a very bad one. (*Laughter.*)

Dr. Sir Gokul Chand Narang : Is it not in the interest of the good administration of the province and in the public interest that the names of the newspapers should be disclosed?

Minister : I have nothing more to say on this point.

Rai Bahadur Mr. Mukand Lal Puri : Is the Honourable Minister aware that debts are wiped out on the non-appearance of a party before the Board?

Lala Bhim Sen Sachar : May I ask if the Government has taken any steps to let the people know the names of the papers in which these advertisements are given? Will it not be in the public interest to publish the names of these papers in the Gazette?

Minister : I do not think so.

Lala Bhim Sen Sachar : May I know why the Government is suppressing this information from the public? The public should know where to look for these advertisements.

Minister : Copies of the issues of the newspapers in which the advertisements appear are generally sent to the parties concerned.

Lala Bhim Sen Sachar : May I know why certain advertisements are given to certain newspapers and why they are not given to certain respectable papers? Why is Government ashamed of publishing the names of those papers who do not get advertisements?

Minister : My honourable friend is not asking supplementary questions; he is entering upon an elaborate argument.

Dr. Gopi Chand Bhargava : Is it not in the public interest to inform those people who are invited by the Debt Conciliation Board that they should see the notices of the Board in such and such papers for obtaining the information which they require?

Minister : I have already given my answer.

Lala Bhim Sen Sachar : What is that answer?

Mr. Speaker : The Honourable Minister has given his answer. Whether the honourable member considers it satisfactory or not, is a different thing.

Dr. Sir Gokul Chand Narang : Under the Act these notices are issued and therefore it is of the utmost importance that the public should know the names of the papers in which such notices are published.

Minister : The practice is that copies of the issues of the papers in which the advertisements appear are sent to the parties concerned.

Dr. Sir Gokul Chand Narang : Under what provisions of the Act is this done?

Minister : There is no such provision in the Act, but it is a practice which is generally followed.

Dr. Gopi Chand Bhargava : Sir, I would request you to allow half an hour for the discussion of this question.

Dr. Sir Gokul Chand Narang : The Government is always giving evasive answers and concealing true facts from the honourable members of this House, who are anxious for the good administration of the province. It is a most important question and at least half an hour should be allotted for its discussion.

Mr. Speaker : Has the honourable member—leave of the Assembly to raise a debate as proposed by the Leader of the Opposition ?

(Voices from the Opposition : Yes, yes.)

How many members are against the leave being given ?

(Voices from Government Benches : All, all.)

Diwan Chaman Lall : You are extraordinary people.

Dr. Sir Gokul Chand Narang : If you would permit me I would read out the rule for a second. What I mean to submit is this that if the matter is at all within your discretion—and you have only informally to ascertain the wishes of the House, but the ultimate decision rests with you—then I would pray that.....

3 P.M.

Mr. Speaker : What is the good of collecting informally the sense of the House, if I have not to give effect to it ? How can I ignore it ? (Hear, hear from Treasury benches.)

Dr. Sir Gokul Chand Narang : You should ignore if you can ignore it and if the law permits you to do it. This is the fittest case in which the Chair should ignore the objection of the Government members.

Mr. Speaker : Leave is to be given by the House and not by the Chair.

Dr. Sir Gokul Chand Narang : That is why I put it. If you are bound, then no question arises but if you have at all any discretion, I would submit that this is the fittest case in which that discretion should be used.

Mr. Speaker : The honourable member is a learned lawyer and knows well that it is for the House to give leave. I have only to collect the sense of the House informally whether the House is in favour of or against the leave being granted.

Dr. Sir Gokul Chand Narang : I shall read out the rule :—

(b) on notice given at question time, a period not exceeding half an hour after the hour of interruption or after the conclusion of the business on the list for the day, whichever is earlier, may be allowed to a member to raise a debate on any matter of urgent importance which has been the subject of a question on that day, but no votes shall be taken on such debate :

Provided that the Speaker before allowing such a debate to be raised shall informally ascertain by voices whether the member has the leave of the Assembly for the purpose, and if the Speaker declares thereupon that leave is refused the debate shall not be raised."

Mr. Speaker : Can I, under the rule, declare against the sense of the House ?

Dr. Sir Gokul Chand Narang : Please listen to me. This rule does not lay down that if part of the House or even majority of the House refuse leave, the Speaker is bound by that informal expression of opinion.

[Dr. Sir Gokul Chand Narang.]

You will kindly read the words of the rule once more. The proviso simply says :—

“ Provided that the Speaker before allowing such a debate to be raised shall informally ascertain by voices..... ”

You are not even bound to ascertain formally. You are required only to ascertain informally for your own satisfaction by voices whether the member has leave of the Assembly for the purpose.

Mr. Speaker : The words are “ has the leave of the Assembly ” and not “ has the leave of the Chair.”

Dr. Sir Gokul Chand Narang : The rule does not say “ If the House refuses leave the Speaker shall refuse leave.” These are not the words. The words are :—

“ If the Speaker declares thereupon that leave is refused the debate shall not be raised.”

You are not bound to declare that the leave is refused. You ascertain informally. You have heard five or six voices from that side and they say, “ no, no”. Five or six voices on this side say, “ yes, yes”. On a matter of this great importance my submission is that even if you want to informally ascertain the wish of the House, you ought to be more formal and a little less informal so that you may know the strength of the opinion on our side. I personally feel, as I submitted only a short while ago, that the attitude of the Government, on some occasions, really becomes most objectionable.

Mr. Speaker : No more discussion on this point.

Dr. Sir Gokul Chand Narang : This is a question for your decision (Interruptions.)

Mr. Speaker : I have collected informally the sense of the House and in my opinion the majority of members present in the House is against leave being given. Short Notice Question will now be taken up.

Diwan Chaman Lall : This is democracy in action ! (Laughter.)

SHORT NOTICE QUESTIONS AND ANSWERS.

FAMINE OR SCARCITY IN HISSAR, ROHTAK AND GURGAON.

Lala Duni Chand : Will the Honourable Minister of Revenue be pleased to state—

- (a) present position in regard to the famine or scarcity conditions prevailing in Hissar, Rohtak and Gurgaon districts ;
- (b) whether Government has made an estimate of the conditions that it may have to face in Hissar, Rohtak and Gurgaon in the ensuing winter season, and if so, the manner in which it is proposed to meet them ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) *Hissar*.—Famine conditions prevail in the district, except in the Bhiwani tahsil, where there has been some improvement.

Rohtak.—Famine conditions prevail in the Jhajjar tahsil and part of the Rohtak tahsil.

Gurgaon.—Owing to rains in the month of September the situation has improved.

(b) Yes, relief measures will continue in the Hissar and Rohtak districts.

Lala Duni Chand : May I know if the experience gained by the Government of the relief operations of the last year is that the handsome relief given by the Government does not really go to the people who are entitled to it? Is that the experience of the Government or not?

Minister : Is that a question, Sir?

Mr. Speaker : No. The next question.

Dr. Sir Gokul Chand Narang : May I put a supplementary question? Has the allegation reached the Government that somebody in charge of this relief in the Hissar district has made forty thousand rupees out of it? If so, has the Government taken any steps to enquire into the matter?

Minister : I have not received any such allegation but if my honourable friend would convey to me the gist of that allegation of which he speaks, I will certainly make enquiries.

Dr. Sir Gokul Chand Narang : All right.

Lala Duni Chand : A supplementary question.

Mr. Speaker : I do not want to allow a large number of supplementaries on this short notice question because we have already exceeded the limit fixed for questions and if more questions are allowed we shall perhaps be spending at least half an hour on these questions. Only important supplementary questions can be asked.

Lala Duni Chand : Only two supplementary questions have been put on this important short notice question. May I know if the Government is aware of the fact that hundreds of complaints have been made to the effect that the relief does not actually reach the people for whom it is meant?

Minister : The Government is not aware of it.

Pandit Shri Ram Sharma : Does the Honourable Minister remember that I submitted to him a representation containing serious allegations in connection with an embezzlement of an alarming nature?

Mr. Speaker : No questions relating to negotiations or correspondence alleged to have passed between a member and a Minister, can be asked.

Dr. Sir Gokul Chand Narang : He says that he made an allegation of embezzlement and they, on that side, say that they have not heard of any. The Honourable Minister said that no allegation had reached him. He is giving the lie direct to the answer. He says that he made a report of embezzlement.

Pandit Shri Ram Sharma : My question is whether the Honourable Minister received any complaint of this nature through me?

Minister : The Honourable member did not send any complaint direct. He sent to me only a copy of a letter which he had written to Maulvi Fateh Din.

Dr. Sir Gokul Chand Narang : Is that not an allegation ?

Minister : That is no allegation at all ? It is private correspondence between him and Chaudhri Fateh Din.

Dr. Sir Gokul Chand Narang : Allegation need not be correct. (Interruptions.)

Pandit Shri Ram Sharma : May I know whether the Honourable Minister went through that complaint and took any action thereon ?

Minister : I did go through that complaint and it was another specimen of the complaints that we receive from him almost every day.

Pandit Shri Ram Sharma : The Honourable Minister says he receives so many complaints from me. But has he ever made enquiries to find out whether they are correct or baseless ?

DETENTION OF MR. MUHAMMAD SADIQ IN LAHORE FORT UNDER CRIMINAL LAW AMENDMENT ACT.

Master Kabul Singh : Will the Honourable Premier be pleased to state—

(a) the date on which Mr. Muhammad Sadiq, son of Ali Bakhsh, was detained in the Lahore Fort under the Criminal Law Amendment Act ;

(b) the place where he is detained at present and the present state of his health ?

The Honourable Major Sir Sikander Hyat-Khan : Muhammad Sadiq is not, and has never been, detained in the Fort at Lahore. This man was discovered roaming about in the uninhabited tracts of the Muzaffargarh district. As he was unable to give a coherent account of himself and made extravagant claims as to his parentage, he was sent to Lahore and has since been restored to the care of his relatives who were traced by the police.

Incidentally, this question indicates the reckless way that questions are sometimes asked in this House without proper verification of facts, and I have agreed to allow this question to be asked as a short notice question contrary to the usual policy in such matters, in order to counteract other misapprehensions of the kind which seem to have affected the honourable member.

Premier : Sir, I may be permitted to inform my honourable friend opposite, Munshi Hari Lal, that I propose to answer his question relating to Pandit Bhagat Ram Sharma, M. L. A., to-morrow. The information is ready but I have not seen the final answer yet.

UNSTARRED QUESTIONS AND ANSWERS.

ACREAGE RATE.

896. Khan Bahadur Mian Nur Ahmad Khan : Will the Honourable Minister for Revenue be pleased to state—

(a) whether there are any canals on which unlike the Nili Bar Canals no acreage rate has either been levied or recovered from zamindars up to this time ;

- (b) if the answer to (a) be in the affirmative, the names of such canals and the reasons for their exemption from the levy of acreage rate ?

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

(b) (i) Western Jumna Canal ;

(ii) Sirhind Canal, and

(iii) Upper Bari Doab Canal (old areas).

The watercourses on all the old canals were dug by the zamindars and there was no need for an acreage rate which is levied only on the Colony Canals where the watercourses were dug by Government.

**RELIEF FOR OWNERS WHO HAVE SUFFERED LOSS ON ACCOUNT
OF CONSTRUCTION OF NILI BAR CANALS.**

897. Khan Bahadur Mian Nur Ahmad Khan : Will the Honourable Minister for Revenue be pleased to state—

- (a) the total area of the riverain lands along the banks of river Sutlej in the tahsils of Dipalpur, Pakpattan and Mailai which, due to the construction of Nili Bar Canals, has been permanently deprived of the benefit which accrued to it on account of flooding,
- (b) the total amount of loss suffered by the owners in this way, and
- (c) the steps, if any, the Government proposes to take to afford relief to the said owners ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) 23,100 acres.

(b) Nil, as the area has been given canal irrigation.

(c) Does not arise.

**PERIOD OF FLOW OF KHARIF CHANNELS OF NILI BAR
COLONY.**

898. Khan Bahadur Mian Nur Ahmad Khan : Will the Honourable Minister be pleased to state whether the Honourable Minister is aware of the fact that the period of flow of the *khariif* channels of the Nili Bar Colony during the *khariif* of the current year has been much less than the usual period of six months entailing closure of many channels during the latter part of the season to the detriment of the standing *khariif* crops ; if so, the action the Government proposes to take to compensate the zamindars of the said areas ?

The Honourable Dr. Sir Sundar Singh Majithia : In early *kharif*, the supply in the Sutlej was the lowest on record, but in spite of this the area sown on Sutlej Valley Project Canals was greater than last year. During late *kharif* in September and early October supplies were 60 per cent better than last year's, sufficient to mature *kharif* crops the condition of which is reported to be good.

**RECRUITMENT OF POLICE CONSTABLES IN JHANG AND LYALL-
PUR DISTRICTS.**

899. Mr. Dev Raj Sethi : Will the Honourable Minister for Public Works be pleased to state, community-wise, the number of constables recruited for the police force in the districts of Lyallpur and Jhang during the period from 1st April, 1937 to 31st March, 1939 and also state how many of them belong to those two districts and how many of them belong to other districts in the Punjab ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :

	Total number of recruits.	Muslims.	Hindus.	Sikhs.	Others.	Local residents.	Residents of other districts.
Lyallpur	82	52	6	22	2	45	37
Jhang	29	21	5	3	..	14	15

**GRANT-IN-AID GIVEN TO ELEMENTARY SCHOOLS BY DISTRICT
BOARDS.**

900. Dr. Gopi Chand Bhargava : Will the Honourable Minister of Education be pleased to state—

- (a) the grant-in-aid given by each of the district boards in the Punjab to elementary and primary schools within their jurisdiction during the years 1936-37, 1937-38 and 1938-39 ;
- (b) the number at present of elementary and primary schools respectively in each of the five divisions ;
- (c) the number at present of students in such schools in each division, respectively ?

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

**FAMINE CONDITIONS IN SANGHAR TAHSIL IN DISTRICT DERA
GHAZI KHAN.**

961. Sardar Muhammad Azam Khan : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that the Sanghar tahsil of district Dera Ghazi Khan on account of lack of rains and consequent failure of crops last year, is suffering from far worse famine conditions than any that obtained in Rohtak and Hissar districts last year and that many sufferers in the said tahsil are leaving their homes in dire poverty and destitution and that cattle have died in thousands on account of lack of fodder ;
- (b) if answer to the above be in the affirmative, what has the Government done or proposes to do to save the Sanghar people from want and consequent death ;
- (c) whether Government proposes to afford relief to the sufferers in the form of reduction in revenue and grant of taccavi loans ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) It is a fact that owing to the failure of hill torrents, *kharij* crops in the Sanghar tahsil are below average and many villagers have migrated to the riverain Sindh circle and Muzaffargarh. There is, however, nothing abnormal about this migration. No report has been received to the effect that thousands of cattle have died on account of lack of fodder as there is sufficient grazing along the river banks.

(b) and (c) The following relief was given in the Dera Ghazi Khan district during the last two harvests :—

Harvest.	Amount suspended.	AMOUNT REMITTED.	
		Out of current demand.	Out of suspended revenue.
	Rs.	Rs.	Rs.
<i>Kharij</i> 1938	36,081	76,598	15,344
<i>Rabi</i> 1939	7,885	86	2,941

The question of granting relief in *kharij* 1939 will be considered in due course according to rules after the results of the *girdawari* are known.

Seed has been advanced by the Co-operative Societies and Agriculture Department and taccavi loans will be advanced if necessary.

LOSS OF PROPERTY AND CATTLE DUE TO FLOODS IN SANGHAR TAHSIL.

902. Sardar Muhamamd Azam Khan: Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that in the month of July, 1939, one-half of the *abadi* of village Mangrotha (tahsil Sanghar) was swept off by floods, the loss of property and cattle amounting to Rs. 25,000 and that on account of the coming of winter the houseless sufferers are in a pitiable condition ;

(b) if answer to the above be in the affirmative, what has the Government done or proposes to do to help the sufferers ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The *abadi* of village Mangrotha was seriously flooded due to unauthorised construction of embankments in the hill torrents by the villagers themselves. The loss did not exceed Rs. 18,000.

(b) The Indian Red Cross Society has given Rs. 800 for the relief of very needy sufferers and this amount is being distributed.

GRANTS FROM GOVERNMENT OF INDIA FOR RURAL DEVELOPMENT.

903. Sardar Baldev Singh: Will the Honourable Minister of Development be pleased to state—

(a) the total amount received up to 1st October, 1939, from the Government of India as grants for rural development ;

(b) what amount, out of these grants, has so far been spent on the various items of rural development in the Punjab ;

(c) out of the money spent, what amount has been spent in the Ambala district ;

(d) what is the proportion of the amount spent in the Ambala district to the amounts spent in the Gujrat, Gurdaspur, Jhelum, Mianwali, Dera Ghazi Khan, Rohtak and Hisar districts, separately ;

(e) why Ambala district has received such step-motherly treatment ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 14,61,006 ;

(b) Rs. 14,26,386 ;

(c) and (d) With the exception of the discretionary grants of Rs. 1,91,547, out of which Rs. 3,500 were allotted to the Deputy Commissioner, Ambala, funds for all other schemes were placed at the disposal of beneficent departments. As most of the schemes are of a general nature, it is not possible to apportion the expenditure district-wise.

(e) Does not arise.

**SUPPLYING OF HYDRO-ELECTRIC TO THE INHABITANTS OF
AMBALA DISTRICT.**

904. Sardar Baldev Singh : Will the Honourable Minister of Public Works be pleased to state the reasons why Government has not supplied electricity generated at the Mandi Hydro-Electric Headworks for private and public use to the inhabitants of the Ambala district?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : So far only Stage I of the Uhi River Hydro Electric Project has been executed. The present system is almost loaded to capacity, and further extensions of the Hydro Electric Grid cannot be contemplated unless the present supply of power can be augmented. It was proposed to augment this power by construction of a Thermal Station, but the outbreak of War has rendered it impossible to obtain the necessary plant at an early date. The proposal to extend the Grid from Ludhiana to Ambala and other important towns on the main route to Delhi was examined some time ago but was dropped as sufficient load was not forthcoming to justify such extension. The matter will be considered again in due course when arrangements have been made to augment the power available at present.

**REPRESENTATION OF HINDU AGRICULTURISTS IN GOVERNMENT
DEPARTMENTS IN FEROZEPUR DISTRICT.**

905. Chaudhri Sahib Ram : Will the Honourable Minister of Revenue be pleased to state the total amount paid as *abiana* by the Hindu agriculturists of the Ferozepur district and their representation in all the Government Departments in the Ferozepur district?

The Honourable Dr. Sir Sundar Singh Majithia : The collection of this information would involve great deal of labour which is not commensurate with the results.

POLICE CONSTABLES.

906. Rai Bahadur Mr. Mukand Lal Puri : Will the Hon'ble Minister for Public Works be pleased to state—

- (a) community-wise the number of police constables in each district of the province ;
- (b) community-wise the number of police constables freshly recruited during the last five years in each district of the province ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Figures showing the communal proportions in the police as a whole will be found in the consolidated statement supplied annually to all honourable members. To collect the other figures desired by this question would entail an expenditure of time and labour out of all proportion to the result. In this connection a reference is invited to the reply given in the last spring session to Question 4093* put by the honourable member for the South-Eastern Towns (General) Urban Constituency.

RECRUITMENT OF NAIB-TAHSILDARS.

907. Rai Bahadur Mr. Mukand Lal Puri : Will the Hon'ble Minister of Revenue be pleased to state—

- (a) whether the Government has fixed any communal proportion for the recruitment of naib-tahsildars in the Rawalpindi division, or issued any instructions to the Commissioner or the officers concerned in this connexion ; if so, what their nature is ;
- (b) whether any such proportions have been fixed for any other division ; if so, the name of the division along with these proportions ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) The question of communal proportions in the various divisions is under the active consideration of Government.

NUMBER OF NAIB-TAHSILDARS.

908. Rai Bahadur Mr. Mukand Lal Puri : Will the Hon'ble Minister of Revenue be pleased to state—

- (a) community-wise the number of naib-tahsildars in each division of the province ;
- (b) community-wise the number of naib-tahsildars freshly recruited during the last five years (1935—39) in each of the provincial divisions ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) and (b) Statements are laid on the table.

(a) *Statement showing community-wise the number of Naib-Tahsildars in each division of the Punjab.*

Name of division.	Muslims.	Hindus.	Sikhs.	Christians.	Total.
Ambala	13	17	1	1	32
Jullundur	14	8	6	..	*28
Lahore	11	6	6	..	23
Rawalpindi	20	7	2	..	29
Multan	20	13	4	..	37
Total	78	51	19	1	149

*The total strength of naib-tahsildars in the Jullundur division is 29 and one post is at present vacant.

(b) Statement showing community-wise the number of Naib-Tahsildars freshly recruited during the last five years (1985-89) in each division of the Punjab.

Name of division.	Muslims.	Hindus.	Sikhs.	Christians.	Total.
Ambala	8	17	1	..	26
Jalandhar	7	6	4	..	17
Lahore	20	8	6	1	35
Rawalpindi	22	3	5	..	30
Multan	10	5	1	..	16
Total	67	39	17	1	124

HONORARY MAGISTRATES WORKING IN GUJRAT.

909. Rai Bahadur Mr. Mukand Lal Puri: Will the Hon'ble Premier be pleased to state—

- how many honorary magistrates are at present working in the town of Gujrat ;
- whether there is any Hindu on the bench of honorary magistrates in the town of Gujrat ;
- whether there is any Hindu working as honorary magistrate independently of the Bench ;
- if the answers to (b) and (c) above be in the negative, the reasons for excluding the Hindus from this honorary public post ?

The Honourable Major Sir Sikander Hyat Khan : There are two honorary magistrates sitting in Gujrat (both Muslims), in addition to the members of the town bench. The bench consists of three Muslims and one Sikh. The question of adding a Hindu is under consideration.

HINDU MEMBERS FOR THE DEBT CONCILIATION BOARD, GUJRAT.

910. Rai Bahadur Mr. Mukand Lal Puri: Will the Hon'ble Minister of Development be pleased to state—

- whether any Hindu has been appointed as a member of the Debt Conciliation Board, Gujrat ;

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

(b) whether the Government is aware of the fact that the creditor class in the Gujrat tahsil to deal with which the Board has been appointed consists of almost 90 per cent. Hindus ;

(c) if the answer to (a) above be in the negative, why no representation has been given to the creditor class on this Board ?

The Honourable Chaudhri Sir Chhotu Ram : (a) No.

(b) Hindu creditors are about 60 per cent. of the creditor classes.

(c) The Sikh member belongs to the creditor classes.

NUMBER OF EMPLOYEES OF RAWALPINDI MUNICIPAL COMMITTEE.

911. Khan Muhammad Yusuf Khan : Will the Hon'ble Minister of Public Works be pleased to state—

(a) the number of employees in the Rawalpindi Municipal Committee ;

(b) the community to which each employee belongs and the grade of pay and the actual pay that he draws at present from the committee ;

(c) the duration of each employee's service and the designation of the post he holds ;

(d) whether it is a fact that the Muslims in the said committee are not adequately represented ;

(e) if the reply to (d) above be in the affirmative, what action the Government propose to take to redress this grievance of the Musalmans of Rawalpindi City ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) 447.

(b) and (c) A statement¹ is laid on the table.

(d) No.

JHATKA DISPUTE IN PASRUR INTERMEDIATE COLLEGE.

912. Khan Sahib Khawaja Ghulam Samad : With reference to the reply to my unstarred question No. 818* will the Hon'ble Minister for Education be pleased to state—

(a) whether the students who created trouble in the Pasrur college and who were responsible to create hatred between the sister communities were dealt with or not ; if so, what punishment was awarded to such students ; if none, the reasons therefor ;

(b) the *status quo* which was maintained ?

¹Placed in the Assembly Library.

*Page 45 ante.

The Honourable Mian Abdul Haye : (a) No student was punished. It is not in the public interest to assign reasons for any particular action in such a matter.

(b) The cooking of jhatka meat was continued in the boarding house attached to the College.

RECOGNITION OF ZAMINDARA HIGH SCHOOL, KARNAL.

913. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister for Education be pleased to state whether he is aware of the fact that Muslims of Karnal opened a zamindara high school last year and it has not been recognized so far; if so, reasons for the same and whether the Government intends to give it a grant-in-aid?

The Honourable Mian Abdul Haye : Yes, but the authorities of the school have not so far applied for its recognition. The question of giving recognition to the school, therefore, does not arise. The question of giving grant-in-aid can be considered only after a school has been granted recognition.

NAIB-TAHSILDARS AND TAHSILDARS NOMINATED FROM AMONG THE SCHEDULED CASTES.

914. Mian Sultan Mahmud Hotiana : Will the Hon'ble Minister of Revenue be pleased to state—

(a) community-wise the total number of persons nominated as naib-tahsildars and tahsildars in the Punjab during the current year;

(b) whether due representation in the appointment of naib-tahsildars and tahsildars has been given to scheduled castes, if not reasons for the same and the action the Government intends to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Tahsildar, candidates: nil. Naib-tahsildar candidates: 40, viz., 19 Muslims, 18 Hindus, 8 Sikhs.

(b) 1st and 2nd part.—No suitable person belonging to the scheduled castes was recommended by the deputy commissioners for appointment as naib-tahsildar.

Third part.—The question of fixing communal proportions in the various divisions in the province is under the active consideration of Government.

HINDU AND MUSLIM PIAS IN ROHTAK TOWN.

915. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister for Public Works be pleased to state—

(a) the number of Hindu pias in the Rohtak town and in its vicinity;

[K. S. Khawaja Ghulam Samad.]

- (b) the number of Muslim pias in the Rohtak town and its suburbs ;
- (c) whether the Muslims of Rohtak did ever apply to construct pias in the Rohtak town ;
- (d) whether they applied for permission to build a piao in Mandi, Rohtak where hundreds of Muslims go daily on business ;
- (e) whether this application was brought before the Municipal Committee in a meeting for decision ; if so, the Municipal Committee's orders passed thereon ;
- (f) order passed by the Deputy Commissioner, Rohtak, on the resolution passed by the Municipal Committee in connection with the matter mentioned in (d) ;
- (g) copy of Deputy Commissioner's order together with committee's resolution in connection with the pias ;
- (h) whether it is a fact that the Hindus constructed a piao in the said Mandi on public ground ; if so, whether permission of the Municipal Committee was obtained for constructing it, if not, the action taken by the committee thereon and the Deputy Commissioner's order passed thereon ;
- (i) whether he is prepared to lay the papers containing full details of Hindu piao on the table of the House ; if not, why not ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) 6.

(b) 3.

(c) Yes. The Municipal Committee sanctioned their application for the establishment of a piao on municipal land in Bazar Bazaza subject to Commissioner's sanction.

(d) Yes.

(e) to (i) The Hindu community without proper sanction but on the strength of an agreement between the Municipal Committee and one Baldeva, reconstructed in April, 1939, a piao which had existed in Mandi Rohtak since 1922. The Municipal Committee sanctioned the construction of another piao in the same locality for Muslims in August last. The Deputy Commissioner in regard to the Hindu piao advised the Committee to take action under sections 172 and 195 of the Municipal Act. In regard to the Muslim piao the Deputy Commissioner suggested to the Committee that it would be a bad precedent and that the encroachment should be removed. It would not be in the public interest to lay on the table a copy of the correspondence.

APPOINTMENTS GIVEN TO SCHEDULED CASTES MEN.

916. Lala Harnam Das : Will the Hon'ble Premier be pleased to state the number of persons belonging to scheduled castes so far appointed in the various government departments on monthly salaries of rupees.

forty and upwards specifying the posts and the scales of the posts to which they have been appointed since 1st April, 1937, and also the places of residence of the persons so appointed, and if no such has been appointed to a post carrying a monthly salary of Rs. 40 and upwards the reasons therefor?

The Honourable Major Sir Sikander Hyat Khan : The information required by the honourable member is being obtained. It will be communicated to him when ready.

**PROFESSORS, LECTURERS AND DEMONSTRATORS IN GOVERNMENT
INTERMEDIATE AND DEGREE COLLEGES IN THE PROVINCE.**

917. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister for Education be pleased to state, communitywise, the number of professors, lecturers and demonstrators in the Government Intermediate and Degree colleges, in the province in each grade of service?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement showing community-wise the number of professors, lecturers and demonstrators in the Government Intermediate and Degree Colleges in the Punjab.

Service.	PROFESSORS.					LECTURERS.					DEMONSTRATORS.				
	Hindus.	Muslims.	Sikhs.	Christians.	Others.	Hindus.	Muslims.	Sikhs.	Christians.	Others.	Hindus.	Muslims.	Sikhs.	Christians.	Others.
I.E.S. ..	1	..	1	1	..	..	..	..	..	..	..	..	..	..	..
P.E.S. (Class I)	2	2	..	3	..	..	..	..	..	..	..	..	..	..	..
P.E.S. (Class II)	..	..	..	..	..	25	15	7	2	*1	..	..	..	..	..
S.E.S. (Men's Branch).	..	..	..	..	..	6	5	1	..	..	2	1	†1	..	..

**ELECTION OF VILLAGE PANCHAYAT OF VILLAGE NUTKANI, DISTRICT
DERA GHAZI KHAN.**

918. Munshi Hari Lal : Will the Hon'ble Minister of Public Works be pleased to state :—

- (a) when the last election of the Village Panchayat of village Nutkani, tahsil Sanghar, district Dera Ghazi Khan, take place under the Panchayat Act ;

*Parsi.

†On foreign service. A Muslim is working in his place.

[Munshi Hari Lal]

- (b) whether there is any Hindu or Sikh Panch included in the Panchayat ;
- (c) whether or not any representation was made to the Commissioner and Deputy Commissioner by the Hindus or Sikhs of the village Nutkani praying for their representation on the said Panchayat ; if so, with what result ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) November, 1936.

(b) No.

(c) The Hindus made representations to the Deputy Commissioner who was unable to take any action in the matter. He has reported that so far as is known no Sikh lives in the village. I may add for the honourable member's information that a panchayat consists of elected members only.

PANCHAYAT OFFICERS.

919. Chaudhri Muhammad Abdul Rahman Khan : Will the Hon'ble Minister for Public Works be pleased to state—

- (a) the number of panchayat officers in the Punjab ;
- (b) the name of each panchayat officer, his home address and qualification and the pay he will get ;
- (c) what points were kept in view while making the selection of the panchayat officers mentioned in (a) above ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The information is being collected and will be supplied to the honourable member in due course.

HONORARY MAGISTRATES.

920. Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Premier be pleased to lay on the table of the House a statement showing the following particulars about the honorary magistrates in the province—

1. Names, 2. Grades, 3. Academic qualifications, 4. Squares of land or jagir awarded to them so far, 5. Ilaga, 6. The average of the cases decided by them during this year so far, 7. The average of those cases among them the decisions of which were not altered on appeals ?

The Honourable Major Sir Sikander Hyat Khan : I am afraid that it would not be possible to collect the full information desired by the honourable member without an expenditure of time and labour out of proportion to the results to be obtained, but the honourable member will find a good deal of information regarding the number of cases tried by honorary magistrates.

in the statements at the end of the annual "Notes on the Administration of Criminal Justice in the Punjab." A full list of the honorary magistrates in the province is published in Part II of the Half-Yearly Civil List. The educational qualifications are not given there, but I may mention that before appointing any person as an honorary magistrate and before renewing the powers of any of the existing honorary magistrates Government invariably satisfy themselves that the gentleman concerned is at least able to read and write the vernacular fluently.

INDUSTRIAL CHEMISTS AND THEIR ASSISTANTS IN THE UNIVERSITY LABORATORIES.

921. Khan Sahib Khawaja Ghulam Samad: Will the Honourable Minister of Education be pleased to state—

- (a) community-wise the number of industrial chemists and their assistants in the University laboratories and state if all the communities are properly represented on its staff;
- (b) whether the senior research assistant of these laboratories is qualified in Chemistry;
- (c) the steps Government intends to take to give due share to the Muslims in this department?

The Honourable Mian Abdul Haye: (a) The University Technical Chemistry Laboratory is run under a contract between the University and the Forman Christian College, Lahore. The staff at the Laboratory is employed by the College and not by the University. The new appointments at the Laboratory are, however, subject to the approval of the University Advisory Committee. The number of the industrial chemists in the Laboratory community-wise is as follows:—

- (i) Christian 1 (He is an American);
- (ii) Hindu 8 (One man has been appointed temporarily).

There are no posts of research assistants in the Laboratory. The staff at the Laboratory is, however, assisted in their work by the Principals and staff of the Hailey College of Commerce, Lahore and the Punjab College of Engineering and Technology, Lahore.

(b) There is no post called as senior research assistant in the Laboratory. The head of the Laboratory, however, is a graduate in Chemistry of the Princeton University (United States of America).

(c) Attempt has been made to see that the various communities be represented on the staff of the Laboratory. A Muslim gentleman has just resigned from the staff and his place has been filled only temporarily pending a permanent appointment. Government does not consider that any particular action in the matter is necessary.

**DIRECTOR, PROFESSORS, LECTURERS AND DEMONSTRATORS IN
CHEMICAL LABORATORIES OF THE UNIVERSITY.**

922. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state—

- (a) the name of the Director of the Chemical Laboratories of the Punjab University ;
- (b) community-wise the number of professors, lecturers and demonstrators in the said laboratories ?

The Honourable Mian Abdul Haye : (a) Professor S. S. Bhatnagar, O.B.E., D. Sc., F. Inst. P., F. I. C.

(b) Hindus	7
Muslim	1
Sikh	1
Christians	2 (one post was vacated recently and officiating arrangements are under the consideration of the University).

HINDU SCHOLARSHIP HOLDERS.

923. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to reply to my unstarred question No. 720¹, dated 22nd March, 1939 ?

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

PROSECUTING DEPUTY SUPERINTENDENTS OF POLICE.

924. Khan Sahib Khawaja Ghulam Samad : With reference to the reply to my unstarred question No. 728² will the Honourable Minister for Public Works be pleased to state whether he intends to take any action in order to give due share to the unrepresented community in the appointments of prosecuting Deputy Superintendents of Police ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : If the cadre of Deputy Superintendents be viewed as a whole, what the honourable member calls the "unrepresented community" will be seen to have fared by no means badly, and the fact that none of the Prosecuting Deputy Superintendents happens at this moment to come from that community does not call for any special action.

OFFICE SUPERINTENDENTS IN THE SECRETARIAT OF IRRIGATION BRANCH.

925. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Revenue be pleased to state—

- (a) community-wise the number of office superintendents in the Secretariat of Irrigation Branch ;

- (b) the steps which the Government propose to take to give due share to the under-represented communities in the and Secretariat ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Number of office superintendents including one deputy superintendent 10

Christians ..	..	..	..	..	8
Hindus ..	..	..	..	..	5
Muslims ..	..	..	..	..	2

- (b) None. The appointments to the posts of superintendents are not made on communal basis. They are made by selection combined with seniority.

COMMUNAL REPRESENTATION IN THE SECRETARIES AND UNDER-SECRETARIES IN THE PUNJAB CIVIL SECRETARIAT.

926. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state—

- (a) community-wise the number of Secretaries and Under-Secretaries in the Civil Secretariat of the Punjab Government ;
- (b) the action which he proposes to take to give due share to the under-represented communities in the said Secretariat ?

The Honourable Major Sir Sikander Hyat-Khan :

- (a) The honourable member will find this information on pages 9—11 of the Civil List.
- (b) The appointments to the Secretariat are made purely on merit and is a result of the exigencies of the service and not with regard to communal considerations.

DISTRICT JUDGES AND SUB-JUDGES IN THE PROVINCE.

927. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Premier be pleased to state—

- (a) community-wise the number of district judges showing separately the number of P.C.S. and I.C.S. officers, senior-sub-judges and sub-judges separately ;
- (b) the steps which he intends to take to give due representation to the under-represented communities in the civil and judicial services in the Punjab ?

The Honourable Major Sir Sikander Hyat-Khan : (a) The required information in regard to the Punjab Civil Service district judges as well as sub-judges (which include senior sub-judges) is given at page 25 of the Consolidated Statement showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on the 1st January, 1939. The names of both Indian Civil Service and Punjab Civil Service district judges are also given at pages 27-28 of the Punjab Civil List corrected up to 1st July, 1939.

(b) Recruitment to the Punjab Civil Service, Judicial Branch, is now made in accordance with the Regulations under section 255 (2) of the Government of India Act, a copy of which is laid on the table. It will be seen that these regulation provide for the due representation of all communities.

HOME.

Gazette.

NOTIFICATION.

The 8th October, 1938

No. 7929-G-38/33386.—In exercise of the powers conferred by section 255 (2) of the Government of India Act, 1935, the Governor of the Punjab is pleased to make the following regulations as to the number of persons in the Subordinate Civil Judicial Service of the Province who are to belong to the different communities in the Province. These regulations are in supersession of all previous regulations on the subject:—

(1) Recruitment for all vacancies shall be conducted in the following communal proportions—

						Per cent.
Muslims	..	..	..	..	..	50
Hindus and others	..	..	..	..	..	30
Sikhs	..	..	..	..	..	20

(2) Recruitment will be made in units of 10, and in every alternate year one of the vacancies allotted to Hindus and others should be assigned to others (*viz.*, Indian Christians, Budhists, etc.). Of the total number of recruits 60 per cent. should be zamindars and 40 per cent. non-zamindars and in each year one seat at least should be given to Hindu zamindars from the allotment for Hindus and others. A representative of the scheduled castes shall be recruited from time to time outside the communal proportions laid down for Muslims, Sikhs, Hindus and others.

(3) The provisions of rules (1) and (2) above shall be subject to suitable candidates being available and subject to their having passed the prescribed qualifying examination.

(4) In the allotment of vacancies to Sikhs and Muslims, care should be taken to ensure that both zamindars and non-zamindars are represented and that the proportions of 60 : 40 are observed as far as possible.

(5) For the purposes of these regulations the term zamindars shall include—

Punjab Government Notification, No. 10056-G-38/25110, dated 28th July, 1939.

- all members of tribes notified as agricultural under the Punjab Alienation of Land Act, 1900 and
- all hereditary proprietors or hereditary tenure-holders of agricultural land mainly dependent thereon and residing in rural areas, as well as actual cultivators of such land.

Explanation 1.—A candidate will be held to be a zamindar if he can show that either his father or grandfather is or was a proprietor or tenure holder of agricultural land and is or was mainly dependent thereon.

Explanation 2.—The words "mainly dependent thereon and residing in rural areas," apply both to proprietors and tenure-holders.

A. V. ASKWITH,

Home Secretary to Government, Punjab.

APPLICATIONS FOR THE RECTIFICATION OF CASTE.

928. **Khan Muhammad Yusaf Khan** : Will the Hon'ble Minister of Revenue be pleased to state—

- the number of applications for the rectification of caste that have been made to the Collectors or other revenue authorities in the province since the present Government has assumed office ;
- the number of cases wherein the applicants succeeded in getting their castes rectified ;

(c) the number of such applications made in Rawalpindi district during the same period as in (a) ;

(d) the number of such applications as were accepted by the revenue authorities themselves and the number of those which were sent for judicial findings in civil courts separately ?

The Honourable Dr. Sir Sundar Singh Majithia : Enquiries have been made from the deputy commissioners. Their replies are awaited.

DEPARTMENTAL INQUIRY AGAINST THE PATWARI AND ZAILDAR OF VILLAGE SADALPUR.

929. Pandit Shri Ram Sharma : Will the Hon'ble Minister of Revenue be pleased to state whether recently a departmental inquiry was held against the patwari and zaildar of village Sadalpur, tahsil Patachabad, district Hissar, in connexion with the misappropriation of fodder taccavi ; if so, the result thereof and the action taken in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—Yes.

Second part.—The patwari was suspended in March, 1939, on a charge of irregularity in connection with fodder taccavi and as a result of enquiry was reinstated in June. The zaildar was also suspended and the conclusion of the local authorities was that the charges of misappropriation against him were probably true. As convincing evidence was not forthcoming the zaildar was reinstated by the Deputy Commissioner. An entry about the incident has been made in the zaildar's book and he has been removed from the office of circle inspector for the distribution of gratuitous relief.

REPRESENTATION AGAINST ADDITIONAL DISTRICT MAGISTRATE, ROHTAK, RE ELECTION OF VICE-PRESIDENT, JHAJJAR SMALL TOWN COMMITTEE.

930. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister of Public Works be pleased to state—

(a) whether it is a fact that several Muslim Municipal Commissioners of Jhajjar had represented last year to the Government in writing through me complaining against an irregularity committed by the Additional District Magistrate, Rohtak, in the election of Vice-President of the Jhajjar Small Town (Municipal) Committee ; if so, whether any inquiry was made or any other action taken by the Government ;

(b) The result of the inquiry, if it was made ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) and (b) No such representation was received by Government.

FINANCIAL CONDITION OF SMALL TOWN COMMITTEE, TOHANA.

931. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister of Public Works be pleased to state—

(a) the financial condition of Small Town Committee, Tohana, district Hissar ;

[K. S. Khawaja Ghulam Samad.]

(b) whether it is under debt or is free from encumbrances?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) The financial position of the Committee is satisfactory.

(b) The Committee is not in debt.

APPOINTMENT OF CANDIDATES OF SCHEDULED CASTES AS EXTRA ASSISTANT COMMISSIONERS.

932. Chaudhri Faqir Chand : Will the Hon'ble Premier be pleased to state the number of Extra Assistant Commissioners appointed direct or by promotion from the scheduled classes of the province during the last two years and if none has been so appointed, the action that Government proposes to take in the matter?

The Honourable Major Sir Sikander Hyat-Khan : The honourable member is referred to the reply given to unstarred question No. 697¹ put by Bhagat Hans Raj on the 17th March, 1939.

REPRESENTATION OF THE MUSLIM LEAGUE, REWARI, RE FEE CONCESSION TO MUSLIM STUDENTS.

933. Khan Sahib Khawaja Ghulam Samad : Will the Hon'ble Minister of Education be pleased to state —

(a) whether it is a fact that the Secretary, Muslim League, Rewari, submitted a representation, dated 24th May, 1939, to the Director of Public Instruction through Inspector of Schools, Ambala Division, requesting for grant of special fee concessions to Muslim students studying in the Government High School, Rewari, irrespective of the percentage fixed by the department;

(b) whether any inquiry is made by the headmaster to find out the income of a student's father before granting him any concession in fee; if so, how this inquiry is made;

(c) the number of scholarship-holders who have been given fee concessions in the current year and during the past 4 years in the said school with their names and father's incomes?

The Honourable Mian Abdul Haye : (a) Yes; the representation was received and the Inspector was asked to enquire into the matter.

(b) Yes; the parents desirous of obtaining fee concessions for their children submitted applications in which they explained the need of the concession. The applications were handed over to the teachers community-wise to scrutinise them and to express their opinion and make recommendations on receipt of which the concessions were awarded. This year, however,

the applicants were required to give information in the form of a questionnaire before their applications were considered.

(c) The required particulars of the scholarship-holders enjoying fee concessions are as follows :—

Year.	Name of scholarship-holder.	Annual income of father.
		Rs.
1935-36	1. Harkaish Chand 2. Umrao Singh	360 60
1936-37	1. Umrao Singh	60
1937-38	Nil.	
1938-39	Nil.	
1939-40	1. Mata Din	96

IRREGULARITIES AND MAL-PRACTICES AT THE HISSAR CENTRE EXAMINATION.

934. Chaudhri Sahib Ram : Will the Hon'ble Minister of Education be pleased to state—

(a) whether it is a fact that about six months ago the parents of Gian Parkash and Sudershan Singh, students of 4th class of M. B. Main School, Hissar, made complaints in writing to the educational authorities regarding irregularities and mal-practices at the Hissar centre examination held on 26th March, 1939;

(b) whether he is aware of the fact that the application containing the complaints were, after an endorsement by the M. L. A. of the Constituency on 31st May, 1939, sent to the authorities under a registered cover ;

(c) if the answer to (a) and (b) above be in the affirmative whether any action has been taken so far on those applications and if not, the reasons for this delay in disposing of these applications ?

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

(c) The Inspector of Schools, Ambala division, has quashed the Examination result and ordered the promotion of all the twelve boys, who were declared as failed by the Assistant District Inspector and the District Inspector of Schools, Hissar.

MUNSHI MOHAMMAD RAMSAN KHAN, TEACHER IN JAMALPUR SHAIKHAN SCHOOL.

935. Chaudhri Sahib Ram : With reference to the answer to starred question No. 8604, asked on 19th January, 1939, by Pandit Shri Ram, Sharma, M. L. A., will the Hon'ble Minister of Education be pleased to state—

- (a) the result of the magisterial inquiry held for the second time into the case against Munshi Mohammad Ramsan Khan, a teacher of the D. B. Primary School, Jamalpur Shaikhan, in the Hissar district if it has been completed by now ;
- (b) the reasons why the case was entrusted for inquiry to another magistrate when Khan Abdul Latif Khan, Naib-Tahsildar, Tohana and Kanwar Balbir Singh, Magistrate, 1st Class, with Section 30 powers, had already inquired into the case and also submitted their reports ;
- (c) whether it has not come to his notice that in the inquiry held for the second time the complainants were not allowed to appear before the magistrate and given no chance to substantiate the charges against the said teacher ?

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

ADJOURNMENT MOTIONS.

AHRAR MOVEMENT.

Dr. Satya Pal : 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 repressive policy adopted by the present Ministry to crush the Ahrar Movement by prosecuting its leaders and workers.

Mr. Speaker : In my opinion the motion is not in order.

Diwan Chaman Lall : May we say a word in regard to this matter ? It is a very important matter.

Mr. Speaker : The honourable member is a Parliamentarian of standing. Will he please point out the rule under which an honourable member can make a speech at this stage ?

Diwan Chaman Lall : That is exactly what I want to say. On another occasion I referred you to certain rulings given in the Central Legislature.

Mr. Speaker : I want a rule or ruling of our Assembly and not of other legislatures.

Diwan Chaman Lall : We have our own rule relating to adjournment motions. It says that a matter which is urgent, or of public interest or of recent occurrence may be discussed by way of an adjournment motion on the floor of the House. That is the rule which governs this particular

adjournment motion. (A voice: Definite matter.) My honourable friend says, 'definite matter.' Can there be anything more definite than that the members of the Ahrar party have been arrested wholesale, people have been arrested while reading the Koran or leading processions and that people have been assaulted? This is certainly a definite matter which can be discussed here.

Mr. Speaker : May I draw the honourable member's attention to Rules 43 and 44 of our own rules. Rule 43 says :—

Leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

Rule 44 says :—

If the Speaker is of the opinion that the matter proposed to be discussed is in order he shall read the statement to the Assembly and ask whether the member has the leave to move the adjournment.....

Diwan Chaman Lall : True. The Speaker has the discretion in this matter, but it should not be an arbitrary discretion.

Mr. Speaker : I can allow the honourable member seeking the leave or even any other honourable member to make a speech or say a few words to explain the motion. That is not forbidden. But when the motion is not in order, in my opinion, all I need do is not to read it to the House, giving or not giving reasons.

Diwan Chaman Lall : True. Your practice in the past has never been to arrogate to yourself a duty, which is, to say the least, a very unpleasant duty, but to let the House give whatever guidance it can, in order to have an opportunity to come to a right conclusion whether this particular matter is within the rules or not. That has been your practice in the past and a correct practice too. I want to suggest that this particular adjournment motion is covered by our practice, covered by our rules and covered by the precedents on similar occasions in other legislatures.

Mr. Speaker : It is true that in some cases I allow honourable members to explain their motions and state their facts, so that the House may understand the object. But when I consider a motion to be out of order, I decline to read it to the House.

Diwan Chaman Lall : On what grounds?

Mr. Speaker : I need not state any.

Diwan Chaman Lall : Quite true. I have no intention of cross-examining you. All that I say is that it might prevent us in future from wasting the time of the House. If honourable members were to be informed as to what particular rules have been infringed in regard to this particular adjournment motion, then they would be careful in future in giving notices of such adjournment motions.

Mr. Speaker : The object of an adjournment motion is to discuss a definite matter of urgent public importance. In my opinion the Honourable Dr. Satya Pal's motion does not relate to a definite matter of urgent public importance.

Diwan Chaman Lall : I do not say that you are debarred from entertaining any opinion. It is your privilege to hold any opinion. All I suggest is that opinions are based upon either rules or precedents. They do not drop from the sky.

Mr. Speaker : In my opinion the subject matter of the motion is neither definite nor of urgent public importance and therefore it is not in order.

ARREST ETC., OF KISAN MORCHA LEADERS.

Dr. Satya Pal : 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 arrest and conviction and detention in jails of kisan morcha leaders even after a settlement has been arrived at.

Mr. Speaker : The motion is out of order.

ARREST AND DETENTION OF M. ABDUL KARIM WAZIRABADI.

Dr. Satya Pal : 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 arrest and detention of M. Abdul Karim Wazirabadi at Chichawatni without any warrants and without the police having taken sufficient care to verify if the arrested man was the required person.

Mr. Speaker : The motion is out of order.

HANDCUFFING OF PANDIT BHAGAT RAM SHARMA, MEMBER OF THE LEGISLATIVE ASSEMBLY.

Pandit Muni Lal Kalia : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the handcuffing of Pandit Bhagat Ram Sharma, M. L. A. a member of this House during his trial.

Mr. Speaker : The motion is out of order.

PRESS EMERGENCY POWERS ACT, 1931.

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 abuse of the Press Emergency Powers Act, 1931, by the Government in demanding securities from such a large number of newspapers and Presses as disclosed in the answer given by the Honourable the Premier to question No. 4732¹ and supplementary questions put thereon.

Mr. Speaker : Lala Deshbandhu Gupta asks for leave to make a motion for the adjournment of the business of the House to discuss a definite

matter of urgent public importance namely, the abuse of the Press Emergency Powers Act, 1981, by the Government in demanding securities from such a large number of newspapers and Presses as disclosed in the answer given by the Honourable Premier to question No. 4792¹ and supplementary questions put thereon.

Premier : I have no objection.

Mr. Speaker : The motion will be discussed at 6-30 P. M.

SUPPLEMENTARY ESTIMATES.

Finance Minister : Sir, I beg to present the Supplementary Estimates, first instalment for 1939-40. I beg to intimate that the demands made in these Estimates are made on the recommendation of the Governor.

NORTH-WESTERN RAILWAY LOCAL ADVISORY COMMITTEE.

Minister for Public Works : Sir, I beg to move—

This Assembly shall elect on such date as may be fixed by the Honourable the Speaker and through the method of proportional representation and single transferable vote, two representatives, who shall be members of the Assembly to serve on the North-Western Railway Local Advisory Committee, representing the rural interests and the travelling public.

The motion was proposed, put and carried.

Mr. Speaker : I propose to fix Tuesday the 28th November, 1939, as the date for holding the election of two representatives of the Punjab Legislative Assembly to serve on the North-Western Railway Local Advisory Committee. Members should send in nominations to the Assembly office not later than 8 P. M. on Friday the 24th November on proposal forms which can be had from the office.

VILLAGE PANCHAYAT BILL.

Clause 8—continued.

Mr. Speaker : The House will now resume consideration of the Punjab Village Panchayat Bill, clause by clause.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That at the end of sub-clause (1), the following new part be added —

(g) who becomes a whole-time salaried officer of the Government or of a local body.

According to clause 6, all the officials are excluded from the panchayat, but there is still a possibility that after the constitution of the panchayat a member gets Government service or local body service, then in that case that member will continue to be a member of the panchayat. Take the case of certain members of the Debt Conciliation Board. There are certain members of the local bodies who at first were not Government servants but thereafter they were appointed as members of the local Debt Conciliation Board and they still continue to be members of the local bodies. Take the case of the Ludhiana Municipality. One of the members of that municipality was made a member of the Debt Conciliation Board and we wrote

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to Government asking whether he was entitled to sit on the local body and the Government ruled that that member should continue to be a member of the local body. There is the possibility that a member of the panchayat might accept Government service or local body service, in that case he will continue to be a member of the panchayat. It is for the reason that if any member accepts such service he should be removed by Government from the panchayat that I move the amendment.

Mr. Speaker : Sub-clause under consideration, amendment moved—

That at the end of sub-clause (1), the following new part be added—

(g) who becomes a whole-time salaried officer of the Government or of a local body.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, the amendment that has been moved by my honourable friend Sardar Kapoor Singh is quite like the one which I have given notice of. I would, therefore, seek your permission to say a few words about it at this very stage. My main point is that the employees of the district boards and the municipal committees should not be debarred from becoming the members of panchayats. On the other hand the whole-time salaried servants of the Government should certainly be disqualified to become "panches" or "sarpanches" of the panchayats. The chief aim of the amendment that stands in my name is that the employees of local bodies should not be debarred from becoming panches or sarpanches of the local panchayats. There will be absolutely no harm if they are allowed to seek election to the panchayats.

With these words, Sir, I resume my seat.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I am prepared to accept the amendment in the name of Pandit Shri Ram Sharma, but not the one moved by Sardar Kapoor Singh, because as the last speaker said I feel that the servants of local bodies should be allowed to be elected to panchayats if they command the confidence of the electorate.

Mr. Speaker : Question is—

That at the end of sub-clause (1), the following new part be added—

(g) who becomes a whole-time salaried officer of the Government or of a local body.

The motion was lost.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) : I beg to move—

That at the end of sub-clause (1), the following new part be added :—

(g) who is or afterwards becomes a whole-time salaried servant of the Government.

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : Sir, I move—

That at the end of sub-clause (1), the following proviso be added :—

Provided that an opportunity shall be given to the panch concerned to offer explanation or defence before any action is taken under parts (a), (e), (2), (c) and (f).

You will see that the provisions of clause (8) are very drastic and it is but necessary that an opportunity should be given to the person concerned, when the Government decides whether a person should be removed from office or not, to make his explanation. In some cases it may not be necessary to give an opportunity, for example no explanation is necessary if a person refuses to act. But in such cases as (d) that the panch has absented himself without reasonable cause, there may be reasons for absence and in such cases he must be given an opportunity to give his explanation and an *ex-parte* decision should not be taken against him. Similarly in the case of (e) where a panch is guilty of misconduct in the discharge of his duties, it may be that a false report is made against the person, why should that person be not given an opportunity to explain? The report of misconduct made against him may be absolutely false or the complainant may be inimical or the whole thing may be of a different nature or of a different type and he may have had good reasons for acting in a particular way or he might have acted in a particular way in the discharge of his duties. Again, in the case under part (a) where a defect of character is implied, the word "character" has not been defined in this Act and it does not find a place even in the General Clauses Act or anywhere else. So, it is the individual opinion of the officer to whom the Government has delegated its power which will be considered. That officer may be the panchayat officer, who may be a non-matric and even if a matric, he may not have that knowledge and wide discretion which generally a first class magistrate or other responsible officer possesses. Supposing he does not like that panch to be there he may say that a certain thing which that panch has done which he believes to be in the interests of the village is not correct and on that basis he says that his character is defective. The panch concerned must be given an opportunity to defend himself. As this clause contains drastic measures, some restriction must be placed on them. Even in the cases tried by district and sessions judges there are appeals, reviews and revisions. Even in the case of district boards or even under section 16 of the Punjab Municipal Act an opportunity is given to the person concerned to explain himself before he is removed. I want that a similar provision should be enacted in this Act also. After all, this is a legislation allied to the Municipal Act or the District Boards Act or the Small Towns Act. I do not understand why a departure is sought to be made in this legislation. The panches are not supposed to be so well conversant with the local affairs and it is all the more reasonable that an opportunity should be given to these persons to offer an explanation. Such unfettered discretion should not be given to the officer.

My suggestion, after all, does not make any distinction. A fortnight's delay will not affect the course of events either way. After all, a person who has spent money, who has been sent by his people, will discharge his duties faithfully and there is no reason to leave the matter entirely to the unfettered discretion of the officer who may not have the mind to study or examine the case dispassionately. Therefore my amendment is not only harmless but very useful. I expect that the Honourable Minister in charge of the Bill who has been liberal in accepting some of our amendments, will also accept this amendment. My amendment will improve the Bill and will make it more healthy. With these words, I move my amendment.

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

That at the end of sub-clause (1), the following proviso be added :—

Provided that an opportunity shall be given to the panch concerned to offer explanation or defence before any action is taken under parts (a), (c), (d), (e) and (f).

The next four amendments and the first part of amendment No. 51 being substantially the same raising different aspects of the same matter, may be discussed together and will be voted upon separately, if necessary.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, I submit that no penalty proposed in clause 8 should be imposed upon any panch or a sarpanch, unless he has got an opportunity of explaining himself and unless an enquiry is conducted in his presence. At present the clause stands thus—

Government, or any officer to whom under section 75 (1) it may delegate its power in this behalf, may after such enquiry as it or he may deem fit remove any panch.

The amendment moved by himself and my honourable friend Pandit Kalia propose an enquiry to be conducted in the presence of the panch and an opportunity to be given to the panch to explain the charges that may be levelled against him. I submit this because the section is penal in nature and entails a certain disability of the panch.

[At this stage Lala Bhagat Ram Choda drew the attention of the Chair to the fact that there was no quorum and on the bell being rung there was found to be quorum.]

I was submitting that an opportunity should be given to the panch before he is removed from office to explain himself and that the enquiry should not be conducted in his absence. As the present clause stands it means that the officer conducting the enquiry may not observe this statutory rule. He may go on enquiring into the conduct of the panch and into the allegations made against him in his absence. My amendment and that of Pandit Muni Lal Kalia only raise the point that the enquiry should be conducted in the presence of the panch and that he should be given an opportunity to explain before he is removed and that he should not be left at the mercy of the local Government or of the officer to whom the powers of his removal may have been delegated. It is only to ensure justice and to inspire confidence that we move this motion. It is consistent with the principles of criminal law that nobody should be condemned behind his back. He should be given an opportunity to clear himself and we provide an opportunity. With these remarks I support the amendment that has been moved by my learned friend.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Mr. Speaker, the amendment that stands against my name covers the whole subject matter of both the amendments that have been separately given notice of by my honourable friends Pandit Muni Lal Kalia and Munshi Hari Lal. I would like to submit that since the name of the Bill under consideration is the Punjab Village Panchayat Bill it is therefore, in the fitness of things that it should be framed in accordance with the principles underlying the formation of panchayats. But it is a pity that such principles are not being observed in the case of the present measure. I would like to invite your attention to clause 8, sub-clause (1). Under the provisions

of that sub-clause the Government has sought to place certain unnecessary limitations on the election of panches. It is provided therein that the Government shall have the power to remove the members under such and such conditions. I do not object to the removal of undesirable persons from the panchayats but the point which I like to stress is that the Government should desist as far as possible from interfering with the affairs of the panchayats. We have good reasons to fear that the provisions of this clause would be misused. We have already got bitter experience in this connection. We know how the Government generally takes undue advantage of certain provisions. If you only take the instance of the question hour in the Assembly you are sure to judge how far such privileges are being abused by the Government. Even our pertinent questions are replied to in a very impertinent and evasive manner.

Mr. Speaker : The honourable member should speak to the motion.

Pandit Shri Ram Sharma : I was submitting that we have got sufficient experience of the mentality of the Government and we are, therefore, justified in demanding such safeguards. Now we have to see as to how the Government would use those powers that are sought to be obtained by means of this clause. Our past experience is awfully disappointing and for future we do not entertain any high hopes. I, therefore, request the Government to introduce the real democratic principles in the clause.

Now let us see what are the grounds on which panches can be removed by the government. They are given in parts (a), (b), (c), (d), (e) and (f). As regards part (a), the authority or the officer to whom Government has delegated its powers can also give orders of a panch's removal. Particularly the last words of this part (a), viz., "implies a defect of character unfitting him to be a panch" have widened the arbitrary powers of the Government to do away with panches. My submission is that this is not justifiable. Supposing a panch has been elected by the rural people and the Government do not like him to be a panch. Now what would be the attitude of the Government? The Government will disapprove of his election by saying that his character is defective.

Now come to part (c) that reads thus :—

(c) who has been notified as disqualified for appointment in the public service.

This part can also be interpreted in a wrong way. My submission is that the Government should know as to under what circumstances the man concerned has been removed from Government service and that the Government should also try to find out whether actually there is anything in him which is held to be responsible for his being disqualified from the service. Furthermore, in parts (e) and (f) also powers of arbitrarily doing away with panches are delegated to the officers. Take part (f) for instance. It is as follows :—

(f) whose continuance in office is, in the opinion of Government or of the officer to whom Government has delegated its power of removal, undesirable in the interests of the public or of the pauchayat.

Before I proceed with my speech I would like to inform the Government that these words 'the interests of the public' repeated by the Government have proved a source of nuisance to us. We are tired of these words. I

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am afraid this 'interest of the public' might not play havoc with these panches as well. I was submitting that the amendment under discussion requires that the principles underlying the panchayats should be upheld. The Government should not introduce Nazism in the panchayats, against which much hue and cry was raised by the Government benches during the discussion made on the War Resolution. But if you study clause 8 carefully you will find that Nazism and Facism are present in that clause. This amendment of mine does not approve of its arbitrary powers that are likely to be vested in a Government's nominee. I have already made this point clear that the Government want to put more restrictions on the appointment of panches. After all, what is the use of making discouraging provisions in this Bill. In this connection I would again like to draw your attention to the last lines of parts (a) and (c), i.e., "a defect of character unfitting him to be a panch" and "disqualified for appointment in the public service." When this is the position, who will be the Government's nominee to whom Government is going to delegate its power in this behalf, that we do not know. What we should do is to imagine what havoc that person would do, in whom these powers have been vested by the Government. It is now clear that by this method the Government will bring on panchayats men of its own choice and through them party propaganda will be done in countryside. As far as I think, deputy commissioners would not be given this responsibility as they are already busily engaged with their work. If tahsildars and naib-tahsildars or the panchayat officers are nominated by the Government, I think, they will, as experience shows, play a second fiddle to the Government and this would be a death blow to the object which is sought to be achieved in this Bill. Under these circumstances, I think, my amendment to clause 8 is very necessary. As you are aware that under this clause there is no provision by which a panch can stand in good stead, I press upon my amendment which is to the effect that an opportunity should be given to the panch concerned to offer explanation or defence before any action is taken against him. As a matter of fact even in lower courts every possible opportunity is given to an accused to defend his case. But it would be very unjust and inequitable if a panchayat officer or a Government's petty nominee is empowered to remove panches who have the confidence of rural people, without having given them an opportunity to offer explanation or defence. If the Government really do not want to appoint panches of their own choice and that they do not intend to do party propaganda in country-side through them they should give proof of this. My submission in this respect is that if the Government agree to afford an opportunity to the panches, as my amendment requires, to defend their cases, I would not at all suspect their intentions. Before I resume my seat I must submit that if my amendment is accepted by the Government it is well and good, otherwise this Act should not be called Punjab Village Panchayat Act, but it should be called (Dheenga Mushti Act) an Act which will create factions and dissensions.

Minister for Public Works (the Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I think the amendment moved is based on a misconception. It is thought perhaps that there will be no enquiry. The

opening words of the clause are: "Government.....may after such enquiry as it.....may deem fit." So, there is no doubt or ambiguity in this regard. There will be an enquiry and the person concerned will get a chance to represent his point of view. Of course it will not be an elaborate enquiry of the sort that some of my honourable friends say it should be. There will be no defence or arguments just as in a court of law. The deciding authority will have the full power. We want rough and ready sort of arrangement for dealing with the panches and a proper enquiry would serve the purpose. It has been presumed that perhaps the power will be given to irresponsible and junior persons. Nothing of the sort will be done. The Government will appoint responsible and senior officers for this purpose. That being the case, I think there will be no hardship. With these words I oppose the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural): Sir, we are surprised to hear the views of the Honourable the Minister on this point. It is really astounding that opposition should come from the Honourable the Minister on an amendment which intends to make the provision more just and equitable to all the persons concerned. If you go through the provisions which have already been passed or which are going to be passed, you will find that there is an attempt by the present Government to reserve arbitrary powers in the hands of the officers and to do away with the panches. When we read this provision with section 10 and with the present section which is under discussion we find that the power which is given under section 6, namely that of election, is taken away by the provisions of sections 10 and 8. Section 10 enacts that when it would not be possible for the Government to elect a panch, it will be within the power of the district magistrate or the officer, who is in charge of the panches in every district, to nominate any member without caring for the wishes of the constituents or for the wishes of the people for whom these panches are being elected. We then come to the section which is under discussion. Here the Government has reserved to itself the power of arbitrarily doing away with the services of any man and not even giving him an opportunity of explaining his conduct which is ordinarily done in almost all cases under the Government Servants Conduct Rules which are at present in force. We do not understand the reason why the Minister concerned should oppose this measure which only intends to make this provision more equitable and more just to all the persons concerned. The Honourable Minister pointed out to the House that there are the words "such enquiry as it may deem fit" and this is a good substitute and gives reasonable opportunity to the person concerned to defend his case. We fail to understand it. We know the type of enquiries which are held by the present day Government. We find that these enquiries are a mere farce. He has conveniently forgotten that ordinarily nobody cares for the rights of the people. The parties are not called upon to explain their conduct. So far as the dictionary meaning of the words enquiry is concerned, it does not in any sense import the word 'defence.' Ordinary dictionary meaning of the word 'enquiry' should be clear to him. Strangely enough the Honourable Minister gives another reason that if this amendment is accepted, it will give it the shape of a regular court of law. Why is the Honourable Minister afraid of these courts of law? Courts of law are there.

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to administer justice and do justice to all the parties concerned and if this amendment is going to give this whole enquiry the shape of a court of law so much the better for the Minister, for the Government and for the people who are going to be mostly affected by this hard legislation which is going to be enacted by the Government. These loopholes are there and are pointed out by the Opposition but the Honourable Minister is reluctant to agree and give his mind to these suggestions. With these words I support the amendment.

Mr. Speaker : Question is—

That at the end of sub-clause (1) the following proviso be added :—

Provided that an opportunity shall be given to the panch concerned to offer explanation or defence before any action is taken under parts (a), (c), (d), (e) and (f).

The Assembly divided : Ayes 24, Noes 66.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.

Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Abdul Rahman Khan, Chaudhri.
Muhammad Hasan, Chaudhri.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sant Ram Seth, Dr.
Sohan Singh Josh, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.

Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.

Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, I beg to ask for leave to move the following new sub-clause:—

That after sub-clause (1), the following new sub-clause be added:—

- (2) A Panch or a Sarpanch or a Naib-Sarpanch so removed by an officer to whom powers under section 70 (1) may be delegated may appeal against his order to the prescribed authority within thirty days from the date of the order.

The motion was lost.

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

That in sub-clause (2), line 2, between the words "clause (c)" and "of", the words "or clauses (e) and (f)" be inserted.

Now, the sub-clause would read thus:—

No panch who has been removed under clause (a) or clause (c) or clauses (e) and (f) of sub-section (1) shall be eligible for re-election within such period not exceeding five years as Government may fix in each case.

I hope, Sir, the Government will see that I am making the sub-section more penal and I am introducing strictness and rigour in it. The Government at present means that a panch who has been removed under clauses (a) and (c) shall be eligible for re-election within such period as Government may fix in each case. With regard to the removal of a panch under clauses (e) and (f), there is no such provision. It means that he may be eligible for re-election immediately after his removal. I say, Sir, and my amendment means that he should not also be eligible for re-election within such period

[**Munshi Hari Lal.**]

not exceeding 5 years as Government may fix in each case. The Treasury Benchers may also put an interpretation upon this clause that a person who is removed under (e) and (f) will never be eligible for re-election. If this is the interpretation, then he is debarred from seeking re-election within such period as Government may fix and which may not exceed 5 years. At any rate I have considered this clause and I have not been able to make out what is in the mind of the sponsor of this Bill. The clause, as it stands, is dubious. I submit that it would be quite consistent with the policy of clause 8 that persons removed under (e) and (f) shall have the same fate as a panch removed under clauses (a) and (c). Clauses (e) and (f) are also very important. Clause (e) says—

Who, in the opinion of Government or of the officer to whom Government has delegated its power of removal, has been guilty of misconduct in the discharge of his duties.

If a person has been removed on this ground and is found guilty of misconduct in the discharge of his duties should he seek re-election immediately after the period of that panchayat is over or should he also incur the same disability as his brother under (a) and (c)? A person who is found guilty of misconduct in the discharge of his duties is as much to be blamed as a panch removed under the other sub-clauses. I hope the Government will not smell a rat because it comes from the Opposition. I am giving more powers to the Government. With these remarks I move the amendment.

Mr. Speaker : Sub-clause (2) under consideration: amendment moved is—

That in sub-clause (2), line 2, between the words 'clause (c)' and 'of' the words "or clauses (e) and (f)" be inserted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I think, Sir, this will make the provisions more drastic. At present the qualifications follow in (a) and (c). According to this amendment it will be extended to (e) and (f). I do not exactly follow the purpose as to why we should like all of them to be penalised.

Munshi Hari Lal : I have said that it is purification of the panchayat. Should a person who has been removed for misconduct in the discharge of his duties incur any disability for a certain period or not, or is he to be entitled to stand for re-election immediately after the period for which the panchayat is elected is over?

Minister for Public Works : According to the present clause he will be removed; but in cases under (c), which you will see is far graver, we have provided that the disqualification may extend up to a period of five years.

Munshi Hari Lal : What about (e) and (f)?

Minister for Public Works : He will be removed simply from membership.

Munshi Hari Lal : He can stand for re-election immediately.

Minister for Public Works : Yes, unless he is disqualified otherwise.

Mr. Speaker : Question is—

That in sub-clause (2), line 2, between the words 'clause (c)' and 'or', the words 'or clauses (e) and (f)' be inserted.

The motion was lost.

Munshi Hari Lal : I beg to move—

That in sub-clause (2), lines 3-4, for the words 'within.....exceeding' the words 'for' be substituted.

I submit that my amendment is that the words 'within such period not exceeding five years' be deleted and for these words 'for' be inserted.

Mr. Speaker : I would ask the honourable member only to move the deletion of words which he wishes to be omitted. He can proceed further if the House allows these words to be omitted.

Munshi Hari Lal : You will see that in sub-clause (2), lines 3-4 if the words 'within such period not exceeding' are substituted by the word 'for' it will read as follows—

No panch who has been removed under clause (a) or clause (c) of sub-section (1) shall be eligible for re-election for five years—

I want to fix five years, so that he shall not be eligible for re-election for five years.

Mr. Speaker : The honourable member's amendment is that the words "within such period not exceeding" be deleted. Then Lala Duni Chand in his amendment No. 57 wants that the words "such period not exceeding" should be omitted. Then there is another amendment in the name of Pandit Shri Ram Sharma in which he wishes that the words "such period not exceeding five years as Government may fix in each case" be omitted, while the word "within" should not be omitted. The honourable member wishes that the word "within" should be omitted, while the other honourable members want that the word "within" should not be omitted. I, therefore, suggest that the deletion of the word "within" should be moved first. If that is not carried, then all the other amendments may be moved one by one.

Munshi Hari Lal : I beg to move—

That in sub-clause (2), line 3, the word "within" be deleted.

The motion was lost.

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

That in sub-clause (2), lines 3-4, the words "such period not exceeding" be omitted.

The object of the amendment which I have proposed is to remove the defects that may be present in the Bill under consideration. Consequently the honourable members sitting on this side of the House have tried, on the one hand, to secure that those persons who will be dealt with under this Bill, will be given an adequate opportunity to defend themselves, and on the other hand, we are seeking to provide sufficient punishment for those who will be ultimately found to be guilty under this Bill. Our attitude, therefore, is based on a sound principle of law, namely that no innocent person should be punished and also that the guilty one should be awarded effective punishment. In view of this twofold object we have moved this amendment that before a person is convicted under this Bill, he should be

[**L. Duni Chand.**]

given ample opportunity to defend himself, and when a panch or sarpanch has been found guilty of a malpractice he should be adequately punished for that. As a matter of fact we know it to our cost that rightly or wrongly the attitude of the Government is different towards different classes and communities. As a result of this unfortunate policy of the Government, several persons who are found guilty of serious offences are allowed to go scot free while certain others are heavily punished even for ordinary and technical offences. What aggravates the position is the fact that when any patriot commits any offence under the impulse of nationalism, he is severely dealt with while a loyalist who may be found guilty of a heinous crime is not brought to book at all. Loyalists are often appointed to high posts instead of being punished for their offences. We know many instances of this kind. But whenever a nationalist is found to be guilty of any crime, however minor or technical it may be, he is dismissed from his post forthwith and is awarded a severe punishment for that. In the days of non-co-operation, those who took part in the national movement were debarred from seeking election to local bodies for a period of five years.

Sardar Dasaundha Singh : If the word "within" is retained, then both the amendments Nos. 66 and 67 go. Both of them are out of order.

Mr. Speaker : The honourable member is not right.

Sardar Dasaundha Singh : But amendment No. 66 is out of order.

Mr. Speaker : We should wait till that amendment is reached.

Sardar Dasaundha Singh : Amendment No. 67 is also altogether out of order. It reads: "That in sub-clause (2), lines 3-4, the words "such period not exceeding" be omitted.

Mr. Speaker : If these words are omitted, the clause does not become meaningless. Therefore, the amendment is not out of order. Whatever may be the object of the amendment, the clause shall not become meaningless if the amendment is carried.

Lala Duni Chand : I may be allowed to say in reply to the Honourable Deputy Speaker that if my amendment is accepted, although I am afraid it will not be accepted, then the presence of the word "within" will amount to a clerical mistake and will afterwards be corrected as such. It is not the proper time to raise this objection. Far from curtailing the powers of the Government we are seeking to give them a very effective power in the matter under consideration. We want the Government to appoint an officer who will decide as to whether a panch or a sarpanch has been guilty of an offence.

Mr. Speaker : Repetition.

Lala Duni Chand : My point is simply this. When it is an officer appointed by Government who is to adjudicate upon the wrong doings of a panch, we are placing a powerful weapon into the hands of Government. We on this side of the House do not bring forward amendments out of any ulterior motive. We aim at improving this Bill. First we moved amendments in order to save innocent persons. This amendment is intended to provide adequate punishment for those who are proved to be guilty. I

would, therefore, commend this amendment to the acceptance of this House. I know that only the question of acceptance is involved. In this House we have no hope of carrying our amendments through.

Mr. Speaker : Question is—

That in sub-clause (2) lines 3-4, the words "such period not exceeding" be omitted.

The motion was lost.

Lala Duni Chand (Ambala and Simla, General, Rural): I move my amendment without any speech:

That in sub-clause (2), lines 4-5, the words "as.....cases" be deleted.

The motion was lost.

Munshi Hari Lal (South-Western Towns, General, Urban): I beg to ask for leave to add the new clause which runs as follows:—

In the case of the panch being removed on the ground of his being adjudged insolvent he shall not be eligible for re-election until the order of adjudication is cancelled and until he has obtained a certificate of discharge from a competent court.

My object is that if a man is declared insolvent, he should not be a panch so long as the order of adjudication stands. He should be entitled to seek re-election after the order has been cancelled.

Minister for Public Works : Can the honourable member give reasons at this stage?

Mr. Speaker : The question is—

That leave be given to move that at the end of sub-clause (2) the following new clause be added:—

In the case of the panch being removed on the ground of his being adjudged insolvent, he shall not be eligible for re-election until the order of adjudication is cancelled and until he has obtained a certificate of discharge from a competent court.

The motion was lost.

Mr. Speaker : The question is—

That sub-clauses (2) and (3) stand part of the clause.

The motion was carried.

Clauses 9 and 10.

Mr. Speaker : The question is—

That clauses 9 and 10 stand part of the Bill.

The motion was carried.

Clause 11.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (Urdu): Sir, I beg to move—

That in sub-clause (1), lines 1-2: between the words "Government" and "a panchayat" the words "or the majority of the electors of panchayat area" be inserted.

Sir, the clause that relates to the constitution and establishment of the panchayats clearly shows that the Government may by notification establish a panchayat in any village irrespective of the idea whether the inhabitants of that area are in favour of its establishment or not. The Bill does not contain any provision to the effect that before establishing a panchayat in any village the Government would be bound to elicit opinion of the inhabitants as to whether they approve of the idea of its formation or not. They would have practically no voice in the matter. That clause has already been accepted by the House.

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[S. Kapoor Singh.]

Now the clause under discussion deals with the suspension and abolition of the panchayats. Here again the inhabitants are being deprived of the right of expressing their opinion in the matter. Our contention is that the Government should not be the only judge as to whether a certain panchayat is incompetent to perform its duties or it abuses its powers. In our humble opinion the true judges are those who return the panches to the panchayats. In the former case the Government will have to rely upon the reports submitted by its own officers, probably the panchayat officers or the assistant panchayat officers, and it is very likely that the official so reporting may be prejudiced against certain panches. In this case he would certainly make a biased and prejudiced report against the panchayat. I would, therefore, like to impress upon the Government that those persons alone should have the voice in the matter who take part in the election of the panches. With these words, Sir, I hope and trust the Honourable Minister would condescend to accept my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 1-2, between the words "Government" and "a panchayat" the words "or the majority of the electors of panchayat area" be inserted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I must oppose this amendment. It introduces a dangerous principle. Generally when once elections have been held, there can be no interference, but the honourable mover of the amendment introduces a principle that any day when a majority of electors in a place are opposed to a particular panchayat due to an honest decision, they should be able to have the election set aside. The power of supersession and suspension only rests with the Government and cannot be exercised by the majority of the voters. And if this principle is introduced there will be no working of the panchayats for there will be no security for the panches.

Munshi Hari Lal (South-Western Towns, General, Urban) : I have not been able to follow the reasons advanced by the Honourable Minister. The residents of the panchayat area elect the panches. But what is the check on the panches? The panchayats and panches can only succeed if they command the confidence of the electors of the area. At present the Government sitting at Lahore or the officer of the Government who may be a political man and not an administrator will have it in their hands to report against a particular panch. There is no check on the panches, there is no watch over them. The question is if the power be given to the people of the panchayat area to see if the panches are working honestly, the panches will act above board. But if they think that they are not subject to any public vigilance and there is no authority in the immediate vicinity to scrutinize them, they might grow lax they might act as autocrats and they might grow corrupt. I submit, that the administration of the panchayats should be pure and it is in the interest of the purity of administration that some control should be given to the persons who elect the panches to see that they are working properly. This is a very salutary amendment. With these words I support the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural): The Honourable Minister in charge has termed this amendment as a dangerous principle introduced in this wholesome enactment. It is due to this dangerous principle that this Government is in power in the province. He says that if the electors are given some power to interfere in cases where the panches are not doing their duty, it would be introducing a dangerous principle. I submit that the principle which he calls dangerous is that wholesome principle of democracy whereby people elected on the votes of the people are forced to see that they continue to command the confidence of the electors and are not like the Punjab Government who, even though the people outside are crying that they are dying with hunger, do not care for the people and are sitting tight in their seats and do not even care to listen to the cries of the people outside. The cardinal principle of democracy is that people elected on the votes of their constituents should always be mindful of the duties which they owe towards their constituents. This amendment is based on that principle and I am sorry to learn that the Honourable Minister thinks this a dangerous principle. With these words I support the amendment.

Mr. Speaker : Question is—

That in sub-clause (1), lines 1-2 between the words "Government" and a "panchayat", the words "or the majority of the electors of panchayat area" be inserted.

The Assembly divided: Ayes 19, Noes 57.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Kapoor Singh, Sardar.
Kishan Singh, Sardar.

Krishna Gopal Dutt, Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Itikhar-ud-Din, Mian.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Apant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.
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 Bahadur Maulvi.
Ghulam Samad, Khan Sahib Khawaja.

Gurbachan Singh, Sardar Bahadur Sardar.

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 Major Nawabzada Malik.

Manohar Lal, The Honourable Mr.

Maqbool Mahmood, Mir.

Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Ashraf, Chaudhri.

Muhammad Azam Khan, Sardar.

Muhammad Hussain, Chaudhri.

Muhammad Jamal Khan Leghari, Nawab Sir.

Muhammad Sarfraz Khan, Chaudhri.

Muhammad Sarfraz Khan, Raja.

Muhammad Yasin Khan, Chaudhri.

Muhammad Yusuf Khan, Khan.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.

Muzaffar Khan, Khan Bahadur Nawab.

Nasrullah Khan, Rana.

Naunihal Singh Mann, Lieutenant Sardar.

Pir Muhammad, Khan Sahib Chaudhri.

Riasat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Rai Sahib Thakar.

Roberts, Sir William.

Sahib Dad Khan, Khan Sahib Chaudhri.

Shahadat Khan, Khan Sahib Rai.

Shah Nawaz, Mrs. J. A.

Sikander Hyat-Khan, The Honourable Major Sir.

Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.

Tara Singh, Sardar.

Tikka Ram, Chaudhri.

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

Pandit Shri Ram Sharma (Southern Towns, General, Urban): Sir I beg to move—

That in sub-clause (1), lines 8—10, for the words "or should.....panchayat" the words, "but for no other reason" be substituted.

(Urdu): Sir, the clause under consideration is considerably identical with clause 8. It provides that if certain panches have been declared incompetent to perform their duties or whole of the panchayat has failed to acquit itself of its administrative obligations the Government would be free to suspend or abolish it, or in other words remove its panches from their offices. My submission is that the words "or should there be any other reason which in the opinion of Government necessitates the suspension or abolition of a panchayat" should be deleted. In my humble opinion the incompetency to perform duties or default in its performance or abuse of its powers would be sufficient grounds for the suspension or abolition of any panchayat. When there are already sufficient limitations to be imposed on the panchayats I do not find the necessity of keeping these words in the clause. We are sure the retention of these words would certainly prove irksome as well as troublesome to all concerned. The clause as it stands would frequently give rise to an abuse of powers. I am afraid the Government would on the slightest pretext issue orders for the suspension or abolition of any panchayat. I need hardly say that it has already retained

to itself sufficient powers under the clause. I, therefore, request my honourable friends opposite to accept my amendment as it is not going to place any effective check on the Nazi tendency of the present Government.

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

That a sub-clause (1), lines 8—10, for the words "or should....panchayat" the words "but for no other reason" be substituted.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*), Sir, my amendment is identical with the one moved by my honourable friend Pandit Shri Ram Sharma. I want that the first part of the clause may be retained but the latter portion should be omitted. The importance of my amendment cannot be properly understood unless the actual words are read. The clause runs as follows :—

If in the opinion of the Government a panchayat is incompetent to perform, or persistently makes default in the performance of a duty imposed on it by or under this Act or exceeds or abuses its powers.....

So far the Government has taken sufficient powers with regard to the suspension or abolition of a panchayat. But it goes on to make a further demand, i.e.—

Or should there be any other reason which in the opinion of the Government necessitates the suspension or abolition of a panchayat.

I want this portion to be omitted because the Government has already taken sufficient powers in this connection and those powers are comprehensive enough to include every reason for which a panchayat may be suspended or abolished. When you have the words "exceeds or abuses its powers" there is no need for making any further demand like the one contained in the words which I want to omit. We know that the Government should have some such powers and we are prepared to give it those powers. But our fear is that the excessive demands made by the Government are very dangerous. Supposing some honest and influential Congressmen are elected by their fellow villagers and they want to do real service to the people unmindful of the favours or frowns of the Government or its officials. Now our fear is that in such cases the panchayat will abuse its powers.

There is another point which I think the Honourable Minister of Development will readily concede. The Ministers have been helped by certain people in connection with their elections and now they will demand something in return.

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

Lala Duni Chand : I am only referring to the situation which the Ministers will have to face. Their friends would go to them and say "Look here. Congressmen have captured such and such panchayat. We helped you during the elections and now you should remove these *badmashes*." (*Laughter from the Ministerial benches*). Yes, they call Congressmen *badmashes* and it is your practice to encourage such people. It is only to such wild talks that you lend your ears. That is why we are afraid that you will allow only such panchayats to function as readily fall in line with you and that all those rendering real and useful service to their fellowmen will never

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be permitted to live. With these remarks I move my amendment and support the one moved by my honourable friend Pandit Shri Ram Sharma.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : Sir, I would like to make only a few observations with regard to the amendment moved by my honourable friend Pandit Shri Ram Sharma. The range and scope of this clause is very wide, and I am afraid it would, if accepted, be misused and give rise to various misunderstandings. In my opinion the clause should be framed in such a manner as would do the least harm to the interests of anybody on the panchayats. If the object of legislation is to visualize the real intentions of the framers of any measure then I venture to say that this particular clause has miserably failed to do so. This does not acquaint us with the objects that are supposed to be before the framers of this Bill. The Government has already got sufficient powers in its hand to suspend or abolish any panchayat, and I am sure it does not stand in need of any further powers to this effect. By merely calling it a residuary clause the Government cannot satisfy the Opposition. It should give up such round about ways of presenting things. Let it come forward and say like honest persons that it wants to suspend or abolish any panchayat for any reason, whatsoever.

What is the object of retaining these words in the sub-clause under consideration ? To my mind my honourable friends over there are either playing with words or they wish to delude the people into believing that they have taken great pains to enact this law or that they wish to increase the volume of the Bill with a view to show to the public that they have spent much time and labour to frame it for the benefit of the rural classes.

Now I wish to point out that the Government would lose nothing if these words are deleted. The Government have already got vast powers to abolish or suspend panchayats and they should not try to have more powers. The sub-clause under consideration says—

If in the opinion of Government a panchayat is incompetent to perform, or persistently makes default in the performance of a duty imposed on it by or under this or any other Act or exceeds or abuses its powers.....

Now there are four things under which a panchayat can be suspended or abolished. In the first place if there is any panchayat which in the opinion of the Government is incompetent to perform its duties it can be suspended or abolished. We have absolutely no objection to it. There cannot be two opinions about it that a panchayat which is incompetent to perform its duties should be abolished. Secondly, if any panchayat is competent but persistently makes default in the performance of its duties or does things contrary to the advice of the deputy commissioner or the authority to whom the Government has delegated its powers, in that case no reasonable person will object to panchayat being suspended or abolished. Thirdly, if a panchayat exceeds its powers there is no reason why it should not be abolished and new one brought into being. We entirely agree with these provisions. Fourthly, if any panchayat abuses its powers it could be suspended or abolished. It is just possible that a panchayat which abuses its powers may become a source of danger and, therefore, it is but necessary that that panchayat should be abolished. These are the four reasons for

which a panchayat can be abolished. In my opinion these powers are quite sufficient for the Government and therefore the words "or should there be any other reason which in the opinion of Government necessitates the suspension or abolition of a panchayat" should be deleted because they give indefinite powers to the Government. In this connection I may also point out that while discussing clause 8 of this Bill we have seen that the Government can remove a panch who has a defect of character, or who has been adjudged insolvent or who has been guilty of misconduct in the discharge of his duties or whose continuance in office in the opinion of the Government is undesirable in the public interest. Now these are very wide powers under which the Government can remove individual panches. The Government with one stroke of the pen can remove all the three or more panches on the ground that they have a defect of character or that they are guilty of misconduct in the discharge of their duties. The fact of the matter is that no reasonable person can raise any objection against the action of the Government. In the circumstances if the Government persists in retaining these words it would mean that they wish to arrogate to themselves indefinite powers in the matter of abolishing or suspending panchayats at their own sweet will or they wish to show to the public that they have taken great pains and that lawyers and legislators have laboured to frame this Bill for them.

Now, Sir, there is yet another thing which I wish to bring to your notice. That is that the Honourable Minister for Public Works stated in reply to an amendment of my honourable friend Munshi Hari Lal that if he accepted his amendment that would make the clause more penal and drastic. This attitude on his part is most unreasonable. When we wish to make the provisions of the Bill more drastic my friend gets up and says that he wants to make the provisions of the Bill less penal, but when we want to make its provisions less drastic and less penal and less indefinite and wish to prevent the Government from assuming indefinite powers he takes up quite a different line of argument. I for one cannot understand as to what he means by it. I would, therefore, submit that these words should be deleted.

An honourable member : There is no quorum.

Pandit Muni Lal Kalia : May I proceed ?

Mr. Deputy Speaker : The honourable member should go on.

Lala Duni Chand : You should take cognizance of this fact.

Mr. Deputy Speaker : The counting has taken place more than once.

Pandit Muni Lal Kalia : I was saying that the words 'or should there be any other reason which in the opinion of the Government necessitates the suspension or abolition of a panchayat' be deleted.

Pandit Shri Ram Sharma : On a point of order, Sir. May I know whether it is in the power of the Chair to allow the debate to be carried on even when there is no quorum ? I want your ruling on the point.

Mr. Deputy Speaker : The count has already taken place once. It is not necessary to do so again.

Pandit Bhagat Ram Sharma : Then, are we to understand that if there is any point of order raised on the ground of want of quorum it cannot be raised more than twice on any particular working day ?

Pandit Shri Ram Sharma : On a point of order, Sir. Will this ruling hold good even in case only two or three members remain seated in their seats ?

Mr. Deputy Speaker : When the Speaker has once satisfied himself, counting need not be resorted to over and over again.

Pandit Shri Ram Sharma : May I know if the rules of procedure of the House can be overruled ?

Mr. Deputy Speaker : Order, order.

Lala Dani Chand : There is no such rule which can allow you to go on.

Pandit Muni Lal Kalia : I wish to know from the honourable members sitting on the Treasury benches as to what is the necessity for insisting on retaining these words in the sub-clause under consideration.

Pandit Bhagat Ram Sharma : On a point of order. Are we to understand that the particular rule regarding the quorum has been suspended ?

Mr. Deputy Speaker : Order, order. The honourable member should go on with his speech.

Lala Dani Chand : On a point of order. That part of the proceedings during the time when there was no quorum should be deleted.

Mr. Deputy Speaker : The Honourable Speaker gave this ruling just to-day and the Speaker can decline to have recourse to counting over and over again.

Pandit Muni Lal Kalia : Decline to take notice of absence of quorum.

Mr. Deputy Speaker : Order, order.

Pandit Muni Lal Kalia (Urdu) : I would like to know the reason why these words should be retained which from legal point of view are redundant and unnecessary. They are quite indefinite. Their retention makes the clause rather clumsy. It would not be out of place if I say that Government are endeavouring to keep the sword of Damocles hanging over the head of the panchayats, by retaining these superfluous words. In this connection my learned friend expressed his apprehensions that this clause, as it stood, would be a source of perpetual danger to the Congress committees which seize power in the village panchayat. But I may point out that these words are a standing menace even to their own henchmen in the panchayats. Suppose for instance that owing to certain reasons a panchayat fails to accord a splendid reception to a Minister who pays a visit to that village. The result would be that that panchayat is sure to be penalized under this clause. Again, if a deputy commissioner calls upon the members of a panchayat to contribute liberally in connection with a certain function and the latter fail to carry out the behest of that officer for one reason or the other, this clause is apt to be vigorously applied against that panchayat. I may also point out that Government do not realise that they are wasting a huge amount of money in enacting

this damned Bill which contains so much redundant matter. While discussing the adjournment motion with regard to Nathu, potter's death, the Government hurled accusations at the Opposition that they were guilty of wasting public money over the discussion of trivial matters. But here in the case of this clause the same charge can be laid at the door of the Government, as they are wasting time in discussing unnecessary words. Besides, when those persons who practise law, study this enactment they would laugh at these superfluous words. They might think that nobody in the Legislature cared to object to their inclusion. Perhaps it would not occur to them that it was this callous Government with a comfortable majority at its back, who paid no heed to the amendments moved by the Opposition and was, therefore, responsible for the retention of these words.

Again, I am sure, the Parliamentary Secretary who has taken pains in drafting this Bill, would realise that law should be definite, flawless and unambiguous. It should not admit of various interpretations. But Government's insistence on retaining these indefinite and superfluous words goes to show that they have some ulterior motives in their mind. They want that the panchayats should play a second fiddle to Government, otherwise they would not permit them to function. I want the Government to lay their cards on the table. Most of the provisions of this Bill have been adopted from the Municipal Act and other Corporation Acts, but Government have failed to introduce the spirit underlying them. I see the Honourable Minister smiling, laughing and nodding his head at our observations. I fully realise from his non-chalant attitude that he attaches no importance to our point of view. I may point out to him that he is not to remain in office for ever and it is likely that the honourable members on this side of the House may occupy those seats some day. The honourable member sitting behind him nods his head contradicting me because he thinks that theirs is the unshakeable majority. Anyhow what I want to drive at is that while making a legislation we should see that the law to be enacted is definite and unambiguous, so that the powers given by it are not abused. Similarly in the case of this Bill we should take good care not to invest the Government with unlimited powers, because there is every likelihood that the officer whom the Government may delegate powers under this clause, may indulge in favouritism and nepotism and thus bring the Government into disrepute. I, therefore, say that the clause under discussion is a fundamental one and we cannot brook the idea of investing the Government with unlimited powers. May I know as to what it is that they are so much afraid of? They have a comfortable majority at their back. At the same time the panchayat officers who are supposed to work in a missionary spirit, are their own proteges. They would control the panchayats. I, therefore, see no reason why these obnoxious and superfluous words should be retained in the clause. They should be left out, and instead those words suggested by us should be inserted in it. I am of the opinion that the cardinal principle of being brief, definite and to the point should be adopted. With these words I support the amendment now before the House.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I am afraid it is very difficult to reply to reasoning based on fear and misapprehensions which should not exist at all. It has been said that Government are taking powers to suppress the Congress

[H. M. P. W.]

committees and Congress movement in villages. That is not the purpose. Certain things have been specified under which in case of defaults the panchayats would be suspended or abolished. Then there are comprehensive powers taken to cover cases which cannot be foreseen at this time. There are many things that cannot be foreseen. In such cases Government will have power to stop the panchayats from going with the maladministration or any other default that might be discovered. It was said—I would not use the same language as used by my honourable friend from Ambala who described the Congress members in a particular way.

Lala Duni Chand : It is your description.

Minister for Public Works : I will not use that word. It is your self-description that may be quite apt—but I will not use it. I can only assure my honourable friend that we do not see things in that light. Action will be taken against those panchayats that actually are of such a type that their existence is not in the interest of the village or the area concerned. Why should my honourable friend oppose be nervous of giving powers to Government? They are always saying that they would be coming to power shortly and the Unionist Government is going out. No such fear should lurk in the minds of the party that is aspiring to office. Apparently they know it in the heart of their hearts that that day is far off, and perhaps they would like the powers of Government to be curtailed. The provisions of the clause are quite salutary. I, therefore, oppose the amendment.

Pandit Shri Ram Sharma (Urdu) : On a point of order, Sir. I want to draw your attention to rule 49 of the Rules of Procedure. It is as follows :—

If, when the Assembly is sitting, notice is taken by a member that the number of members prescribed as quorum by sub-section (3) of section 66 of the Act are not present, the person presiding, unless he is satisfied that such number of members are present, shall direct the division bells to be sounded and at the expiration of two minutes shall count the members present. If less than the required number be present, he shall either adjourn the Assembly till the next day or suspend the meeting till such number are present.

I want to know whether you are satisfied with the number of members present in the House. I may submit that the quorum is not complete.

Mr. Deputy Speaker : It is not necessary to have recourse to counting over and over again. When the Speaker is once satisfied that the quorum is there, he need not take notice of any member, if he draws his attention to it unnecessarily.

Pandit Shri Ram Sharma : Mr. Deputy Speaker, my point is this. I want to know if once the quorum is complete, does it mean that it remains complete during the course of the day?

Mr. Deputy Speaker : For as long a time as the Speaker is satisfied that the quorum is there he need not have recourse to counting over and over again.

Pandit Shri Ram Sharma : I want to know only whether you are satisfied, and if so, how the quorum is complete.

Mr. Deputy Speaker : The question is—

That in sub-clause (1), lines 8—10, the words 'or should..... panchayat' the words 'but for no other reason' be substituted.

The Assembly divided : Ayes 16, Noes 43.

AYES.

Bhagat Ram Sharma, Pandit.
Chaman Lal, Diwan.
Chanan Singh, Sardar.
Dev Raj, Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.

Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kishan Singh, Sardar.
Muhammad Hassan, Chaudhri.
Muni Lal Kalis, Pandit.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Jagjit Singh Man, Sardar.
Jogindar Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mr.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Hussain, Chaudhri.
Muhammad Saifraz Khan, Raja.
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.
Nasrullah Khan, Rana.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Ripudaman Singh, Rai Sahib Thakur.
Sadiq Hassan, Shaikh.
Sahib Dad Khan, Khan Sahib Chaudhri.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Sikander Hyat-Khan, The Honourable Major Sir.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honourable Dr. Sir.
Suraj Mal, Chaudhri.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sardar.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*) : Sir, I beg to move—

That in sub-clause (1), line 11, between the words "notification" and "suspend" the words "in which the reasons for so doing shall be stated" be inserted.

Several reasons have been given in this section for which a panchayat may be suspended or abolished. Some of these reasons are definite and I have no objection against them. But there is another vague and indefinite reason given in the section with respect to which my honourable friend on my left moved an amendment

[S. Kapoor Singh.]

that the words " or should there be any other reason which in the opinion of Government necessitates the suspension or abolition of a panchayat, Government may by notification suspend or abolish the panchayat," be deleted. Now, this reason is an indefinite reason. In the foregoing words of the clause a number of reasons have been given under which a panchayat may be suspended or abolished. It is, therefore, necessary that the Government should undertake to give a definite reason in this respect too. The Government may have any reason for abolishing or suspending a panchayat but that reason must definitely be stated. I should be excused if I say that although this Government takes pride in being called a Government of the Jats, in this respect it is only behaving like a Government of the Banias. A zamindar does things in a straightforward way. The Government wishes to retain the power of suspending panchayats. But it is not prepared openly to say that it will suspend the panchayats for these definite reasons. I appeal to my learned friend to act in the true spirit of Jats and to accept my amendment which requires him to state in so many words why a panchayat is to be removed or abolished. I would again ask him to remember that the straightforward way is the Jat's way. The other way is that of the Banias.

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

That in sub-clause (1), line 11, between the words " notification " and " suspend " the words " in which the reasons for so doing shall be stated " be inserted.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) (Urdu) : Sir, I have stood up to make a few observations with your permission. The Government has reserved for itself powers to suspend or abolish the panchayats for certain given reasons. Now, they ask for another power, namely, to abolish or suspend a panchayat for a reason best known to themselves. But they should bear in mind the fact that times have now changed and it is not possible for any Government to carry on for any length of time by means of such vague measures. Even if it is intended to apply the vaguest of all reasons, namely, public interest, it is necessary that the same should be reduced to writing. After all what is the reason for the Government to insist on the inclusion in this Bill of words which are of a too wide significance ? I imagine that the Government is of the opinion that by incorporating such vague words into the Bill it stands to gain in several ways. For instance, if a panchayat is suspended and the action is represented as an injustice before the Honourable Minister in charge of the department and he is asked to give reasons for suspending the panchayat, he will be able to take shelter behind the vagueness of this provision and say that it is not in public interest to disclose the reason. If the Government wishes that an offence for which a panchayat is suspended is not repeated by its successor it is but natural that reasons are adduced for passing that order against it. It should be clearly mentioned, that the panchayat was suspended on account of its negligence, misconduct, so on and so forth. Moreover, the words " reasons for so doing " are not words of our own making. They exist in several other enactments. For instance, there is a provision in the Municipal Act according to which Government has to clearly state the reasons for superseding a municipal committee. In the case of the Lahore Municipal

Committee such reasons were given by the Government before passing the order of supersession. Similarly, when Executive Officer's Act is sought to be enforced with respect to a municipal committee the Government gives reasons for so doing. Not only this. Whenever the Government feels called upon to take action against a municipal councillor or a president of a municipal committee reasons of that action are clearly stated. Another objection against the inclusion of the vague provision is, that it is a provision which is contrary to the spirit of another provision of this Bill. It is provided in this Bill that if a panch is sought to be removed reasons mentioned in clause 8 (a), (b), (c) will be mentioned and it will be clearly stated that the action is being taken against him for misconduct, bad character and so on, and so forth. If reasons are so necessary to be stated in the case of a panch, I fail to understand why no definite reason should be stated if an entire panchayat is to be wiped out. Why should the Government be so obdurate to retain this provision and insist on not giving reasons for the removal of a panchayat? Surely even obduracy can be expected to have a limit. I submit that no consideration of prestige should stand in the way of Government's agreeing to adduce a definite reason for suspending or removing a panchayat. There can be no two opinions so far as this matter is concerned. There is no doubt that the Government is secure in its position and it can rush through any measure with the help of the majority behind its back. But even the majority it has got in this House should not make it so blind to reason as to insist that after giving a few reasons for suspending or removing a panchayat another final reason will be considered sufficient, namely, shaking of the head. I beg of them to state clearly as to why the head is shaken. Such a provision as is sought to be retained in this measure would create doubts in the minds of the people as to the *bona fides* of Government. People will be justified in entertaining the belief that the Government wishes to do something else and say something else. The real purpose of the proposed law is different from what is actually stated to be. The Government seems to be afraid lest their friends should be estranged from them if they are told the exact reasons for which a panchayat is proposed to be suspended or removed. They are making, therefore, a crude attempt to please everybody. They are aiming at creating an atmosphere of uncertainty so that they may be able to keep their real intentions concealed in the mist of vagueness. I shall give you an instance how this scheme will work if this vague provision is allowed to be retained in the Bill. If a panchayat is suspended and after that the fact comes to light that members composing it belong to the party which is so loyal to Government it will be sought to hoodwink them by means of all sorts of plausible excuses. If the Minister in charge is taken to task by the people he will be able to say that the thing has been done at the instance of the Premier. If a question is put to the Premier he will be able to say that the action has been taken on receipt of complaints from the public. It is, therefore, clear that the Government will use this provision as a shield. I would urge that such provisions are the negation of straightforwardness. The learned Deputy Speaker has several times remarked that we should finish with this Bill as soon as possible. He seems to think that no discussion is needed on this Bill. But what does he say about the attitude of the Honourable Minister in charge who listens to our objections and even smiles in agreement but when we have finished he simply shakes his head in disapproval. I would ask the Deputy

[Pt. Muni Lal Kalia.]

Speaker to impress the value of time on the Honourable Minister if he is so anxious that we on this side should finish with this Bill without delay.

Do whatever you please. Throw the panchayats to dogs. Hang all the panches. But state the reason or reasons for the action that you take. After all, why should anyone hesitate in accepting this harmless demand? When a magistrate passes an order he gives reasons in its support, but you want to play havoc with the panchayats without even a semblance of an explanation for so doing. This amendment does not intend to restrict your powers. You are welcome to suspend or abolish any number of panchayats. Abolish by all means all the panchayats in Ambala, Hissar, Rohtak, Rawalpindi, etc., and continue the nefarious game in other districts. But tell us why you are abolishing them. That is all this amendment wants. My friends, your attitude is highly amusing inasmuch as....

Mr. Deputy Speaker : The honourable member is requested to address the Chair.

Pandit Muni Lal Kalia : I am saying everything through you, Sir. I was saying that the attitude taken up by the Government is ludicrous. They say they will suspend or abolish a panchayat at their sweet will but they will not state the reason for so doing. Now what is their difficulty? They can say that such and such panchayat is incompetent to perform its duties. Then there is the question of persistent default in the performance of a duty. In such a case they can say that the panchayat was warned many a time but it persisted in making the default in question and, therefore, we are going to abolish it. Similar is the case with "exceeding or abusing its powers." Thus the clause provides the Government with four clear reasons. Then you have the words "or should there be any other reason which in the opinion of the Government necessitates the suspension or abolition of a panchayat." We wanted to omit these words and stated the reasons for our desire to omit them. But the Government did not agree to their omission and assured us that these phrases would not be used to throw Congressmen out of power. Very well, we accept their assurance at its face value. But this stipulation makes it all the more necessary that the reasons for suspending or abolishing a panchayat be stated because the words "any other reason" are too vague and wide. Thus the amendment is very reasonable and necessary. It can do no harm to anyone. On the other hand it will work as a safeguard so far as the public is concerned. I would, therefore, request the Government to accept it.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu) : Sir, a good many reasons can be advanced in favour of this amendment, but the attitude taken up by the Honourable Minister reminds me of the saying :— اندھے اکیں دیکھنے تو اپنے دیکھنے کے We have proposed one after another so many useful and reasonable amendments but instead of trying to understand their reasonableness the Minister has in each case shook his head with a smile on his lips. The attitude of the Government is becoming more and more unreasonable at every step.

So far as the suspension or abolition of a panchayat is concerned the Government wanted that in addition to the reasons enumerated in the clause it should be empowered to abolish a panchayat for "any other reason which

in the opinion of the Government necessitates suspension or abolition." The House has given that power to the Government. But now we want that the Government should state the reason for suspension or abolition of a panchayat and no reasonable person can object to such a harmless and wholesome demand. It has been said that since the Congress party has expressed hopes of capturing the Treasury benches in the near future it should not grudge these powers to the Government. But that is not a cogent reason because we do not want even a Congress Government to deteriorate and become unreasonable like the present government.

After all, why should the Government object to this amendment? Every one will admit that the present attitude of the Government is incomprehensible. The Government have been given more than sufficient powers so far as suspension or abolition of a panchayat is concerned. Some of the reasons for so doing are expressly stated in the clause but then you have the words "any other reason" and thus it is incumbent on you to state what that "any other reason" is. We are not making any unreasonable demand and if you are not prepared to accept even this most reasonable and harmless amendment you will be advertising your utter unreasonableness.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*): When during the discussion on the previous amendment it was suggested from this side that the Government should not be given unlimited powers the Honourable Minister was pleased to remark that our fears were unfounded. He also suggested that it amounted to imputing motives to the Government to say that these powers would be used by the Government against its political enemies, i.e., the Congressmen. May be he is right. But past experience shows that our fears are not unreal and imaginary. The use which this Government has been making of the Defence of India Act is enough to justify our fears and our unwillingness to give unlimited powers to this Government.

The attitude of Government shows that there is some ulterior motive behind it and that is why the Government do not want to accede to our wishes. There is something that they want to conceal as it has been said by Ghalib—

کچھ تو ہے جس کی پردہ داری ہے

If the Government is at all relying on justice, as far as the sub-clause under discussion is concerned, then they should not make any hue and cry against this amendment which is to the effect that at the time of suspension or abolition of panchayats Government should give reason for so doing in the notification. This amendment is very simple and it would have been clear that what is required by this amendment is what justice requires. And if the Government persists in this very attitude this thought will linger in our mind that there is something in its mind which is contrary to justice and on account of which the Government wants to suspend a certain panchayat. With these words I support this amendment.

Mr. Deputy Speaker: The question is—

That in sub-clause (1), line 11, between the words "notification" and "suspend" the words "in which the reasons for so doing shall be stated" be inserted.

The Assembly divided : Ayes 20, Noes 37.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lal, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.

Harjab Singh, Sardar.
Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Hasan, Chaudhri.
Muni Lal Kalra, Pandit.
Rur Singh, Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Chhotu Ram, The Honourable
Chaudhri Sir.
Faiz Muhammad, Shaikh.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab.
Chaudhri.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Gurbachan Singh, Sardar Bahadur
Sardar.
Jagjit Singh Man, Sardar.
Khizar Hayat Khan, Tiwana, The
Honourable Major Nawabzada
Malik.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Amin, Khan Sahib
Shaikh.
Muhammad Azam Khan, Sardar.

Muhammad Hussain, Chaudhri.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din, Chaudhri.
Nasir-ud-Din Shah, Pir.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Ram Sarup, Chaudhri.
Shahadat Khan, Khan Sahib
Rai.
Shah Nawaz, Mrs. J. A.
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
Sardar.

ADJOURNMENT MOTION.

PRESS EMERGENCY POWERS ACT, 1931.

Mr. Deputy Speaker : The Assembly will now take up the discussion of the adjournment motion—

Premier (The Honourable Major Sir Sikander-Hyat Khan) : May I submit, Sir, that in consultation with my honourable friend the Leader of the Opposition it is proposed that the speakers from the Opposition Benches,

may if they so desire, take 45 minutes and the speakers from this side will take 45 minutes. Thereafter, the question, if it is to be put, may be put before 8 o'clock.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban) (Urdu): Sir, I beg to move—

That the House do now adjourn.

I think it necessary to submit at the very outset that until my honourable friend opposite made those figures available to me in reply to my question referred to in the adjournment motion I neither knew nor even expected that under the regime of this Government, that never gets tired of making lengthy declarations of its being democratic and popular, the plight of the Press would be so miserable and its freedom would be so callously curbed. The record of its sins of omission and commission during the past two years and a half was sufficiently black but I do admit that it had never struck me that under the present regime the Press has been so ruthlessly throttled.

Sir, so far as the worth and importance of the Press is concerned I am sure there would be no one in the House who would not bear me out that the evolution of democracy in a country mostly depends upon the freedom of the Press. Even a learned and experienced person like Lord Bryce says—

It is the newspaper press that has made democracy possible in large countries.

In a similar vein the Honourable Sir James Crerar, the then Home Member of the Government of India, while introducing the Press Emergency Powers Bill, in the Central Assembly admitted that—

The Press, Sir, discharges a function in the State which cannot be dispensed with. Whether it be the instruction of the Public, the formulation of public opinion or the reasoned criticism of public activities or the policy of the Government, they perform an inestimable part in public life. At the present moment, more particularly, when great constitutional issues are under consideration we must look to the Press to discharge its functions as the fourth Estate in the realm.

So far as the freedom of the Press is concerned I believe that even those honourable friends of mine, who think it their pious duty to object to every motion that emanates from the Opposition howsoever reasonable it may be, would admit that the freedom of the Press is one of the criteria to judge as to how far any particular country or a province has succeeded in bringing about the evolution of democratic form of government there. I think even the Honourable Premier himself is of the opinion that the first and the foremost duty of a Government is to protect the freedom of the Press. One may skip over the question of the reactionary attitude that this Government has adopted during these two years and a half in connection with certain other matters, but since it has curbed the freedom of the Press in the province I cannot be expected to forgive it even for a moment. The other day I put a question to the Honourable Premier to state the names of the newspapers and presses from which securities had been demanded as well as the names of the papers and presses whose securities had been confiscated under the Press Emergency Powers Act since 1st April, 1937, and also to state the amounts of securities so demanded or confiscated in each case. In reply to this question a lengthy statement was made available to me. When I went through it and examined the figures, I found that the number of the papers that had been asked to deposit securities was not 40, 50, 100 or 200, but it was more than 300. The number of printing presses that were called

[L. Deshbandhu Gupta.]

upon to deposit securities was no less than 67. It was indeed a matter of surprise for me and in fact for a moment I could not believe that the record of a government that claims to be a democratic one and proudly declares to be leading other provincial governments can be so black. At first I thought that probably the clerk concerned had made a mistake in carrying forward the figures of one year to the next and thus added them together. However, I with the help of a friend of mine again calculated the figures and found to my great surprise that he had not committed any such mistake. On the other hand the fact is that the amount of the securities demanded from the newspapers during the period is no less than Rs. 2,22,000. There is no doubt about the fact that being in the Opposition it is our duty to bring to light the sins of omissions and commissions of the Government but when the honour of the whole province is involved we generally do so most reluctantly. I am free to admit that the figures were so high that they made me hang my head in shame. Being the only journalist in the House I strongly felt my responsibility in the matter. More than two years had passed and still I could not know as to how the Press is being strangled here in the land of five rivers. The figures that were supplied to us even made the Honourable Premier wince for a moment. But later he as usual remarked in reply to a supplementary question "there is nothing abnormal about it." Sir, I really felt surprised to see that he not only reiterated that remark several times but also tried to get out of the quandary by pleading that those figures were nothing in comparison with the figures of the previous government. But he did not dare to compare those figures with the figures of the other provincial governments. While comparing with the figures of the previous government it did not strike him that the latter was not a responsible or popular government. Then he tried to evade the issue by saying that those figures denoted the amount of the securities demanded and not of those confiscated. I have compared these figures with those of the previous years. I think you will be surprised to know that whereas our present Government during the two years it had been in office had demanded securities from 367 presses and newspapers, its predecessor, the bureaucratic Government, when my honourable friend was also a member of it, during five years previous to the introduction of the provincial autonomy, had demanded securities from 156 newspapers and presses. The total amount of securities demanded by the latter amounted to Rs. 97,000 while the total amount of securities demanded by our learned Premier, who now poses to be the custodian of all the democracies of the world, comes to Rs. 2,22,000. Besides I have compared these figures with those of each of the previous years. I have compared these figures with those of 1936 and also those of 1935 and even with those of a year or two previous to 1935. I have worked out the annual average which comes to 31 presses and newspapers and Rs. 19,450 as security money. But as against this the annual average during the past two years of provincial autonomy comes to 188 newspapers and presses and Rs. 1,22,000 as security money. It is, therefore, obvious that our Ministry, while claiming to be the champion of the cause of liberty and freedom, do not deem it proper to lag behind in the matter of demanding securities from the newspapers and presses when its predecessors, the bureaucratic Government, used to do so. What they have been doing in this respect

is that where their predecessors demanded securities from one newspaper they demanded securities from five newspapers. Again it is quite clear from the official statement that 90 per cent. of the newspapers from which securities were demanded had not even been born. Before it could be seen what those newspapers published the Government thought them dangerous and asked them to furnish securities and in this way they strangled them outright. I ask them if they acted democratically when they demanded securities from newspapers which had not yet seen the light of the day and in regard to which they had not got any material to justify them to hold that those newspapers would commit offences. The natural result of this repressive policy of Government is that either those newspapers are compelled to deposit the required securities or close down their publication. I can say without any fear of contradiction that in no other province have securities been demanded from so many newspapers during two years or even in a period of five years, as have been asked to furnish securities during two years in the Punjab. Let me make it clear that the figures which I am quoting are taken from the statement that has been supplied to me in answer to my question. Probably the Honourable Premier will put forward this plea in his defence that there has been some misunderstanding about their figures. In fact the figures that he supplied in answer to my question were about the securities demanded and the figures that were supplied in answer to a previous question were about the actual deposits. If it is so, may I know how far those figures are exact which he has supplied later and whether or not the other figures have been supplied by him? If it is not so, will he please state whether it is a matter to be proud of? No matter what the previous Government had been doing, at least this much is quite correct that in this short space of two years 90 per cent. of the newspapers, monthlies and weeklies, which were asked to furnish securities, were those which had not yet come into existence. Is this the way in which a democratic Government acts? Anyone who knows the meaning of democracy cannot call this Government a democratic Government.

Besides, there is another interesting aspect of this list of newspapers. If you have a look at it you will find that among the newspapers from which securities had been demanded and which were considered to be dangerous include such magazines and newspapers which have absolutely nothing to do with politics. The names of some of these are as follows: the "Railway Worker", the "Vaidic Magazine", the "Railway Advocate", the "Financial World", the "Ahisa" the "Arur Bans Samachar", the "Arya Patrika", "Alhakim", that is the Government is opposed to even medicine, the "Istry Jiwan", my sister Begum Shah Nawaz is present in her seat and she should also listen to it very carefully. The "Film Adviser", the "Ashhut Samachar", the "Filmy Sansar", the "Arya Vir" and over and above all there is one thing which still is more astonishing. My learned friend the Honourable Chaudhri Sir Chhotu Ram is not present in his seat, but I ask his Parliamentary Secretary to listen to it carefully that in this list of newspapers there is one magazine, namely "Sana-o-Tajarat" which appeared to the Government so very dangerous that they felt the necessity of demanding security from it. Besides, the list included the "Film Director" and the "Guru Nanak". (*Hear, hear*). Apart from the consideration that the Government may defend and justify every one of its acts, if it cares to

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ponder over this matter a little and tries to give a reply, it will have to admit that previous to this no Government has ever demanded so many securities from the Presses. I ask them in all seriousness whether the Press Emergency Act was meant to be abused that you should use it so indiscriminately against such weeklies and literary and industrial magazines and social journals even at times when they had not seen the light of day. Is it not an open abuse of this Act. Did the Government of India introduce this Act in the Central Legislature with this object in view? Does it not amount to a condemnation of this Act?

Now I would like to draw your attention to the words used by Sir James Crerar, while moving this Bill in the Central Legislative Assembly. He said—

“The bill is restricted to incitement and encouragement of murder and crime involving violence and nothing else.”

Now, in view of these words will my learned friend tell me if the Act has been properly used in this province and that he has acted according to its provisions or has abused it? He should reply to this question on the floor of the House. If even in these circumstances he tries to justify his conduct, it will have to be taken for granted that since they have come into power practically no change has taken place in the provincial Government. The fact of the matter is that my friends are otherwise occupied and the administration of this province is being run as usual by the Chief Secretary and other I.C.S. officers and that our Ministers are helpless. If it is not so, then the second alternative is that our Ministry is inefficient and careless. However he will have to admit one of the two things, that either the Ministers are so very helpless that they cannot go against the wishes of the Chief Secretary and other Secretaries, or that they are so very careless that they do not know as to what is happening in the province.

I once again draw the attention of the Honourable Premier, who has strangled so many papers, to the words of Sir James Crerar that the Bill was restricted to incitements to and encouragement of murder and crime involving violence and nothing else. Sir, I would like to know if anybody could have any apprehensions about the newspapers and journals like the Beopar Sandesh, the Sanat-o-Hirfat, the Istri Jiwan and the Guru Nanak, that they would incite to or encourage murder or any offence involving violence. I must say that their activities and opinions were to be confined to social and commercial matters. I am, therefore, of the opinion that if in the face of the concrete facts stated by me, the Honourable Premier has the courage to say that his Government have neither abused the powers vested in them by the Press Emergency Act, nor have they tyrannised over these newspapers, he would be making a really bold statement. We are fully aware that the big Sardars and Faujdars of the Unionist Party can throw out any motion brought forward by the Opposition by means of their numerical strength. But I may point out that they cannot hoodwink the province or the country by rejecting a motion merely by voting against it. I want the Honourable Premier to meet these objections with facts and cogent arguments and not with the votes of a comfortable majority at his back. In this

connection I would like to draw the attention of the House to section 4 of the Press Emergency Act. Its perusal would make the object of the Act quite clear. It runs as follows :—

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—
 - (a) incite to or encourage, or tend to incite or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or
 - (b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence (or which tend directly or indirectly,....)
 - (c) to seduce any officer, soldier, sailor.....etc., etc.

I do not want to take much of the time of the House by quoting extracts like that. But may I ask if in view of the clear and unequivocal words of this section my honourable friend can advance any argument to prove that the powers have not been abused. Sir, I have already stated the names of those innocuous newspapers and journals which have been victimised by the Government under the cover of the Press Emergency Act. Now I may bring to your notice the percentage of those newspapers from which securities have been demanded. There are about 650 newspapers and journals published in our province, and the number of those newspapers which have been ordered to deposit securities is more than 300 or in other words the percentage works out to be 51 per cent. of the total publications. These newspapers and journals could have added to the number of publications in our province but the pity is that the Honourable Premier has strangled them outright. This is an important matter and I would like the House to realise its seriousness. In this connection I may add that a Premier of another province, who is a Muslim Leaguer, and is also a friend of the Honourable Sir Sikander Hyat, had the audacity to say that the Bombay Government had demanded securities from a considerable number of newspapers and was responsible for stifling a large number of Muslim newspapers. I do not want to discuss the list of newspapers strangled by the Punjab Government, from the communal point of view although much can be said about it. But when the Bombay Government issued facts and figures relating to this allegation, it was found that only 21 newspapers had been asked to deposit securities which were later on refunded in the case of several of them. Similarly, the Government of the United Provinces has been much maligned by my honourable friends. The figures supplied by the United Provinces Government go to show that securities had been demanded of only 15 newspapers. In this connection it is interesting to note that the bureaucratic Government of our province during the last four years of its regime ordered the newspapers to deposit securities to the tune of Rs. 97,000 and refunded the money to the extent of Rs. 64,000. These figures speak for themselves. They need no elucidation. It is said that deeds are more eloquent than words. It is the actions which really impress the people. Fine words butter no parsnips. To-day we have to see how the Honourable Premier meets our objections.

Besides, I would like to point out that these presses from whom securities have been demanded, have absolutely no connection with politics.

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The honourable members can easily realise how this coercive attitude on the part of the Government, would prove detrimental to the trade of printing, etc. My lawyer friends would agree that it is a fundamental principle of jurisprudence that so long as a charge against a person is not proved to the hilt that person is considered to be innocent and he cannot be convicted under the law. But it is a thousand pities that with the advent of democracy in our province the meanings of justice and law and the principles underlying them have changed altogether. I know full well that the Honourable Premier would quietly reply that he believes in the proverb "Prevention is better than cure." But I cannot help saying that this is no cogent reply to the objection as to why he had demanded securities on such a large scale. I can say with the fullest confidence that the number of securities demanded from newspapers in the Punjab is far larger than the number of securities demanded by all the eight Congress governed provinces. These are solid facts which the Honourable Premier cannot refute with flimsy arguments. Now let us see as to what is the object of the Press Emergency Act and whether under its provisions Government were justified in demanding securities from the newspapers and journals of which I have already made mention. May I know if that was the object of the framers of this enactment? Sir, I know that in order to meet this objection, Government would say that under the Act the powers to demand securities have been vested in the magistracy. It is the magistrates who in the exercise of these powers demanded securities from the newspapers. The Government are in no way responsible for this. I cannot help saying that such a preposterous and unconvincing argument can be expected of only Sir Sikander. Besides, it is laid down in the Act that at the time of demanding securities the magistrate would record his reasons for doing so. I think it is about ten days that I gave notice of this adjournment motion. May I know if the Honourable Premier has taken the trouble of calling for the files and studying them with a view to find out as to what reasons have been recorded by the learned magistrate for demanding securities from the journals and newspapers like the Ahmisa and Sanat-o-Hirfat? I am constrained to remark that the Government are deliberately suffocating the Press. They want to suppress the truth lest the people should see things in their true perspective.

With this end in view the Government have established another department to curtail the liberty of the Press. It is called the Information Bureau, Punjab. The first attempt invariably is to demand security at the very outset. In this way the coming out of new journals is discouraged. But if some paper or press is tenacious enough to survive this ordeal, it is threatened with the application of the Defence of India Act that has only recently been promulgated, so much so, that sometimes the proceedings of the Punjab Assembly are not allowed to be published in the Press without being first subjected to censorship. An example is not far to seek. It was so done in connection with the discussion of the resolution pertaining to the present European war. But if in spite of these measures some papers stick to truth and righteousness, the Director of Information Bureau, Punjab, is there to work as their evil genius. That officer tries to gag them by offering the bait of Government advertisements to them. In

addition to this several other back door methods are adopted. Can our Premier take pride in these measures? I hope he would make a departure from his stereotyped method of trying to defend his mistakes, and make an open confession of his errors to-day. If he thinks that this confession will bring him into disrepute, he may prohibit the publication of to-day's debates in the Press, so that outsiders should not know it. He must admit his mistakes. Sir, if the Honourable Premier fights shy of bringing the black deeds of his Government to the notice of the public, he should take the necessary steps to prohibit the publication of his confession in the Press. I have repeated this because if he does even this much I will be satisfied. It is a pity that he has not realised so far that Press is the very soul of democracy. But he has left no stone unturned in throttling the voice of the Press. I would like to strike a note of warning to Sir Sikander Hyat-Khan that the Press will not take this humiliating treatment and the repressive policy lying down. To-day he is in a position to forbid them to express their resentment against him, under the pretension of war. But he should realise that this state of affairs will not last for ever. The Press will ultimately be obliged to retaliate. The Premier should not underestimate the force of the Press. When the time comes for its retaliation, the Premier will not be able to enjoy a sound sleep. If, however, the Premier will persist in his old methods, the Press will be obliged to say that he is out to finish up with the Press of this province, and is also bent upon uprooting democracy from this soil. But the time is not far off when the Press will be compelled to defy the Government even at its own peril. I want to see to-day if the Premier again defends his policy or pleads guilty to the charge of abusing the Press Act that has been levelled against him.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu) : Sir, the Press (Emergency Powers) Act of 1981 was brought on the Statute Book with the sole purpose of preventing the acts of terrorism that were alleged to be committed during 1929-80 and 1981. But unfortunately the Unionist Government in the Punjab have taken it into their heads to put a different meaning into this Act. They seem to think that it is an act of terrorism to say anything against the unreasonable propaganda of the Unionist party. Now every sensible person would realise that the criticism of any party in power does not constitute an act of terrorism.

We have had a foreign bureaucracy in the Punjab upto 1987. But bad as that bureaucracy was, the present democratic government is even worse than that. A general outline of the misdeeds of this Government as regards Press has already been presented to you by my honourable friend Lala Deshbandhu Gupta. I will now lay before you a specific and a concrete example of their highhandedness. It would be interesting to note what flimsy reasons they give for taking action under the Press Act. As a matter of fact I had also given notice of an adjournment motion relating to this subject. But unluckily the name of Rohtak District had crept into the wording of that notice. That was enough to upset the mental equilibrium of the Unionist Government because nothing is more irritating to it than the name of the Rohtak district in the mouth of a critic. Consequently my adjournment motion was disallowed.

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Let me come to the real issue now. There were only two papers in the districts of Rohtak, Gurgaon, Hissar and Karnal. One was the Congress organ. The other is the organ of the Unionists which is generally known as the "Today Gazette." Obviously the Unionist Government disliked the "Haryana Tilak" and with a set motive issued three successive warnings to it. The first warning was issued on the pretext of communal conflict that appeared in the locality. In fact the police had failed in its duty to maintain peace and tranquillity in the public but the Government wanted to punish the Congress organ for the sins of the police. The second warning was given to this paper on account of a leading article published therein saying that the Unionist Government is composed of big landlords and that it had no real sympathy with the small landholders. As if not content with these two warnings given through the District Magistrate, the Punjab Government became anxious to issue yet another warning and they found an opportunity for this third warning on the 7th October, 1938, when the Honourable Premier and the Honourable Minister for Development went to Rohtak and had their procession taken on elephants. Goondaism was rampant in the front part of the procession as badmashes were beating and looting shopkeepers and others. In their very presence a poor confectioner's shop was looted in the Conference compound and his servant was so mercilessly beaten that he remained in hospital for weeks. A general state of lawlessness was created in Rohtak by the supporters of the Unionist party. When an enquiry was demanded by the public and the true reports were published in the Haryana Tilak, the Government seized the third opportunity to issue a warning. It was not the District Magistrate who issued these warnings. It was the Chief Secretary of the Government under whose signatures the warnings were sent. But what exposes the Unionist Government is the pretext on which those warnings were given. When in the Assembly I asked for the reasons of those warnings, most evasive and wrong answers were given. The reason for the second warning was repeated in an answer to a question relating to the third warning. Finally the notice to deposit a security of Rs. 1,000 in respect of the paper and Rs. 1,000 in respect of the Press of Haryana Tilak was issued by the Chief Secretary, Punjab Government, on 14th August, 1939. It was mentioned in the notice that certain articles were published in the Haryana Tilak, dated 18th July, 1939, on account of which this action was being taken. Now, one of those articles was written by myself and its heading in Urdu was as follows :—

”ہریانہ کے مرکز میں حکومت کی مٹی پلید“

* اتحادی کورلمنٹ کا ضلع رملک کے فڈم و نسق پر اثر“

خط نمبر ۱۰

There was nothing in this article which could be said to constitute an act of terrorism nor was there any disaffection spread against the Government nor

between different classes of His Majesty's subjects. To prove this I would like to quote the following important and larger portions of this article :—

”ضلع رھتک کی جانبدار کمزور حکومت کا دور ابھی ابھی ختم ہو چکا ہے۔ اندھیر کوئی کے زمانہ کی یادگار کے طور پر اس قدر اہم میپٹر لکھی دت اور مختصر بشیر احمد سابق باغیہ مال اور حال قلعہ ریلیف علیہاں باقی ہیں۔ ضلع رھتک کے نظم و نسق میں دو زبردست خرابیاں پائی جاتی ہیں۔“

ایک تو جرائم شہری اور غلہ کوئی کی حوصلہ افزائی۔ یہ ایک کھلی ہوئی حقیقت ہے کہ ضلع رھتک کے چند تھانوں میں ضلع ہر کے جرائم کی اسکیمیں تیار ہوئی ہیں۔ کیا سہ کیا جدا کیا چوری کیا ڈاکہ اور کیا قتل سب سب ہی تو جرائم یہاں سے پیدا ہوتے ہیں جو ضلع کا صدر قیام ہے۔

نامائز اسلحہجات اور فراہم کے مرکز بھی اس جگہ موجود ہیں مگر اصل بات تو یہ ہے کہ میلوں کا حقہ کون پکڑے۔ ماتحت افسران کی تو اتنی مدت اور جرات نہیں اور میں انکو ضلع کے جرائم کی روک تھام میں قطعی کے بس سمجھتا ہوں۔ آخر حکام کی یہ حالت ہے کہ وہ سچے واقعات سے اس طرح انکھیں بند رکھنا چاہتے ہیں جیسے کپوتو پانی کے سامنے۔ اگر کوئی پولیس کا آدمی ان کو اصل حقیقت سے آگاہ کرنا چاہے تو پولیس والے قانون کی کمی اور میسجٹریوں کی نااہلی پر غلط دینے لگتے ہیں۔ اور میسجٹریوں کی پولیس کے انتظام و نیک نیتی پر صرف کھوی کرتے لگتے ہیں۔

Further in my criticism I said :—

اس وقت ضلع رھتک میں سرل اور پولیس کے ماتحت افسران اور میسجٹریوں میں ایسے آدمی موجود ہیں کہ اگر سپرنٹنڈنٹ پولیس اور تھانی کمشنر سے لگا کر سر سکندر حیات خان تک اس ضلع کے جرائم اور ان کی وجوہات کا کچا چٹھا سنا چاہیں تو تمام راز مانی سرہستہ کا انکشاف ہو سکتا ہے..... مگر ضلع رھتک کی موجودہ پرہادی کا مہربان تو یہ پارٹی کورنمنٹ بنی ہوئی ہے جس کی نگاہ میں پارٹی مفاد کے آگے حق و انصاف کو قیام امن کی کوئی وقعت نہیں۔

[Pt. Shri Ram Sharma.]

Another point was raised in connection with the famine relief measures in the Hissar and Rohtak districts just as the matter was made subject of interpellations. This is what was actually written :—

دوسری ہدایتی ریلیف کے کام میں کہلی اور منظم بے ایمانی ہے جس میں گورنمنٹ کے خزانہ سے نکالا ہوا نصف روپیہ بھی غریب کسانوں کے ہاتھ نہیں پہنچتا۔ اور عین صدر مقام پر اندھیر گری کا وہ بار بار گوم رہا ہے جس کی مثال دور نزدیک نہیں ملتی۔

I draw pointed attention to these words for which security was demanded.

In the end of that article I wrote :—

میں اس سلسلہ مفہوم کو ان الفاظ کے ساتھ ختم کرتا ہوں کہ ٹوٹی پارٹی کے مقامی سرغنوں کے ہاتھ میں نذرانے کے کٹ پتلی بننے کا نتیجہ اس خونخوار کی شکل میں نمودار ہوا ہے۔ میں اُمید کرنا چاہتا ہوں کہ ضلع روہتک کے حکام اور پنجاب گورنمنٹ اپنی پچھلی غلطیوں اور حماقتوں سے سبق حاصل کرے اور ضلع روہتک کی مصیبت اور بربادی ختم ہونے میں آئے۔“

But the only lesson which the Government learnt was that it demanded security of Rs. 1,000 from the "Haryana Tilak" and of the same amount from its press. Then, in connection with satta and gambling it was commented in the paper on which the security has been demanded :—

”ستھ اور جوا کے لئے قصہ روہتک اور علاقہ بہت بدنام ہو چکا ہے۔ روہتک کی قماربازی اور سٹے بازی کا ختم کرنا کوئی خالہ جی کا کھر نہیں۔ کوئی سیورنگڈنٹ پولیس بڑا ہی بے لاگ اور دل گردے کا آدمی ہر تو ان جرائم کی روک تھام ہو سکتی ہے۔“

Because :—

”جرائم کی حوصہ افزائی کا ذمہ بعض صورتوں میں پارٹی گورنمنٹ ہے“

In the fourth article an attempt was made to offer criticism on the work of the Fodder Advisor; but that seems to have offended the Government. It was pointed out :—

”مولوی فتح دین۔ فوڈر ایڈوائزر کی مانتی میں تقسیم تقادی ہوسہ میں غریب زمینداروں پر بڑی زیادتی کی گئی اور زمینداروں اور مانتی انیسویں نے خوب لوٹ کھسوٹ مچائی ہے ضلع روہتک کی جو قسط کانفرنس ہوئی اُس میں پانچ ہزار سے زائد زمینداروں نے جمع ہو کر اتفاق رائے سے اس مولوی کے خلاف عدم اعتماد کی تحریک پاس کی ہے۔“

The next news to which exception was taken was about the tour and speech of Sir Chhotu Ram who said that :—

”اگر سرکاری ہفتوں کا قرضہ نہیں دوئے تو تمہاری قید اور قرقیان کی جائیگی۔“ اس خبر میں درج ہے کہ وزیر صاحب نے مسٹر بشیر احمد— اسسٹنٹ قضا انچارج کو ایک شاباشی کا پرائیویٹ خط لکھا تھا۔“

The policy of the Unionist Government was criticised in this respect but the articles criticising the Government were made the basis for demanding security. Is it fair? I want to make it clear in this House that the Government has demanded security on the basis of those articles which were absolutely harmless and in which only healthy criticism was offered on the basis of facts.

According to the Government the last objectionable news is about a daring dacoity in villages Bilochpura in the constituency of the Honourable Minister for Development and the headings of which are :—

(۱) قطعی ہے فوری اور دیدہ دلیری کے ساتھ رز روشن میں پانچ چھہ
مہنگے تک نہایت ہولناک اور سفسٹی خیز داکہ۔

(۲) موضع بلوچپور تحصیل جھجور میں پچیس تیس مسلح داکوؤں نے
گاؤں میں ناکہ بندی کر کے غدر مچا دیا۔

(۳) اتحادی گورنمنٹ کی غلط پالیسی اور پولیس حکام کی جانبداری
اور کمزوری نے ضاع رہتک کو موہہ سرحد بنا دیا۔

(۴) رہتک ضلع کی نواایخ میں ایسا خوفناک داکہ کہی نہیں پڑا۔

Now, what is the attitude of Government about the gutter press which supports its own cause? There is a newspaper which is the organ of the gutter press which exists for furthering the cause of the Unionist Party. It is virtually owned by one of the Honourable Ministers who has been its editor too for a long time. Previously he had to go from village to village collecting funds to keep his newspaper going. But now all the expenses of this paper are provided from the money which goes to it in the shape of charges for publishing advertisements of the conciliation boards. The sum amounts to three to four thousand a year. Although its sale is very limited, and more than half of the total circulation is being sent free of cost, it continues to exist with the help of funds indirectly supplied by Government. And the Honourable Premier was pleased to remark that the newspaper was very *magbul* (popular) among the people. Surely the Government has monopolised every thing *magbul*. One of its secretaries is *Magbul* and one of their third class party organs is also very *magbul* (*Laughter*) I have very little time at my disposal, otherwise I am capable of subjecting the deeds of this Government to a good surgical operation. It is guilty of gagging the newspapers which offer even legitimate criticism on its policy. On the other hand

[**Mr. Shri Ram Sharma.**]

it supports by all means, fair or foul, its own gutter press like the *Jat Gazette* of Rohtak. Recently Tahsildar, Jhajjar, was courageous enough to return this party organ of the Unionist Party unread as he did not wish to read it and he was made the butt of most objectionable criticism in that paper. Although sins of commission and omission are committed everywhere in the days of this Government, the Rohtak district has the most unenviable reputation in this respect. But nobody pays any attention to the crimes and highhandedness committed in the Rohtak district. Why? It is considered that the Rohtak district is the very soul of the Unionist prestige and power. No attempt is, therefore, made to tamper with the loyalty of such party agents who are guilty of offences of all types and descriptions. The North-West Frontier of the Punjab, Sir, had been reformed to a very great degree on account of the influence of the Congress Government there, but the conditions in the South-East Frontier have become worse. The Sikander Shahi has made conditions worst on account of its conniving at various crimes and highhandedness committed by men who are best suited to further party interest and the officers there are made to be subservient to these party agents and the publication of these facts is being dealt under the Indian Press Emergencies Act.

Premier (The Honourable Major Sir Sikander Hyat Khan): Sir, I do not propose to pay any attention to the hectic and irrelevant arguments of my honourable friend the last speaker who constantly smarts under the feeling that in his own district he is being routed by another political party and attempts to vomit forth unnecessary bile in this House. I for one am not prepared to bring the debate to his level. He has tried to read out certain extracts, taken away from their main context, to pillory the Government for taking securities on their basis from his own paper. I would not go into the details and the antecedents of that paper or the antecedents of its editors and those who run it. I will confine myself to the relevant points raised in the speech of my honourable friend Lala Deshbandhu Gupta who moved this adjournment motion. One of the appeals which he made in the course of his speech was that I should not try to convince the House by rhetoric but should confine my speech to facts and figures. I am going to accommodate my honourable friend in that respect and I will confine my speech mainly to facts and figures. Before I come to detailed figures, I may just give a brief summary of what I am going to say. Here is a *Press communiqué* which I was going to issue but fortunately my honourable friend gave notice of this adjournment motion and I welcome it, because it gives me an opportunity of vindicating the position of the Government and incidentally my own, for I happen to be in charge of this particular department. It is fortunate, Sir, the *communiqué* runs as follows—

Incorrect and misleading reports have appeared in the Press based on wrong inferences drawn from a statement laid on the table of the Punjab Legislative Assembly on 27th October, 1939, in reply to a question asking for the names of the newspapers and printing presses from which securities had been demanded under the Indian Press (Emergency Powers) Act from the 1st of April, 1937 to 31st March, 1939. The reporter responsible for the circulation of the misleading report does not seem to have fully comprehended the nature of the information contained in the official statement the heading of which clearly stated that the amounts given therein denoted demands only. Apparently demands

had been taken to mean deposits of securities with the Government. They have confused the two things, demands with deposits. The statement included demands of securities required by the Provincial Government under section 7 (3) and section 3 (3) of the Act and initial securities by district magistrates under sections 7 (1) and (3) (1). The latter are always refundable after three months provided no action is taken by Government during that period. Out of a total number of three hundred applications for starting fresh newspapers and 67 for starting printing presses, from whom securities had been demanded in the course of two years, the number of those who actually deposited that security was 23 and 34, respectively. The figures regarding applicants are in no way abnormal as compared with the preceding years. In the case of demands of initial securities by district magistrates from new declarants 90 per cent of the securities represented demands from new ventures of men without growth many of which represented no bona fide intention of supplying the public with news. The would-be publishers invariably had no financial backing and no experience of journalism and were frequently dummies.

Lala Deshbandhu Gupta : Is there any such provision in the Act that you can demand securities on this ground ?

Premier : Wait, you will get everything, provisions of the Act and the policy of the Government, everything. They had no experience of journalism and were frequently dummies—

The total sum is inflated by one person trying more than once to get a declaration under different names (*Interruption*).

I will come to that point of which my honourable friends wanted to make capital about the Railway Samachar and Shakti and some other papers which he mentioned. I have got a concrete instance here—

Excepting the case of one printing press, the initial security of all newspapers and presses whatever their amount deposited by the new declarants, were refunded to them after three months (*hear, hear*).

An Honourable member : You could not help that.

Premier : Please listen to me. I am giving you the facts. You were giving us fiction. This is the amount, the actual amount—

Held by Government in that form or deposits made by newspapers and printing presses is only Rs. 27,500 and not Rs. 2,22,000 as alleged in the newspaper's report. It may be pointed out that when a person comes forward in good faith to make a declaration for starting a newspaper or a printing press, his political convictions are not the basis for demand of security.

An Honourable member : Ah !

Premier : My honourable friend says ' Ah '. I can give the instance of my honourable friend sitting opposite.

Sardar Sohan Singh Josh : I say ' Ah ' because I have experience.

Premier : I refer to my honourable friend Dr. Satyapal.

Lala Deshbandhu Gupta : There must have been some special reasons for that.

Premier : My honourable friend Dr. Satyapal would bear me out that when he wanted to start the National Congress, no initial security was demanded from him. There is another recent instance, a prominent member of the Congress Party from the North-Western Frontier Province has recently come into this province and wants to start a paper. No security has been demanded from him. So I can with my hand on my heart say that political considerations do not enter into this decision. My honourable friend Mr.

[Premier.]

Josh says—'I have my own experience'. He is speaking of his own experience but his experience unfortunately is not confined to two years. His experience probably dates back to the last ten or 12 years, and we have not done any more than taken necessary precaution which was prescribed by his previous experience. Now let me give you some details. I am afraid I may have to bore the House, because these figures are dry but statistics are always useful. As I have already said, the number of securities actually deposited by newspapers and printing presses during the period from 1st of April, 1937 to 31st of March, 1939, was 23 and 34, respectively. I will now give you comparative figures for years previous to the present Government coming into office and also for the years during which this Government has been responsible for the administration of this department—

- (a) The number of securities actually deposited in the two years (1935 and 1936) preceding Provincial Autonomy, by newspapers under the orders of the local Government under section 7 (3) and under District Magistrates' orders under section 7 (1) and enhanced securities under section 9 (1) was 28 as against 23 for the first two years under Provincial Autonomy.
- (b) The number of securities actually deposited in the two years (1935-36) preceding Provincial Autonomy by printing presses under the orders of the local Government under section 3 (3) and under District Magistrates' orders under section 3 (1) and enhanced securities under section 5 (1) was 25 as against 34 for the first two years under Provincial Autonomy.

This gives a full and vivid comparison of the entire action taken by local Government of the pre-Provincial Autonomy period since the coming into force of the Indian Press (Emergency Powers) Act, XXIII of 1931, and by the present Ministry from the 1st April, 1937 to the 31st of March, 1939. I might give comparative figures which would make the position quite clear. These are the figures—

Pre-Provincial Autonomy—

1932	8
1933	9
1934	12
1935	10
1936	18

First three months—

1937	9
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Remaining 3 months of—

1937	7
1938	15

Provincial Autonomy period—

First 3 months of—

1939	1
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The yearly average during the pre-autonomy period for the years I have mentioned is 12.57 and the yearly average for two years of provincial

autonomy is 11.50. So my honourable friends will see that so far as the period when we have been concerned with this matter goes we compare favourably with the pre-reform period.

Lala Deshbandhu Gupta : What about confiscations ?

Premier : I will come to that. I have got the figures with me and my honourable friend need not be impatient. I will give him the figures of actual amount forfeited and he will be surprised when he sees these figures. These figures, however, represent cases in which deposits were actually made, they do not represent the total number of demands and the amounts demanded. That may be made clear by the detailed figures of demands made by Government (excluding district magistrates) given below. I give the figures by the year now :—

(a) Newspapers.

Year.	1932.	1933.	1934.	1935.	1936.	1937— 1st January, 1937 to 31st March, 1937.	1937— 1st April, 1937 to 31st December, 1937.	1938.	1939— 1st January, 1939 to 31st March, 1939.
Number of publishers of newspapers from whom securities were demanded ...	16	4	6	4	8	4	4	9	4

My honourable friend will see that we compare very favourably with the pre-reform days.

Lala Deshbandhu Gupta : From whom securities were demanded.

Premier : These were securities demanded by the provincial Government. If the honourable member listens to me I will make it quite clear.

Lala Deshbandhu Gupta : Let us know the pre-autonomy days figures pertaining to securities that were demanded by district magistrates.

Premier : These are the figures of securities demanded by Government directly. I will give you figures for magistrates also. If you just have patience you will have all the figures. These figures indicate that as compared with pre-autonomy period, these figures are smaller. Now, let me give you the actual amounts, the total amounts asked for—

	Rs.
1932	88,000
1933	8,000
1934	10,500
1935	15,500
1936	11,500
First 8 months—	
1937	5,000

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Remaining 9 months—

1937	8,000
1938	9,000
1939	3,500

So if my honourable friends will compare these figures with the figures for pre-autonomy period, they will find that the figures for our period are much less so far as the actual amount is concerned. Now let me give the House the figures regarding the number of papers that deposited securities—

1932	..	..	..	..	4
1933	..	..	..	..	2
1934	..	..	..	..	5
1935	..	..	..	..	3
1936	..	..	..	..	5

Three months—

1937	2
------	----	----	----	----	---

Nine months—

1937	..	..	..	..	..
1938	..	..	..	..	7
1939	..	..	..	..	1

The amount actually deposited by these—

					Rs.
1932	..	..	..	..	9,500
1933	..	..	..	..	1,000
1934	..	..	..	..	8,000
1935	..	..	..	..	2,500
1936	..	..	..	..	6,500
First 3 months of 1937	..	..	..	..	3,000
Nine months of 1937	..	..	..	..	Nil
1938	..	..	..	..	7,500
1939	..	..	..	..	1,000

Here again my honourable friend will find that the actual amount of security asked for during our regime is much smaller than what was asked for in the preceding years. In 1932 the local Government took action against 16 newspapers and 19 printing presses and demanded securities to the extent of Rs. 98,000 and Rs. 44,500, respectively, of which only Rs. 9,500 and Rs. 7,000 were deposited. In 1935 the local Government called upon 11 newspapers and 13 printing presses and demanded securities to the extent of Rs. 15,500 and Rs. 17,000, respectively of which Rs. 2,500 and Rs. 8,000 were deposited.

Lala Deshbandhu Gupta : But those were civil disobedience days.

Premier : I will indicate the reason why the figures went up in 1932. The severity of action in 1932 was due to the newspapers' aggressive attitude during the Kashmir agitation and in 1935 due to the Shahid Ganj affair. The corresponding number for the nine months of 1937 under Provincial

Autonomy was 4 for newspapers and 17 for printing presses. They were required to deposit Rs. 8,000 and Rs. 10,500, respectively of which there were no deposits by newspapers while Rs. 7,000 were deposited by printing presses. Action was necessitated by the acute form which the Arya Samaj versus Sanatanist controversy took during these months. My honourable friend forgets that there is a very large number of communal papers which have no other business except to abuse one section of the same religion or of another religion. My honourable friend will see that in the main action was taken against those periodicals and newspapers which come under this particular category. As I have said, so far as political papers are concerned we do not ordinarily ask for any security except in those cases where we have reason to believe that they are dummies and not *bona fide* people who want to black-mail.

My honourable friend knows that for sometime during this year, the communal tension was at its height, and only last year, that is, 1938, it showed inflated figures. We had to take action against several people merely to see that no further trouble was created in the province. This is the reason why the Arya Samaj Satyagrah movement passed without any serious disorder. My honourable friends must be thankful to the Government for that. I do not take credit for that myself. I am thankful to the kindly Providence for his guidance. In other provinces my honourable friend knows perfectly well what has happened. He is always in the habit of making comparisons. These comparisons are odious and sometimes most embarrassing to me because I do not wish to say anything unsavoury about any other Government, but, unfortunately when he, professing himself to be a Congressman, distorts facts, it is my duty also to give the true facts. I will give a recent instantaneous of what happened in some other province. I hope my honourable friends of the Press Gallery will not publish it, because apparently it was not published by the Government concerned. There must be some good reasons for it. I do not blame the Government concerned for it. A few weeks ago, I understand, hand-cuffed prisoners were shot at and fired upon by the police at Ahmadabad railway station. There were several instantaneous deaths and nothing has appeared in the Press here and that news has been suppressed and withheld. These are very odious and in some comparisons, but in order to vindicate the position of myself and of my colleagues, I have to state true facts on the floor of this House. I have no other motives in giving out the news here. I am told by one of the press representatives that some veiled reference did appear in the press here, but I have never seen it and I ask my honourable friends here whether they know anything about this news. It is really a gruesome tale to tell. It must make one's hair stand on end.

Dr. Sir Gokul Chand Narang : Was it at Bulandshahr ?

Premier : No, it occurred at Ahmadabad railway station. Evidently the Bombay Government had very good reasons to suppress the news.

My honourable friend wanted to know what was the position so far as the district magistrates were concerned. I have given sufficient facts and figures and they will in our circumstances compare very favourably with those of any other province. In fact our figures are lower than those of any other province, and much lower than our own previous figures. So far as the actual deposits are concerned, the actual amounts are only on paper. Now let me

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give the figures of district magistrates, who are in the best position to judge of the antecedents and *bona fides* of each applicant. I dare say my honourable friends there will concede that it is impossible for me to know intimately every one in the 29 or 30 districts of the province, where in some cases nearly 50 or 60 or even 200 declarations are filed and it is impossible for me to know the antecedents of all those persons. Supposing my honourable friend had asked, for a declaration for his paper "The Tej." It would be necessary for me in the ordinary course to write to the Chief Commissioner or the Deputy Commissioner of Delhi to find out the antecedents and *bona fides* of Lala Deshbandhu Gupta, his financial backing and his journalistic tendencies and whether his intention really was to convey news to the public or whether he wanted the paper for the purpose of black-mailing. All these particulars are best known to the district authorities. But now if he will put in a declaration, I would probably give my sanction without any question, because I know him personally. I also did the same thing in the case of Dr. Satyapal and others. I never asked Dr. Satyapal for any security.

Now let me give some figures. The following table will show the number of newspapers from which securities were demanded by district magistrates, under sections 7 (1) and 8 (1). These securities are refundable after 3 months. It was only in the case of one press that the security was kept by us. In the case of all others, the security was refunded. (*Cheers*). In 1932 the security was demanded in 20 cases; in 1933 in 53 cases; in 1934 in 51 cases; in 1935 in 65 cases; in 1936 in 126 cases; in 1937 in 104 cases; in 1938 in 135 cases; and in 1939 in 75 cases. All the money was returned and Government did not keep a single pie.

Dr. Sir Gokul Chand Narang : It was returned under the law. There was no favour.

Premier : Quite right.

Dr. Gopi Chand Bhargava : Why was security demanded from *Bande Mataram* when only the names of the editor and the publishers were to be changed? Before that the *Bande Mataram* was not required to deposit any security.

Premier : I am afraid I cannot give a reply to this question off-hand. If any security was demanded, there must have been some good reasons for doing so. Perhaps the district magistrate was not satisfied with the antecedents of the new gentlemen and possibly in the interest of law and order he had to ask for security.

Now the following figures will give the total amount of security demanded :—

In 1932, Rs. 17,700; in 1933, Rs. 42,000; in 1934, Rs. 32,200; in 1935, Rs. 54,650; in 1936, Rs. 78,500; in 1937 for the first 3 months, Rs. 31,900, and during the autonomy period Rs. 42,500; in 1938, Rs. 85,800 and for the first 3 months of 1939, Rs. 48,000. This was the total amount demanded.

The actual amount deposited is as follows :—

	Rs.
In 1982	1,750
In 1983	2,700
In 1984	1,550
In 1985	5,950
In 1986	5,600
In 1987 (1st January, 1987 to 31st March, 1987)	3,950
And for the Autonomy period	3,150
In 1988	4,750

In one case the amount was not returned and that is not mentioned here.

Lala Deshbandhu Gupta : May I know the number of papers from which security was demanded?

Premier : I have given those numbers.

Lala Deshbandhu Gupta : I want the total from 1982.

Premier : The honourable member is a clever man. He can total at once for himself.

Lala Deshbandhu Gupta : Is it or is it not a fact that during the last two years the number of papers and periodicals from which security was demanded is larger than the number of periodicals and papers from which security was demanded during—(Interruptions).

Premier : I am giving the actual figures. The number of papers from whom securities were demanded was as follows :—

In 1982	20
In 1983	53
In 1984	51
In 1985	65
In 1986	126
In 1987 (1st January, 1987 to 31st March, 1987)	39
(1st April, 1987 to 31st December, 1987)	65
In 1988	135

My honourable friend can total them for himself.

Lala Deshbandhu Gupta : What about your regime?

Premier : I have given particulars of my regime. I have given particulars of the actual amounts deposited.

Dr. Sir Gokul Chand Narang : What about 1989?

Premier : 1989? The number of papers that deposited the required security is nil.

Lala Deshbandhu Gupta : Do you mean to say that the figure of 300 for two years given by you the other day is wrong?

Premier : It is not wrong. I have given you figures for three years because we did not separate the first three months of the Provincial Autonomy period. You have got 65 for 9 months, then 135 for 1988 and then 75 for 1989. You have got that figure and you will find that the figures tally. My honourable friends can draw their inference. The list which we laid

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down was unfortunately long but that is neither my fault nor that of district magistrates. A large number of applications are for new ventures of mushroom growth, many of which represent no *bona fide* journalists. I will give instances and my honourable friend will be surprised to know the reason why we asked certain people for securities. The would-be publishers and keepers almost invariably have no financial backing, no experience in journalism or press work and are frequently dummies, put forward by those who cannot get declarations accepted in their own names without demand of initial security or those who do not want to deposit securities demanded by the Government. The total sum is inflated on account of one and the same person trying more than once to get a declaration through dummies. They put forward a declaration under one name and then they go and put declaration in another name. On the face of it, it looks very distinct but it is actually the same party which works behind the scenes (*Interruptions*). I give you instances which will convince you.

Lala Deshbandhu Gupta : Is there any provision in the Press Emergency Act which says that the magistrate should go into such considerations before demanding security? Is there any mention of the fact that the financial backing of a paper has to be taken into consideration while demanding security? Can you point out one such provision?

Premier : There is little time left and if the honourable member will listen I will convince him. I have told him that the action is taken according to the provisions of the Act itself. My honourable friend should first listen to me and if there is lacuna I will certainly explain it to him if he will come to me. (*Interruption*). Let me give you a few instances. My honourable friends always get restive when true and convincing facts are given. In April, 1936, a gentleman, whose name I omit, applied to start a newspaper entitled *Salik* from Rawalpindi. The District Magistrate, Rawalpindi, had reasons to believe that the proposed venture would be used for one or other of the purposes enumerated in 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. He demanded initial security of Rs. 500 from him under section 7 (1). The security was not deposited. Had it been deposited and had Government taken no action against the paper during the three months of its life, this security would have been refunded to the man. But instead of adopting this straight and direct course, he resorted to subterfuges. In August of the same year he put forward his father to file a declaration for the same paper. As the same objections stood against his father, he too was required to deposit the same amount. The security was not deposited and in January, 1938, the son applied to start a paper under another name—*Itihad*. Naturally initial security was again demanded by the District Magistrate but again it was not deposited. In May next the man repeated the same experiment with another venture entitled *Gunah* (sin). Similar action was again taken by the District Magistrate. Having failed in four attempts to take out the declaration in his own name or in the name of his father, he put forward, in February, 1939, another gentleman whose name I omit, an employee of his, to start a venture entitled the *Shifa-ul-Mulk*. This time he gave the venture a name which could easily be taken for the name of a medical venture.

Dr. Sir Ghulam Chaud Narang : *Mukad is Shifa-ul-Mulk.*

Premier : This time he deliberately tried to hoodwink the District Magistrate by bringing the name of a medical venture but the District Magistrate was wide awake and he knew what was happening. He, therefore, asked for a security. Simultaneously he put up another person to file a declaration for starting the *Mashir-i-Hind*. In both cases security was demanded by the District Magistrate. He again applied in April, 1939, to start the *Andher Nagri*. (The very name of the venture (City of Darkness) was the index to the political mind of the man). This time a security of Rs. 1,000 was suggested. During the last 3½ years the man, either himself or through his father, has put in nine applications to take out a declaration, his attempt being that he should take it out without any security, although he must have known that the security demanded was only initial and refundable after three months. This case would show that it was only one man who made all these attempts but the amount demanded aggregated up to Rs. 4,500 and not a penny out of it was deposited in the Government treasury and it raised the number of securities demanded from one to nine and the amount from Rs. 500 to Rs. 4,500. These are actual figures.

I will give another interesting instance. An employee in the office of a newspaper here applied in August, 1938, to start the *Jivan Prabhat*. A security of Rs. 300 only was demanded by the District Magistrate, Lahore, but he did not deposit it and in January, 1939, he again applied to start another paper entitled the *Chitterkar*. The District Magistrate required Rs. 500. He did not deposit the amount and the paper did not come out. Then, in another case a gentleman applied in December, 1938, to start two Urdu and Hindi weeklies entitled the *Mahratta Vir* and the *Mahratta*. The District Magistrate demanded initial security of Rs. 500 in each case. The securities were not deposited and the papers did not come out. In June, 1939, he applied again to start an Urdu weekly entitled the *Bharat Bhushan* and in October, 1939, the *Mahratta* and the *Swastika*. Thus within ten months he applied five times under five different names.

Lala Deshbandhu Gupta : It only shows how much people are oppressed.

Premier : If he will take the average then he will come to the exact figure.

There are several other cases in which the dodgers when called upon to deposit initial securities put up dummies and when there were reasons to suspect that they were dummies and that they were trying to hoodwink the Government, naturally we had to take the precautionary steps to see that security was deposited.

Now, I might give another instance of a paper in which one of my honourable friends opposite, who is not present to-day, is interested. A person gave declarations under several names, i.e., *Dukhi Dunia*, *Inqilabi Dunia* and all kinds of declarations, and thus security was demanded, but he did not deposit it. He was the same man applying under different names. We could not definitely establish the relation between the dummy and the principal but suspicions were there.

Lala Deshbandhu Gupta : Is there any justification?

Premier : No security is demanded without justification. This does not show that Government vigilance in the matter of the control of the press has in any way suppressed attempts of genuine and *bona fide* journalists or editors or printers and publishers whether they have political views, belonging to one school or not. The number of newspapers during the last seven years has increased—and my honourable friend will be interested to know that—from 447 in pre-autonomy days to 627 in *zalm* Government's time. He should compare these figures. There were 447 papers before but in 1938 there were no less than 627 running concerns in the province, that is nearly 50 per cent. more than what they were in 1932. My figures in that respect are much more than of any other Government.

Lala Deshbandhu Gupta : What is the amount of refund ?

Premier : My honourable friend wants the amounts of securities refunded. I will give some figures in that connection. As a matter of fact I am replying to a question by Lala Duni Chand which I might answer here—

	Rs.
Refunded initial securities under section 3 (1), 5 cases..	3,500
Refunded initial securities under section 7 (1), 21 cases ..	11,800
Refunded under special orders of Government the securities deposited by nine presses totalling ..	7,000
Four papers	7,500
Grand total ..	29,800

To this my honourable friend can add the amounts which we refunded out of deposits before 1937.

It may also be added that during the whole period of eight years—I am also taking pre-autonomy period—

Lala Deshbandhu Gupta : You are taking 5 pre-autonomy years and 2 years after autonomy.

Premier : Yes. During the period of eight years beginning with the enforcement of the Press Emergency Act, the total amount forfeited out of initial securities deposited under sections 3 (1) and 7 (1) is not more than Rs. 5,750 out of the total deposits of Rs. 50,800. I have not tried to differentiate between pre and after autonomy period.

There is one point which must also be made clear. The figure 41 for the year 1936 which was referred to by my honourable friend, Dr. Gopi Chand Bhargava, during the course of supplementary questions after our lists had been laid on the table on the 27th October, 1939, related to demands of Government under sections 7 (3) and 8 (3) *plus* deposits made under District Magistrates' orders by publishers of newspapers and keepers of printing presses under sections 7 (1) and 3 (1) and did not include those cases—and they were the numerous ones—in which district magistrates had required securities but they had not been deposited, whereas the lists now given include all cases whether securities had been deposited or not. The press reports were misleading. (*Interruptions*). I said that the basis of comparison was

not correct. You will now find that this is a good average of 82 per year as compared with 41 for 1986.

Lala Deshbandhu Gupta : This comparison does not improve your position.

Premier : Either I am a dunce or my honourable friend does not understand me. In reply to his question in April, 1938, we told Dr. Gopi Chand Bhargava that the figures for the years 1932 to 1937—I am taking comparable figures—were—

In 1932	..	..	..	41
In 1933	..	..	..	27
In 1934	..	..	..	30
In 1935	..	..	..	20
In 1936	..	..	..	41
In 1937	..	..	..	45

and 2 in the second period.

The figures for the year 1938 is 27. That will give my honourable friend a correct perspective of the whole situation. This shows there was no difference in action taken in 1932 and 1936 and that action was less stringent in 1938.

The note published in the *Tribune*, dated the 31st October, 1939, would show that the Government of the United Provinces demanded securities from 16 newspapers amounting to Rs. 31,000. If this is correct, then I daresay that the figure of Rs. 15,500 during my regime compares very favourably with that figure.

I do not think I need go into more figures. But before I sit down, let me tell my honourable friends opposite that so far as the present Government are concerned, they are extremely sympathetic towards all democratic institutions as well as towards those newspapers which my honourable friend says are more or less straightforward. He must be aware that so far as we are concerned, the number of newspapers has increased from 447 to 628 in spite of those who try to hoodwink us by giving false declarations and all kinds of these things. In spite of that, we are doing our best and so far as genuine, honest and straightforward newspapers are concerned, I can assure my honourable friends that they will receive the fullest protection and the fullest support and sympathy of this Government. (*Hear, hear*). It is only those blackmailers and those people, who try to create communal or class bitterness by one means or the other that rankle in my eye and they will continue to do so. I can assure my honourable friend that if I get any legitimate opportunity to suppress and actually stifle them, I will not have the slightest hesitation in doing so. (*Hear, hear*). With these words I resume my seat.

Lala Deshbandhu Gupta : I would request the Honourable Premier to answer one question. What is his reply to the allegations that I made with regard to the abuse of the existing provisions of the Press Emergency Act? He has admitted that securities have been demanded from some papers as they did not possess sufficient financial backing. I want him to point out some provision of the Act which empowers him to demand security from newspapers on that ground.

Premier]: When did I say that(?) I said that there are journalists and publishers, who have almost invariably no financial backing and no experience and who are not genuine and *bona fide*. They are frequently dummies put forward by blackmailers who want to deceive the Government; and the district magistrates in accordance with the provisions of the Act and within the provisions of the Act can ask for securities from such persons. My honourable friend is aware that there is such a thing as appeal to the High Court. Where justice is not done, they can always go to the High Court, if they like. How many of such persons have filed an appeal against the orders of the district magistrates ?

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 19, Noes 50.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.

Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Hasan, Chaudhri.
Muni Lal Kalra, Pandit.
Rur Singh, Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma Pandit.
Sohan Singh, Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Chhotu Ram, The Honourable Chaudhri Sir.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Fazl Ali Khan Bahadur Nawab, Chaudhri.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Gopal Singh (American) Sardar.

Gurbachan Singh, Sardar Bahadur Sardar.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.
Jagjit Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Shah Nawaz Khan, Nawab Sir.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sikander Hyat-Khan, The Honourable Major Sir.
Muzaffar Khan, Khan Bahadur Nawab.	Singha, Diwan Bahadur S. P.
Nasir-ud-Din, Chaudhri.	Sumer Singh, Chaudhri.
Nasir-ud-Din Shah, Pir.	Sundar Singh Majithia, The Honourable Dr. Sir.
Nasrullah Khan, Rana.	Suraj Mal, Chaudhri.
Pir Muhammad, Khan Sahib, Chaudhri.	Tara Singh, Sardar.
Pohop Singh, Rao.	Tikka Ram, Chaudhri.
Ram Sarup, Chaudhri.	Ujjal Singh Sardar Bahadur, Sardar.
Ripudaman Singh, Rai Sahib Thakur.	

The Assembly then adjourned till 2 P.M. on Tuesday, 21st November, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 21st November, 1939.

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

AGRICULTURAL INSPECTORS SELECTED FOR TRAINING IN FOREIGN COUNTRIES.

*5282. **Lala Duni Chand**: Will the Honourable Minister for Development be pleased to state—

- (a) the number and names of Agricultural Inspectors selected by the present Government for training in foreign countries;
- (b) whether it is a fact that the Agricultural Inspector, Raghubir Singh, was selected in spite of the opinion of the Head of the Department that he was not the proper person to be selected; if so, the reasons for ignoring the opinion of the Head of the Department?

The Honourable Chaudhri Sir Chhotu Ram: (a) Government does not select Agricultural Assistants (which is understood to be meant by Agricultural Inspectors since there are no employees of this designation) for training in foreign countries.

Usually a number of Agricultural Assistants apply annually to the Head of the Department (Director of Agriculture) for long leave of either one or two years on average and half average pay, as may be due to them, with the object of undertaking post-graduate study abroad at their own expense and leave is usually granted by the Head of the Department to two or three such Agricultural Assistants annually, if they can be spared and are considered suitable for the course of study which they propose to pursue.

A list of those Agricultural Assistants to whom such leave has been granted since the 1st April, 1937, is attached.

(b) The answer is in the negative. No Agricultural Assistant of this name (Raghubir Singh) was considered for such leave, nor is any Agricultural Assistant of the name serving in the Agricultural Department. (The Raghubir Singh was granted leave to proceed abroad for further study by the Head of the Department but there was never any question of his not being a proper person to undertake this study).

[Minister for Development.]

List of Agricultural Assistants granted leave since the 1st April, 1937, for post-graduate study abroad.

1. Bhai Jaswant Singh.
2. Chaudhri Sawan Mal Sikka.
3. Chaudhri Ahmad Khan Waraich.
4. Bhai Umrao Singh.
5. Chaudhri Abdul Ghafoor Riaz.
6. Thakar Ranbir Singh.
7. Agha Ali Aaghar Khan.
8. Chaudhri Lal Chand Sikka.
9. Chaudhri Kartar Singh.

INSPECTION OF THE B. C. G. A. FACTORY, KHANEWAL, BY THE
CHIEF INSPECTOR OF FACTORIES.

***5337. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Development be pleased to state the dates of inspection of the B. C. G. A. Factory, Khanewal, by the Chief Inspector of Factories, prior to 7th January, 1938, during the years 1936 and 1937 ?

The Honourable Chaudhri Sir Chhotu Ram : The dates of inspection are :—

- 7th April, 1936,
- 19th March, 1937,
- 3rd April, 1937,
- 17th December, 1937.

AMELIORATION OF THE LOT OF CULTIVATORS IN THE PUNJAB.

***5361. Khan Haibat Khan Dahi :** Will the Honourable Minister of Development be pleased to state—

- (a) whether investigations have been carried out to find the average income per day of cultivators in the Punjab ;
- (b) if the answer to (a) is in the affirmative, what is the daily income per head of—

- (1) land holding cultivators ;
- (2) landless cultivators ;

- (c) whether it has been ascertained that a cultivator can afford two square meals a day for himself and his family on this income ;

- (d) what is average holding of agricultural land in the province and whether these holdings are economic or uneconomic ;

- (e) whether the question of ameliorating the lot of these cultivators by granting Government land in the canal colonies to deserving cultivators has ever been considered, and if so, with what result ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Some investigations have been conducted in the Punjab which give some idea about the daily income of cultivators and tenants but the data cannot be called representative of the various tracts of the Punjab. They are published in 'Farm Accounts' and 'Family Budgets' series of the Board of Economic Inquiry, Punjab, for the last several years.

(b) and (c) Figures may be worked out from the above publications for what they are worth.

(d) The average size of cultivators holdings in the Punjab has been worked out in Publication No. 11 of the Board of Economic Enquiry, Punjab. It is not known whether the holdings of these sizes would be economic or uneconomic.

(e) Yes. 34,000 acres were granted in the Nili Bar Colony to cultivators whose holdings in their home districts were very small. Similarly, 18,900 acres have also been granted in the Pir Mahal Extension in the Lower Chenab Colony, part of which was to be granted to such persons.

Lala Deshbandhu Gupta : Will the Honourable Minister please enlighten the House on part (c)? Has he himself ascertained the fact? The question reads "whether it has been ascertained that a cultivator can afford two square meals a day for himself and his family on this income".

Minister : But the answer is quite clear.

Lala Deshbandhu Gupta : I want to have the answer 'yes' or 'no'.

Minister : I cannot say a plain 'yes' or 'no'. My answer is "Figures may be worked out from the above publications for what they are worth."

Lala Deshbandhu Gupta : Have Government taken the trouble to work out the figures?

Minister : No.

Lala Deshbandhu Gupta : Have Government taken any steps to find out whether the income of the cultivator has increased during their regime or whether it has decreased? If it is falling, what steps have Government taken to improve the conditions of the cultivators?

Minister : Does that question arise out of the original question or my answer thereto?

Lala Deshbandhu Gupta : This is a very important question, and I think the question does arise. After all the object of the question is to find out what steps Government are taking to ameliorate the condition of the cultivators. I want to know whether Government have taken any steps to add to their income or to improve their lot in any way. (No reply). That shows your sympathy for the cultivator.

Lala Duni Chand : According to different estimates made from time to time the average income of an Indian per day is not more than 1½ or 2 annas at the most. Is the Honourable Minister in a position to say whether the average income of the agriculturist is below this average?

Minister : I am afraid I cannot answer this question without a fresh notice.

Lala Deshbandhu Gupta : It is rather embarrassing.

Lala Duni Chand : May I know whether it is true that on the whole agriculturists are much poorer than other classes of poor people ? Is the Honourable Minister aware of that fact ?

Minister : I am not sure whether it is true, or not, although I suspect it is.

PROMOTIONS AND SUPERSESSIONS IN THE VETERINARY DEPARTMENT.

***5390. Dr. Sant Ram Seth :** Will the Honourable Minister of Development be pleased to state the number of promotions made in the year 1938 in all grades of services in the Veterinary Department and also state the number of supersessions allowed in the same year while giving such promotions ?

The Honourable Chaudhri Sir Chhotu Ram : Thirty-four promotions involving twelve supersessions were made in the following services of the Veterinary Department during the year 1938 :—

Serial No.	Service.	Number of promotions.	Number of supersessions.
1	2	3	4
1	Punjab Veterinary Service (Class I.)	2	Two officers of the Punjab Veterinary Service (Class II) were superseded by one officer.
2	Punjab Veterinary Service (Class II).	5	3 Veterinary Assistant Surgeons.
3	Subordinate Veterinary Service (Veterinary Assistant Surgeons).	19	NIL.
4	Subordinate Veterinary Service (Clerical Establishment).	7	6.
5	Subordinate Veterinary Service (Laboratory Assistant at the Punjab Veterinary College).	1	1

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that a Jat whose increment had for the last several years been stopped was made Deputy Superintendent, Veterinary, very shortly after the present Honourable Development Minister assumed charge and now he has been thrust into the Veterinary College as Professor ?

Minister : If the honourable member gives notice of that question, I will find out the facts for him.

LANDS LEASED, MORTGAGED OR SOLD IN CONNECTION WITH CO-OPERATIVE BANK LOANS.

***5421. Master Kabul Singh :** Will the Honourable Minister for Development be pleased to state—

(a) how much area of land in connection with the loans of the co-operative bank was yearly leased, mortgaged, and sold and for how much amount, in the districts of Rohtak, Hissar, Gurgaon, Karnal, Campbellpur, Lyallpur and Montgomery during the years 1981-82 to 1988-89, separately ;

(b) how many persons were kept in the lock-up during each of the years mentioned in (a) for non-payment of the loans of the co-operative bank ?

The Honourable Chaudhri Sir Chhotu Ram : The time and labour involved in collecting the information asked for will hardly be commensurate with the results likely to be obtained.

Sardar Sohan Singh Joshi : Can the Honourable Minister give any information regarding his own district ?

Minister : No, Sir.

Rai Bahadur Mukand Lal Puri : Is it a fact that these co-operative banks harass people while making recoveries ?

Minister : Not very much.

Mr. Speaker : From which answer given by the Honourable Minister does this question arise ? He has told you, in other words, that he declines to answer the question.

Rai Bahadur Mukand Lal Puri : Part (b) of the question does not require much time and labour.

Mr. Speaker : I thought his answer covered both the parts.

Minister : Yes, Sir.

Rai Bahadur Mukand Lal Puri : Have any enquiries been made on that point whether it requires much time and labour ?

Minister : It is quite apparent from the nature of the question.

Lala Deshbandhu Gupta : Is it for reasons of expediency that the information is being withheld ?

Minister : There is no question of expediency.

Pandit Shri Ram Sharma : Is it a fact that the Honourable Minister while making speeches makes this propaganda among the people that if any body does not return his loans, his lands would be mortgaged, auctioned and sold ?

Mr. Speaker : That does not arise from the answer given. Disallowed.

Pandit Shri Ram Sharma : May I know whether the Honourable Minister ascertained during his last tour of Rohtak and Karnal districts that in realising loans there the department was scandalously cruel and dishonest ?

Mr. Speaker : The Honourable Minister has already replied that he cannot answer the question, because the time and labour it shall involve will not be commensurate with the answer.

Lala Deshbandhu Gupta : This is a question which can be easily replied to by the Honourable Minister with the help of the information he has in his possession.

Mr. Speaker : The honourable member cannot extort an answer. He cannot get milk out of a stone. (Laughter.)

Lala Duni Chand : May I know whether the Honourable Minister for Development is aware of this much that his efforts to protect the debtors are frustrated by the co-operative societies ?

Mr. Speaker : That question does not arise from the answer given.

Rai Bahadur Mukand Lal Puri : How much expenditure does the Minister anticipate would be incurred in answering part (a) or part (b) ?

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that some people have been compelled to part with their houses in order to pay up the amount due ?

Mr. Speaker : That question does not arise.

Rai Bahadur Mukand Lal Puri : My question remains unanswered ?

Mr. Speaker : Silence is an answer. (Laughter.)

Rai Bahadur Mukand Lal Puri : Would not a letter to the district judge of every district bring a complete answer to parts (a) and (b) without any extra expense ? May I know why the Government does not undertake this enquiry when *ex hypothesi* it would not require any more expense than that of a letter to the district judge of each district ?

Mr. Speaker : That is a question of opinion.

Rai Bahadur Mukand Lal Puri : Will you please call upon the Minister to give an answer ?

Mr. Speaker : Sorry ; That is not in my power. However, the House may possibly compel him to give a reply.

Diwan Chaman Lall : May I point out that it does not require the whole House but a part of the House consisting of fifty members bringing in a no-confidence motion who can also extort information ?

Mr. Speaker : Yes. But a no-confidence motion shall be discussed and decided by the whole House.

MONEY PAID TO THE JAT GAZETTE, ROHTAK, AS ADVERTISEMENT CHARGES.

***5424. Master Kabul Singh :** Will the Honourable Minister of Development be pleased to state—

(a) the amount of money paid to the *Jat Gazette*, Rohtak, as advertisement charges by the Debt Conciliation Boards of Karnal, Ambala, Rohtak, Gurgaon and Hissar districts, separately, during the years 1987-88 and 1988-89 ;

(b) the number and names of papers published in the districts of Ambala, Karnal, Rohtak, Hissar and Gurgaon ;

(c) whether advertisements pertaining to the Debt Conciliation Boards mentioned in (a) are published in other papers than the *Jat Gazette* ;

(d) if not, the reasons for this differential treatment ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 1937-38. A sum of Rs. 156 was paid by the Debt Conciliation Board at Karnal only.

1938-39. Rs. 246, Rs. 855, Rs. 808, and 524 were paid by the Debt Conciliation Boards at Hansi, Sonapat, Karnal and Jagadhari respectively.

(b) Thirteen newspapers :—

1. <i>Yadava Zamindar</i>	(Gurgaon district).
2. <i>Abi-Hayar</i>	} (Hissar district).
3. <i>Daily Market Report</i>	..	..	..
4. <i>Gram Sewak</i>	..	..	..
5. <i>Rafiq-i-Rozgar</i>	..	..	..
6. <i>Zamindar Gazette</i>	} (Karnal district).
7. <i>Sitar-i-Subah</i>	..	..	..
8. <i>Dehat Sudhar</i>	} (Rohtak district).
9. <i>Iqtidar</i>	..	..	..
10. <i>Jat Gazette</i>	..	..	..
11. <i>Rohtas</i>	..	..	..
12. <i>Muslim Gazette</i>	}
13. <i>Chaministan</i>	..	..	..

(c) Yes.

(d) Does not arise.

Lala Duni Chand : Is it true that these papers carry on political propaganda on behalf of the Unionist Party ?

Minister : I do not read all these papers. I glance through some of them.

Sardar Sohan Singh Josh : What is the total amount paid to the *Jat Gazette* alone by all these conciliation boards ?

Minister : The honourable member can total up the figures for himself.

Lala Duni Chand : Is it true that *Jat Gazette* is kept alive only by such contributions, otherwise it would have died long ago ?

Minister : No.

Rai Bahadur Mukand Lal Puri : What is the other name of *Jat Gazette* ?

(Laughter.)

Lala Deshbandhu Gupta : What proportion does this sum represent of the entire advertisement income of the *Jat Gazette* ?

Minister : I do not know.

Lala Deshbandhu Gupta : The Honourable Minister has been the editor of that paper. Can he refresh his memory and say as to what was the total approximate income of the *Jat Gazette* by way of advertisements when he was the editor ?

Minister : I was editor in 1923.

Lala Deshbandhu Gupta : Is not the Honourable Minister connected with that paper even now in one form or the other ?

Minister : No.

Lala Deshbandhu Gupta : Is it not a fact that this amount paid to the *Jat Gazette* by the conciliation boards represents the major portion of advertisement income of that paper ?

Minister : I cannot say anything about it.

Pandit Shri Ram Sharma : May I know if Government has taken into consideration the circulation of those newspapers before giving them advertisements for publication ?

Minister : Yes, most certainly.

Pandit Shri Ram Sharma : May I know if the circulation of the *Jat Gazette* has been estimated ?

Minister : I cannot give the exact result of the inquiry, but the matter is ascertained every year from the deputy commissioner of the district.

**LANDS LEASED, MORTGAGED OR SOLD IN CONNECTION WITH
CO-OPERATIVE BANK LOANS.**

***5430. Chaudhri Sahib Ram :** Will the Honourable Minister of Development be pleased to state—

- (a) how much area of land in connection with the loan of the co-operative bank was yearly leased, mortgaged and sold and for how much amount, in the districts of Rohtak, Hissar, Gurgaon, Karnal, Campbellpur, Lyallpur and Montgomery during the years 1931-32 to 1938-39 separately ;
- (b) how many persons were kept in the lock-up during each of the year mentioned in (a) for non-payment of the loan of the co-operative bank ?

The Honourable Chaudhri Sir Chhotu Ram : The time and labour involved in collecting the information asked for will hardly be commensurate with the results likely to be obtained.

MONEY PAID TO JAT GAZETTE, ROHTAK, AS ADVERTISEMENT CHARGES.

***5433. Chaudhri Sahib Ram :** Will the Honourable Minister of Development be pleased to state—

- (a) the amount of money paid to the *Jat Gazette*, Rohtak, as advertisement charges by the Debt Conciliation Boards of Karnal, Ambala, Rohtak, Gurgaon and Hissar districts, separately during the years 1937-38 and 1938-39 ;
- (b) the number and names of papers published in the districts of Ambala, Karnal, Rohtak, Hissar and Gurgaon ;

(c) whether advertisements pertaining to the Debt Conciliation Boards mentioned in (a) are published in other papers than the *Jat Gazette* ;

(d) if not, the reasons for this differential treatment ?

The Honourable Chaudhri Sir Chhotu Ram : (a), (b), (c) and (d) The attention of the honourable member is invited to the answer given to the Assembly question No. *5424¹, to-day.

RELIEF MEASURES FOR THE PEOPLE OF THE SUB-MOUNTAIN TRACTS IN THE AMBALA DISTRICT.

***5457. Lala Duni Chand :** Will the Honourable Minister of Development be pleased to state—

(a) if he or any other Honourable Minister has ever paid any visit to the sub-mountain tracts in Ambala district lying below or near Shiwalik hills along the whole northern boundary of the district with a view to acquire correct information regarding the economic condition and the other grievances of their inhabitants ;

(b) if he is aware of the fact that the agricultural population of these tracts lives in a state of chronic poverty and semi-starvation ; if so, whether the Government proposes to take any relief measures ?

The Honourable Chaudhri Sir Chhotu Ram : (a) I recently paid a visit to the district and addressed zamindars' meetings at places fairly close to the sub-mountain tracts and heard their grievances.

(b) The statement regarding the chronic poverty and semi-starvation of the agricultural population is much exaggerated. The Shiwaliks have suffered severely from denudation and erosion and the chaos emerging from them have done considerable damage to the cultivation below. Uncontrolled grazing and indiscriminate felling by the people in the past is mostly responsible for this state of affairs. The question of improving the economic condition of the people within the Shiwaliks is already engaging the attention of Government. Closures are being arranged in order to re-clothe the bare hill slopes with a view to check the rapid flow of water, to improve the quality and quantity of fodder and to encourage the growth of varieties of valuable grasses.

Lala Duni Chand : May I know whether the Honourable Minister was ever told by anybody when he was pleased to pay a visit to this tract that forty or fifty per cent of the people living in this particular area of Ambala district were actually starving ?

Minister : No such statement was made to me, although wherever I go I hear people saying that they are very hard up and that their district is very backward in every respect.

Lala Duni Chand : Will he take this fact from me ? I recently was there and I was told by the officials that as many as forty to fifty per cent of the population of this part of the district do not get two meals a day or even one meal a day.

Mir Maqbool Mahmood : Is the honourable member asking for information or supplying it?

Mr. Speaker : I think the honourable member is making a statement of facts and will base his question on that statement (*Opposition cheers.*)

Lala Duni Chand : On the basis of the information supplied by me, will he be pleased to pay a visit to that tract of the district in order to verify the correctness of the information?

Minister : When I next tour through the district, my honourable friend may suggest the name of the place which he wishes me to visit.

Lala Duni Chand : May I suggest the tract, the sub-mountain tract along the hills with a length of some 70 miles and with a width of some 10 to 15 miles? This is the tract to which the Honourable Minister has never been.

Diwan Chaman Lall : May I ask, if the facts enumerated by Lala Duni Chand are correct, whether Government has decided to take any action?

Minister : I have already stated the action taken by Government so far as the prevention of damage by hill torrents is concerned. So far as other action taken in other directions is concerned, I am afraid, the giving of such information is beside the scope of an answer to an Assembly question.

Diwan Chaman Lall : It is a serious matter that so many people should be starving as alleged by my honourable friend. Has my friend the Minister decided to enquire into this matter and afford certain measures of relief to those who are starving in these tracts?

Minister : I am not prepared to accept the statement of Lala Duni Chand at its face value. I will certainly make enquiries when I go there next.

HIGH RATES OF ENERGY AT AMRITSAR.

***5463. Sardar Sahib Sardar Santokh Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether the Government has recently received any representation from the Textile Manufacturers' Association at Amritsar, regarding the high rates charged by the Amritsar Municipality for energy supplied for industrial purposes ;
- (b) whether it is a fact that the Punjab Hydro-Electric Department also supply energy to certain areas within the municipal limits at Amritsar and the rates at which the department supply energy are much cheaper as compared with the rates charged by the Municipal Committee especially for energy supplied for factory lighting ;
- (c) whether Government is aware that on account of the supply of energy at comparatively high rates, the factorises at Amritsar suffer from a great disadvantage ; if so, the action proposed to be taken in the matter ?

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

(b) Connections for the supply of electrical energy within the municipal limits of Amritsar but outside the 'area of supply' specified in the Amritsar Municipal Electric Licence are given by the Punjab Public Works Department, Electricity Branch. The Electricity Branch tariff is generally lower than the rates charged by the Municipal Committee under the Amritsar Municipal Electric Licence.

(c) Some time ago the question of revising the maximum rates prescribed under the Amritsar Municipal Electric Licence was referred to an Advisory Board appointed by Government under the Indian Electricity Act. The Textile Manufacturers' Association had full opportunity to represent its case before the Board. The recommendations of the Board are under the consideration of Government.

ALTERATION IN RATES PRESCRIBED IN AMRITSAR ELECTRIC LICENCE.

***5464. Sardar Sahib Sardar Santokh Singh :** Will the Honourable Minister for Public Works be pleased to state whether Government appointed in April 1938 an Advisory Board to go into the question of what alterations, if any, should be made in the maximum rates prescribed in the Amritsar Municipal Electric Licence for public and private supply; if so, whether this Board has so far submitted its report and if so, what, and when do the Government propose to take action on its recommendations?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Yes. The recommendations of the Board are now under the consideration of Government.

CLERICAL ESTABLISHMENT OF HIGH COURT AND COURTS SUBORDINATE THERETO.

***4819. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state—

(a) the number of clerks originally employed for the clerical establishment in the High Court of Judicature at Lahore and subsequently transferred to the courts subordinate thereto during the last 12 years;

(b) the posts which they held and the pay they drew in the said High Court;

(c) the post to which and the pay on which they were transferred to these subordinate courts?

(d) the number of clerks transferred from the subordinate courts to the establishment of the High Court during the same period and the posts which they held in the subordinate courts and the pay which they used to draw there before their transfer;

(e) the pay on which and the posts to which they were transferred to the High Court?

The Honourable Mr. Manohar Lal : I regret that the labour and expenditure involved in collecting this information would be out of all proportion to the results to be achieved by such an enquiry.

DEFECTS IN ACCOUNTS OF OLD CENTRAL JAIL, MULTAN.

***4980. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether any defects were discovered in 1938 in the accounts of the Old Central Jail, Multan, for the year 1935-36 ; if so, whether any inquiry has been made into the matter, and, if so, with what result ;
- (b) whether any action has been taken or is intended to be taken against those responsible for these defects ;
- (c) whether he will be pleased to lay a copy of the report on the table of the House made by the officer deputed to make an inquiry into this matter ?

The Honourable Mr. Manohar Lal : (a) and (b) The honourable member's attention is invited to the answer given to starred question No. 4968¹ asked by Chaudhri Kartar Singh.

(c) It is not in the public interest to disclose the contents of the report.

Dr. Gopi Chand Bhargava : What is the result of the enquiry ?

Minister : I said at that time that the matter is under consideration of the Government but that the irregularity is not of any serious nature.

Dr. Gopi Chand Bhargava : Can I know the nature of the irregularity ?

Minister : If the honourable member wishes to probe further into this matter I should have notice of the question.

REFUND OF UNDISBURSED DIET MONEY DEPOSITED IN COURT BY LITIGANT PUBLIC.

***5031. Maulvi Mazar Ali Azhar :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that the diet money of witnesses in civil cases has to be deposited in advance with the court concerned ;
- (b) whether it is also a fact that there are no rules in existence requiring the courts to refund *suo motu* or even to ask the parties concerned to apply for the refund of such money in cases in which this money remains undisbursed and ultimately lapses to Government ; if so, the action proposed to be taken in the matter ;

- (c) the number of civil cases in which diet money was deposited in all the civil courts at Lahore, within the last three years, and in which the money so deposited remained undisbursed, has not so far been refunded to the parties concerned with the reasons for not doing so and the action the Government propose to take in the matter ?

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

(b) No. The instructions on the subject are contained in rule 36 of Chapter 9, High Court Rules and Orders, Volume II, as amended by correction slip No. 26, dated the 28rd April, 1984.

(c) Government consider that the labour involved in collecting the information required will be quite disproportionate to the advantage to be gained, but if the honourable member would like to bring any specific case of breach of the rules or of inequitable treatment to their notice, they will inquire into it.

Lala Duni Chand : May I know whether it is true that as a result of the working of the existing rules considerable amounts of money lapse to the Government every year ?

Minister : If the honourable member would define what he means by 'considerable' I may be able to give an answer.

Lala Duni Chand : May I say large sums of money ?

Minister : That does not help me any more.

Lala Duni Chand : A few thousands in the whole of the province.

Minister : If the honourable member really wishes to know the exact figures I can find that out but probably it will take a long time to compile them spread over a large number of districts and over a long period as they are.

POLITICAL AND UNDER-TRIAL PRISONERS.

*5119. **Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state the following particulars with respect to political and under-trial prisoners, (1) Charan Singh in Mianwali Jail, (2) Fateh Singh in Multan Central Jail, (3) Pt. Ram Kishan in Ludhiana District Jail, (4) Ujagar Singh 'Ult' in Hoshiarpur Sub-Jail, (5) K. S. Dhillon, Hoshiarpur Sub-Jail, and (6) Teja Singh, Hoshiarpur Sub-Jail :—

- (a) weight on admission ;
- (b) present weight ;
- (c) diet ;
- (d) cause of reduction in weight, if any ;
- (e) steps being taken to improve weight, if reduced ;
- (f) general health ?

The Honourable Mr. Manohar Lal : A statement is laid on the table :—

Statement.

Serial No.	Name of prisoner.	WEIGHT.		(c) Diet.	(d) Cause of reduction in weight, if any.	(e) Steps taken to improve weight, if reduced.	(f) General health.	REMARKS
		(a) On admission.	(b) Present.					
1	2	3	4	5	6	7	8	9
1	Charan Singh ..	lbs. 139	lbs. 132	Ordinary jail diet and special diet in view of teeth trouble.	Excessive heat and inflammation of gums.	Proper treatment available.	Good.	
2	Fateh Singh ..	122	124	Ordinary jail diet ..	..	..	Good.	
3	Ram Kiaben ..	108	108	Ordinary jail diet plus 4 seer curds.	..	..	Good.	
4	Ujagar Singh Uti ..	144	124	Ordinary jail diet with extra milk.	His height is 5'-5" for which the standard weight is 115 lbs. He is still 9 lbs. overweight. Has had Diarrhoea.	Admitted into hospital.	Fair.	
5	K. S. Dhillon ..	110	107 (On leaving Hosharpur Sub-jail).	Ordinary jail diet with extra milk.	His height is 5'-7". His standard weight should be 121 lbs.	Taken into the convalescent gang given extra milk.	Fair.	
6	Toja Singh ..	112	115	Ordinary jail diet ..	..	..	Good.	

KISAN PRISONER PIARA SINGH.

***5149. Sardar Hari Singh:** Will the Honourable Minister for Finance be pleased to state—

(a) the weight on admission and present weight of kisan prisoner Piara Singh lodged in Lahore Borstal Jail;

(b) the state of his health and the treatment accorded to him?

The Honourable Mr. Manohar Lal:

(a) Weight on admission 102 lbs.
Present weight 111 "

(b) The state of his health is good, and therefore the question of treatment does not arise.

UNDER-TRIAL KISAN PRISONERS BABA BHAGWAN SINGH, HARBANS SINGH AND OTHERS.

***5183. Sardar Hari Singh:** Will the Honourable Minister for Finance be pleased to state—

(a) whether on 3rd August, 1939, under-trial kisan prisoners Baba Bhagwan Singh, Harbans Singh and others were given severe beating by the Jail Warders under the orders of and in the presence of superior jail officials;

(b) statements on the incident by the prisoners alleged to have been beaten;

(c) whether an impartial inquiry has been conducted; if so, with what result?

The Honourable Mr. Manohar Lal: I regret I must trouble the honourable member to give more definite particulars about the under-trial prisoners—the names of all of them about whom information is sought, and the place of their confinement. On receipt of these necessary particulars the required information will be obtained.

Diwan Chaman Lal: Do I take it that there are two Bhagwan Singhs and Harbans Singhs, thus making it difficult for my honourable friend to find out in which jail they are confined?

Minister: If I can give my assurance to the honourable member, I may say that I did make considerable effort to find out, but I could not secure the information.

CHANAN SINGH, STATE PRISONER.

***5301. Sardar Harjab Singh:** Will the Honourable Premier be pleased to state—

(a) the state of health of Chanan Singh, a State prisoner; whether or not he is in the opinion of physicians in a delicate state of health;

(b) whether Government considered the question of his release; if so, with what result?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The latest reports show that the State prisoner is in very good health.

(b) As has been explained in the House on a number of occasions, the cases of all State prisoners are reviewed by Government at short intervals. It is not proposed for the present to release this particular prisoner.

Rai Bahadur Mukand Lal Puri : When was this case last reviewed ?

Parliamentary Secretary : I want notice for that.

Rai Bahadur Mukand Lal Puri : May I take it from the statement of the Parliamentary Secretary that these cases are periodically reviewed as a routine and that no particular enquiry was made in this case ?

Parliamentary Secretary : In those cases which are periodically reviewed, no enquiry is made.

Rai Bahadur Mukand Lal Puri : Is it the policy of the Government not to release this prisoner ? What are the charges against him ?

Parliamentary Secretary : My friend knows the charge against this prisoner. If a notice is given of this particular question, a reply shall be given.

Sardar Sohan Singh Josh : Has he ever been brought before a court of law ?

Parliamentary Secretary : At present I have no particular information on this point, but if the honourable member will give a notice he shall get a reply.

Diwan Chaman Lall : Under what law has he been arrested and detained ?

Parliamentary Secretary : If the honourable member gives notice of this question, all the information available will be supplied to him.

Diwan Chaman Lall : Has this particular person been arrested and detained under Regulation 3 of 1918 ?

Parliamentary Secretary : I am not aware of this. I require notice for this question.

Diwan Chaman Lall : Is it not a fact that Hitler and Mussolini whom my honourable friend condemns, act like my honourable friend's Government ? *(Laughter.)*

Mr. Speaker : Is this a supplementary question ?

Lala Deshbandhu Gupta : When was this case reviewed last ?

Parliamentary Secretary : I am afraid this question also requires notice.

Lala Deshbandhu Gupta : When will it be reviewed next ?

Parliamentary Secretary : I require notice for this question.

Diwan Chaman Lall : Is it the policy of the present Government to arrest and keep people in jail without any trial ?

Parliamentary Secretary : If the people will transgress the limits of law, it would be the public duty of the Government to arrest them. They will be arrested in the public interest.

Diwan Chaman Lal : Is it in the public interest or public duty that persons should be arrested and detained without any trial and without any charge ? Is that public duty ?

Sardar Sohan Singh Josh : For how long has he been in jail ?

Parliamentary Secretary : For this question I require notice.

Pandit Shri Ram Sharma : How many times has the Government considered this case ?

Parliamentary Secretary : I require notice for this question.

Pandit Shri Ram Sharma : Has the Government ever considered this case at all ?

SARDAR HARI SINGH, M.L.A.

*5316. **Sardar Harjab Singh :** Will the Honourable Minister of Finance be pleased to state as to why S. Hari Singh, M.L.A., for whom A class has been recommended by the court was carried from Hoshiarpur sub-jail to the Lahore Central Jail in the 3rd class compartment by the Police on the 29th of September, 1939 ?

The Honourable Mr. Manohar Lal : The honourable member is referred to paragraphs 576-C (18) and 576 D (15) (a) of the Punjab Jail Manual which provide that a better class prisoner may travel in a higher class than 3rd class by rail on paying the difference in fare for himself and his escort. Sardar Hari Singh travelled in intermediate class from Hoshiarpur to Lahore and duly paid the difference between it and 3rd class.

Pandit Shri Ram Sharma : Is there any fixed rule relating to the carriage of A, B or C class prisoners in the different compartments of the railway train ?

Minister : That is exactly what I have stated in my reply. If the honourable member desires that I should read to him those paragraphs of the Jail Manual, I am prepared to do so.

Lala Deshbandhu Gupta : I want only this simple information namely, in what class A, B or C class prisoners are allowed to travel respectively.

Minister : I will read the relevant paragraphs of the Jail Manual.

Paragraph 576-C. (18).—A class prisoners shall be subject to the same rules as regards transfers as are applicable to Class 'B' prisoners.

Paragraph 576-D. (15) (a).—Accommodation.—Normally third class railway accommodation shall be provided, but where suitable 3rd class carriages with proper sanitary arrangements are not available, inter-class accommodation shall be allowed. Prisoners may be allowed to travel by a higher class than 3rd class at their own expense if they wish to do so, in which case they will be required to pay the difference in fares both for themselves and for their escorts.

Dr. Gopi Chand Bhargava : Is there any distinction between European prisoners and non-European prisoners so far as the travelling in railway compartment is concerned ?

Minister : If the honourable member wants this information he must give notice for this purpose. I would not venture to give an off-hand reply. I will have to make enquiries.

Sardar Kapoor Singh : If a prisoner happens to be a European Tommy, in what compartment of the railway train is he carried ?

Pandit Bhagat Ram Sharma : Has a Punjabi prisoner ever been carried in an intermediate class compartment ?

SCHEME FOR RECRUITMENT OF CLERKS IN JAIL DEPARTMENT.

***5399. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether any scheme for recruitment of clerks in the Jail Department has been introduced by the Government in recent years, if so, whether he will please lay it on the table of the House ;
- (b) what effect has it on the scheme for recruitment of assistant superintendentship, Jails.

The Honourable Mr. Manohar Lal : (a) No scheme for the recruitment of clerks in the Jail Department has been introduced in recent years. The honourable member may be referring to the scheme for separating clerical and executive duties in Punjab jails. This scheme was introduced on the 1st March, 1938, in order to increase efficiency in both spheres and to cope with the increased clerical work.

(b) The honourable member is referred to the reply given to parts (d) and (g) of question No. 166¹ asked by Chaudhri Muhammad Sarfraz Khan in January, 1938.

Dr. Gopi Chand Bhargava : Has it any effect on the recruitment of the assistant superintendents ?

Minister : No, I do not think so.

REMOVAL OF LIQUOR SHOP FROM WITHIN SMALL TOWN AREA, SHORKOT.

***5404. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that the Shorkot (district Jhang) Small Town Committee passed a resolution for the removal of the liquor shop from within the Small Town Area and submitted it to Government ; if so, when that resolution was passed ;
- (b) what action has the Government taken in the matter ?

The Honourable Mr. Manohar Lal : (a) Yes. A resolution was passed on the 25th August, 1939, but it has still to be confirmed by the registered electors of the town under section 5 of the Punjab Local Option Act, V of 1923.

(b) Does not arise.

Pandit Shri Ram Sharma : May I ask the Honourable Minister as to what is the considered policy of Government if a local body wishes to close a liquor shop within its limits ?

Minister : This is no occasion to discuss a broad question of Government's policy. I have stated in answer to this particular question that a resolution to that effect was passed but it has still to be confirmed and when it has received that confirmation, due effect would be given to it as required by the law.

TREATMENT ACCORDED TO PANDIT BHAGAT RAM SHARMA, M.L.A., ON HIS ARREST.

***5411. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether Pandit Bhagat Ram Sharma, M.L.A., used to be brought into court with handcuffs on both hands as an under-trial prisoner ;
- (b) whether it is a fact that he used to be kept in cell ;
- (c) the offence for which he has been prosecuted ;
- (d) the period for which he has been in the lock-up ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Pandit Bhagat Ram Sharma, M.L.A., used to be brought to court with handcuffs on one hand only. These were removed while he was in court.

(b) He was kept for some days in the juvenile ward which consists of two cells, a compound and a latrine, but whenever this ward was required for an approver, he was removed to the hospital ward.

(c) He was prosecuted for a breach of the Defence of India Rules.

(d) From the 18th September to the 18th October, 1939.

Rai Bahadur Mukand Lal Furi : Was it under instructions of the Government that instead of handcuffs being on both the hands they were placed on one hand only or was it due to the indulgence shown by the local police officers ?

Parliamentary Secretary : There are definite rules governing the handcuffing of persons. According to the rules a person, guilty of all offences which are punishable with three years' or more imprisonment, has to be handcuffed. There are other details regarding these rules and the Honourable Premier will make a statement shortly in answer to a short notice question which has been tabled.

Sardar Lal Singh : Do you mean to say that it is incumbent on the police to handcuff a person who is prosecuted for an offence the punishment for which is three years ? Is it not discretionary on the part of the police ?
(Interruption.)

Parliamentary Secretary : The Honourable Premier is making a statement in reply to a short notice question and he is giving the necessary information.

Diwan Chaman Lal : May I know whether it is a fact that the honourable member was kept in handcuffs not on one hand but on both the hands for a period of three solid hours while he was produced before the court on 23rd September ?

Parliamentary Secretary : I want notice of that question.

Diwan Chaman Lall : May I ask whether it is a fact that the chain which was passed through the handcuffs was passed not once, not twice, but three times in order to make it more uncomfortable for my honourable friend ?

Parliamentary Secretary : If my honourable friend gives notice of the question, I will certainly go into it and if such a thing is done which is against the rules, it will certainly be enquired into.

Diwan Chaman Lall : Is it a fact that although the prison is only two minutes walk from the court, my honourable friend, handcuffed on both hands, was kept standing on the roadside for half an hour for the public to have a look at him ?

Parliamentary Secretary : My information is that he was handcuffed only on one hand and that he tried to create a demonstration there and it was therefore necessary to handcuff him. (*An honourable member : Disgraceful.*)

Diwan Chaman Lall : If my honourable friend had made that statement originally there might have been some truth in it. He is now improving the statement that he has already made. May I ask him whether it is a fact that on each one of these occasions, that is, on the 26th September, the 30th of September and 9th of October my honourable friend was handcuffed on both hands and was brought to court in order to listen to the charge ?

Premier : Assuming that that allegation is correct, what then ?

Diwan Chaman Lall : May I ask my honourable friend if that allegation is correct, whether it conduces to the dignity of this Government that it should treat an honourable member of this House who, until he is convicted, is an innocent man, in this particular manner ?

Premier : My honourable friend must remember that whereas he or I, as members of this House, have privileges in this House, we have no privileges outside this House and if we offend the law, we must be treated accordingly because the law is no respecter of persons.

Diwan Chaman Lall : Perfectly true. I am not asking for special privileges for the honourable gentleman. What I am asking is this that until he is convicted, he is an innocent man. Is it conducive to the dignity of this Government that an innocent man should be treated in this fashion ?

Premier : According to what my honourable friend is now saying no under-trial prisoner should be handcuffed. But I am not prepared to accept that position.

Diwan Chaman Lall : May I ask my honourable friend if he is prepared to accept the position that a gentleman of the position of an honourable member of this House, should be treated in this wild manner by the minions of my honourable friend's Government ?

Premier : A gentleman of my honourable friend's position or of the Honourable Speaker's position or my position should not in any way transgress the law if he wants to be immune from such experiences.

Diwan Chaman Lall : May I ask my honourable friend to remember once again that until a person is convicted, under the eye of the law he is innocent? Is it conducive to the dignity of the Government to treat a man, who is innocent, in this wild manner?

Premier : I have already told my honourable friend that every murderer is, in the eyes of law, as innocent as anybody else until he is convicted, but that is no reason why he should not be handcuffed.

Diwan Chaman Lall : May I take it that my honourable friend is putting Pandit Bhagat Ram Sharma on the same level as an ordinary murderer?

Premier : No. I am putting him on the same level as any other person who had committed the same sort of crime.

Diwan Chaman Lall : Therefore, he was treated in this wild manner deliberately, contemptuously and insultingly, merely because my honourable friend happens to be an opponent of my honourable friend's Government.

Premier : My honourable friend's insinuation is uncalled for. He is in the habit of judging others according to his own ideas. If the treatment meted out was according to the rules, then he can claim no immunity but if it is not in accordance with the rules, then my honourable friend can give notice and we will make enquiries.

Diwan Chaman Lall : May I ask my honourable friend to be in full possession of the rules when a question of this nature has been tabled? May I ask him whether it is necessary for him now to evade answering this question merely because he is not in possession of the actual rules on the subject?

Premier : My honourable friend is fond of accusing others. He put a certain question and he got the answer. See the question and see whether the answer is correct or not. You said that there were three-ply chains.

Diwan Chaman Lall : The question has been put with regard to the handcuffing of my honourable friend. It is up to the Government to be in full possession of all the facts relative to the handcuffing of my honourable friend not on one occasion but on all occasions.

Premier : So far as the question of handcuffing is concerned the answer was that he was handcuffed on one hand. He has made an allegation now that he was handcuffed thrice, or that three-ply chains were used to put him to inconvenience. If that is the allegation, we will make enquiries into that also.

Diwan Chaman Lall : It is not a question of allegation. May I ask my honourable friend if he is satisfied that the answer given is evasive in view of the allegation made and the series of questions put?

Premier : I have no reason to doubt the veracity of the answer in view of the question put.

Diwan Chaman Lall : True, but my honourable friend's answer was "I want notice of this question."

Premier : As I tried to point out, the question did not ask whether the handcuff was put in a particular manner. The question was whether he was handcuffed and the answer was 'yes.' He was handcuffed on one hand, and if he was handcuffed on one hand it was obvious that the chain was twined round his arm twice. It was not possible to—

Diwan Chaman Lall : Is he forgetting the question that was put and answer given? The question put related to a series of incidents relating to the handcuffing of my honourable friend in regard to which my honourable friend has now stated that only on one occasion he was handcuffed and that on one hand only but all the other occasions are not mentioned.

Premier : May I refresh his memory by reading the question? The question is—

“(a) whether Pandit Bhagat Ram Sharma, M.L.A., used to be brought into court with handcuffs on both hands as an under-trial prisoner;”

The answer is—

“(a) Pandit Bhagat Ram Sharma, M.L.A., used to be brought to court with handcuffs on one hand only. These were removed while he was in court.”

Diwan Chaman Lall : That is with reference to one occasion. I asked with reference to all those occasions including the 23rd September when he was kept for three solid hours in handcuffs.

Premier : The answer is that he used to be brought to court with handcuffs on one hand only.

Diwan Chaman Lall : Is my honourable friend satisfied with that answer?

Premier : I have no reason to doubt the veracity of this answer.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary has said that Pandit Bhagat Ram Sharma stood in front of the police station to stage a demonstration. May I know the reasons for deducing that?

Parliamentary Secretary : What I said was that our information was that he made a demonstration before the public and thereby created disorderly atmosphere and therefore it was necessary to handcuff him. That is based on the information that we have received.

Dr. Gopi Chand Bhargava : Does the Parliamentary Secretary mean that he of his own accord and not by force stood in front of the police station and staged a demonstration?

Parliamentary Secretary : Not before the police station but before the public.

Dr. Gopi Chand Bhargava : At what place?

Diwan Chaman Lall : May I ask, in reference to the reply given by the Parliamentary Secretary just now, whether he is prepared to place that document on the table of the House from which he is supposed to have read out this reply? My challenge is that it is not contained in any document in his possession. It is an after-thought created on the spot.

Premier : I think it would suit the convenience of the House if these supplementary questions are asked when the answer to the short notice question is given.

Diwan Chaman Lall : May I ask my honourable friend whether he is prepared to place on the table of the House the document from which he has read the answer ? It will show that the statement which he has made, is not to be found in any document in his possession and that it is an entire after-thought.

Premier : If my honourable friend will put this question when I answer the short notice question, I will answer it.

Diwan Chaman Lall : May I ask my honourable friend to remember that this does not refer to any question to be put to him ? The reply has been given by the Parliamentary Secretary. If he has any document in which this reply is contained, may I ask him if he is now prepared to place that document on the table of the House ? I say that there is no such reply contained in any document in his possession.

Premier : The reply given by the Parliamentary Secretary was given on my behalf. There is also a short notice question which would have removed all doubts and misapprehensions which my honourable friend has, if I were to read the answer to that question. It contains all the information and is a comprehensive answer and it also covers the point which has been raised by the Honourable Leader of the Opposition with regard to the demonstration.

Dr. Gopi Chand Bhargava : It is quite possible that in the reply which the Honourable Premier is going to give, the fact regarding demonstration before public may not be there and therefore we will not be in a position to put any supplementary questions with regard to it. The Parliamentary Secretary has made a statement on the floor of the House. Let him substantiate his reasons for deducing it.

Premier : My honourable friends may put supplementary questions on both questions.

Diwan Chaman Lall : May I take it then that the allegation that I made is correct, namely, that it was an after-thought on my honourable friend's part to make that particular insinuation against my honourable friend, Pandit Bhagat Ram Sharma ?

Premier : I am afraid my honourable friend's allegation is wholly uncalled for.

Diwan Chaman Lall : May I ask him whether he is aware that Pandit Bhagat Ram Sharma categorically denies the statement made by the Parliamentary Secretary and characterises it as a lie ?

Premier : He denies several things categorically now which he probably would not have done some weeks ago.

Pandit Bhagat Ram Sharma : On a point of order. Is the Honourable Premier in order in ascribing motives to a particular member ?

Mr. Speaker : No.

Pandit Bhagat Ram Sharma : I protest against those remarks which he made against me on the floor of the House. It is not dignified for the Honourable Premier to use such language against me. (*Interruptions.*)

Mr. Speaker : I did not quite follow the Honourable Premier.

Dr. Gopi Chand Bhargava : Let the Honourable Premier repeat what he said.

Premier : I said that my honourable friends will be in a better position if they put supplementary questions both on the short notice question, when it is answered by me, as well as on this question.

Dr. Gopi Chand Bhargava : We want to know what reply the Honourable Premier gave when a question was put by Diwan Chaman Lall to the effect that Pandit Bhagat Ram Sharma denied the statement of the Parliamentary Secretary?

Mr. Speaker : What did the Honourable Premier say about Pandit Bhagat Ram Sharma? (*Voices :* The Reporter may be asked to read the exact words.)

Premier : I said that there are several things which Pandit Bhagat Ram Sharma may now categorically deny and which he would not have denied a few weeks ago.

Diwan Chaman Lall : The Honourable Premier is in a privileged position and is in charge of law and order. He can do many things which are denied to an ordinary member of this House. May I ask him not to abuse his position as Premier of this province and Minister of law and order in making insinuations of this kind against an ordinary member of this House?

Dr. Gopi Chand Bhargava : My objection to the remarks made by the Honourable Premier is that the case of Pandit Bhagat Ram Sharma is *sub judice* and whatever he says here will have a bearing on the case.

Mr. Speaker : The Opposition side has not told me the exact words up till now.

(*Voices :* The Reporter should be asked to read them out.)

Premier : I need not refer to any case which is *sub judice*.

Diwan Chaman Lall : The Honourable Premier has quite correctly repeated what he said on the first occasion. There is no good calling the Reporter to repeat what he said. I take it that what he said is absolutely correct. But we characterise it to be an unfair statement.

Mr. Speaker : Will the honourable member please repeat what he said so that I may grasp it fully. What is the insinuation which is alleged to have been made by the Honourable Premier?

Diwan Chaman Lall : The point, Mr. Speaker, is this that the Honourable Premier said that there are certain things which Pandit Bhagat Ram Sharma denies now and which he would not have denied a few weeks ago. That is the statement. What is wrong with it is this that it means that he is prepared to utter lies in order to defend himself.

Mr. Speaker : A far-seeing person may not consider it advisable to disclose or state certain facts to-day; but he may state them after some time. So, where is the insinuation? (*hear, hear.*) (*Interruptions.*)

Dr. Gopi Chand Bhargava : Supposing the Premier said Pandit Bhagat Ram Sharma will categorically deny the fact which he would not have done before, what would it amount to? The case is *sub judice* even when he says that they should not be relied upon.

Mr. Speaker: What is being said to-day may not have been said a fortnight back. (Interruptions.)

Pandit Bhagat Ram Sharma: I want to ask the Premier whether in view of the insinuations made he would go to the court and say on oath that I have told a lie.

Premier: I never said that.

Diwan Chaman Lall: The definition of insinuation is that it has two meanings.

Premier: Take a charitable view of it.

SHORT NOTICE QUESTIONS AND ANSWERS.

DRUGGISTS AND RISE IN THE PRICE OF MEDICINES.

Sardar Ajit Singh: Will the Honourable Premier be pleased to state whether it has been brought to his kind notice that the druggists of Lahore have recently raised the prices of medicines to make profits under the pretext of war; if so, what action has the Government taken to check this profiteering?

The Honourable Chaudhri Sir Chhotu Ram: Government are aware that immediately after the outbreak of war certain firms raised the prices of medicines and particularly of quinine. Deputy Commissioners have received powers to enable them to take action when necessary, but recent inquiries made by the Deputy Commissioner, Lahore, show that the price of quinine has now steadied itself at Rs. 35 a pound as against Rs. 25 before the war. The Punjab Government have formed the conclusion that this price is not excessive in view of the fall in the value of the rupee against Dutch currency, and the necessity of dealers in this country being able to sell their stock at a price permitting them to cover the cost of replacement.

The honourable member must understand that it will not be possible to replace the stocks of any medicines manufactured exclusively in Germany, and that there being a scarcity demand for these, their prices are bound to rise. Government feel no anxiety about the supplies of other drugs but will be grateful to the honourable member if he will bring any specific cases of apparently excessive prices to the notice of Government.

Sardar Ajit Singh: Is the Honourable Minister aware that it has become a practice in Lahore that the big druggists of Lahore refuse to give medicine at any price to customers who order them by saying that they have not got that medicine and if required by the customer the druggist could send for it from some other shop?

POST OF SUPERINTENDENT, GREY CANALS.

Mian Abdul Rab: Will the Honourable Minister of Revenue be pleased to state whether it is intended to advertise the post of the Superintendent, Grey Canals, which on the death of M. Hashmat Ali has recently fallen vacant, and if so, when and if not, the manner in which this vacancy is intended to be filled?

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—No. *Second part.*—For the present the duties of the Superintendent are being performed by the Revenue Assistant, Ferozepore. The question of the successor to the late Superintendent is under the active consideration of Government and the appointment will be made in due course.

Pir Akbar Ali : Will the Honourable Minister be pleased to say if the advertisement will secure the best man for the post ?

Minister : No, Sir.

Pir Akbar Ali : Will he please state the manner in which the Honourable Minister wants to fill the post ?

Minister : There are certain rules on the subject and if my friend will study them, he will find the whole thing.

Pir Akbar Ali : What are those rules for filling the post ?

Minister : The rules are that the Commissioner appoints the man. Just at present the whole question is under consideration.

Pir Akbar Ali : But what are the rules for selecting a suitable man for the post ?

Minister : The whole question is under consideration, as I have said. I am afraid I cannot give my friend the information he wants.

Rai Bahadur Mukand Lal Puri : Has the Honourable Minister any objection to inviting applications by advertisement ?

Minister : It is a technical post and there is no necessity for doing so just at present.

ASSESSMENT OF LAHORE DISTRICT.

Rai Bahadur Gopal Das : Will the Honourable Minister for Revenue be pleased to state—

- (a) for what year or years the figures of cultivated, matured and irrigated area have been taken as the basis of assessment in each tahsil in regard to the recent assessment of the Lahore district ;
- (b) for how many years the prices of different kinds of agricultural produce have been made the basis of fixing commutation prices for each tahsil in relation to that district ;
- (c) whether he will also be pleased to lay on the table of the House the last assessment reports of each tahsil of Lahore and also the assessment report of the whole district ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The five years ending 1934-35.

(b) The average prices of the twenty years ending 1934-35.

(c) Tahsil assessment reports are confidential. The district assessment report will be laid on the table of the house when ready.

DEFENCE OF INDIA ORDINANCE AND HANDCUFFING OF PANDIT
BHAGAT RAM SHARMA.

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

(a) whether it is a fact that Pandit Bhagat Ram Sharma, M.L.A., an honourable member of this House, was handcuffed on the 13th September, 1939, when he was arrested under the Defence of India Ordinance and was subsequently brought to the court on different dates with handcuffs on both the hands ;

(b) if answer to (a) above be in the affirmative, the action Government proposes to take in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Yes. Under the existing rules handcuffing on arrest is obligatory when a person is accused of a non-bailable offence punishable with a sentence exceeding in severity the term of three years imprisonment, as also is the handcuffing of persons who are violent, disorderly or obstructive, or acting in a manner calculated to provoke popular demonstration. Pandit Bhagat Ram Sharma is charged with an offence which is non-bailable and for which the maximum punishment is five years. In addition, when the Station House Officer, Dharamsala, went to the house of Pandit Bhagat Ram Sharma to arrest him, the latter demanded to know his authority in a haughty and truculent manner. When shown the warrant, he started to move into the interior of his house. The Station House Officer fearing that Pandit Bhagat Ram Sharma was attempting to evade arrest, handcuffed him and produced him before the Court. There he adopted an obstructive and objectionable attitude, inviting the support of other Congressmen, who heralded his appearance with the usual slogans. As his behaviour was calculated to provoke a public demonstration, it was considered advisable to handcuff him at subsequent hearings. No application was made to the court by his counsel for the removal of the handcuffs, and I may add that only one hand of the honourable member was handcuffed.

(b) None, as the action taken was in accordance with the Rules.

Dr. Gopi Chand Bhargava : May I enquire whether the Honourable Premier's reply to part (a) is yes, or whether he has modified his reply ?

Premier : Yes, because of the Rules.

Dr. Gopi Chand Bhargava : The question was whether it is a fact that Pandit Bhagat Ram Sharma was handcuffed when he was arrested under the Defence of India Ordinance and whether he was brought to the court with handcuffs on both the hands.

Premier : I have said that he was handcuffed only on one hand.

Dr. Gopi Chand Bhargava : In answer to part (a) the Honourable Premier has replied by saying yes. It follows that he was handcuffed on both hands.

Premier : In part (a) I have given the reasons why he was handcuffed and in the latter part I said that he was handcuffed on one hand only.

Pandit Shri Ram Sharma : On whose information is this answer based ?

Premier : On the report of the local authorities.

Pandit Shri Ram Sharma : Is it based on any entry in the police diary ? Are these facts reported in the police diary ?

Premier : I could not say.

Lala Deshbandhu Gupta : Is the Honourable Premier prepared to make an enquiry and punish the officer concerned if it is found that he gave wrong information ?

Premier : I have no reason to doubt the veracity of the officer who gave the information, because he naturally made a full enquiry and then gave this answer to us. Since the law court is also concerned, my friend may be sure that nobody would dare to give a false report on the question whether Pandit Bhagat Ram Sharma was produced in court with both hands handcuffed or only one hand.

Lala Deshbandhu Gupta : My question is this. The honourable member has himself stated that he was handcuffed on both hands, while the officer concerned has reported that he was handcuffed only on one hand. The statements are contradictory and in view of the fact that the honourable member's statement is more acceptable to the House, is the Honourable Premier prepared to make further enquiries into the matter and take action if the report of the officer that Pandit Bhagat Ram was handcuffed on one hand is proved to be incorrect ? If it is proved that the information given by the officer is incorrect, then you should punish him.

Premier : Punish whom ?

Lala Deshbandhu Gupta : That officer concerned.

Premier : And if the information given by the honourable member is incorrect ?

Lala Deshbandhu Gupta : Then the honourable member will have to apologise.

Premier : One will have to apologise and the other will be sacked !

Dr. Gopi Chand Bhargava : Hang him, if you like.

Lala Deshbandhu Gupta : You can then prosecute the honourable member for perjury.

Diwan Chaman Lall : The question is this, whether the magistrate who tried the case was consulted by the police officer who made the enquiries, whether other persons who were present in the court were also consulted, or is it only an *ex parte* contention of the police officer in charge that my honourable friend Bhagat Ram Sharma was handcuffed only on one hand ?

Premier : I have already answered that question. I have no reason to doubt the veracity of the answer given by the local authority. I have also made it quite clear that my honourable friend Pandit Bhagat Ram was produced in the law court every day in that condition, that is, with handcuffs on one hand only and it is a fact which cannot be hidden in any way, and if my honourable friend is not satisfied he has got sources to find out whether he was handcuffed on one hand or not. If necessary, I can give him the necessary help to get at the sources. I cannot possibly conceive that an officer could give a false report, particularly when it is a question of fact and when the gentleman concerned was produced in court before a magistrate.

and so many lawyers and other people. If my honourable friend has any misgivings he had better make enquiries from independent sources, and as I have said I shall give him the help he needs. So far as I am concerned, I have the fullest confidence in the reply that I have read out.

Diwan Chaman Lall : May I say that I have the fullest confidence in the statement made by Pandit Bhagat Ram Sharma? May I ask therefore whether in view of the fact that the statement of the Parliamentary Secretary which was challenged on the floor of the House, he is now satisfied that the statement made by him is incorrect? And if it is incorrect, will he not hold those responsible for the information on which he has based his statement?

Mr. Speaker : That is a request for action.

Dr. Gopi Chand Bhargava : I want to know whether handcuffing provokes demonstration or a mere arrest?

Premier : That is not a question of fact, but a question of opinion, and it would depend on circumstances. Sometimes an arrest provokes demonstration, another time handcuffing provokes demonstration.

Dr. Gopi Chand Bhargava : Was Pandit Bhagat Ram handcuffed to frighten people? And may I know the basis for the Station House Officer to say that the attitude of Pandit Bhagat Ram Sharma was haughty and truculent and that he attempted to evade arrest?

Premier : The basis is that when the Station House Officer went to the house of Pandit Bhagat Ram to arrest him, the latter questioned his authority to arrest him and he probably said: *Kidar ae ho, kiya bat hai?* He probably asked questions in that loud tone. But when the Station House Officer showed him the warrants, he might have edged towards the nearest door to give a message to someone in the house, and the officer probably thought that he might escape through that door.

Dr. Gopi Chand Bhargava : Is it in the rules that a truculent and haughty person should be handcuffed?

Premier : I have given two reasons. Unfortunately the police have no discretion there and this is an additional thing, *sone par sohaga*, as you might call it.

Diwan Chaman Lall : I hope the House is now aware of the source of the fairy tales which originate from Government benches. (*Laughter*).

Sardar Sohan Singh Josh : May I know whether with the advent of this Government all officials have become infallible?

ABSENCE WITHOUT LEAVE OF KHAN BAHADUR MAKHDUM SAYED MUHAMMAD HASSAN, M. L. A.

Mr. Speaker : As required by Rule 84 of the Punjab Legislative Assembly Rules I have to bring it to the notice of the Assembly that Khan Bahadur Makhdum Sayed Muhammad Hassan a member of this Assembly has been absent without permission from all sittings of the Assembly for a period of more than sixty consecutive days computed in the manner provided in sub-section (4) of section 68 of the Government of India Act.

ADJOURNMENT MOTION.

HANDCUFFING OF SARDAR HARI SINGH, M. L. A.

Lala Deshbandhu Gupta (South Eastern Towns, General, Urban): Sir, I beg to ask for leave to make a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the unsatisfactory nature of the reply given by the Honourable the Premier to Short Notice Question¹ regarding handcuffing of Sardar Hari Singh, M. L. A., given on 31st October, 1939.

Mr. Speaker : Lala Deshbandhu Gupta has given notice of his intention 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 unsatisfactory nature of the reply given by the Honourable the Premier to Short Notice Question¹ regarding handcuffing of Sardar Hari Singh, M. L. A., given on 31st October, 1939. Is there any objection?

Premier : I have every objection. A question was asked and answer given and if there was any doubt about the answer itself, my honourable friend could have come to me and I would have allayed his doubts.

Mr. Speaker : Will those in favour of giving the leave please rise in their places?

As more than 35 members stood up in their seats for leave being given, Mr. Speaker fixed 6-30 p.m. for the discussion of the motion.

PRECEDENCE OF GOVERNMENT BUSINESS ON THURSDAYS.

Premier : I beg to move—

“That Government business do have precedence on Thursdays, 30th November and 7th December, 1939.”

The Assembly divided : Ayes 79, Noes 48.

AYES :

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohy-ud-din Qadri, Khan
Sahib Sayed.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab-
Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Baha-
dur Maulvi.
Ghulam Samad, Khan Sahib Kha-
waja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Haibat Khan Dahi, Khan.

Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar 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.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Ajit 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.

Harjab Singh, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kishen Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.

Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.

Sampuram 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.
 Uttam Singh Dugal, Sardar.

MUSLIM PERSONAL LAW (SHARIAT) APPLICATION BILL.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (Urdu) : Sir, I beg to move—

That leave be granted to introduce the Punjab Muslim Personal Law (Shariat) Applica-
 tion Bill.

The motion was carried.

Begum Rashida Latif Baji : I beg to introduce the Punjab Muslim
 Personal Law (Shariat) Application Bill.

VILLAGE PANCHAYAT BILL.

Mr. Speaker : The House will now proceed to discuss the clauses of
 the Punjab Village Panchayat Bill.

Clause 11.

Pandit Shri Ram Sharma (Southern Towns, General, Rural) (Urdu) :
 I beg to move—

That in sub-clause (1), lines 11-12, the words "or abolish" be deleted.

The aim of this amendment is to secure a change in the last portion of
 the clause which seeks to empower the Government to abolish a panchayat.
 The reasons for which a panchayat can be suspended or abolished are given
 in the clause as under :—

If in the opinion of Government a panchayat is incompetent to perform, or persistently
 makes default in the performance of, a duty imposed upon it by or under this
 or any other Act or exceeds or abuses its powers or should there be any other reason
 which in the opinion of Government necessitates the suspension or abolition of a
 panchayat, Government may by notification suspend or abolish the panchayat.

It will be noted that in addition to the four reasons which are specifically
 mentioned in the clause on account of which a panchayat may be suspended
 or abolished, there is yet another vague reason for which a panchayat may be
 suspended and it is given in the words "or should there be any other reason
 which in the opinion of Government necessitates suspension or abolition of a
 panchayat." Surely these words give wide and unlimited powers to Govern-
 ment to suspend or abolish a panchayat. It is in view of these very wide
 powers of the Government that I do not want it to go to the length of
 abolishing a panchayat. Even in the case of local bodies, we find that

whenever a committee is suspended the Government waits for a certain period to see if the circumstances are favourable for restoring the said committee.

Furthermore, the old district board and municipal committee rules were made by the previous irresponsible Government or by Ministers whose powers were more restricted than those of the present Ministers under the provincial autonomy. Now that we are passing this measure during the regime of a so called democratic Government, it quite behoves us to withhold the powers of abolishing a panchayat and we should only empower the Government to suspend it under certain circumstances. The word "abolish" should, therefore, be deleted.

Let us not lose sight of the principle which underlies the establishment of panchayats. The aim is to save the villagers from unnecessary litigation and to train them in self-government. It would not be in the fitness of things, therefore, to empower the Government to abolish panchayats in any case, which are calculated to do immense good to the villagers. I may be allowed to mention here that we have throughout been trying to obtain the maximum powers for the panchayats and leave the minimum powers with the Government. The Government, on the other hand, has been making an effort to acquire as much power for itself as may be possible and leave as little power for the panchayat as practicable. Why does the Government adopt this attitude? The Government wants to further its own ulterior ends by acquiring the maximum power over the panchayats. My amendment seeks to withhold the power of abolishing a panchayat while I do not object to Government having the power to suspend a certain panchayat under specified circumstances. For this purpose the words "or abolish" should be deleted from the last portion of the sub-clause which is under consideration. I hope that the Honourable Minister will not object to this amendment of mine.

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

That in sub-clause (1), lines 11-12, the words "or abolish" be deleted.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana) : Sir, I oppose this amendment. If this amendment is carried, Government will not have the power to abolish a panchayat. Suppose there is a murder or faction or there are other very serious circumstances and the panchayat cannot work there satisfactorily. The Government must have power to abolish the panchayat. Suspension of course will be resorted to in the first instance and then abolition. The suspension cannot go on for an unlimited period. Under extraordinary circumstances the Government should have the power to abolish the panchayat. With these words I oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (1), lines 11-12, the words "or abolish" be deleted.

The motion was lost.

Pandit Shri Ram Sharma (Southern Towns, General, Rural) (*Urdu*) : Sir, I beg to move—

That at the end of sub-clause (1), the words "for a period not exceeding three years" be added.

[Pt. Shri Ram Sharma.]

Sir, briefly put, the aim of this amendment is to put a limit to the period for which Government should be empowered to suspend a panchayat. With a view to this, I propose that the period of three years would be enough for which a panchayat may be suspended. The Government should not be empowered to suspend a panchayat for an unlimited period. The wording of my amendment is quite plain and I need not make a long speech to explain it. Even in the case of municipal committees the Government waits for favourable circumstances to re-instate a committee which is suspended on account of certain reasons. The same should be the case with the panchayats. They should not be suspended for an unduly long period. With these few words, I commend my amendment for the acceptance of the House.

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

That at the end of sub-clause (1), the words "for a period not exceeding three years" be added.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I oppose this amendment. The same arguments that applied to the last amendment apply to this amendment also. There should be no time limit for the suspension of a panchayat. It should be open to Government to re-establish the panchayat whenever there are favourable circumstances. It should not be incumbent upon Government to re-establish the panchayat within three years if circumstances do not justify it. Abolition cannot be for a certain period. When we abolish, it would be for an unlimited period.

Mr. Speaker : The question is—

That at the end of sub-clause (1), the words "for a period not exceeding three years," be added.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (1) of clause 11, stand part of the clause.

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : Sir, I beg to move—

That in part (b) of sub-clause (2), lines 3-5, for the words "disposed.....direct," the words "utilized, during the period intervening fresh election of the panchayat to meet charges in connection with duties of the panchayat as given in this Act," be substituted.

Sir, sub-clause (b), as it at present stands is as follows :—

"the funds and other property, if any, vested in the panchayat shall be disposed of in such manner as Government may direct."

We want that these funds which originally belong to the panchayat should be utilized during the period intervening fresh election of the panchayat to meet the charges in connection with the duties of the panchayat as given in this Act. There should be some certainty about it. It has been pointed out by the Honourable Minister in charge of the Bill that circumstances sometimes may necessitate a panchayat to be revived and at another time it may happen that the Government may not be in a position to revive a panchayat in a certain village. That means that some village may go without a panchayat for a number of years and in that case the funds which have been collected by the panchayat may be employed by the Government in any way

they like. If the intention of the Government is that the funds collected for a certain purpose should be spent for that very purpose, then I say that there should be no objection to the Government in adopting such an amendment. The funds should not be utilised for something else. They should not be utilised for a purpose altogether different or inconsistent with the purpose for which this money was collected. In the case of municipal committees, when a committee is superseded, municipal fund is only employed for the purpose for which it is already employed, i.e., according to the Municipal Act, but in this case the Government wants to take some powers which go far beyond those given in the Village Panchayat Act itself because in that case the hand of the Government would be quite free. In that case money may be spent in any way they like in any village. My amendment is not only of a harmless nature but it will improve things. In a matter like this, in the matter of expenditure of funds, the Government should not have a free hand. These funds are collected from poor villagers and we do not think that in a case like this there should be any objection. I may inform the House that rules should be made such that money collected by the panchayat must be earmarked for their needs only. There should be no ambiguity because it is very difficult for the Government to keep in view all the pledges or assurances now given on the floor of the House, at the time of framing the rules. I suggest that my amendment be adopted.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (b) of sub-clause (2), lines 3-5, for the words "disposed..... direct," the words "utilized, during the period intervening fresh election of the panchayat to meet charges in connection with duties of the panchayat as given in this Act" be substituted.

Sardar Kapoor Singh : According to part (b) of sub-clause (2), the Government shall have the power to dispose of funds and other property in any way that it likes. By this power it is just possible that the Government may use or utilise that money not only for that panchayat area, not only in that district, but the Government may utilise that fund in another district too. All the funds, under section 63, are collected by the panchayat from the people of the panchayat area. I would draw your attention to section 63 (a) of this Bill. It says :—

"(a) all grants from Government or Local bodies and all sums other than judicial fees and fines received by or on behalf of the panchayat under this Act, or otherwise ;"

You will find under the first part that except the Government contribution all that money is to be paid either by the people of that area or by the local board of that district. The second part (b) is "the balance (if any) standing at the credit of the panchayat at the commencement of this Act ;" that means that funds would come from the people of that panchayat area. Clause (c) is as follows :—

"the balance and proceeds of all funds which in the opinion of the Collector were or are being collected for the common secular purposes of the village."

That would include malba and all such things. Thus all those funds which the panchayat will have at its disposal shall be collected from the people of that area but on the other hand the Government, on suspension or abolition of panchayat, shall have the power to dispose of those funds for the benefit of the people of other districts also. For this reason I support the amendment and at the same time move my amendment and I expect that the Honourable Minister would accept it.

Minister for Public Works : I oppose both the amendments. The reason is that they are based on an undue fear. Whenever a local body is superseded—and this applies to municipal committees also—all the funds standing to the credit of that local body vest in the Government. It has been said that perhaps the Government would utilise those funds for some other purpose instead of benefiting that area. That is not the case. No Government, least of all a responsible Government, would like to use those funds for any other area except that for which they are meant and for the inhabitants of that area. But I do not think that there should be a rigid provision in the Bill binding the Government in this matter. Sometimes there might be objects which may be in the interest of those villagers as well as others on which these funds might be spent. But I do not think that will be the case generally and there should be no fear on this point. So I oppose the amendment.

Mr. Speaker : Question is—

That in part (b) of sub-clause (2), lines 3-5, for the words "disposed.....direct," the words "utilized, during the period intervening fresh election of the panchayat to meet charges in connection with duties of the panchayat as given in this Act" be substituted.

The motion was lost.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu) :

Sir, I beg to move—

That in part (b) of sub-clause (2), line 4, for the word "Government" the words "the two-thirds majority of the electors" be substituted.

Now part (b) of sub-clause (2) to which this amendment relates reads as follows :—

The funds and other property, if any, vested in the panchayat shall be disposed of in such manner as Government may direct.

The object of this amendment is that the decision as to how the property vested in the panchayat should be disposed of should be left with the people of the area concerned. They

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can understand their requirements better than the Government. I know that the Government has been opposing all our amendments to clause 11. In this respect the Government and the Opposition have been virtually representing Nazi-ism and democracy, respectively. But I hope this amendment will receive a better treatment.

The demand made in this amendment is very reasonable and in accordance with the principles of true democracy. I want the people to decide how they want to spend their money. But in the next amendment I have also proposed that if the people neglect their duty in this respect then the Government should take the matter in its hands. Then again I have not left the decision to a bare majority. I know that sometimes there are party factions and when a decision is taken by a negligible majority it cannot inspire confidence. I have, therefore, proposed a majority of two-thirds. Nothing can be more reasonable than this proposal. After all the money will not be sent by the Government by money order with an order to spend it for this or that purpose. Only the people on the spot can decide what is good for the people of the locality. The Government, should, therefore, give them an opportunity to decide for themselves. If they do not prove equal to the

occasion then let the Government step in by all means. In fact I have proposed such a provision myself. With these remarks I commend my amendment to the acceptance of the House.

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

That in part (b) of sub-clause (2), line 4, for the word "Government" the words "the two-thirds majority of the electors" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir I have to oppose this amendment. It is clear on the face of it that it will be unworkable. In each case, when a small item is to be spent, the honourable member would have a referendum taken in the village and votes obtained. Suppose the two-thirds majority is not available to vote for the expenditure to be incurred, then what would happen? It is just like asking the people of this province to control the budget of the legislature. That is not possible. It is a small executive committee appointed which can be expected to administer the funds. But if the votes have to be taken on every item, I think, it would be impossible in actual working. So I must oppose this amendment.

Pandit Shri Ram Sharma : May I know what is the difficulty in asking the people just after the elections to state their requirements and to let the Government know the purposes to which they want their money and the attention of their panchayat to be devoted?

Minister for Public Works : Suppose you have to spend Rs. 2 on clearing a drain, then you will have the votes taken of the whole village. Then there is an item involving a cost of 8 annas, again you get all villagers collected and have to take their votes and get a two-thirds majority. If there is no two-thirds majority, then no work will be done.

Pandit Shri Ram Sharma : My suggestion was that the Government could ask the people of the panchayat area just after the elections, to state the main purposes to which their money should be devoted. That would settle the matter once for all. What is your objection to such a procedure?

Minister for Public Works : It is unworkable. If there is no two-thirds majority, what will happen then?

Mr. Speaker : The question is—

That in part (b) of sub-clause (2), line 4, for the word "Government" the words "the two-thirds majority of the electors" be substituted.

The motion was lost.

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

That in part (c) of sub-clause (2), lines 1-2, for the word "Sessions" the word "District" be substituted.

I know that this amendment is going to be accepted but I wish that the Honourable Minister does not accept it (*Laughter*).

This part of the clause relates to withdrawal of cases pending before a panchayat which has been suspended or abolished. The district magistrate has been given powers to withdraw the criminal cases and my amendment requires that the powers to withdraw civil cases should be given to the district judge and not to the sessions judge.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (c) of sub-clause (2), lines 1-2, for the word "Sessions" the word "District" be substituted.

Minister for Public Works : How can I oppose an amendment so ably moved from that quarter ? I accept it.

Mr. Speaker : The question is—

That in part (c) of sub-clause (2), lines 1-2, for the word "Sessions" the word "District" be substituted.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to ask for leave to move—

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

"(d) The functions or duties delegated to the panchayat under section 20 of the Act shall, from the date of notification, be considered as withdrawn and assumed by the District Board."

I think the Honourable Minister will accept this. Let me explain to him the purpose of my amendment.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : The honourable member can only seek permission to move that clause.

Sardar Kapoor Singh : I would like to know from the Honourable Minister one thing. You are delegating certain powers under section 20 of this Act to the panchayats. But there is no provision for their withdrawal.

Minister for Public Works : When you delegate these powers to a body and that body ceases to exist, then it is clear that these powers will revert to the original delegator.

Sardar Kapoor Singh : May I know one thing ? If a district board has delegated certain powers to the chairman and vice-chairman, then there is a rule by the Ministry that those powers cannot be withdrawn by the district board.

Minister for Public Works : But that is where the chairman and vice-chairman are alive in flesh and blood. Here the body will be non-existent. The two cases are not identical.

Sardar Kapoor Singh : The District Board Act does not provide anything about the withdrawal of such powers. So in that case, when the panchayat is abolished or superseded and when the district board has delegated certain powers to the panchayat, there is no provision for the district board for the withdrawal of those powers. How can the district board withdraw those powers ? You are already having one rule for the withdrawal of powers from the chairman and the vice-chairman.

Minister for Public Works : The honourable member is bringing in the District Boards Act. That Act is not to be amended. The provisions of the District Boards Act stand. By this you cannot change the provisions of that Act at all.

Sardar Kapoor Singh : The district boards are going to delegate certain powers. The district boards can delegate powers to the head of the department or to the panchayat under section 20; but they cannot withdraw those powers under the Act.

Minister for Public Works : I object to leave being granted.

Mr. Speaker : The question is—

That leave be granted to move. That at the end of sub-clause (2), the following be added—

“(d) The functions or duties delegated to the panchayat under section 20 of the Act shall, from the date of notification, be considered as withdrawn and assumed by the District Board.”

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 11 as amended stand part of the Bill.

The motion was carried.

Clause 12.

Mr. Speaker : The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Pandit Muni Lal Kalia : I beg to ask for leave to move—

That between the first paragraph and the proviso the following new sub-clauses be inserted:—

“(2) The sarpanch or, in his absence, the naib-sarpanch, may, whenever he thinks fit and shall within three days, when required in writing by a majority of the panches convene a meeting of the panchayat.

(3) The meetings of the panchayat shall be public.”

Mr. Speaker : Pandit Shri Ram Sharma has given notice that in line 3, for the word “month” the word “fortnight” be substituted. Does the honourable member wish to move that amendment?

Pandit Shri Ram Sharma : I am not moving my amendment.

Mr. Speaker : The question is—

That leave be given to move—

That between the first paragraph and the proviso, the following new sub-clauses be inserted:—

“(2) The sarpanch or, in his absence, the naib-sarpanch, may, whenever he thinks fit and shall within three days, when required in writing by a majority of the panches convene a meeting of the panchayat.

(3) The meetings of the panchayat shall be public.”

The motion was lost.

Mr. Speaker : Amendment No. 4¹ is covered by part 1 of the proposed new clause which has been disposed of just now.

Sardar Kapoor Singh : No, Sir. The first part relates to the general meetings called at the request of the panches. The second part of the proviso relates to certain meetings at the request of the panches or by a majority of the panches. In the first place I agree that generally a meeting should be called by the sarpanch; but supposing the business requires an emergent meeting to be called at short notice for some urgent matter, it is just possible that the panch might be absent. In that case such a requisition shall be sent to the naib-sarpanch who shall have authority to call such a meeting. If such an authority is not given to the naib-sarpanch—

Parliamentary Secretary (Shaikh Faiz Muhammad) : My learned friend will be convinced that this amendment is altogether unnecessary. I would invite attention to clause 7, sub-clause (3) which has already been passed. It says—

The naib-sarpanch shall act for the sarpanch whenever the latter is absent from the panchayat area, for a period of more than three days.

Whenever the panch is absent the naib-panch will act for him. The amendment, therefore, is unnecessary.

Mr. Speaker : The question is—

That clause 13 stand part of the Bill.

The motion was carried.

Clause 14.

Lala Duni Chand : I beg to move—

That in proviso to sub-clause (2), line 2, for the word "two" the word "three" be substituted.

Parliamentary Secretary (Shaikh Faiz Muhammad) : That is again out of order, because some of the panchayats will consist of three members. In that case it would be ridiculous to have a quorum of three.

Lala Duni Chand (Urdu) : I admit that the minimum number of the panches required for the formation of a panchayat is three and the maximum number is seven. I do not propose to question that. But my amendment seeks to provide that when any meeting of a panchayat is attended by only 3 panches no decision of the panchayat should take effect unless there is unanimity of opinion about it.

Parliamentary Secretary (Shaikh Faiz Muhammad) : We have already provided that in case of three panches the decision of two, if made unanimously, would take effect.

Lala Duni Chand : My submission is that unless the decision of all the three panches is unanimous it should not take effect. The decision of three panches would certainly inspire confidence in the mind of their electors. The proviso as it stands in the Bill will, I am sure, give rise to party factions in the panchayat. It is, therefore, in the interests of the panchayat itself that my amendment should be accepted.

¹That in the proviso, line 1, between the word "sarpanch" and "when" the words "or in his absence the naib-sarpanch" be inserted.

Mr. Speaker : Clause under consideration, amendment moved—

That in proviso to sub-clause (2), line 2, for the word "two" the word "three" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : We will have a number of panchayats in which the total strength of panches will be three. If we insist on unanimity, how will they function? The result will be that one differing member will hold up the work of the panchayat.

Mr. Speaker : Question is—

That in proviso to sub-clause (3), line 2, for the word "two" the word "three" be substituted.

The motion was lost.

Pandit Muni Lal Kalia : I ask for leave to move—

That at the end of clause 14, the following new clause be added—

- " 14-A. (1) Minutes of the proceedings at each of the meetings of the panchayat shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the Chairman of the meeting of the next ensuing meeting ;
- (2) A copy of every resolution passed at any meeting of the panchayat, shall, within three days from the date of meeting, be forwarded to the Deputy Commissioner."

Mr. Speaker : The question is—

That leave be given to move—

That at the end of clause 14, the following new clause be added :—

- " 14-A. (1) Minutes of the proceedings at each of the meetings of the panchayat shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the Chairman of the meeting of the next ensuing meeting ;
- (2) A copy of every resolution passed at any meeting of the panchayat, shall, within three days from the date of meeting, be forwarded to the Deputy Commissioner."

The motion was lost.

Mr. Speaker : The question is—

That clause 14 stand part of the Bill.

The motion was carried.

Clauses 15-16.

Mr. Speaker : The question is—

That clauses 15 and 16 stand part of the Bill.

The motion was carried.

Clause 17.

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

That in the proviso, line 1, for the word "entertainment" the word "appointment" be substituted.

The clause as it stands is as follows :—

The panchayat may employ such servants as may be necessary for carrying out the duties imposed on it by or under this Act and may pay the salaries of such servants out of the panchayat fund.

[L. Duni Chand.]

This is the first part of the clause and its wording is quite correct. The difficulty arises in case of the proviso. It is stated therein :—

Provided that the entertainment of any paid clerical establishment shall be subject to the previous sanction of the Deputy Commissioner.

I think that the word "entertainment" has not been correctly used and it seems to be misfit here. I suggest that for the word "entertainment" the word "appointment" be substituted. With these words I move my amendment.

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

That in the proviso, line 1, for the word "entertainment" the word "appointment" be substituted.

Minister for Public Works : The present word "entertainment" is perfectly sound and good and I do not see any need for the change proposed.

Mr. Speaker : The question is—

That in the proviso, line 1, for the word "entertainment" the word "appointment" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 17 stand part of the Bill.

The motion was carried.

Clause 18.

Mr. Speaker : The question is—

That clause 18 stand part of the Bill.

The motion was carried.

Clause 19.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
Sir, I beg to move—

That at the end of part (a) of sub-clause (1) the words "and the removing of encroachments from such ways and spaces" be added.

Now as the clause stands, "it shall be the duty of the panchayat, within the limits of the fund at its disposal, to make arrangements for carrying out the requirements of the panchayat area in respect of the following matters" and one of these matters is stated to be "public ways and public open spaces including their sanitation, and drains." I want that at the end of this the words "and the removing of encroachments from such ways and spaces" should be added.

Shaikh Faiz Muhammad : Will it not be covered by the phrase "comfort and convenience"?

Pandit Muni Lal Kalia : If so, all the clauses from (a) to (p) might as well be omitted. If brevity is taken to that extent then there is no necessity for retaining these different parts.

Minister for Public Works : Please see clause 21 (1) (a).

Pandit Muni Lal Kalia : You have differentiated between the two terms in clause 19, "public ways" and "public open spaces," whereas in clause 21 (1) (a) you say, "to remove any encroachment on a public way or drain," so that the question of "open spaces" remains unprovided for. Supposing there is encroachment on an open space, that is not provided in the Bill. There are open spaces which are often used by the villagers for different purposes on the occasion of marriage and other religious ceremonies and for such purposes it is necessary that open spaces should be kept and maintained and provision made for it.

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

That at the end of part (a) of sub-clause (1), the words "and the removing of encroachments from such ways and spaces" be added.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I oppose the amendment. There are two things that the mover of the amendment wants to bring within the purview of this amendment. The first is "public ways". If you read clause 21 (1) (a) you will find that provision is made for this. Then the second object of the mover is to bring in "open spaces." Now open spaces stand in a different category. Sometimes they are vested in the village proprietary body and to vest the panchayat with control over these open spaces would mean clash with private rights which is not the purpose of this legislation. There is no idea to usurp or take away the powers or the rights of the proprietary bodies. I therefore oppose the amendment.

Pandit Muni Lal Kalia : May I ask one question? Is it not the intention of the Government to empower the panchayat to remove encroachment from open spaces belonging to the village when there is a likelihood of a dispute regarding encroachment on such spaces?

Minister for Public Works : "Open spaces" is a vague term. It may mean anything. If it is in the public interest that the encroachment should be removed, it is provided for. But to ask the panchayat to go and get hold of any and every space is not contemplated and is not desirable.

Pandit Muni Lal Kalia : Then why are these sanitation and drains duties given to the panchayat? Disputes are likely to arise even there.

Minister for Public Works : Cleanliness or otherwise of a place affects the health of the locality. That is different from taking control over a thing. A person living in a municipality is asked to clean his house and keep it clean. That is totally different from taking control over that house.

Mr. Speaker : The question is—

That at the end of part (a) of sub-clause (1), the words "and the removing of encroachments from such ways and spaces" be added.

The motion was lost.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) :
 Sir, I move—

That in part (b) of sub-clause (1), line 1, between the words "wells" and "ponds" the word "water-pumps" be inserted.

The motion was carried.

Pandit Muni Lal Kalra : Sir, I move—

That in part (k) of sub-clause (1), line 2, between the words "of" and "horses" the word "cattle" be inserted.

This also appears to be an omission. (k) is—

"The improvement of the breeding of horses and other animals used for agricultural or domestic purpose."

My submission is that cattle is the only form of animal that is most essential. Horses are there by specific name and animals include camels, donkeys and others, but when there is a specific term for cows, oxen and bulls why not use it? I think breeding of cattle is more important than any other kind of animal and therefore it may be made clear.

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

That in part (k) of sub-clause (1), line 2, between the words "of" and "horses" the word "cattle" be inserted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I may point out for the information of the honourable member that we considered the question but we came to the conclusion that cattle is a restricted term? Many animals that are useful for domestic and agricultural purposes are not covered by the word "cattle." Therefore we have used this term.

Pandit Muni Lal Kalra : What is the use of having the word "horse"?

Minister : It is not a domestic animal. You will not call poultry cattle. It is because of that that we have a more comprehensive term in the use of the words domestic and agricultural purposes.

Mr. Speaker : The question is—

That in part (k) of sub-clause (1), line 2, between the words "of" and "horses" the word "cattle" be inserted.

The motion was lost.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) :
 Sir, I move—

That at the end of part (l) of sub-clause (1), the words "including village common lands" be added.

Part (1) relates to public gardens and public playgrounds. I may remind the Government that in one or two of their official reviews the Government promised that at the time of introducing the Punjab Panchayat Amendment Bill, they would make attempts to control the village common lands. I refer them to the Forest Department Report.

Minister for Public Works : I have nothing to do with it.

Pandit Muni Lal Kalia : You may have nothing to do with it but Government has and you are a member of that Government. One Department of the Government says at one place that the panchayats will be given powers for the preservation of the village common land but the Minister here says that he has nothing to do with it. In these days consolidation of holdings is going on in some villages and there are disputes between the non-agriculturists and depressed classes of the villages and other people. It is all the more necessary that the panchayat should have a voice in the preservation, maintenance and upkeep of the village common land. It has been pointed out that the Government does not want to interfere with the proprietary rights of the villagers. But those who will constitute the panchayats, a majority of them, will be agriculturists, therefore control by them will not be an interference with the rights of the people. It is all the more necessary that the village common lands should be included in the Bill more especially when the Government has already given an undertaking to include them and hand their management over to panchayats.

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

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

That at the end of part (2) of sub-clause (1), the words "including village common lands" be added.

Minister for Public Works : I am not aware of any pledge of Government to which a reference has been made by my honourable friend the mover. If the amendment is carried it will vest the panchayats with powers to control the village common land. The panchayats will include the professional and other labouring classes who have nothing to do with the proprietary body. The village common land belongs to the village proprietary body. Our idea is to bring about harmony between the various classes of people residing in a village, but a provision like this will certainly mean a clash. The effect of this amendment would be to take away the rights of the proprietary body. I would come forward with such a legislation when the labourer is declared as the owner of the mills and factories. Then perhaps the zamindar will be prepared to consider whether he should cede rights in the village common land. At present I oppose the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : The Honourable Minister perhaps does not know the conditions prevailing in the villages these days. The village proprietary body is not the only body which has a right in the village common. Under the present Unionist Government, as under the old regime, there is a third party which is a stronger party which is getting practically everything out of these village commons. As far as my district is concerned, most of the income of the village common goes to the Government and not to the village proprietary body. When I talk of Government, of course I mean the Forest Department. The Forest Enquiry Committee headed by Mr. Garbett went to our district and made a detailed enquiry into the matter and made a report. A representation was made by the people to the commission that it is in the interest of the village conservation to hand over the administration of village common land to the people. There is a conservancy scheme under which the village common should be handed over to the people. According to the

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present state of affairs, the village common is in the charge of the Forest Department. It has been suggested that these should be considered as community forests and the control of these community forests should be handed over to the village panchayats. It was said in reply to this suggestions that a scheme is under consideration of the Government according to which the control of these community forests will be handed over to the people and as far as I remember there was even a recommendation of this in the report by Forest Commission in which it was clearly given that there should be some *via media* by which the control over these village forests should be handed over to the villagers or to the village proprietary body. To-day I am surprised to learn that the Minister stood up and said that the interests of the proprietary body are at stake. But he has very conveniently forgotten that the main income from all the village shamilats goes to the coffers of the Forest Department and perhaps it is for this reason that he is not willing to accept this very wholesome amendment coming from the Opposition which aims at ameliorating the conditions of the poor zamindars in the villages whose income goes to the coffers of the Government.

Under the so-called conservancy scheme the present Government has taken the excuse to victimize the agriculturists. It does not help the village community and the Forest Department. The forests are burnt every year. There is not a single tree standing in these jungles. The Honourable Minister said that there is the *ror* going on in the Hoshiarpur district. I am not against the Forest Department or the conservancy scheme. I am not opposed to it. It is a good scheme. This scheme is useful for a particular country and here in our country it is of absolute necessity. The present Government is responsible for the policy of not taking the village proprietors into confidence and the present Government is primarily responsible for the destruction of the village forests. The Government should not persist in opposing this wholesome amendment. The Forest Commission has recommended that the management of the village forest should be handed over to the village panchayats and the village proprietary bodies. With these words I support the amendment.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (*Urdu*) : Sir, I rise to strongly oppose the amendment that has been moved by my honourable friend Pandit Muni Lal and supported by my honourable friend Pandit Bhagat Ram Sharma. In fact the honourable member who has supported the amendment under consideration, hails from the district which abounds in jungles. The idea underlying the amendment may be to take possession of the forests which belong to the Government. If he had been a resident of such district as mine, he would have regarded this amendment quite unreasonable. It would be very inconvenient to bring large tracts of shamilat land under the control of the panchayats. It may not be so in the district of Kangra. But in other districts the zamindars are the common masters of the shamilat-i-deh. Every patti is entitled to a different piece of the common land and when this land is distributed among the pattidars, it is cultivated and yields considerable produce to the zamindars. Why and how should such land be handed over to a panchayat? With these words, Sir, I oppose this unreasonable amendment of the Opposition.

Mr. Deputy Speaker : The question is—

That at the end of part (i) of sub-clause (1), the words "including village common lands" be added.

The motion was lost.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
Sir, I beg to move—

That at the end of part (n) of sub-clause (1), the words "camels and horses" be added.

Sir, you will kindly observe that in sub-clause (1) (n), the words are "the voluntary registration of the sales of cattle," and it has been pointed out by the Honourable Minister in charge of the Bill, that the word "animal" is wider in meaning than the word "cattle." It includes all other different kinds of animals. But in this case the word "cattle" is used in order to exclude horses, camels and others.

5 p.m.

Mr. Deputy Speaker : The question is—

That at the end of part (n) of sub-clause (1), the words "camels and horses" be added.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I move—

That in part (o) of sub-clause (1), line 3, after the word "and," the words "the publication of market prices of the agricultural commodities and" be added.

Although I know that there is provision in the Marketing Act as to the publication of market prices, still the marketing committee shall be away from many panchayat areas and it is extremely necessary that all the cultivators who produce all these commodities should also know the market prices. Up to this time they do not know the prevailing market prices. The traders come to the villages and give false market rates to the villagers and get the produce according to their own rates. Under these circumstances it is extremely necessary that this power should be given to the panchayats so that they may be able to publish it in that panchayat area. I expect from the Honourable Minister that he would accept this amendment because they pose to be there for the welfare of the zamindars and my amendment is for the benefit of the zamindars.

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

That in part (o) of sub-clause (1), line 3, after the word "and," the words "the publication of market prices of the agricultural commodities and" be added.

Minister of Public Works : I oppose the amendment. To begin with it is doubtful whether all panchayats would have the necessary funds for carrying out this object. If you will kindly see part (b) you will find that already wide powers are there and any such functions can be carried out (*Interruptions*). There is the question of degree of necessity. I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in part (o) of sub-clause (1), line 3, after the word "and," the words "the publication of market prices of the agricultural commodities and" be added.

The motion was lost.

Lala Duni Chand : I move—

That between parts (o) and (p) of sub-clause (1), the following new part be inserted:—

“(p) protection of non-agriculturists particularly members of schedule caste and menials from oppression, boycott and harassment and report such cases of oppression, boycott and harassment as it may think proper to the District Magistrate.”

(Urdu) : Sir, I have decided to speak on this Bill in my own tongue so that all the honourable members who have come here to protect the rights of zamindars may know how far we on this side of the House are at one with them in the matter of the protection of the rights of the zamindars. Then, we will see how far these honourable friends help us in our effort to safeguard the interests of the people living in the rural areas.

The object of clause 19 is to entrust the panchayats with certain duties calculated to benefit the people living in the rural areas. Some of my honourable friends have sought to improve this Bill in several ways. The object of my amendment is to impose this new responsibility on the panchayats so that they should see that no members of the scheduled castes and low castes living in the rural areas are oppressed and harassed by members of the proprietary classes.

Chaudhri Jugal Kishore : And also to see to it that women belonging to the scheduled castes are not abducted.

Lala Duni Chand : There are always two classes in a village, the class of proprietors of the village and the class of non-proprietors, that is, members of the scheduled castes or our Achhut brethren. Generally the idea prevalent in the villages is that any treatment can be justifiably meted out by the members of the proprietary classes to the members of the low classes. The impression seems to have taken firm root in the minds of the members of the higher classes that members of the lower classes reside in villages simply to work as slaves and serfs for the members of the proprietary classes. I want that it should be made the responsibility of the panchayats to see to the interests of the scheduled castes. It should be part of the duties of a panchayat that if instances of oppression of the members of the scheduled castes are brought to its notice, it should pass them on to the district magistrate who will do the needful to redress any wrongs that may have been perpetrated. I want this Honourable House to bear in mind that village life is particularly of a very miserable type for some classes. The influential and strong village proprietors seem to entertain the primitive idea that any amount of oppression on the poor and downtrodden sections of the village population is quite justifiable.

It is a matter of daily occurrence that the zamindars do not allow Harijan women to enter their fields to answer the call of nature. They do not allow the Achhuts to graze their cattle on their lands. The landowners have placed various restrictions on the movements of the members of the depressed classes living in their villages, so much so that they are sometimes forbidden even to ease themselves on the dung hills. They cannot enter or leave the village without the previous permission of the zamindars. We daily receive hundreds of complaints to the effect that such and such *chuhras*, *chamars* or *kamins* have been victimized by the village landlords. The Unionist Government is in the habit of declaring

from its house top that it stands for the welfare of the depressed classes, and it never gets tired of making such declarations. Now, if it sincerely wishes to grant the Achhuts or Harijans those rights that are being enjoyed by others then it is incumbent upon it to accept my amendment. I assure the Government that the acceptance of my amendment would do no harm to any of its interests. On the other hand it would go a long way in helping the materialization of its own oft-quoted policy and programme. My object in moving this amendment is to empower the panchayats to protect the non-agriculturists particularly members of the scheduled classes from oppression and harassment. The treatment that is being meted out to-day to the Harijans in the villages can better be imagined than described. They are not allowed even to put on white clothes. They are oppressed and boycotted, threatened and intimidated by the landowners even under the slightest pretext. It is not open to them to sit on a *charpoy* in the presence of any landholder. The members of the non-agriculturist classes and especially of scheduled castes are made to work for the zamindars for nominal wages and if they refuse to do so they are subjected to corporal punishment. I may point out to the Government that so far as the Harijans are concerned reign of terror is prevailing in villages. If the present Government is really a democratic one, as it often claims to be, then it should see to it that the poor fellows are accorded better and more sympathetic treatment by the zamindars. It is high time that the Government shook its lethargy and took necessary steps for the amelioration of the condition of the Harijans. It is now imperative on the Government to give solid and material proof of its oft-made claims. I know that the wealthy non-agriculturists living in villages are being treated better by the land owning classes, but the condition of the poor people is extremely pitiable. I, therefore, request the Government to give such powers to the panchayats as would enable them to protect the rights of the Harijans. It is a very innocent amendment and I do not think the Honourable Minister would have any objection to its acceptance. I hope and trust that if he sincerely wishes to do anything good for the Harijans he would certainly accept my amendment.

Mr. Deputy Speaker: Clause under consideration amendment moved—

That between parts (o) and (p) of sub-clause (1), the following new part be inserted:—

“(p) protection of non-agriculturists particularly members of scheduled caste and menials from oppression, boycott and harassment and report such cases of oppression, boycott and harassment as it may think proper to the District Magistrate.”

Lala Harnam Das (Lyallpur and Jhang, General, Reserved Seat, Rural) (Urdu): Sir, I rise to support the amendment now under consideration. So far as the Panchayat Bill is concerned, I would like to submit that the powers delegated under it are in fact passing into the hands of those who are in the habit of oppressing and harassing our community. The real object of establishing village panchayats was to dispense free justice to and emancipate those poor, destitute and penniless people who are unable to get two square meals a day. If our Government really wants to do justice it should try to take a leaf out of the book of Emperor Jehangir who had hung a golden chain at his palace wall. It was open even to the poorest of the poor to come and pull it and get his grievances redressed. We

[L. Harnam Das.]:

want similar arrangements to be made here in the Punjab also. Originally the object underlying the formation of panchayats in the villages was to extend justice even to the most destitute persons without making them spend a single penny for the purpose. But, it is a pity that the Punjab Government is enacting this Bill with a view to keep my community enslaved for ever. It is, I am sure bringing about our complete ruination. It is in fact, compelling us to emigrate from the Punjab. The present attitude of the Government clearly shows that it is trying to carry out the wishes of the Honourable Premier to the last letter. During the last Budget Session he remarked in a reply to my speech that the Harijans of the Punjab should better leave the province. Sir, there is no doubt about the fact that the Punjab Government has always tried to cause a split among the ranks of the depressed classes. Recently it has appointed certain Achhut panchayat officers to work only among their own community. Thus the Government wants to throw dust in the eyes of the scheduled castes by making an intensive propaganda in its own favour through those officers. In other words the Government wants to keep them in the dark for ever. It wants to win them over by mere expressions of sympathy. They are told that if they would quietly submit to the yoke of the Unionist Government it would prove immensely useful for them. It is a fact that these poor people are not acquainted with the real state of affairs. The present Government wants to become popular among the Achhuts by bringing forward such measures but in fact this too like others would prove a deadly weapon against my community. As I have already stated the object of introducing the Panchayat Bill should have been to save the poor litigants from the payments of the court and counsel fees. But the present Bill I am sure would only give unlimited powers to the wealthy sufedposhes and lambardars.

I may also submit that Achhuts do not consider the Panchayat Bill to be a useful one, as it goes against their interest. The question is of money and they are very poor so much so that they are unable to hold conferences and press upon the Government by passing resolutions against this Bill. As powers are to be invested in big zamindars and the rights and liberties of poor members of scheduled castes are to be trampled down, this Bill will not find favour with them. Moreover, they are fully aware that as soon as they decline to obey a panch or any distinguished person they will be put to great trouble and the panch will get them convicted and sentenced for some months or fined Rs. 40 or Rs. 50. Numberless forms of repression are in evidence in rural areas. The time at my disposal is very short, otherwise I would have stated them. Anyhow I should like to place some of them before you. As you might be aware, the Achhuts are engaged in minor industries such as tanning, shoe-making, weaving, etc., etc. Due to general economic depression, the Achhuts are unable to serve lambardars and other prominent persons gratis and are constrained to refuse to work for nothing and this leads to their being boycotted completely by the rural gentry. If we take a general view of their present condition irrespective of panchayats that are still to be formed we will but pity them. Do you know how they are treated by zaildars and lambardars? In fact they subject them to all sorts of atrocities and excesses. If a prominent person

of a village becomes angry with an Achhut, a meeting is at once called by the lambardar or zaildar and all of them arrive at this kind of decision that such and such treatment should be meted out to the Achhut community of the village. I want to point out that if the members of depressed classes continue serving them gratis they are pleased and if they decline a little they are doomed. In this connection I should like to quote an instance of Chak N.3. 249 Gogera, district Lyallpur, where an Achhut, Sindhi by name, refused to mend a slipper. Now I would tell you what happened to him. Hamid Ullah the suspended lambardar called the prominent zamindars of the village who were his kith and kin at his house at night and the Achhuts including Sindhi were also called for. Hamid Ullah asked them to stop their tanning work as they remained busy at their work and on that score the zamindars could not get men to work in their fields. Moreover they were compelled to mark their thumb-impressions to the effect that they did not require canal water. Consequently the poor Achhuts had to give up the tanning work on that very day and after that when they sought justice from the authorities they were completely boycotted by the zamindars of the village and even the canal water which was reserved for them had been sold to other zamindars. This matter was brought to the notice of the Deputy Commissioner but he paid no heed to the poor Achhuts and took the side of the zamindars. Nevertheless, two lambardars pleaded the cause of Achhuts.

Mr. Deputy Speaker : The scope of the amendment is very wide but I would request the honourable member to be brief.

Lala Harnam Das : I may further submit that if Achhuts do not work in the fields of zamindars the whole village is incited against them. By submitting these facts I mean to say that if they refuse to work for zamindars they are badly treated by them so much so that false cases are started against them. Often it so happens that professional tax is levied on most of them. So they have to work gratis lest this tax should be levied upon them. As I have already submitted in villages Achhuts are compelled to over-work so much so that they are forced to work on fixed wages. For instance, they are compelled to weave 5 seers of cotton per rupee. And if they work on these wages they cannot make both ends meet and if they do not work on these wages they are completely boycotted. They are sometimes closed in their houses and the shopkeepers refuse to supply them with various provisions. They are not allowed to go out even for easing purposes and if they dare go to the fields they are shoe-beaten. May I under these circumstances ask the Government how it will arrange to provide them with medical aid if they fall a victim to some fatal disease? I remember an incident of this type occurred in a village. A member of the depressed classes fell a victim to cholera and as no local help was extended to him the medicine was sent for from another Chak. I may also add that at the time of boycott, they are not allowed even to cut grass from the ground of the village and to bring fuel from a neighbouring village. My honourable friend Lala Duni Chand has referred to proprietors. I should like to submit that the real proprietors are neglected and they are not being provided with a place to hide their heads. It is a pity that those who have no claim over this country are considered to be proprietors while the claims of actual proprietors are thrown over-board. I, therefore, submit with all the emphasis

[L. Harnam Das.]

at my command that so far as Almighty is with us there is no power on the face of the earth that can efface our existence.

Let me also submit that this Panchayat Bill will lead to the decline of depressed classes. And the present Government in relation to the Achhuts stands on the same ground as the fowler referred to in the following couplet :

نہ تو دیم ہی کیا نہ کیا آزاد میں

تو نے پر نوچ کے صیاد میں چڑھ دیا

It was absolutely essential to incorporate such provisions in the Bill as would safeguard the rights and interests of the poor people particularly kamins, Indian Christians and Achhuts. But on the other hand such a stringent and harsh Bill is being enacted as would I am sure leave no choice for the poor Achhuts but to emigrate from the Punjab. Now these people are in fact praying for the downfall of the Unionist Government.

In the end I would like to say that the present amendment is undoubtedly a very important one, and in view of the fact that the Achhuts have already been denied any right of representation on the proposed panchayats, I would request the Honourable Minister to accept it. But at the same time I am sure he is not prepared to accept it as it has become the second nature of the Government to turn down every good and useful suggestion that may emanate from this side of the House. With these words, Sir, I support the amendment moved by my honourable friend on the right.

Sardar Moola Singh (Hoshiarpur West, General, Reserved Seat, Rural) (*Punjabi*) : Sir, I rise to support the amendment under consideration. Before I proceed with my speech I would like to acquaint the honourable members of the House with the object underlying the Panchayat Bill. Before the inception of the Unionist Party the main practice was that all village disputes were settled according to the principles of arbitration. In almost all such cases justice was properly done to the parties concerned. Such decisions were generally accepted by all. But when the Unionist Party came into being it instigated one community against the other by raising the question of agriculturists and non-agriculturists, etc.

Mr. Deputy Speaker : I would request the honourable member to be relevant. He is not speaking to the amendment.

Sardar Moola Singh : Sir, I am developing my argument in support of this amendment. What I want to submit is that the establishment of the proposed panchayats would give rise to several other disputes. I am afraid only big landlords would be elected panches, and thus armed with the provisions of the present measure they would surely tyrannise over the Achhuts and since they are agriculturists and the Achhuts are non-agriculturists they would try their best to bring about the complete ruination of the latter. There is no doubt about the fact that such panchayats would prove harmful to our rights and interests. But if you accept the amendment moved by Lala Duni Chand there can, I am sure, be some chance of our welfare. It is a pity that no provision has been made in this Bill for our representation as well as general welfare. The hardships that we are subjected to in the villages are well known to every one. But since the Honourable Minister of Public Works is no less than a native ruler or a

prince, he or the Honourable Sir Sundar Singh cannot be expected to be aware of our plight. They were born with silver spoon in their mouths. (Laughter). Only Chaudhri Sir Chhotu Ram had some knowledge of our miserable condition. But ever since he became a Minister of the Punjab Government he has completely forgotten us. We are being tyrannised over in the villages. It is not open to us to leave or enter a village without the consent of the zamindars. We are made to work gratis and if we refuse to do so we are subjected to great hardships. We are not allowed to graze our cattle in the fields of the zamindars. We cannot sit on a *charpoy* in the presence of a big zamindar. Under such circumstances it is absolutely necessary to accept this amendment. If the Government wants to do justice let it come forward and accept it. Otherwise the present Bill is not going to benefit us. Even my honourable friend Sardar Gopal Singh once remarked that our community could not gain anything under this measure. Now he has entered the Chamber and I am sure he will try to throw a flood of light on the provisions of the Bill. The honourable Seth Kishan Das has been one of the members of the select committee appointed for the purpose of submitting a report on the village Panchayat Bill. I hope he will also support this amendment. With these words, Sir, I support the amendment under consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I rise in support of the amendment that has been moved by my friend Lala Duni Chand. It is agreed on all hands, that the population of our villages consists for the most part of agriculturists. Others are in a minority and at most places in a hopeless minority. It is therefore all the more necessary that it should be the special concern of the Government to protect the interests of all those who are in a minority, be they in the villages or in the cities. We have heard from time to time very many complaints that in some of the villages our Harijan brethren are not allowed even to draw water from the common well. The tales of oppression of the minority at the hands of the majority in the villages are not unknown. These tales have reached people from time to time and I feel sure that Government is not unaware of them.

The boycott of these minorities at the hands of the majority is also a weapon which has been frequently used in the past. Now to remove all these complaints the amendment moved by my friend Lala Duni Chand appears to me to be very modest and very reasonable. What does this amendment say? That these poor people who are in a hopeless minority, in the villages be given permission to approach the panchayats which will be dominated by the agriculturists themselves and lay before them their grievances and their complaints. Not that they expect them to redress their grievances immediately. The very modest request made in that amendment is that if the panchayat feels satisfied that those grievances are genuine, that those complaints are real, they may bring those things to the notice of the district magistrate of the district. That is all what the amendment says. I really see no harm in it. Panchayats will be dominated by your own men sitting on Government benches. They will be for all practical purposes pro-Government people and I really fail to understand what difficulty the Government has in accepting this very reasonable demand made by Lala Duni Chand. If nothing more can be done, it should be the

[S. S. S. Saptokh Singh.]

concern of some one to at least hear these complaints. The remedy suggested by this amendment, namely that the panchayat should make representations to the authorities, is not to my mind a very effective remedy. As a matter of fact by accepting that amendment Government will be saving themselves from a great trouble. You now complain that these petty questions are brought before this House, but hereafter you will be able to say, 'that such and such matter has already been enquired into by the panchayat and the complaint found to be baseless.' To my mind Lala Duni Chand places in your hands a weapon which will serve the Government purpose, more effectively. This amendment, if accepted, will however give some satisfaction to these people at least to know that they will have the right to put their complaints before their village people, although they may belong to the same class which oppress them so much. With these words I support the amendment.

Chaudhri Ali Akbar (Gurdaspur East, Mithamniara, Rural) (Urdu) : Sir, I rise to oppose the motion now before the House. At the very outset of my speech I may point out that we are the representatives of the rural people and we know much about the rural areas. None of the honourable members over there reside in the villages and therefore they cannot claim to know more about the rural conditions than ourselves. Besides, honourable members who represent the achhuts are also not putting up in the rural areas. On the other hand they are residing in the cities and at the instigation of the urban members they daily bring charges against the Honourable Ministers. In addition I may point out that honourable members while delivering speeches do not confine themselves to the object of the amendment but they simply go on harping on the same old tune that *saildars* and *sufedposhes* perpetrate untold cruelties on the *achhuts*. I can say without any fear of contradiction that such allegations are entirely incorrect. The fact of the matter is that my honourable Hindu friends have converted the *achhuts* to their religion and while doing so they held out great promises to them that they would eat and drink in common with them and that they would allow them to draw water from their wells. But now neither they eat nor drink with them nor do they allow them to draw water from their wells. These poor people have been left in the lurch. In the circumstances I ask them whether they are meting out cruel treatment to them or we? As a matter of fact my honourable friends over there held out these promises with a view to increase their voting strength and to capture more seats. Even now they pretend to show some sort of sympathy for them by moving this amendment. After all I ask them what is the use of expressing sympathy which is merely lip deep? To me it seems that by expressing such lip sympathy my honourable friends wish to exhibit to the *achhuts* that they are their well-wishers so that they should always side with them and remain under their influence. Their object solely is to keep them in their old degraded condition. In fact they do not desire that they should become conscious of their entity and break away from them.

Mr. Deputy Speaker : The honourable member is irrelevant.

Chaudhri Ali Akbar : Sir, I am only refuting the arguments of my honourable friends over there. In the olden times the *achhuts* worked with the *zamindars* quietly and lived with them peacefully and happily

They even ate and drank from their houses and also got their ~~share~~ from them and lived like brethren. Now our Hindu friends have moved this amendment in order to win their sympathy and thus they wish to get their votes for increasing their strength in the panchayats.

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

Chaudhri Ali Akbar : The object of the amendment now before the House is that the achhuts should not get any benefit from the panchayats but that they should seek justice from the magistrates. Well Sir, nobody can deny this fact that if the panchayats are established in the villages the poor and needy people who have not any money with them for going to courts, can get their disputes settled by the panchayats. Even now where there are no panchayats people get their disputes settled by means of panches. If any one in a village feels any trouble the panches are in duty bound to remove it. Besides my honourable friends must have seen that people of some tribe as far example Sansies and Bazigars, never go to courts for getting justice, but on the other hand they get their disputes settled in their panchayats. Can any one of my honourable friends tell me that any person from amongst them ever goes to courts seeking justice? If not, may I know why they are instigating the achhuts to go and seek justice from the magistrates instead of panchayats? I do not see any other object, save that they wish to win their sympathy and thus get their votes for increasing their strength in the panchayats. Generally the panchayats will consist of big people of the villages and it will be they who would settle the disputes in the panchayats. I do not think anybody can have any objection to this. When the panchayats are established they will mete out justice to all regardless of colour and creed. They will settle the disputes of all kinds of people. So the question of a kamin does not arise. My honourable friends consider the achhuts as kamins inasmuch as they do not eat or drink in common with them nor do they allow them to draw water from their wells but we on the other hand regard them as our brethren and if they join hands with us we are prepared to eat and drink with them. (*Hear, hear*). In short, I may submit that they will receive much benefit from these panchayats and there is no need for them to go to the magistrates for getting justice.

Besides, I know why my honourable friends are pressing this amendment. If it is accepted it will go a long way in securing the votes of achhuts for them and thus their voting strength will increase and they will be in a position to capture more seats on the panchayats. In view of this I am constrained to remark that we are not prepared to support this thing. Then there is yet another reason why my friends are pressing this amendment. That is that they want to keep these achhuts entirely dependent on them and under their influence lest they should become conscious of their entity. Obviously my honourable friends wish to deceive and befool them. But we cannot allow them to do so. With these words I strongly oppose the amendment now before the House.

Chaudhri Jalal-ud-din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, I would be failing in my duty if I do not support this amendment in the interest of my Christian brethren residing in the rural

[Ch. Jalal-ud-Din Amber.]

areas. (Hear, hear). I may point out that the village kamins mostly live and work in the villages. I would like to give the House an idea of the difficulties from which they suffer. When we go to the country-side we find that a very harsh treatment is meted out to the menials. They are oppressed, harassed and put to great hardships. The paltry remuneration paid to them is not commensurate with the amount of labour they are required to put in. They are not allowed to have the use of the manure they themselves store by sale or otherwise as their own property. Now the zamindars specially in the ilaqa of Raiwind have adopted a novel method. That is that they get rent deeds executed from these village kamins for their dwellings that they have been occupying for many decades and in certain cases since ages—lest the latter should claim proprietary rights. As a matter of fact they are treated as serfs. I, therefore, welcome this wholesome amendment moved by my honourable friend from Ambala. I am of the opinion that justice and equity demand that these village kamins should be protected from oppression, boycott and harassment. I think it is absolutely necessary to make a provision in this Bill that it should be one of the duties of a panchayat to report such cases of oppression, boycott and harassment to the district magistrate for such action as he may deem proper.

Besides, now-a-days we find that everywhere people are demanding from their respective Governments that the rights of the minorities should be safeguarded. That is the reason why in India the question of Hindu-Muslim unity has not fruited. The minority communities demand the safeguarding of their rights. I may also point out that a panchayat is a sort of miniature Government in the village. Hence it would be in the fitness of things if the duty, as is sought by this amendment, is assigned to it. It is regrettable that when it is admitted on all hands that the suggestion is a useful one, the Government should feel averse to accept it. I do not want to take much of the time of the House as the matter has already been discussed thread-bare. But I must say that it would rebound to the credit of Government if they agree to make this provision in the Bill that in case of oppression against menials a panchayat could report such cases to the district magistrate; otherwise no voice can be raised in favour of the oppressed poor people, who would be right if they said to the Government.

فردے بشوئی نالہ دانی خداد

یہ کربان ہی کلے خداد

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*): Sir, my honourable friend Lala Duni Chand has moved this amendment with object of making an addition to the duties to be entrusted to the panchayats. Now as the panchayats are to be established in the villages, none can gainsay the fact that the zamindars would preponderate in these institutions. I am of the opinion that if it is sought to invest the zamindars with increased powers, my honourable friends should ungrudgingly agree to this amendment. In this connection I may point out that wherever democratic institutions have been established or are being established this principle has been accepted as *fait accompli* that the rights of minorities must be safeguarded because without this arrangement the success of these

institutions is considered to be doubtful. As the principle underlying the panchayats is that of democratic rule, it is necessary that a provision in the Bill should be made to safeguard the rights of those classes in the rural areas who are in a minority. I, therefore, submit that the object of the amendment moved by my honourable friend from Ambala is that the panchayats should undertake to protect the non-agriculturists specially the members of the scheduled castes and the village menials, wherever they are oppressed, boycotted and put to great hardships and report such cases of oppression, boycott and harassment as they may think proper, to the district magistrate. I am of the opinion that the panchayats must be invested with a power of this kind so that it may become incumbent upon them to hear and redress the grievances of the oppressed. Besides, this power is not going to prove detrimental to the panchayats. The zamindars should not be opposed to it. It does not become of them to shirk this responsibility. They should not give an opportunity to the minorities to lay this blame at their door that the Punjab zamindars wield political power but they do not want to exercise it with even-handed justice. I would like to draw the attention of the House to the slogans of those of my honourable friends who declare from house tops that the establishment of swaraj in India should be kept in abeyance until the rights of the minorities are adequately safeguarded. I am, therefore, of the opinion that those people who hold such views should not adopt a callous attitude towards this amendment.

Now, in order to show how far the incorporation of this wholesome amendment is necessary, I would like to relate my own experience. I have extensively travelled in the ten districts lying beyond the river Chenab. I was pained to see that the non-agriculturists residing in the rural areas of those districts were being treated very shabbily by the zamindars. They were being tyrannised simply for the reason that they belonged to low castes. If Sardar Ujjal Singh were present in the House, I would have asked him as to what treatment was being meted out to his non-agriculturists brethren.

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

Sardar Kartar Singh : I leave this matter here. But what I want to drive at is that if the provision is incorporated in the Bill, it would prove beneficial to the rural people at large. Besides, it is a matter of common knowledge that sometimes minor religious disputes in the villages assume serious proportions and result in the breach of the peace of a whole district, division or even the province, specially when two rival factions in the press support or condemn the action involved in that dispute. Sometimes these disputes jeopardize the peaceful relations of the communities in the province. It is to nip such evils in the bud that the panchayats are to be established in the village. It is expected of these institutions that they would keep a vigilant eye so that in rural areas the strong may not tyrannise over the weak and the majority do not trample upon the rights of the minorities. But unless a panchayat is empowered by law to combat such evils, it would not be possible to achieve this object.

Besides, I have certain misgivings in my mind that the Unionist Government would frame rules or provisions in the Bill in such a manner that the

[S. Kartar Singh.]

panchayats would play second fiddle to them and the people would be forced to vote in their favour during the general elections. Such provisions or rules would nullify the purpose for which the panchayats are to be brought into existence. However, if the amendment moved by Lala Duni Chand is accepted by the Government, it would have a salutary effect on the panchayat, because in the presence of such a provision the oppressed would be able to secure justice at least in a few out of a hundred cases.

In short, this amendment is useful from every point of view. It is clearly beneficial to the minorities and is also calculated to enable the majority community to show generosity to the minorities. Furthermore, it will prove helpful to the Government in maintaining law and order in the province. Litigation will certainly decrease because disputes will diminish. If, however, the Government refuses to accept it, we shall be led to think that the majority community is not prepared to do justice to the minority and is not willing to be fair to the weak parties or listen to their grievances. If this amendment is turned down, the true mentality of the majority party will be exposed and the minorities will be obliged to look for their own remedies. They will try to find ways and means to obtain freedom to live in the province. With these words, Sir, I beg to support the amendment that has been moved by my honourable friend Lala Duni Chand.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*): Sir, I have carefully listened to all the speeches that have been delivered from the other side of the House. Nothing new has been said in any of them beyond vilifying the Unionist Ministry. The Opposition members have shown the same deplorable mentality of blackmailing the popular Government of the Punjab. They had better print all the abuses they want to hurl upon the Unionists, in the form of a big poster and hang it on the walls of the Assembly Chamber. By so doing, they will save much of their energy and the valuable time of this august House. Every time they have to waste their breath for nothing. Their only business is to criticise the Government in season and out of season.

Adverting to the point under discussion, I may be allowed to submit that it is the height of ingratitude and faithlessness on the part of those who now come forward to charge the zamindars of high-handedness and cruelty while in fact they have been their sole protectors from times immemorial. Is there any person in the Punjab who can have the audacity to deny that all the so-called Harijans and kamins, whom I would not call by these names because my religion forbids me to do so (and this is the belief of the Sikhs also) have been living on the actual generosity of the zamindars in the past? I am rather glad that on account of our healthy influence upon them, they are becoming conscious of their rights and interests which were denied to them by my honourable friends sitting on the other side of the House. When the hostile critics of the Government and the zamindars say that we do not allow the depressed classes and the kamins to graze their cattle on our lands, they incidentally reveal the fact that these poor classes possess even cattle like the landowners. On what do their cattle and they themselves live if the zamindars do not extend their hospitality to them?

What is most ridiculous in their speeches, is their claim that they know about the villagers more than the Ministers and the zamindars do. Now every sensible person would agree that this claim of theirs is most unfounded. It is they themselves who have dubbed these poor classes as "achhuts" and "kamins". You may ask, Sir, from the Muslims and the Sikhs if they regard any person as untouchable? We do not recognise any caste system. Our attitude is fully depicted in the Persian couplet of Sheikh Saadi which runs as follows:—

نبی آدم اعضای یکدیگر اند که در آفرینش ز یک جرهر اند

All men descend from the common ancestor. That is our belief. There are, of course, different professions that different people follow, and we do not compel any one to stick to any profession. Nor do we look down upon them for reason of any profession. All labour is equally respectable. On the other hand those who say that the zamindars are cruel to the Indian Christians or other *kamins*, they themselves have degraded them from the level of humanity. They are not doing any service to the Punjab by exciting the feelings of the Indian Christians against the zamindars who have been very fair to the former. May I ask what is wrong with the "sep system"? Every 'sepi' gets eight "topas" of grain or two cart-loads of crop at the time of the harvest and even that person who is not a 'sepi' gets one cart-load from the zamindar. The zamindars have, in a way, fixed jagirs for the poor classes living in the villages. Every expenditure of these labourers is a charge on the zamindars. The question of *begar* and cruelty does not arise. The dwellers of cities pay to their *kamins* only on such festivals as Bisakhi or 'Id or on the occasion of a marriage or birth and even then a paltry sum of a rupee or 2 annas or 4 annas, but the zamindars pay them frequently not only yearly or six-monthly but throughout the year. A labourer on the agricultural field gets something from the zamindar on every conceivable occasion, every harvest, every marriage, betrothal, and other religious festivals. Does it lie in the mouth of any true Christian or other so-called *kamin* to say, in spite of these hard facts, that zamindars maltreat the workers in the villages? No fair-minded person will be a party to that view. Only an ungrateful soul can do so.

Again, the question of house-rent has been brought forward as if it was a strange thing and had not been heard anywhere before. May I ask what is the harm in charging rent for any house? The fact is that we provide them with land to live in, food to take and clothing to wear. They live on our generosity from the cradle to the grave and yet ingratitude has misled some of them to dub us as cruel. If things have come to such a pass, then I will say in the words of an Urdu poet:—

اگر اب نبی نہ سمجھو وہ تو اس بت سے خدا سمجھو

But I must admit our faults as well. Our greatest sin perhaps in their eyes is that we have given them the right to vote which our honourable friends sitting on the opposite benches would not have given them at all. Do they really regard it our guilt? If so, we are proud of this guilt of ours! It goes without saying that the Unionist Government has given the poor classes freedom to ventilate their legitimate grievances.

[K. B. Nawab Ch. Fazl Ali.]

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

I am glad, however, that my friends, the *Achhuts*, have learnt after all how to put forward their grievances cleverly. We on this side feel gratified to see them waxing eloquent as it was by our efforts that they got separate representation and the right to ventilate their grievances. But there should be a limit even to misstatement of facts. It has been said that the members of the scheduled castes are oppressed by the zamindars, but is that a fact? Could, for instance, my friend, Sardar Sohan Singh Josh, who is a zamindar, endorse this statement?

All sorts of flimsy accusations have been hurled against the zamindars. It has been said, for instance, that the word Musalli used as a name for a section of the Muslims is an offensive word. But this objection is due to a misunderstanding of the real meaning of the word which is Arabic in origin. The fact of the matter is that the so-called oppression of the zamindars is the creation of those brains which are always busy finding out the faults of the Unionist Government. To them I will say—*Ai badi samum in hama acurda tust*. I will not say *Ai badi saba in hama awurda tust*. There is a class which instigates the untouchables to put forward all sorts of impossible demands before the zamindars. Some times it is urged that the zamindars should recognise the proprietary rights of those with respect to those lands which have been occupied by them, say for 6 years. Are my friends prepared to give the same rights to those tenants of their houses who occupied them six years ago? I submit that the honourable member has not been true to the interest of his community who says that the zamindars oppress the members of the scheduled castes. It is sheer injustice to call those people unjust who actually provide the members of the scheduled castes with food and clothing and everything. On the other hand the zamindars can legitimately complain against the attitude of the scheduled castes and must say they are ungrateful and disloyal. The zamindars look after the needs of these people. But if sometimes the crops in a village fail the members of the scheduled castes refuse to work and move to some other prosperous village. But the zamindars put up with all this. They feel that just as they themselves cannot do without members of the scheduled castes the latter too cannot do without them. The real thing is this. Some people are always on the look out for an occasion to criticise the Unionist Government in most scathing terms. They do so in the guise of lending support to the cause of the untouchables.

There is an amusing aspect of the amendment under discussion. On the one hand the zamindars are being dubbed as tyrants, and on the other, their panchayat is expected to forward the grievances of the scheduled castes to the district magistrate. If the zamindars are really tyrants why do these gentlemen expect their panchayats to represent the grievances of the untouchables to the district magistrate? If the zamindars are just, there should be no complaint against them. Another point may be considered in this connection. If any matter is outside the jurisdiction of a panchayat, these people have the right under the law to approach the high authorities including the deputy commissioner. I hope that the amendment moved by the learned Lala Sahib will meet with the same fate which

every senseless amendment of this type deserves. The only object underlying this amendment is to vilify the Unionist Government. If the only object with which amendments are moved from that side is the vilification of the Unionist Government my honourable friends may be advised to put down all sorts of accusations which they wish to hurl at the Unionist Government on a paper and give that paper to every member of their party to be read out in this House. With these words I oppose this senseless and impracticable amendment.

(Voices : Question be now put.)

Mr. Speaker : How many honourable members have spoken?

Mr. Deputy Speaker : Six honourable members have spoken for the amendment and two against it.

Pandit Muni Lal Kalia : But from different groups.

Mr. Speaker : So much the better. The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That between parts (c) and (p) of sub-clause (1), the following new part be inserted :—

“(p) protection of non-agriculturists particularly members of scheduled castes and menials from oppression, boycott, and harassment and report such cases of oppression, boycott, and harassment as it may think proper to the District Magistrate.”

After ascertaining the sense of the House by voices, Mr. Speaker said that he thought that ‘Noes’ had it.

An Honourable Member : But there were more voices of ‘Ayes’ than ‘Noes’.

Mr. Speaker : According to parliamentary practice in the case of motions moved or opposed by Government the Speaker’s decision on the collection of voices is generally in favour of Government.

Assembly divided :- Ayes 24, Noes 44.

AYES

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.

Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Hasan, Chaudhri.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sant Ram Sethi, Dr.
Sohan Singh Josh, Sardar.

NOES

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.

Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Ashiq Hussain, Captain.

Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dassandha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazal Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Het Ram, Rai Sahib Chaudhri.
 Inder Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 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.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Shahadat Khan, Khan Sahib
 Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur
 Sardar.

ADJOURNMENT MOTION.

HANDCUFFING OF SARDAR HARI SINGH, M.L.A.

Mr. Speaker : The House will now proceed to discuss the adjournment motion of Lala Deshbandhu Gupta. However I may inform the honourable members of the House that when I allowed the motion, my attention was not invited to the fact that the case of Sardar Hari Singh was pending in the High Court and that his bail application was to be heard to-morrow. So, I request all members not to say a word about the merits of the case. The debate must be restricted to handcuffing and handcuffing alone; so that the debate, held in this House, may not touch directly or indirectly the case pending in the court.

Premier : Sir, before we proceed further let me make one statement. I am glad that you have drawn the attention of the House to the fact that his appeal is pending in the High Court, and every one of us must endeavour not to bring in debate any matter which might prejudice the case of our gallant friend Sardar Hari Singh. We should be very careful to do that. At the same time I may warn the honourable members that there are one or two things which may prejudice the case. I will refrain from mentioning them; but there are one or two things which it will not be possible to suppress, although I should like not to mention them, so that there should be no possibility of this case being prejudiced. If my honourable friends will bear that in mind I shall try to mention only those facts which are

necessary. But I am afraid there are one or two facts which may indirectly impinge on the case. I merely warn honourable members not to mention them.

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

Lala Daghbandhu Gupta [South-Eastern Towns, General, Urban] (Urdu): I beg to move—

That the Assembly do now adjourn.

Sir, I regret to say that in the course of only two days this is the second time that I am taking upon myself the unpleasant duty of exposing the Government for their acts of omission and commission in which they have transgressed all limits of law, order and constitution. At the very outset of my speech I may point out that I do not feel any pleasure in doing this unpalatable task. My honourable friends sitting on the treasury benches, however good or bad they may be, are after all our kith and kin. While criticising their wrongful acts, we have constantly to keep this fact in view that nothing should be said which might harm our national prestige. Besides us, I mean to say we who, on a matter of policy are divided in two opposite camps, there is also a third party which is keenly watching us and taking note of our attitude to this toy constitution of provincial autonomy.

As regards the incident forming the subject matter of to-day's adjournment motion, I may say that not I alone but other members of the House too feel sorry for it. We are pained to note that the Government of our province is capable of doing such shameful things which have practically no parallel in any other part of the country.

Sir, the adjournment motion tabled by me is divided into two parts. The first part relates to the humiliating treatment meted out to my honourable friend Sardar Hari Singh. The second part, which deserves serious attention of the House, is about those worthless statements issued from time to time by the honourable members of the opposite benches in their defence. Their position has so much deteriorated that they have practically ceased to enjoy the confidence of this House. I assure them that whatever I say I mean it. Let them realise the truth of my statement. They should think that I am not pleading a case. I do not hold any brief. Perhaps you remember that the Honourable Premier replying to a short notice question of mine admitted that he felt grieved at the news of handcuffing Sardar Hari Singh who is decidedly a thorough gentleman and a highly respectable member of this House, respected by the Government benches also. The Honourable Premier said:—

I saw the news in the Tribune that he had been handcuffed and it pained me considerably to see that piece of news and I made immediate enquiries into the matter of my own accord; before I received a similar intimation from my friend opposite, the Leader of the Opposition. This is the information which I have received in response to that enquiry which was made at my suggestion. It is reported that the prosecuting sub-inspector served the warrant on Sardar Hari Singh outside the Additional District Magistrate's court. He was handcuffed on arrest because of his intemperate behaviour and because of the threatening attitude of the crowd outside.

Then, Sir, as far as handcuffing of Sardar Hari Singh, a prominent member of this House, is concerned, not we alone who have the privilege of being his colleagues feel this excess but even the Premier has felt it deeply. Before

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we invited his attention to this incident he held an enquiry into this matter of his own accord. I may say that every member of this House is honourable and respectable and whenever such a treatment is meted out to any of them as has been meted out to Sardar Hari Singh, it should be natural and common sentiment with every sensible Minister to make an enquiry into the matter and see why it has been done. I understand that the Premier made an enquiry into the matter without being asked to do so and without any pressure being brought upon him in this connection. I appreciate his efforts and congratulate him on that. But when we proceed further and go through the result of the enquiry instituted by the Honourable Premier, we find that it is not only disappointing but also shocking. The Honourable Premier was pleased to acquaint the House with the result of the enquiry in the following words—

It is reported that the prosecuting sub-inspector served the warrant on Sardar Hari Singh outside the Additional District Magistrate's court. He was handcuffed on arrest because of his intemperate behaviour and because of the threatening attitude of the crowd outside.

Sir, we repeatedly asked the Honourable Premier as to whether he believed or possessed sufficient reasons to believe that a responsible person like Sardar Hari Singh could ever be intemperate and could ever lose his temper. I ask even you, Sir, as to whether you believe that Sardar Hari Singh can ever be expected to lose his temper. But the Honourable Premier advanced only one argument, namely, that the attitude of the crowd was threatening. Then a moment later he remarked that its attitude was violent. In short he tried his best to offer some justification for that action. Now, Sir, I draw the attention of the House to another part of the answer given by him. In the course of his reply the Honourable Premier remarked "If my honourable friend can give me information I shall be glad to make enquiries." Now, may I ask him as to whether the dissatisfaction expressed by this side of the House was not sufficient to induce him to institute further enquiry into the matter?

Before I read out the statement made by Sardar Hari Singh I would request the honourable members of the House to attach similar importance to that statement and treat it in the same manner as if it has been made by them. Let me assure the House that I do not stand as a defence counsel for Sardar Hari Singh. In my opinion it would be enough to place the whole statement as it is before this Honourable House. He himself sent this statement to the honourable Leader of the Opposition and the latter received it through the Superintendent of the Central Jail, Lahore. I would request the Honourable Premier to carefully listen to it. It says:—

Reference Short Notice Question re my handcuffing and the answer.

Description of my behaviour as "intemperate" has amazed and pained me, as few epithets hurled at me could. The "threatening attitude" of the crowd is another invention. Also it is to be borne in mind that according to the official admission I was removed to the court "in a minute." Of course, there was no illegality about handcuffing. The matter could have been plainly stated without resort to "devices." I do not blame the Honourable Premier. He has to depend upon the answers forwarded by the District Magistrate, who had to rely upon the police version. My only grouse is that my statement was not called for by him. The question may be asked; Was Pandit Bhagat Ram Sharma, M.L.A., also "intemperate" in behaviour? Here are the facts of the case. Unless I am deliberately lying, they are the true version.

"On 28th August afternoon I was watching proceedings in the case against Sardar Dasandha Singh under section 117-188 in the court room of Additional District Magistrate, Hoshiarpur. The prosecuting sub-inspector who later arrested me was leading the prosecution evidence. I was seated in a chair a few feet behind him. Two foot constables of police entered the court room by the northern door, one of them had the "handcuffs" in his hands. Within a minute the prosecuting sub-inspector turned round and asked me to accompany him to the verandah outside the court. I obeyed him, and we went out into the northern portion of the verandah, followed by the two constables. The prosecuting sub-inspector told me, "I am a sub-inspector of police. Here I have warrants for your arrest." I replied, "I willingly surrender, I was calm, cool and dignified. The constables handcuffed me and in a minute I was removed into the court room. I did not ask the court to have my handcuffs removed. I did not protest or grumble against handcuffing. Sardar Shivsaran Singh, Counsel for Sardar Dasandha Singh, who later acted as my counsel too, however, on his own initiative, invited the attention of Additional District Magistrate to the fact of handcuffing, at which the court asked the arresting prosecuting sub-inspector. "Is it at all essential to handcuff him"? To which the prosecuting sub-inspector replied :

جو حضور حکم کرے

"The question was repeated and the same answer elicited. The prosecuting sub-inspector implied that he would remove the handcuffs if the court ordered, he himself, according to his light, having no choice in the matter. The Additional District Magistrate, however, instructed that handcuffs be put on one hand only and was pleased to remark that he would consider the matter and pass orders later on. My counsel Sardar Shivsaran Singh, who interviewed me in the sub-jail next day, told me that the Additional District Magistrate had been pleased to tell him that the Rules allowed exception from handcuffing only in case of arrest under section 124-A, Indian Penal Code, and he would see to it that I was not handcuffed while in the court room.

Later on, however, probably under instructions from the Punjab Government, I was never handcuffed during the course of trial, or at the time of transfer to Central Jail, Lahore.

As regards the "threatening attitude" of the crowd, call it, "crowd" or "mob" whatever you like, people present at the time of arrest were the very people who were witnessing the proceedings of the case against Sardar Dasandha Singh in the court room.

I hope the Premier's answer does not insinuate that I resisted or had a mind to resist arrest. I further hope he did not wish to convey that there was apprehension of the crowd rescuing me, during my transit from the verandah to the "dock" a distance of a few yards.

Let it be said to the credit of the prosecuting sub-inspector that he was, otherwise, exceptionally polite to me. The court was very courteous to me. They all treated me with perfect consideration. Most probably as the facts narrated above show the prosecuting sub-inspector and the court in the first instance had no knowledge of the Government's instructions that ordinarily respectable people should not be handcuffed. The prosecuting sub-inspector only followed the general procedure of arrests in our province. To my mind he did not handcuff me to humiliate or degrade me.

However, I cannot too strongly repudiate the charge of "intemperate behaviour" which I regard as a very unkind cut.

These facts may please be brought to the notice of the Premier and the matter dropped.

Premier The last words "and the matter dropped" should have been underlined.

Lala Deshbandhu Gupta : I will explain why the matter has not been dropped. After reading out the statement I again draw your attention to the reply given by the Honourable Premier. It should be borne in mind that Sardar Hari Singh himself has related the whole incident from A to Z. But his statement does not at all show that he lost his temper at the time of his arrest. It neither tells us of any crowd assembling outside the court nor of its threatening attitude. On the other hand Sardar Hari Singh is kind enough to make an expression of his opinion about the magistrate

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in question. Now I ask as to how far the Honourable Premier, who claims to be the sole defender of the rights and honour of the members of this august House, was justified in remarking—

Since the attitude of the crowd was threatening and violent the sub-inspector arrested Sardar Hari Singh and immediately took him inside the Additional Magistrate's court.

Sir, before going into details I would like to submit that so far as the question of handcuffing Sardar Hari Singh is concerned, the action of the police was in direct contravention of the Police Rules. The rules provide that unless a person is arrested in connection with a non-bailable offence rendering him liable to an imprisonment of more than 3 years he should not be handcuffed. I request the Chair to direct the Honourable Premier to pay full attention to my submissions and stop talking over there. He is entirely mistaken if he thinks that he can dismiss the matter by making a pre-conceived stereotyped speech. We do not want to hear set answers prepared by his Secretariat. I would again request the Chair to ask the Honourable Premier to be attentive. May I invite the Honourable Premier's attention to what I am saying?

Premier : The honourable member may go on.

Lala Deshbandhu Gupta : I know he has got set answers ready but I want him to listen to me, so that he may feel that he should revise his opinions and ways of dealing with such questions, although I may be hoping against hope. Sir, I want to bring to your notice two or three things in particular. In the first place I may point out that Sardar Hari Singh was handcuffed in direct contravention of Police Rules. It is clearly stated therein that if a person is arrested the police are not authorised to handcuff him so long as his attitude is not violent. Could the Honourable Premier confidently say that the attitude of Sardar Hari Singh was violent or that he tried to avoid arrest? Can any one entertain even a reasonable suspicion of violence about him? If not, I may submit that by describing the attitude of Sardar Hari Singh as intemperate and the behaviour of the crowd as threatening the Honourable Premier has according to an Urdu adage *عذر گناہ بد تر از گناہ* committed a great sin. Sardar Hari Singh made a reference to this matter in his letter and said that it was a very unkind cut. As a matter of fact he was pained. He was amazed when he read that the Premier had given a reply of that nature and had made an insinuation or an allegation of that nature. Sir, I wish that at least on some occasion the Honourable Premier should rise above these petty things and should give up the old policy of defending the Government officials in season and out of season to which he has become accustomed. I ask him, how far is it justified to resort to repression indiscriminately and how far is he justified in defending his subordinates without caring whether they have acted rightly or wrongly? Besides, it has become a habit with him to treat every information supplied to him by his subordinate officers as a gospel truth and if any honourable member says anything contrary to it, he will never believe it, but will instantaneously say that it is incorrect, false and a lie. Let him think over this matter for a while and say how far this attitude of his is justified. In this connection I want to draw

your attention to the fact that the offence for which Sardar Hari Singh was arrested was a bailable one. It was therefore the duty of the police to inform the person whom they intended to arrest to arrange for his release on bail if he so wished. This means that handcuffing was a matter apart and even the question of arrest should have arisen afterwards. I ask my honourable friend over there that when the law provided this, was it not the duty of the police officer who arrested Sardar Hari Singh to inform him that he could obtain his release on bail and in case the latter failed to furnish the bail he would have to be arrested? Besides, the honourable member was not a person likely to abscond. There is yet another thing to be borne in mind and that is that he was sitting inside the court room and he was taken outside and arrested. The prosecuting sub-inspector called him out of the court room and arrested him there. Such were the circumstances when Sardar Hari Singh was arrested and still the Honourable Premier had the courage to say that Sardar Hari Singh's attitude was intemperate and the behaviour of the crowd threatening, though as a matter of fact there were only those people present who were sitting quietly inside the court room hearing the proceedings of another case. In view of these circumstances it behoves the Honourable Premier to accept the statement of Sardar Hari Singh as correct and instead of making a speech in defence he should admit that whatever Sardar Hari Singh has written about this affair is cent per cent correct. If he cannot take any action against his subordinate officers he should at least express his regret for their actions and he should say that the report received by him from his subordinate officers is not correct. He should accept the statement of the honourable member as correct.

Again when we asked supplementary questions with regard to this matter, the Honourable Premier reported that if that information had been wrong the district magistrate would never have supplied it. He could not have supplied it unless he was sure about its accuracy. But I would like you to listen to his words with care. He said :—

But apparently the attitude of the crowd and the behaviour of Sardar Hari Singh was such that the court refused the application.

I ask him could there be greater lie than this? The fact of the matter was that Sardar Hari Singh was handcuffed on both hands and the magistrate ordered the handcuffs to be removed from one of his hands and he also inquired if it was at all essential to handcuff him, and remarked that as he was not sure about the rules on the point he would consider the matter and pass orders later on. On the one hand the magistrate's attitude was like that and the prosecuting sub-inspector also remarked that he had no alternative but to handcuff him, but on the other hand the deputy commissioner sent this report that the attitude of Sardar Hari Singh was intemperate and that the behaviour of the crowd was threatening and that was why he was handcuffed, otherwise his handcuffs would have been removed. Although according to an old adage *دروغ گو را حافظه نه باشد* it is quite correct that a liar has a very short memory, yet I ask him, and I do not say that he has told a lie, because he is in the habit of reading out the reports received by him from his subordinates, whether Sardar Hari Singh was not arrested outside the court room. If that is a fact then it means that he was not arrested before the magistrate. In spite of all this the Honourable

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Premier says that the magistrate did not remove his handcuffs because he realized that the behaviour of the crowd was threatening. I ask him whether he was arrested inside the court room and if not how then the magistrate arrived at this conclusion that the attitude of Sardar Hari Singh was intemperate and the behaviour of the crowd was threatening. (Premier : God save us from our friends.) How nice ! May I ask him, what he has to say about it ? He is only in the habit of reading out reports received by him from his subordinates. Has he ever taken the trouble of distinguishing between truth and falsehood ? Has he taken the trouble of finding out what words the magistrate actually used and whether it was at all necessary to handcuff him ? The fact of the matter is that he has done nothing to ascertain the facts for himself. If he had tried to ascertain the facts he could have strengthened his case. But he is still harping on the same tune that the magistrate gave no order to remove his handcuffs and therefore the police was justified in taking that action. I request him that he and the honourable members should not consider this matter from the point of view that it was the case of Sardar Hari Singh or for the matter of that any member of the Opposition party. I want that you should seriously consider this matter whether it was proper that in such cases my friends should disbelieve the statements of the members and take those of the police officials, who receive bribes every day and against whom very serious complaints are made every now and then, as gospel truths. The Honourable Premier should think over it for a while. I warn him that if to-day we are in the Opposition it may be that you may be here to-morrow. He should have some regard for the dignity of the House and should not follow blindly the reports of the police officers.

Besides, I may point out that the Honourable Premier is very fond of adopting the traditions of the British Parliament, so much so that he has adopted the word " Premier " for " Prime Minister " as is the case in England. But may I ask him if in that country any honourable member of the Parliament was ever treated so badly ? Can any Minister dare say in Parliament that the statement of an honourable member is incorrect and that of the police is correct ? What pains me much is that this is not the first occasion when this has been said, but there are four or five such instances on record, when the statements of the police were preferred to those of the honourable members. My honourable friend Pandit Shri Ram Sharma has more than once made such statements on the floor of the House, but my honourable friends opposite at once jumped up and declared them to be incorrect. Again at the time of the Kisan conference, three honourable members went to Amritsar and on return they issued a statement, but the statement of the superintendent of police was preferred to their statement and was considered to be correct. I, therefore, request the Honourable Premier to rise above these things and leaving aside the party question he should think over the matter, because it involves the dignity of the whole House and for the matter of that of the whole province. I want to make it clear that the members of Opposition do not feel any disgrace in being handcuffed, because they have been to jail several times for the sake of their country. But if at any time my friends are sent to jails, they would not be able to stand the test.

Sir, in this connection I am reminded of an interesting incident. Lala Dina Nath was one of the renowned journalists of the Punjab. The Honourable Premier might be acquainted with him. Once he happened to go to the New Delhi Jail, where he met with a 70 year old prisoner. The old fellow scrutinised the journalist from head to foot and asked him as to what brought him to jail. Lala Dina Nath was a witty person. He asked the old prisoner to tell him what he thought. He replied that it was impossible to think that a physically weak person like Lala Dina Nath could commit burglary or murder but it was a certainty that he must have committed an offence under section 420 or section 375, Indian Penal Code. (*Laughter.*) And so it would not be a matter of surprise if some of my honourable friends opposite may have to go to jail on account of offences coming under the purview of such sections. But I may point out that the honourable members on this side of the House would go to jail under sections 121-A or 124, Indian Penal Code, or under the provisions of some Ordinance. There is likelihood of their going to jail under other sections also. But I would submit that they should realise that maltreatment of Sardar Hari Singh is an unfortunate incident which cannot be easily forgotten. Why go far? Let us take the case of my honourable friend Rao Pohop Singh. He had been sentenced to 7 years imprisonment in connection with a case and the section under which he was convicted was simply obnoxious. If I correctly remember, the Honourable Minister for Development made tremendous efforts in connection with his defence. Eventually these efforts were crowned with success and he was acquitted honourably on an appeal to the High Court and now he is an honourable member of this House.

Mr. Deputy Speaker : I would request the honourable member not to be personal.

Lala Deshbandhu Gupta : I am paying him a tribute as he was acquitted by the High Court.

Mr. Deputy Speaker : The honourable member should not be personal.

Lala Deshbandhu Gupta : He was honourably acquitted. However, I leave his case if the honourable member takes it ill. I would take the case of Pir Sahib of Makhad who has now joined the Opposition. He was recently arrested under section 302, Indian Penal Code. The case against him dragged on for a considerable period and at last he, too, was acquitted honourably. May I know if on account of his being involved in a case, his respectability has suffered to any appreciable degree? What I mean to say is that so long as an accused person is not convicted he cannot be considered an offender against law. I, therefore, submit that the treatment which was meted out to Sardar Hari Singh in the capacity of an accused is simply unbearable. It does not become of this august House to brook that treatment. I would rather say that such kind of shabby treatment meted out to an honourable member amounts to a slur on the fair name and prestige of this House and that no honourable member should tolerate it.

Now I draw the attention of the House to an incident which took place during the question hour. In reply to a certain question, the Honourable

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Premier tried his level best to conceal the facts. When my honourable friend Diwan Chaman Lall suggested that the document concerned on which the Parliamentary Secretary based his reply, be placed on the table of the Assembly, the Honourable Premier was at once on his legs and gave such evasive answers that the matter was shelved. Similarly, in reply to another question he was pleased to remark that the provisions of the Ordinance were such that they were obliged to handcuff Pandit Bhagat Ram Sharma. May I know if during the period of 2½ years, since they came into power, they can cite any example when a European offender was handcuffed by the police; even if the accused was guilty of offences like forgery, dacoity, murder, etc.? I may point out that the Unionist Government has not the courage to handcuff a European offender; but it is a travesty of things that the honourable members of this House, who may be arrested for political offences, are handcuffed without any demur or hesitation. I regret to say that it is more than two years since provincial autonomy was introduced in this province, but the attitude of the Government has undergone no change. Here the same spirit of old bureaucracy is working. To-day when the Honourable Finance Minister was asked whether there was any rule under which any A or B class European prisoner could be made to travel in a third class, he was non-plussed and tried to get out of this difficult position by saying that he would look into the Jail Manual. It is a matter of regret that he is ignorant of the fact that such an invidious distinction is being maintained between Indian and European prisoners. It is a pity that my honourable friends over there have never cared to pay attention to such matters. I may point out that if they want that such unfortunate incidents should cease to occur again, they shall have to bring about a change in their own mentality. I maintain that so long as their attitude continues to be indifferent, their prestige is bound to suffer, even if they put forward elaborate statements in their defence.

Besides I may tell the honourable members that Sardar Hari Singh would never forget the remarks made by the Honourable Sir Sikander Hyat on the floor of this House. It is really surprising to note that the Honourable Premier accepted the statement of a subordinate officer as correct while he refused to give credence to the statement made by the honourable member of this House. I cannot help saying that in view of these considerations the present regime is even worse than the previous bureaucratic rule. In this connection I may add for the information of my honourable friends that I was arrested six times between the years 1921 and 1932, but I was never ill-treated like Sardar Hari Singh. I would say that it is nothing short of an inexorable injustice that when questions are asked in connection with the arrest and handcuffing of an honourable member of the House, the Honourable Premier instead of expressing regret for this maltreatment and calling explanations of the officers concerned, has applauded the action of the magistrate and the police officer who arrested the honourable member. I may make it clear to my honourable friends opposite that if to-day the batons of the police have been reserved for us, to-morrow the same can be used against them. The difference lies in the fact that our backs are strong enough to bear them but they would

not have the courage to endure them. (*Laughter.*) If ever my honourable friends over there happen to go to jail they would be brought to their senses. Besides, I may point out that this question, i.e., as to how far we can rely on the statements made by the Government, is also before us. If Government would not give credence to the statements made by the Opposition, the Opposition, too, would be compelled to look upon the statements of the Government with distrust.

My honourable friend, the Premier, complains that the number of adjournment motions which are brought forward from this side of the House is extraordinarily high; but if his Government changes its attitude, it can considerably lessen the number of such motions. In that case a good deal of the time of the House will be saved and we shall be spared the unpleasant duty of saying some harsh words. In view of these things, I shall once again submit before my learned friends occupying those benches that if the Honourable Premier comes forward and says that he trusts the word of Sardar Hari Singh, this motion will not be pressed for vote. We want to ask him this straight question: does he place more reliance on the statement of the magistrate and the police than on the word of Sardar Hari Singh, M.L.A.?

Mr. Deputy Sepaker : Motion moved—

That the Assembly do now adjourn.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, I crave your indulgence to say a few words in regard to the adjournment motion that is now under consideration of the House. It is really a matter of profound regret, both for the Opposition as well as the Treasury benches, that such an unfortunate incident should have happened as has necessitated this adjournment motion which we are discussing to-day. It is not a matter to laugh at or to be lightly brushed aside.

In the first place I would like to submit for the information of the Honourable Premier that according to the Government of India Act, 1935, which has made it possible for him to establish his Government in the Punjab, the honourable members of the Opposition constitute as much an integral part of the Government as he himself and the other Honourable Ministers do. The Opposition is also a part and parcel of the Government as it is constituted under the Government of India Act of 1935. The Honourable Premier should not, therefore, lose sight of the fact that Sardar Hari Singh and Pandit Bhagat Ram Sharma are as important members of the House as the occupants of the Treasury benches, and the Honourable Premier's Government is incomplete without them, just as this House is incomplete to the extent to which some of its members are deprived of their constitutional right to sit here. Will not the Honourable Premier feel sorry for this state of affairs that one part of an institution should perpetrate atrocities on the other part while both of them are equally essential components of the same machinery? This point of view may look strange and novel to the Premier that we the humble members of the Opposition are as much an essential part of his Government as the honourable members sitting on the Treasury benches are. But a reference to the Government of India Act makes it clear beyond any shadow of doubt.

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Besides, what makes this unfortunate incident all the more unfortunate is the fact that the humiliating treatment in question has been meted out to Sardar Hari Singh about whom the Premier has had personal knowledge for the last two and a half years. Every honourable member of this House knows it full well that Sardar Hari Singh is a man of cool temper and calm and dignified manner. It was the first and foremost duty of the Premier to see if the official report about the conduct of Sardar Hari Singh also tallied with what he himself knew about him on the basis of his association with him for the last two years. I for one, would not take at its face value any report that may be made about the conduct of a man whom I know quite intimately. I would first ponder if the person involved is capable of doing a thing which he is alleged to have committed. The question is not whether he was handcuffed on one hand or two hands. But the question is whether Sardar Hari Singh should have been handcuffed at all, and I may add that this question was decided once for all in 1929 when the protest raised against the shabby treatment meted out to political prisoners like Sardar Bhagat Singh, compelled Government to institute jail enquiry. I was also appointed a member on the committee that was set up to make the necessary enquiry. The question was ultimately referred to the Government of India and after correspondence of two years it was decided that only those political prisoners should be handcuffed about whom it was feared that they would run away or commit violence. This was clearly decided by the Jail Enquiry Committee. The Honourable Premier may look up the report of that committee. I may incidentally observe that it was in connection with this jail committee that I had the privilege of coming into contact with the worthy Premier for the first time. I fail to understand if the police really thought that such a distinguished member of this House as my honourable friend Sardar Hari Singh is, would have attempted to abscond if he was not handcuffed by the police. Nor can I believe that he would have committed any act of violence.

Furthermore, the Punjab Government itself has accepted the view that I have expressed here to-day and it has circulated instructions to the magistrates to the effect that those persons should not be handcuffed who are not likely to run away or commit any act of violence. It is really strange that in the face of these instructions and in the regime of the Honourable Premier who has an undoubted reputation for his noble and gentle disposition, any magistrate should dare handcuff an honourable member of this House and especially Sardar Hari Singh.

I may here strike a note of warning to the Premier. He should not see maltreated any person whose services he may have to utilise to-morrow. He is heard sometimes to talk of coalition ministry and he should realise that should such a scheme ever materialise, he will probably look up for a man like Sardar Hari Singh, who really possesses qualities of head and heart. Has not the Police Department humiliated Sardar Hari Singh as well as this House by handcuffing him in the manner in which even an ordinary person is not dealt with? It quite behoves the Premier to introduce some element of humanity into his administration. I do not say that his Government is quite inhuman. But incidents such as these do indicate that our Government is devoid of noble sentiments of humanity. We have known

it to our cost that under the regime of our popular Ministry even the honourable members of the provincial legislature are subjected to the same humiliating treatment at the hands of the police which is not meted out even to ordinary citizens in self-respecting countries. If the Government is prepared to introduce an element of humanity in its administration, we will be grateful to it for that.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I have been pained to see this adjournment motion tabled but at the same time I must say that I am glad that this has come up for discussion. I am glad that I have been afforded an opportunity to give expression to my personal feelings in the matter as my honourable friend Lala Deshbandhu Gupta has moved this adjournment motion in a characteristically vituperative manner. But I have nothing to complain of on that score because natures are indeed hard to change. Neither I nor any of my honourable friends here is capable of changing the very nature of a person. I have only to pray that Almighty God may guide all those people who go astray to the right way. I hope that at last my prayer will be fulfilled, although I am very sorry to say that this prayer has not been fulfilled during the last two and-a-half years. Let us hope that it will be fulfilled before the expiry of the term of the present Assembly.

My honourable friend, Lala Deshbandhu Gupta, has been pleased to remark that one very great defect in the Premier and his colleagues is that they do not accept the statements made by some of the honourable members of this Assembly as true while they treat all the reports received even from the humblest of their officers as gospel truth. But the question is : which honourable member made a statement that was not accepted ? So far as my honourable friend Pandit Bhagat Ram Sharma is concerned, our experience in this House shows that he has a short temper. Anything said on the floor of this House is likely to make him lose his temper. It is therefore quite likely that when the Sub-Inspector showed him the warrant of arrest he may have uttered some harsh words. From my experience of him in this House I think, at any rate, that he is quite capable of it. After all it is human nature. It cannot be easily curbed.

But the case of my honourable friend, Sardar Hari Singh, is quite different. From his attitude in the House during the last two and-a-half years, from the manner in which he discusses things I can say that he has never transgressed the limits of propriety. He has had occasion to say the harshest of things but he has always said them with scrupulous regard to the canons of propriety. I must point out that so far as the honourable members sitting on those benches are concerned, I have the greatest regard for Sardar Hari Singh. His honesty of purpose, his cool-headedness, his sweet nature cannot but elicit my profound admiration. But our political beliefs are apt to make us fanatics sometimes. The fact remains that I have the greatest regard for Sardar Hari Singh. So when I read in the Tribune, dated the 30th, that Sardar Hari Singh was handcuffed, I did not wait, for any request for action from my friend, Doctor Gopi Chand Bhargava, or Lala Deshbandhu Gupta. I at once wrote to the Home Secretary that such and such thing had appeared in the Tribune and that he should at once make enquiry why it was thought necessary to handcuff so respectable a person as

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Sardar Hari Singh. I have got the file here and my honourable friends can satisfy themselves that on learning that Sardar Hari Singh had been handcuffed, I took action immediately. These are my words :—

I should like to be satisfied that the handcuffing was necessary and justified. Full enquiry should be made with regard to details and facts.

This order is dated 31st. Dr. Gopi Chand wrote his letter afterwards. This thing alone should be conclusive proof of the fact that I felt grieved at hearing that Sardar Hari Singh had been handcuffed. However I made enquiries and acquainted my honourable friends with all the facts I had been able to gather in answer to a question which was asked on this point. But my honourable friends seem to take exception to the source of my information. But may I know what other source of information is open to me? The only agency at my disposal is the official agency. It may be good or it may be bad but one has no other source of information. I admit that there are defects in my administration. But the defects which are many years old cannot be set right overnight. At any rate it has not been possible for me to right all the wrongs within the last one or two years. I am, however, doing my duty. Whenever I have had an occasion to award punishment to a guilty officer, I have meted out deterrent punishment to him. As a matter of fact people have come to hold the opinion about me that I am very harsh with my officers. But I must look to my officers to supply me information. It has been suggested that I ought to have enquired from Sardar Hari Singh himself. But unfortunately in the present case Sardar Hari Singh is in the position of an accused person. I cannot make him a prosecutor or a judge. I assure my friends, however, that I have tried to gather information from non-official sources as well, so far as it has been possible for me to do so. I for one cannot make myself believe that a gentleman of such a calm temperament and sweet nature as Sardar Hari Singh's could ever resort to violence. I am sure that if my honourable friends on those benches had acted on his advice they would not have brought forward this adjournment motion.

Now, let us examine the facts in this case. The police seems to have been under the wrong impression that it was its duty to handcuff a person accused of an offence which was alleged to have been committed by Sardar Hari Singh. My honourable friends on those benches still entertain the notion that the offence was neither non-bailable nor cognisable. But this is not the case. Apparently they have not seen the notification by which the law was promulgated.

Lala Deshbandhu Gupta : That was only about the Lahore district.

Premier : My friend is not a lawyer. For Lahore District, section 117 was enforced and section 187 was enforced elsewhere. If my honourable friend consults some legal advisor, he will know the exact position. I myself am a layman and therefore I am speaking subject to correction. But what I wish to make clear is this. It would have been far better if this adjournment motion had not been moved. In that case I would have called upon the sub-inspector and told him that he had committed an error of

judgment by handcuffing so respectable a person as Sardar Hari Singh and that he should express his regret. Thus the matter would have ended.

Now what are the actual facts of the case? On the one hand I sent for an explanation from the police officers and on the other there was a hue and cry raised in the newspapers. The police then submitted to me its version of the incident. Now even if we suppose that the police has given this reply to conceal its fault in the matter, how am I to blame? Had you come to me in the very first instance I would have dealt with the matter in the way which I have explained. But you decided otherwise and made open allegations against the police. You put a question and now you have come forward with an adjournment motion. Thus you compelled me to follow the usual routine and, therefore, the police submitted this answer in reply to my enquiries in connection with your question. The police officer had to put in a defence of his conduct and if he has explained away your allegations you cannot blame him. Now look at what the police has to say :—

Non-bailable warrants for the arrest of M. Hari Singh, M. L. A., were issued on 28th August, 1939, by the Additional District Magistrate, Hoshiarpur. As M. Hari Singh was at the time in the court of the Additional District Magistrate listening to the proceedings of a case under section 117-188, Indian Penal Code, Prosecuting Sub-Inspector, Gurdial Singh, to whom the warrant was endorsed took him out of the court room and showed him the warrant of arrest, whereupon M. Hari Singh and a large number of Congressites began shouting revolutionary slogans.

There is nothing in it about which anyone should tell a lie. Shouting of revolutionary slogans is no longer an uncommon occurrence. Even responsible Congressmen often shout such slogans and surely the crowd that had assembled there did not consist of responsible Congressmen only. There must have been many irresponsible persons there, and thus there is every likelihood that the pastime of shouting such slogans was freely indulged in. But what of that? These things have become very common now and the police could not gain anything by making an incorrect statement in this connection. You say you have your misgivings. I am free to admit that I had some misgivings too when I read in the report that—

"M. Hari Singh looked like losing his temper and started somewhat intemperate interrogation of the prosecuting sub-inspector."

Knowing Sardar Hari Singh as I do, I could not but look askance at this statement. He is a cool and calm man and an honest political worker. Instead of flaring up at the prospect of being arrested, he would certainly welcome any sufferings that he had to face on account of his political convictions and activities. There are many Congress workers who would lose their temper at such a time but not Sardar Hari Singh. He knows how to make sacrifices in a dignified manner. That, Sir, is my impression, nay, my conviction about the character of Sardar Hari Singh. But then it struck me that there is another possibility too. It is just possible that the sub-inspector of police adopted such a tone or demeanour as would excite the anger of the most dignified and cool-headed persons from amongst us. Under the circumstances it would be very natural for Sardar Hari Singh, or for the matter of that for anybody, to lose his temper. As I say, it is quite natural. But in spite of that I am not prepared to admit that Sardar Hari Singh lost his balance of mind and used intemperate language. (Hear, hear.)

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Thus the probability is that there was a crowd outside the court room and when it saw Sardar Hari Singh being arrested it began to shout slogans like "Down with the police" and its number swelled. There is nothing unusual about it. But it is just possible that this demonstration and the attitude of the crowd set the sub-inspector thinking. He probably thought that it was a non-bailable and cognizable offence and, therefore, he might be asked to explain why he did not handcuff the accused. The result was that he handcuffed Sardar Hari Singh. But we must bear in mind the fact that he at once produced Sardar Hari Singh in the court. There a lawyer invited the attention of the Additional District Magistrate to this matter of handcuffing, and as has been stated by Sardar Hari Singh himself in his letter which my honourable friend has read out in the House the magistrate asked the sub-inspector whether it was "at all essential to handcuff him". To this the sub-inspector is stated to have replied

جی ہاں ضروری تھا۔ The question was repeated and the same reply was given at which the Additional District Magistrate instructed that handcuffs be put on one hand only. Now you may suppose that the order of the Additional District Magistrate was not in accordance with law or that he was in doubt about the legal procedure in the matter, but the fact remains that the sub-inspector worked under the instructions of the court. Then how can I blame him? He would say that afterwards Sardar Hari Singh was always taken to the court without handcuffs, and that if he committed a mistake under the orders of the court he did not deserve any blame or punishment. Thus what can I do in the matter? The incident is really painful and I regret it as much as my honourable friends opposite. It is just possible that it would not have pained me so much if someone else was concerned but in view of the great esteem in which I hold Sardar Hari Singh I am really pained. (*Hear, hear.*) But as nothing can be done now I think the best course is to follow the advice of Sardar Hari Singh himself and drop the matter here.

There is another point which calls for a brief explanation. It has been said that so far as the behaviour of the police is concerned there has been a marked deterioration in my time. I have been also accused of white-washing the conduct of the police force. My submission is that the reports of the administration of this department are available to everybody and a comparison will show you the marked improvement that has been effected during the last two years and-a-half. As regards the allegations of white-washing may I know whether my honourable friends want me to blacken the face of the whole department with coal tar? There may be some black sheep in the police force but there are so many God-fearing and good-natured policemen whose conduct leaves nothing to be desired. Now how can I send to the gallows all these "white sheep" for the faults of a few black ones? If you care to ascertain the true facts you will find that the record of this Government in this respect is better than that of any previous regime. Wherever my colleagues and I go we carefully go through all complaints of high-handedness and corruption against police officers and try to ascertain the truth by making inquiries about the reputation of the officer concerned from respectable people of the locality. In this way we have succeeded to a great extent in eradicating corruption and high-handedness.

We are feeling the responsibility more than my honourable friends over there do. We are being sneered at by the Opposition that the Government is doing nothing. I may tell my honourable friends who are sitting on the opposite benches that they will realise it when we go away and the Punjab goes from bad to worse. We do not want that when we relinquish our charge, our opponents should say that we have then left the province in a miserable plight. But what we want you to say then is that no doubt you differed with us but whatever we did in order to stop this high-handedness of the police no matter whether we succeeded or failed in that attempt, we did it honestly and earnestly. I want this much only. When my friends will look to the facts they will realise that we are doing our best to turn out the black sheep so that people may live peacefully. As you are aware, Sir, the Opposition has said many things more but I may say, that I do not as a matter of course want to give any reply to some of them lest any bitterness may crop up in this august House. Anyhow I may tell my honourable friends one thing and that is that if they consider it dispassionately they will realise that I had informed the Leader of the Opposition that I was making enquiry into the matter. Again if he had seen me in the beginning I would have certainly said that I was much pained by the incident and perhaps I would have been able to give more attention to it. I place before you the net result of my information. But I should point out that it is impossible for me to turn the positive into negative, because it will be sheer dishonesty. I bear no grudge against the honourable friends who have brought in this adjournment motion. I know their motive is nothing but publicity, and incidentally I have got an opportunity to acknowledge and express my sense of respect for Sardar Hari Singh. But I can suggest no remedy for the bogus cry of imminent danger raised by the Opposition. Just imagine that we have got more than sixty notices of adjournment motions. I ask my honourable friends if it is desirable or advisable to give notices of adjournment motions with regard to minor matters of little importance without rhyme or reason. It might be said from the other side that I am saying this because I feel uneasy while replying to an adjournment motion. I would like to let them know that I feel much pleasure in satisfying them and may also tell them that I have become accustomed to this habit of theirs. As a matter of fact, I am like a soldier ever prepared to serve them even if it requires me to stand on my legs for twelve hours a day. But as far as these sixty or sixty-one notices of adjournment motions that we have received are concerned, may I ask my honourable friends over there to study them and if need be appoint an arbitrator to decide as to how many motions are really fit to be given notice of, or how many motions are fit to be moved by a responsible member of this House or how many motions there are the subject matter of which could be easily disposed of by me in consultation with the Leader of the Opposition outside the House or how many of them could be disposed of by proper investigation without discussing them on the floor of this House. If they consider these adjournment motions dispassionately they will come to the conclusion that there are only three adjournment motions which require your careful attention. It is something else that scenes are created on such occasions, hot words are exchanged between both sides of the House and my honourable friend Lala Deshbandhu Gupta gets an occasion to utter his well chiselled phrases or the honourable member from this side, Rao Pohop Singh, gets an opportunity to speak out blunt

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truths. I may also mention here, of course passingly, that Rao Pohop Singh was involved in a case and eventually the High Court acquitted him. Similarly my honourable friend Pandit Muni Lal Kalia was also involved in a case and he secured his release by tendering an apology. (*Interruption.*) Sir, I do not want to offend anybody. I have mentioned this matter only to bring home to my honourable friends the general truth that those who live in glass houses should not pelt stones at others. I may further say that as a humble servant of this province as well as of this House, although at present occupying the Premier's chair, I want to bring it to their notice that the honourable members come to me, I listen to them and tell them that certain of their complaints are legitimate and others are not so. I also ask them to make sure about facts and also assure them of my co-operation and service. If honourable members opposite do the same and co-operate with me in this way, and my learned friend Dr. Gopi Chand Bhargava is also prepared to extend his co-operation in disposing of the debatable matters, our troubles will end in no time. But it is very regrettable that the Opposition cannot feel comfortable unless they come down upon the Government and make them a target of their severest criticism in this House. May I ask my honourable friends who are very fond of giving notices of adjournment motions if Dr. Gopi Chand or Diwan Chaman Lall has ever given notice of an adjournment motion? Has Dr. Narang ever given notice of a similar motion? What I want to point out is that responsible members or those who realise their responsibility cannot easily be moved to bring in an adjournment motion.

I was telling my honourable friends that I was always at their service. I think it will be better if my friends over there are kind enough to consult me as to the desirability of certain motions being moved in the House. And I can give them my opinion that such and such adjournment motions may be moved and such other motions may be left out because I am confident that I can satisfy them about the latter even outside the House. And if there is some important adjournment motion we can agree to its being discussed in this House. This procedure, if it is adopted, will save much time of the Opposition, the Government and this House, and I think Pandit Muni Lal Kalia will also be relieved of much trouble because he has to speak on every motion. (*Laughter.*) I have great regard for Lala Duni Chand who has reminded me of the Bombay Jail incident when I had the privilege to meet him.

I may once again tell my honourable friends that it is also my endeavour to stop all such unpleasant bickerings and we should one and all work to enhance the prestige of this province and this House. They should not make it a point to bring frivolous adjournment motions. This will benefit us and this House and ensure peace for the province.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, I have attentively listened to what the Honourable Premier has said. He has remarked that the offence of Sardar Hari Singh was non-bailable as well as cognizable. In this connection I would like to draw your attention to

the *Punjab Government Gazette* of 23rd June, 1939, where on page 906 (A) it is given that—

"In exercise of the powers conferred upon him by sub-sections (1) and (2) of section 10 of the Criminal Law Amendment Act, 1932, the Governor of the Punjab is pleased to declare that any offence punishable under section 188 of the Indian Penal Code when committed within the district of Lahore shall be cognizable and non-bailable."

What I want to submit is that if there is any other order making the offence under section 188 non-bailable in other districts than Lahore then it is another thing. I believe the Honourable Premier might know it but he has not told us anything about it. It is, however, given in section 188 that an accused is punishable for one month imprisonment and Rs. 200 fine. Therefore it does not come under that rule under which a person is to be handcuffed. My submission is that for abetment section 117 no person can get more punishment than what he can get under the original section. It is very regrettable that the Honourable Premier has failed to satisfy us and he has not thrown much light on the painful incident of handcuffing of Sardar Hari Singh. May I ask him one question, whether Sardar Hari Singh was intemperate or the behaviour of the crowd was intemperate? And I want to know whether his handcuffing was due to his violence or the violence of the crowd on account of which it was feared that he might have slipped away from that place. The Honourable Premier read the news before it reached me because at the time he was nearer to Lahore because I was in Kashmir. He has told us that the news caused him pain as well as surprise. Again, we are told that when he received the report of the Deputy Commissioner he had misgivings about Sardar Hari Singh losing his temper, and using intemperate language. This should be enough to discredit the official report. The Honourable Premier has complained that instead of going to him with our complaints and grievances we come to the House with adjournment motions. He has suggested that the course recommended by him would be conducive to everybody's convenience and would save much valuable time. But in this case I did write to him asking whether he approved of the action of the police. What was the result? Did it improve the situation in any way? He has said that he has been compelled to follow the usual routine and thus when a question was put he had to give the reply that had been supplied to him by the officers concerned. He has told us that he made non-official inquiries as well. But probably this enquiry shows that his findings must have been identical with the information supplied by the police because if they were different he would have told us. He says he could not but ask for a report from the Deputy Commissioner and the police. But how could he expect a better reply in view of the political freemasonry that exists in the officialdom? How can any officer admit anything about the conduct of a subordinate which might be likely to bring a bad name to the department? I must submit that now that we have a popular Government we should not confine our enquiries to the old stereotyped methods of the bureaucracy. On such occasions an opportunity must be given to the other side to explain its viewpoint. You may say that the other side will also be an interested party. Quite so. But you cannot expect Sardar Hari Singh to tell a lie. This is not my opinion alone. The Honourable Premier shares it with me. But even if we suppose that Sardar Hari Singh may give a distorted version of the facts and the report in the

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newspapers was one sided too there was another party from which the truth could be ascertained. There were so many people there. Why not ask them to give you the actual facts of the case ?

Again, it has been said that the sub-inspector acted under the orders of the court, and, therefore, his action was justified and an adjournment motion should not have been brought forward to condemn his conduct. But, Sir, the order of the court was a judicial order which we cannot discuss in this manner. For that we can bring forward a substantive motion. We can, however, discuss the matter on an adjournment motion with regard to the conduct of the police. Again, an accused can be handcuffed if his behaviour is violent and there are chances of his escape or his committing suicide. But nobody can accuse Sardar Hari Singh of anything of the sort. He is so large hearted that he has not used a single word against the magistrate or the police. On the other hand he has praised their conduct like a true *Satyagrahi*. As a matter of fact he has clearly stated in his letter that he has no complaint to make against the magistrate or the prosecuting sub-inspector. This is quite true because it is not in keeping with the dignity of a true *Satyagrahi* to make any complaints. He is merely expected to make sacrifices. As a matter of fact a true *Satyagrahi* feels pleasure in making sacrifices. In the circumstances if anybody tries to insult him, in reality he will not be insulted although the person doing so may think that he has insulted him.

Now, Sir, Sardar Hari Singh did not know the relevant rule regarding the arrest of persons. I therefore wrote to him and pointed out the relevant rules. I also inquired from him whether he was taken from the court to the jail and *vice versa* handcuffed or not ? He says that he did not know the rules and so probably the police and the magistrate. He wanted that matter to be dropped. But let me point out that when any honourable member of this House, or for the matter of that any other gentleman is insulted I regard it my bounden duty to set the wrong right and bring the breach of law to the notice of the proper authorities. That is the reason why we have taken up this matter here.

Now there is yet another thing which I wish to bring to your notice, that is, that Sardar Hari Singh writes in his letter that his attitude was not violent for which he might have been handcuffed. As a matter of fact he remained calm, cool and dignified. These facts are further corroborated by the attitude of the magistrate about whom my friends are now saying that if the attitude of Sardar Hari Singh had not been violent the magistrate could have ordered the removal of his handcuffs. The magistrate was pleased to remark that he was not sure about the rule regarding the handcuffing of persons, otherwise he would have ordered the removal of his handcuffs at once and also promised to consider the matter and pass orders later on. Now my honourable friends over there are contending that as the magistrate did not order the removal of his handcuffs, the police had no other alternative but to keep him handcuffed. But may I know whether anybody can plead ignorance of law ? Can a magistrate or a prosecuting sub-inspector plead ignorance of law ? It is a matter of common knowledge that ignorance of law is no excuse and therefore I may submit that this argument on the part of my honourable friends opposite does not hold water

It was the duty of the police which is familiar with such things to draw the attention of the magistrate to this fact. It was their duty to point out the irregularity and whether it was justified to handcuff Sardar Hari Singh. Such are the things under which we are compelled to move adjournment motions. Let me also point out that had my friends assured us that an inquiry would be conducted in a way that would satisfy us, this adjournment motion would not have been moved at all. But as we are not given any such assurance we are forced to resort to this method. And further whatever facts they state on the floor of the House are such which cannot satisfy us. Whenever we bring any complaint against any breach of law, we do expect that such case should be entrusted to some judge so that if we disagree with his judgment we can appeal against his order. But how can we appeal against the findings of our friends opposite. The Assembly Chamber is not a court of appeal. In the circumstances the only alternative left to us is to censure the Government by moving adjournment motions. Whenever any popular Government carries on their administration in a way which does not satisfy the people the natural result is that they try to point out to Government their duties. If the Honourable Premier brings about some change in the working of the Government which could satisfy the public, the necessity for the adjournment motions will not arise. But as he has done nothing to this effect, it is natural that we should move adjournment motions and thus right our wrongs. I may also assure him that we do not feel any pleasure in wasting his time as well as the time of the House by bringing forward adjournment motions. But when we see that anybody is being insulted we feel it our duty to protect him from such insults. As there is no other way open to us for setting the wrong right, we are compelled to move the adjournment motions. If the Honourable Premier wants to lessen the number of adjournment motions he should try to satisfy the public in so far as such cases are concerned.

To conclude, I may submit that the notices of adjournment motions are not given merely for the sake of fun. Whenever any notice of any adjournment motion is given the party also considers it and thereafter it becomes the party's motion. So I would submit that the adjournment motions that have been tabled by this side of the House are our party's motions and not that of individual members. (*Hear, hear.*) With these words I support the adjournment motion now before the House.

An honourable member : The question be now put.

Mr. Deputy Speaker : The question is :—

That the question be now put.

The motion was carried.

Lala Deshbandhu Gupta : Sir, I do not think that after the speech of the Leader of the Opposition there is anything still left to be said for which I should take time of the House. But the Honourable Premier has said one or two things and I deem it necessary to reply to them. At the very outset he was pleased to remark that my speech was most offensive. In this respect I may very respectfully point out to him that truth is always bitter. If there was any bitterness it was only because I was stating hard facts. Otherwise I assure him that I do not feel any pleasure in condemning or saying anything which may offend him.

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Again the Honourable Premier remarked that he had been wishing for some change in our attitude but his wishes have not been fulfilled. I

am grateful to him for his good wishes. But let me submit that it is mentioned in the Holy Quran that the prayers of those who do good deeds are accepted. Now I would like to draw your attention to one or two things. The Honourable Premier while addressing me asked as to what other sources of getting correct information were available to Government. He further remarked that they had to depend upon their agency which included both the good and the bad persons and that they were obliged to give credence to the information supplied by this agency. May I ask the Honourable Premier if he could not write a letter to Sardar Hari Singh through the Superintendent, Jail, and ascertain true facts from himself? May I know what prevented him from doing so or what harm there would have been if he had done so? Equity and justice demand that he should have communicated with the honourable member in order to find out real facts. It is a pity that on the one hand my honourable friend the Leader of the House admits that Sardar Hari Singh was ill-treated, and on the other, he has, in spite of his being a responsible Premier of the Province, accused him of intemperate behaviour. I am still of the opinion that he should have at least ascertained the true facts by writing a letter to Sardar Hari Singh through the Superintendent of the Jail. Leaving even this apart because Sardar Hari Singh was in jail, my honourable friend Pandit Bhagat Ram Sharma was present here. May I know if the Honourable Premier enquired from him whether he was handcuffed on one or both the hands? I may point out that he did nothing of the kind. But he persists that as according to the police report Pandit Bhagat Ram was handcuffed only on one hand, the police report is more reliable than the statement made by the honourable member. I want to tell the Honourable Premier that at least he should have ascertained the veracity of the police report from the accused. In view of these facts I wonder how this Government can claim itself to be a popular government. I am rather of the opinion that in this respect it is even worse than the previous bureaucratic Government.

Besides, I would submit that the Honourable Premier has more than 12 parliamentary secretaries at his disposal. If he had appointed one of them to ascertain facts about this matter, we would certainly have attached more importance to his statement than that of the police. As the honourable members are aware these gentlemen undertake long journeys to Hyderabad, Patna, Madras, etc. I ask, where is the difficulty if my honourable friend, the Premier, appoints one of the parliamentary secretaries, and charges him with the duty that wherever an incident of this kind occurs, he should proceed to the spot forthwith and report the facts? I assure him that such a report would command our fullest confidence. As a matter of fact we would consider it more reliable and more correct as compared with the other reports. I may also point out that if the Honourable Premier would require the assistance or co-operation of the Honourable Leader of the Opposition in order to ascertain true facts, he would be prepared to do so. He, in order to obtain correct information, would even go to the extent of spending money from his own pocket. Besides, I would submit that if the Honourable Premier finds it difficult to spare a parliamentary secretary for this

purpose, he may at least depute that honourable member of the House, in whose constituency the incident occurred. We feel confident that keeping the dignity and prestige of the House in view, the honourable member concerned would submit a true report of the facts. To be brief, everything can be done if they are only anxious to ascertain the truth as the dictum goes 'where there is a will, there is a way'. But when they lack the will, they cannot find out the way. The Government is not prepared to furnish us with the requisite information and therefore we have no other alternative but to bring forward an adjournment motion. Again, it is said that the opposition is in the habit of moving adjournment motions on flimsy pretexts. I assure the Honourable Premier that we do not derive pleasure in moving such motions and sitting late in the evening up to 8 P.M. But the difficulty is that we have to face obstacles at every step and we have no other alternative to ventilate our grievances.

After all, we too have to perform our duty. We bring forward adjournment motions only when all other constitutional ways fail us. In fact the Premier has closed all other doors to us. An example is not far to seek. The Government may cast a glance on the last two years' record of the question hour in this Assembly, and see for themselves, what kind of replies they have been giving to our questions. Almost every information used to be withheld—and is being withheld even at present—under the pretence of public interest. If the honourable parliamentary secretaries were to devote even half as much attention and care to giving the correct information as they do in order to withhold it, much of the time of the House would be saved. All that is wanted, is a change in the attitude of the Government, but the Ministry turns a deaf ear to our counsels. The Honourable Premier has moved even to-day that the two coming non-official days should be devoted to Government business. In spite of such things the Premier is in the habit of declaring exultantly that the Government gives one day during every week for the transaction of business other than Government business, and yet he gets up during every session to move that Government business would have precedence over other business. May I ask why if we have no duty to perform, we are sitting in this House at all? Are we expected to be the yes-men of the Government? If the Government were to follow the right path, we will not unnecessarily raise any hue and cry. It is our duty to warn the Government against its errors and prevent it from following a wrong course of action. But the pity is that neither the Government leaves the wrong path nor does it allow us to raise any voice in protest. The following Urdu couplet aptly applies to this case:—

وہ تہذیب کی اجازت : وہ دیوان کی ہے
کہتے کے مر جڑیں یہ مرضی ہوے صناد کی ہے

Another thing to be noted in this connection is that whereas the Premier has paid a glowing tribute to Sardar Hari Singh, he has not cared to believe the statement which the Sardar Salib sent through the Jail Superintendent and which I read in this House a little while ago. I wonder what is the hitch in accepting his statement when Sardar Hari Singh has been good enough to say that the Superintendent of Jail and the sub-inspector of police did not misbehave with him. Is there any necessity of instituting an

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enquiry, after the statement of Sardar Hari Singh? I take it that every word of Sardar Hari Singh's statement is correct. But the Premier has declared that he used intemperate language and "looked like losing his temper". The Honourable Premier has, in the same breath, stated that Sardar Hari Singh was not the man to do such a thing. Please give up this ridiculous position. If you will change your attitude, you will find us as jealous guardians of your honour as you yourself are. But if you wish to set things right by the jugglery of words alone, I may point out that that would not do. The injury you have done to Sardar Hari Singh by your harsh remarks, will not be healed by your praising him. That can only be healed by your accepting his statement as correct. We do not want you to punish any official. Our complaint is only this that whatever report comes to you from your subordinates, you read it straight away on the floor of this House, without checking its correctness or otherwise. But you do not accept the statement of Sardar Hari Singh as correct although he has been good enough to say that the sub-inspector of police, the magistrate and the jail superintendent were all courteous to him. I wonder why his statement has not been believed in by the Premier.

In the end I may be allowed to submit that the first step that the Premier can take to enhance the confidence of the Government among the public, is to place reliance on the statement of Sardar Hari Singh, and accept it as correct.

In the end I wish to plead guilty to the charge which has been levelled against us, namely, that we are in the habit of bringing forward adjournment motions for trifling occurrences. But it is these trifles which sometimes assume formidable proportions. Do you not remember that Lala Lajpat Rai received one *lathi* blow at the hands of police but the incident had most serious repercussions? It inflamed the minds of hundreds of youngmen of the province. I would request you, therefore, not to treat these incidents as mere trifles. If you wish that after two years, we should join in the chorus of felicitations offered to you, you should change your attitude now. You should bring about a marked change in your ways. Keep your house in order first and if that is done I assure you that the Opposition will have no need to bring forward such adjournment motions.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, my honourable friend, Lala Deshbandhu Gupta, began his speech by saying that there was no need to make a lengthy speech but still he spoke for full twenty minutes but I propose to speak only for ten minutes and I shall not take more time than this.

My honourable friend, Lala Deshbandhu Gupta, has taunted me by saying that my jugglery with words will not pay for any length of time. I have only to say this much in reply that if my words, which he is pleased to characterise as jugglery, had not been based on honesty of purpose, I would have gone long ago. I sincerely pray that if my friends on those benches are in the wrong God Almighty may guide them along the right path. If, on the other hand, I am one of those who go astray, I may be set right so that I may work along with my friends opposite for the betterment of this country. I have no doubt that my honourable friends are serving the best

interests of the country according to their own lights. But I too am doing my duty as best as I can. The difficulty with my friends seems to be that they want me to treat the guilty and innocent Government officers alike. Naturally I cannot do so. Then, it has been pointed out that generally my attitude is not the same with respect to other adjournment motions as has been in the case of that moved about Sardar Hari Singh. My answer is the same. Sardar Hari Singh, being a different sort of man, deserves different treatment.

Another point which was raised was this. It was urged that we should try to obtain information from non-official sources. We are already doing this. Whenever my colleagues go on tour I ask them to come into contact with local people to learn from them the actual facts about cases which are reported by the official agency. I am sorry to say that when the truth is known, that has to be disclosed to my friends opposite in all its nakedness. I know my friends feel pained to know the truth but it is a weakness with me that I cannot help saying out the truth howsoever bitter. There is no doubt that after I have said them, I am sorry that I have said painful things. It is in my nature that I cannot injure the feelings of anybody, high or low.

I shall make one request to my friends opposite. After all we are their servants. As servants it is our right to expect that if we act honestly and do our duty, our work should be appreciated. You may hold any opinion about us but if we work well we expect that our work is appreciated.

Anyway it is a matter of satisfaction that my honourable friend opposite has appreciated my conciliatory tone. My submission is that should my honourable friends opposite adopt a sympathetic and favourable attitude towards the Government, I assure them that we would be only too glad to accommodate them in most of such cases. If they take one step towards us, we would readily take three steps in their direction to meet them halfway. But such things can only be possible if the Opposition is prepared to come forward with a genuine desire of doing anything substantial for the general good of the province. Co-operation pre-supposes sincere efforts from both sides. It cannot be one-sided. I on my part extended my right hand towards my honourable friend opposite, and I do admit, that he too responded to my invitation but unfortunately due to some political or inherent weakness he not only withdrew his right hand but also refused to offer even his left one. I wish he had again adopted his previous attitude. (*Dr. Sir Gokul Chandra Narang*: What is the allusion to the right hand and the left hand?) I use my right hand for assisting and serving my friends, and have kept my left hand for giving a slap to my foes. But it is a fact that I have seldom used my left hand.

My honourable friend has suggested in his speech that I should frequently consult the Leader of the Opposition in matters of far-reaching effects. I assure that I have often consulted my honourable friend opposite in matters of such a nature. But I would like to inform him that it is far from me to give him unnecessary trouble of holding enquiries into such matters. I do not think it proper to burden him unnecessarily with extra responsibilities. It would be useful neither to him nor to me. However, I think my honourable Leader of the Opposition would bear me out that I

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have often sounded and consulted him in order to know his mind about certain matters. I admit that in most cases such a consultation can help us to arrive at a certain definite conclusion. I consider the Opposition as an effective limb of the Government. In England it is called the King's Opposition. I do not take it for a body of my enemies. I realise the importance of this limb. It is my firm belief that if it were to do some constructive work the province is sure to flourish and prosper. In case it fails to perform its duties properly, the province is bound to suffer a lot.

Again my friend remarked that the Government has arbitrarily deprived the Opposition of its two non-official days during the current session. He has referred to the days that fall on the 30th November and the 7th December. Personally I was quite willing to allow the Opposition to utilise those days but the difficulty is that the slow progress of our work has made it necessary to effect this change. It is a pity that during all these sittings we could dispose of only 19 clauses. I think it is well known to my honourable friends opposite that every sitting costs no less than Rs. 4,500 to the province. I hope that when they calmly and dispassionately consider the matter they will realise the advisability of effecting this change in the agenda meant for those days. It is unfortunate that so far we have disposed of only 19 clauses of the Village Panchayat Bill. We have yet to dispose of several other lengthy Bills. There is the Corporation Bill containing more than 400 clauses. Then there is the Primary Education Bill with about 27 clauses. If we could not quicken our pace I would be constrained to extend the hours of sittings. Besides these Bills we intend to introduce the Reports of the Retrenchment Committee and of the Revenue Committee for general consideration in the House. I need hardly lay stress on the point that all this pending work is not our private business. It is the work of the Opposition as well as of the Government. It is in fact the work of the whole province. (*Dewan Chaman Lal:* Why did you sit at Simla for six months and did not call a session?) It was the desire of my honourable friend opposite not to hold any session at Simla. Moreover, the cooling plant has not been installed as yet. It has been estimated that the installation of such a plant would mean another expenditure of one and a half lakhs of rupees. So it was my intention to lengthen the autumn session of the Assembly. Anyway this long break has made it possible for my honourable friend opposite to enjoy the bracing climate of Gulmarg. I too wanted to reach Kashmir and stay with him for a fortnight but the activities of the wretched Hitler did not allow me to leave headquarters. Thus it is only under compulsion that the Government has proposed to make use of the non-official days. But I may be allowed to say that this decision was made with the consultation of the honourable Leader of the Opposition. Very likely this session will drag on till May next, and thus the Opposition will have a number of non-official days to make use of. For the present whatever has been done has been done because circumstances compelled me to do it.

I was submitting that the Opposition should refrain from bringing forward adjournment motions regarding the most trivial incidents. They should as far as possible avoid indulging in this practice because incidents of this kind are very common and occur very often in every day life. I am unable

to understand their line of thought. How can they expect us to perform a miracle overnight when as a matter of fact this country has been under foreign domination for the last 150 years? How can I remove in two years and a half all these defects and evils which have crept in during the last 150 years. Besides, the Opposition no occasion of sneering at us that we are afraid of the English. In this connection I would like to submit that my honourable friends are labouring under a misapprehension. They have no idea of the grave responsibilities that rest upon my shoulders. I, therefore, repeat that they are entirely mistaken in their judgment of me and my colleagues. Let me assure them that I do not fear anybody except the Almighty God. I have never bowed before anybody and will never do so before anybody however great or powerful he may be. (A voice: But you are afraid of Germany.) I may tell my honourable friend who has made this remark that Germany will not be afraid of him because then he will keep a still tongue in his head and would be shivering in his shoes. I can assure him that he will not have the courage to utter a single word before the Germans. Had he been in Hitler's Germany and spoken these words he would have been standing with his face to a wall and a firing squad at his back and I do not know what else they would have done to him.

Dewan Chaman Lal: The same treatment which you are meting out to Teja Singh Swatantar.

Premier: Let me assure my honourable friend who has interrupted me that I have never treated him badly. As far as the question of the release of Sardar Teja Singh is concerned I have looked forward to a suitable opportunity every six months and Sardar Sohan Singh Josh will bear me out that I have asked Sardar Teja Singh many a time to give an undertaking to the effect that he has nothing to do with Russia or Germany and that he is solely interested in the well-being of his motherland. But he has paid no heed to this. (Interruption.) Sometimes he expresses his sympathy with China while at other times he is head over heels in love with the Russian proletariat, but he never faces things as they are here in his own motherland. The time has, however, come when things will appear in their true perspective and the world would be able to differentiate between truth and falsehood. And I may assure my honourable friends that those whose convictions are based on truth and righteousness and who wish to serve mankind without fear will survive and those who believe in words and not in deeds will be no more. And at that time the question of martial or non-martial races will not arise. Everybody will come under the banner of unity, discipline and cohesion and even the non-martial classes will join us as camp-followers.

In the end, I would like to say that it is my heart's desire that my opponents should join hands with us and stand shoulder to shoulder with us. I am sure that my learned friend Dr. Gopi Chand Bhargava will agree with what I have said and that he will co-operate with us and his other colleagues will also follow in the footsteps of their honourable leader.

Mr. Deputy Speaker: The question is—

That the Assembly do now adjourn.

The Assembly divided: Ayes 25, Noes 53.

AYES

Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Deshbandhu Gupta, Lala.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Harjab Singh, Sardar.

Jugal Kishore, Chaudhri.
 Kapoor Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sant Ram Seth, Dr.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Ghulam Muhy-ud-Din, Khan Bahadur Maglvi.
 Gopal Singh (American), Sardar.
 Het Ram, Rai Sahib Chaudhri.
 Inder Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Ashraf, Chaudhri.

Muhammad Azam Khan, Sardar.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 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.
 Nasrullah Khan, Rana.
 Naunihal Singh, Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ripudaman Singh, Rai Sahib 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.
 Sohan Lal, Rai Sahib Lala.
 Sandar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

The Assembly then adjourned till 2 p.m. on Thursday, 23rd November, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE 1ST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 23rd November, 1939.

The Assembly met in the Assembly Chamber at 2 P. M. of the clock. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

TRAVELLING ALLOWANCE BILL DRAWN BY THE HONOURABLE MINISTER OF DEVELOPMENT.

***5466. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the amount of travelling allowance bill drawn by the Honourable Minister of Development in respect of his tour of Karnal, Gurgaon, Rohtak and Hissar districts in the month of July, 1939?

Parliamentary Secretary (Mir Maqbool Mahmood) : Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

Pandit Shri Ram Sharma : My question was regarding the amount of the bill of travelling allowances drawn by the Honourable Minister of Development in respect of his tour of Karnal, Rohtak, Gurgaon and Hissar districts, but the reply given to my question is not relevant. Will the Parliamentary Secretary please give me the actual reply I want?

Parliamentary Secretary : I said : "Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid." I have nothing more to say.

Pandit Shri Ram Sharma : What I want to know is the amount of travelling allowance drawn by the Minister of Development.

Parliamentary Secretary : I have nothing to add to the reply already given.

Sardar Sohan Singh Josh : May I know what is the harm in disclosing the amount?

Pandit Shri Ram Sharma : May I know whether it is not in the public interest to tell us the travelling allowance or whether there is some other reason behind it?

Pandit Shri Ram Sharma : On a point of order, Sir, I am fully aware of the fact that according to the rules a Minister can answer a supplementary question with silence. But is he justified in giving evasive, insufficient and wrong replies?

Mr. Speaker : I am afraid, I cannot help the honourable member.

Pandit Shri Ram Sharma : I want to know whether the Parliamentary Secretary has given this evasive answer in the interest of the public. Sir, I want your ruling on this.

Mr. Speaker : Can the honourable member refer to any authority under which I can force an Honourable Minister to answer a question ?

Pandit Shri Ram Sharma : May I know whether limits are fixed for the Honourable Ministers as far as their tours are concerned ?

Mr. Speaker : From which answer to the question does this supplementary question arise ?

Pandit Shri Ram Sharma : May I know the rate per mile of travelling and halting allowances paid to the Honourable Minister ?

Lala Deshbandhu Gupta : May I know as to why the Parliamentary Secretary feels shy in replying to this supplementary question ?

Chaudhri Kartar Singh : On a point of order. Is it not a fact that such type of questions have been replied in this House in your presence ?

Mr. Speaker : Is that a point of order ?

Pandit Shri Ram Sharma : May I know whether the amount of travelling allowance is so large that the Parliamentary Secretary on that score does not want to disclose it, lest it should bring disrepute to the Treasury benches ?

Lala Duni Chand : Is the amount of allowance in question known to the Parliamentary Secretary or is he unaware of it ?

CIVIL LITIGATION IN JHANG DISTRICT.

***5488. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether it is a fact that civil litigation in the Jhang district has considerably decreased during the last three years ;
- (b) if the answer to the above be in the affirmative, whether the Government has effected or intends to effect a proportionate decrease in the judicial officers posted there and if not, why not ?

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

(b) Government hope in the near future to effect a reduction in the number of judicial officers in the province and proposals to this end are under consideration.

CONVICTION OF SARDAR MUHAMMAD, ETC., UNDER DEFENCE OF INDIA ACT.

***5511 Munshi Hari Lal :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that Sardar Muhammad, Gyan Singh and Ranjit Singh, after their conviction by the Additional District Magistrate, Multan, on 18th October, 1939, under

the Defence of India Rules were transferred from the Multan District Jail, if so, the date when and the place where they have been transferred ;

(b) whether it is a fact that these prisoners were bar-fettered when they were being taken away from Multan ?

The Honourable Mr. Manohar Lal : (a) They were transferred to the Ferozapore District Jail on the 20th October, 1939.

(b) Yes.

Pandit Bhagat Ram Sharma : May I know whether the political prisoners are also fettered when being removed from one jail to another ?

Minister : The question was with regard to the conviction of Sardar Muhammad, Gyan Singh and Ranjit Singh. After their conviction under the Defence of India Rules they were treated under certain rules provided in the Jail Manual, e.g., rules in paragraphs 756 and 757.

Munshi Hari Lal : When were these rules framed ?

Minister : They have been in existence for a fairly long period.

Munshi Hari Lal : Before the Ordinance came into action ?

Minister : Yes.

Munshi Hari Lal : Do those rules apply to political prisoners as well ?

Minister : The honourable member is unnecessarily dragging political prisoners in. Under the rules no distinction is made as long as it is a C class prisoner.

Munshi Hari Lal : Will the Government take into consideration the change in the political atmosphere of the country ?

Mr. Speaker : That is a request for action.

Pandit Shri Ram Sharma : May I know whether there is distinction in the case of prisoners of certain classes ?

Mr. Speaker : That question does not arise.

Lala Deshbandhu Gupta : It does.

Pandit Shri Ram Sharma : May I know whether class discrimination of prisoners of A, B and C class is taken into consideration when they are fettered for being removed from one place to another ?

Minister : I may be allowed to inform the honourable member that this restriction of placing fetters was removed at a particular period in the history of Punjab jails and it led to a remarkably large number of escapes and the position was then restored and while prisoners are transferred from one jail to another, these necessary steps are taken in order to keep the prisoners in safe custody.

Lala Deshbandhu Gupta : Can the Minister of Finance cite one instance in which a political prisoner attempted to escape ?

Minister : I was not referring to any particular class of prisoner at all. But may I cite the instance of a gentleman who had recently been released at the instance of a particular leader whom the honourable member knows well ?

Lala Deshbandhu Gupta : In view of the fact that there is no apprehension whatsoever at any time of a political prisoner escaping, will Government consider or have Government considered the question of making an exception in the case of political prisoners ? (*Interruption.*)

Minister : Prithvi Singh.

Lala Deshbandhu Gupta : You are talking of twenty years back.

Sardar Sohan Singh Josh : Has the Honourable Minister introduced any change since his advent to the office ?

Minister : This rule has been in existence before I came into office and it exists to-day.

Sardar Sohan Singh Josh : The question that I ask is whether the Minister has made any reforms in regard to the political prisoners in jails.

Minister : I have adequately answered this question.

Pandit Bhagat Ram Sharma : Is the honourable member prepared to reconsider these rules with a view to revise them in the case of political prisoners ?

Mr. Speaker : That is a request for action.

JOGINDER SINGH, PRISONER OF FATEHWAL CASE.

***5533. Lala Duni Chand :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that Joginder Singh, a prisoner of Fatehwal case, now confined in Central Jail, Lahore, weighed 135 pounds on his entry into the jail ;

(b) what is his present weight ;

(c) the reasons for the reduction in his weight ?

The Honourable Mr. Manohar Lal : (a) His weight on admission in the Central Jail, Lahore, on the 13th February, 1939, was 129 pounds.

(b) His present weight is 122 pounds.

(c) The reasons are not known. He has refused to take extra diet which was sanctioned for him.

Sardar Sohan Singh Josh : Was he ever confined in a separate cell ?

Minister : That I do not know.

DIET MONEY OF WITNESSES IN CIVIL COURTS.

***5554. Shaikh Karamat Ali :** Will the Honourable Minister of Finance be pleased to state—

(a) whether it is a fact that the diet money of witnesses in civil cases has to be deposited by the parties in advance with the court concerned ;

- (b) whether it is also a fact that there are no rules in existence requiring the courts to refund *suo motu* or even to ask the parties concerned to apply for the refund of such money in cases in which this money remains undischarged and ultimately lapses to Government; if so, the action proposed to be taken in the matter;
- (c) the number of civil cases in which diet money was deposited in all the civil courts at Lahore, within the last three years, and in which the money so deposited remained undischarged and has not so far been refunded to the parties concerned with the reasons for not doing so and the action the Government propose to take in the matter?

The Honourable Mr. Manohar Lal : The attention of the honourable member is invited to the reply given to question No. *503¹ put by the honourable member from North-Eastern Towns (Muhammadan) urban constituency.

APPOINTMENT OF ASSISTANT SUPERINTENDENTS, JAILS.

***5562. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether any instructions regarding appointment of Assistant Superintendents, Jails, were issued by the Government in or about 1930; if so, whether he will be pleased to lay a copy of these instructions on the table of the House;
- (b) the number of Assistant Superintendents recruited on those instructions with the number separately of those among them who have by now been confirmed and of those who have not so far been confirmed stating the reasons why some of them have not been confirmed?

The Honourable Mr. Manohar Lal : (a) The rules are reproduced in paragraphs 252—258-A of the Punjab Jail Manual.

(b) Seventy-seven Assistant Superintendents have been recruited of whom 75 have been confirmed; two have resigned; and one is awaiting confirmation. Confirmation in a post depends on the existence of a permanent vacancy; there is no permanent vacancy at present.

HOSHIARPUR KISAN MORCHA UNDER-TRIAL PRISONERS.

***5563. Sardar Harijab Singh :** Will the Honourable Minister for Finance be pleased to state whether it is a fact that the under-trial prisoners in connection with the Kisan Morcha at Hoshiarpur were ordered to be fettered; if so, reasons for the same?

The Honourable Mr. Manohar Lal : Some prisoners were punished with fetters for deliberate and insistent breaches of jail discipline.

SALARIES AND ALLOWANCES DRAWN BY THE HONOURABLE MINISTERS AND PARLIAMENTARY SECRETARIES.

***5576. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to lay on the table of the House a statement giving the following information—

- (a) the total amount drawn as pay by each Minister and Parliamentary Secretary since April, 1937, to 30th of September, 1939, respectively ;
- (b) the total amount of travelling allowance drawn by each Minister and Parliamentary Secretary for the same period, respectively ;
- (c) the total amount of other allowances including allowances for attending the sittings of the Assembly and select committees, drawn by each Minister and Parliamentary Secretary, respectively ;
- (d) the total amount of travelling allowance and other allowances drawn by each Minister and Parliamentary Secretary, respectively, for visits paid to places outside the province ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a)—(d) Such salaries and allowances as were due under the rules and within the vote of the Assembly have been paid.

Sardar Sohan Singh Josh : May I know if it is a fact that this information is not given because the Government is afraid of members or public opinion ?

Lala Deshbandhu Gupta : May I invite the Parliamentary Secretary's attention to the question—

- (a) the total amount drawn as pay by each Minister and Parliamentary Secretary since April, 1937, to 30th of September, 1939, respectively ?

I want to know the total amount. I know that they could not have been paid over and above their due ; but what I want to know is the total amount paid. Is the Finance Department not in a position to give the total amount. Is the Honourable Minister of Finance not in a position to give this much information or is it for reasons of expediency that Government is not disclosing the figure ?

Parliamentary Secretary : Whatever is already available to the members of the Assembly, is public property. As to other items I have nothing to add to the reply already given. As the honourable member knows, at the end of the year all this information is laid before the Public Accounts Committee and those who are interested can go further into it.

Lala Deshbandhu Gupta : Does it not mean that there is some information available which they want to withhold from honourable members of this House ?

Parliamentary Secretary : We have nothing to withhold in regard to this matter but after questions of this nature have been answered to some extent in the past it is found that they involve lot of labour and taking into consideration the purpose for which they have been used it is thought best not to give any answer beyond what is already stated.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary really serious in saying that the collection of this information involves a good deal of labour ? Is it not handy in the Minister of Finance's office ? Does he realize that in view of the supplementary budget that we have to discuss, this information may be required ? We would like to have more cogent reasons for the refusal of the Parliamentary Secretary to answer this question.

Parliamentary Secretary : If any supplementary grant is asked for, it will be for the honourable member to raise this question then.

Lala Deshbandhu Gupta : Does he mean that the honourable members are not entitled to get this information if they do not want to use that at the time of discussing supplementary grants ?

Parliamentary Secretary : I have nothing to add to the reply that I have given.

Lala Deshbandhu Gupta : Then you should frankly admit that you do not want to give this information as it goes against you.

Pandit Shri Ram Sharma : May I ask whether the amounts that are not disclosed on the floor of the House exist in the official record ?

Lala Deshbandhu Gupta : What about parts (c) and (d) ? The honourable member has said that whatever was due has been paid but what is his reply to parts (c) and (d), I mean—

(c) the total amount of other allowances including allowances for attending the sittings of the Assembly and select committees, drawn by each Minister and Parliamentary Secretary, respectively ;

(d) the total amount of travelling allowance and other allowances drawn by each Minister and Parliamentary Secretary, respectively, for visits paid to places outside the province ?

Parliamentary Secretary : The answer given relates to parts (a) and (b) of the question and covers all that is there.

Sardar Sohan Singh Josh : Does it not amount to reducing the asking of questions to a farce if such replies are going to be given by them ?

Mr. Speaker : Disallowed.

Munshi Hari Lal : We can have information regarding (a) and (b) from public records but we cannot have information on (c) and (d). What are the papers available to the outside world from which they can know that the Honourable Ministers or the Parliamentary Secretaries have attended so many meetings of the select committees and have gone so many times out of the province ? From where can we have this information ?

Lala Deshbandhu Gupta : To-morrow if an adjournment motion is moved on account of this unsatisfactory reply given by the Parliamentary Secretary, they should not then be allowed to plead that the information was not sought. The information has been sought for and it is being deliberately denied to us.

Munshi Hari Lal : I want to know the source of information. Wherefrom can I get information on (c) and (d) ? This is my question.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary give this information if the Opposition gives an undertaking that they will keep it confidential ? (*Laughter.*)

Chaudhri Kartar Singh : Is the Accountant-General's office in working order ? (*Laughter.*)

Lala Duni Chand : May I know whether the refusal to disclose the amounts is due to the fact that they are exorbitant ?

Mr. Speaker : Disallowed.

TOTAL AMOUNT PAID BY GOVERNMENT TO NEWSPAPERS AND PERIODICALS.

***5577. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

(a) the total amount, if any, paid by Government to different newspapers and periodicals since April, 1937, up to September, 1939, either by way of subsidy or by way of cost of copies purchased by Government for distribution or other purposes ;

(b) the names of such papers and periodicals with amounts so received by each of them ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No subsidy has been paid by Government to any newspaper or periodical. Various Government departments and offices purchase copies of newspapers and periodicals for their own use, for distribution, or for both. The labour and cost involved in any attempt to compile totals of such purchases would be out of all proportion to the value of the results.

(b) Does not arise.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary at least give us the names of those papers which have been purchased in large numbers for distribution from time to time by the Director of Information ? If not, the amounts paid or the number of copies purchased, at least the names of those papers which are being purchased in large numbers by the Director of Information for distribution in villages should be given.

Parliamentary Secretary : I have already stated that Government as such pays neither in subsidies nor purchases any copies of any periodicals or newspapers and, therefore, part (b) does not arise. If my honourable friend wants some other information and gives notice of the question in a precise form, it will be obtained.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary please read the reply which he had just read in which he had admitted that copies for purposes of distribution are purchased ?

Parliamentary Secretary : My honourable friend has not strictly followed my answer. I did not say "by the Government" but "by certain Government departments".

Lala Deshbandhu Gupta : You may draw any distinction. I want to know whether Government purchases any papers and periodicals in thousands for distribution in villages or not ?

Parliamentary Secretary : Certain Government departments purchase these copies.

Lala Deshbandhu Gupta : Every work of the Government is done by departments. The Government as a whole does nothing.

Parliamentary Secretary : Not necessarily.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary please name the papers which have been so patronised or purchased by the department concerned ?

Parliamentary Secretary : I want notice for that question.

Lala Deshbandhu Gupta : Is it a fact that there are certain papers from which security has been demanded and yet they are being patronised in this matter ?

Parliamentary Secretary : I want notice for it.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary in a position to say whether the *Inqilab*, the *Zamindar* and the *Ahsan* are amongst the papers which are being purchased in thousands or hundreds for distribution purposes ?

Parliamentary Secretary : I could not say that.

Lala Deshbandhu Gupta : Have instructions been issued to rural officers or workers of the rural uplift department for the purchase of these papers for distributing them in villages ?

Parliamentary Secretary : I am not aware of any such instructions ; but I know such instructions have been issued by certain other provinces, and if such instructions are issued here there will be no harm.

Lala Deshbandhu Gupta : Does the Director of Information supply information on such matters to the Parliamentary Secretary or is he left free to do what he likes ?

Lala Duni Chand : Does Government consider the policy or the contents of the paper before ordering their purchase for distribution purposes ?

Parliamentary Secretary : I have said Government does not purchase these copies.

Pandit Shri Ram Sharma : Which departments of the Government buy these papers and distribute them among the people ?

Parliamentary Secretary : Various departments.

Pandit Shri Ram Sharma : Which are those departments and what is their number ?

Parliamentary Secretary : If the honourable member gives notice of a separate question, I will certainly collect the information.

Sardar Sohan Singh Josh : What are the names of papers bought by the department ?

Lala Deshbandhu Gupta : Is the Parliamentary Secretary personally concerned with any department which deals with this underhand business ?

Mr. Speaker : That question is not permissible.

Lala Deshbandhu Gupta : The Parliamentary Secretary is withholding from us certain information to which we are entitled and we are trying to get the information by a process of elimination. May I know if it is the department of the Honourable Premier or the Parliamentary Secretary which deals with this sort of thing ?

Parliamentary Secretary : What sort of thing ?

Lala Deshbandhu Gupta : The ordering of certain papers to be purchased in hundreds and thousands for distribution purposes ?

Parliamentary Secretary : I have already stated that this is undertaken by various departments and all departments are under the supervision of the Premier and if there is any such specific information desired by the honourable member and if he puts a precise question we shall ask for information.

Lala Deshbandhu Gupta : Is the department of the Director of Information one of such departments ?

Parliamentary Secretary : One of what departments ?

Lala Deshbandhu Gupta : My honourable friend says by various departments. Is that one of those departments ?

Parliamentary Secretary : Which departments ?

Lala Deshbandhu Gupta : The various departments which deal with the purchase of the papers.

Parliamentary Secretary : I want notice for that question. I could not give the answer off-hand.

Lala Deshbandhu Gupta : Will the Parliamentary Secretary inform us whether he himself has ever recommended any of the papers or ordered any copies of the papers to be purchased ?

Parliamentary Secretary : I have sometimes purchased the papers of my honourable friend opposite but have not given any orders or recommended for any specific paper.

CHAUDHRI ATA ULLAH.

***5585. Munshi Hari Lal :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that one Chaudhri Ata Ullah, President, District Congress Committee, Multan, and a member of the All-India Congress Committee was convicted by the Additional District Magistrate, Multan, under section 124-A and 153-A, I. P. C., to a rigorous imprisonment of eighteen months in May or June last ;

(b) whether it is a fact that the trying magistrate recommended him to be placed in B class ;

(c) whether it is a fact that Chaudhri Ata Ullah is serving his sentence in C class as an ordinary class prisoner ; if so, why ; and the action the Government intends to take in the matter ?

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

(b) No.

(c) Yes. Government have rejected an application for "B" class for this prisoner, as they are satisfied he is not a suitable person for such classification.

Munshi Hari Lal : Has the Honourable Minister looked into the judgment of the trying magistrate ?

Minister : I have looked into all the necessary papers as regards the recommendation made by the magistrate.

Sardar Sohan Singh Josh : Does the Honourable Minister know what is the position of Chaudhri Ata Ullah ?

Minister : Yes.

Munshi Hari Lal : May I know if Chaudhri Ata Ullah sent an application to the Jails Department for being placed in B class in June ?

Minister : Does the honourable member wish me to state all the facts as regards the classification of Chaudhri Ata Ullah ? What is the exact inquiry ?

Sardar Sohan Singh Josh : With regard to his position ?

Minister : I have looked into all the facts myself.

Sardar Sohan Singh Josh : Does the Minister think that he is not fit for B class ?

Minister : That was my decision.

Sardar Sohan Singh Josh : Does the Minister know that another person involved in the same case was given 'B' class, and if so, does he know that this differential treatment has led to Hindu-Muslim question ?

Mr. Speaker : That question does not arise.

Mian Abdul Rab : Can the Honourable Minister give his social position ?

Minister : If the Speaker desires, I am perfectly prepared to read out the whole thing but it is not usual to read out the material on which Government comes to its conclusion ; and I have come to the definite and deliberate conclusion after going through all the facts.

Pandit Shri Ram Sharma : May I know the source of your information ?

Minister : No.

ALLOWANCES DRAWN BY HONOURABLE MEMBERS OF PUNJAB ASSEMBLY.

*5588. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing the amount, separately drawn by each honourable member of the Punjab Legislative Assembly as allowance for attending the sessions of the Assembly since April, 1937, to the present day ?

Parliamentary Secretary (Mir Maqbool Mahmood) : For figures up to the 31st October, 1938, the honourable member is referred to the answer given to question 4881 asked by Chaudhri Nasir-ud-Din on the 10th November, 1938. It is hardly worth while spending time and labour on bringing this statement up-to-date.

AMOUNT OF PAY AND ALLOWANCE DRAWN BY HONOURABLE MINISTERS AND
PARLIAMENTARY AND PARLIAMENTARY PRIVATE SECRETARIES.

***5589. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to lay on the table of the House a statement showing the amount, separately drawn by each Honourable Minister of the Punjab Government and by each Parliamentary and Parliamentary Private Secretary as pay and allowance since April, 1937, to the present day ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Such pay and allowances as were due under the rules and within the vote of the Assembly have been paid.

CASES TRIED UNDER SECTION 124-A, I. P. C.

***5591. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state —

- (a) the number of cases tried during the current year under section 124-A, I. P. C.;
- (b) in how many cases the High Court upheld the decisions of the lower courts ;
- (c) whether the Government sanctioned the institution of the cases mentioned in (a) above ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Fifteen. Six are still pending in the lower courts.

(b) This information is being collected and will be communicated when it is ready.

(c) Yes ; no prosecution under this section can be legally instituted unless the sanction of Government has been previously obtained.

ARREST AND DETENTION OF BAKHSI AND RATTAN SINGH.

***5640. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state—

- (a) whether or not there are any internees in the Lahore Fort ;
- (b) whether or not Bakhshi of Lahore and Ratan Singh of Jullundur are interned in the Lahore Fort ; if so, what are the reasons for their internment ?

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

(b) Yes. For having acted in a manner prejudicial to the public safety.

Shrimati Raghbir Kaur : For what offence were they interned ?

Parliamentary Secretary : This is not the place where such matters can be divulged. (*Laughter.*)

BASE COINS.

***5645. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether he is aware of the fact that in many cases people refuse to accept not only base but even genuine coins which causes a lot of inconvenience particularly to travellers ;
- (b) if the answer to the above be in the affirmative, the special steps that Government have taken so far or proposes to take to put an end to this trouble ?

The Honourable Mr. Manohar Lal : (a) No, I have no such knowledge.

(b) Government have no powers to interfere with individuals in this respect.

Lala Duni Chand : Is it within the knowledge of the Finance Minister that the rupees bearing the inscription of Queen Victoria are refused by even Government treasuries ?

Minister : Not to my knowledge.

Pandit Shri Ram Sharma : Is it a fact that even Government departments refuse to accept rupees bearing the effigy of Queen Victoria ?

Minister : I have already stated that I have no such knowledge that this kind of rupee is refused.

Pandit Shri Ram Sharma : Has Government made any efforts to ascertain whether people have any genuine grievance in connection with this matter ?

Minister : How am I to go about making a general enquiry ? The information such as is available to me leads me to say that I have no such knowledge. If the honourable member will furnish me with any further information, I shall receive it gladly.

Lala Duni Chand : If the Honourable Minister does not possess that knowledge, let him take this knowledge from me and make enquiries from various Government treasuries.

Minister : What knowledge ? If he were to give me specific instances, I would be prepared to take the assertion that all that is taking place, but that the honourable member does not do.

Lala Duni Chand : The knowledge that I want to impart is that invariably rupees bearing the inscription of Queen Victoria are refused by Government treasuries, and I know personally about the Ambala Treasury. Will the Honourable Minister make enquiries or send any orders ?

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware that it is the general complaint of the public that the railway booking clerks put the travellers to a lot of inconvenience by returning these base coins, and some times they put the genuine coins given by the passengers to the booking clerks in their pockets and give them in return base coins ?

Minister : It may be so. I have no knowledge.

Pandit Shri Ram Sharma : May I know as to how the fact can be brought to the notice of Government that this grievance does exist ?

Minister : I can only answer it by saying that if honourable members merely go on saying that these coins are refused, then it does not convey to me any definite knowledge on which I can act.

Lala Duni Chand : Will he try the experiment of tendering such coins when purchasing tickets and see how he is treated ?

Minister : When I next travel—I do not travel very much—I may possibly find out.

Pandit Shri Ram Sharma : Is he prepared to ascertain this grievance disguised as a commoner ?

Mian Sultan Mahmud Hotiana : Will the Honourable Minister tell me the agency through which this grievance should be brought to his notice ?

Mr. Speaker : Disallowed.

Mian Sultan Mahmud Hotiana : If anybody refuses a genuine coin, what is the remedy ? Is it not the duty of Government to provide a remedy for this ?

Minister : It is not an offence and we could not punish it in any manner, and that is what I meant by the mild suggestion that it is not possible for Government to interfere with individuals in this particular matter. That is the present position. It may be unhappily so.

Mian Sultan Mahmud Hotiana : Will you consider this matter and provide a remedy ?

Mr. Speaker : That is a request for action.

PROHIBITION.

***5646. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Finance be pleased to state —

- (a) whether prohibition has so far been introduced in any of the districts in the Punjab ; if so, in which district and whether the experiment has proved successful
- (b) whether the question of introducing prohibition in some other districts as well is at present under consideration of Government ; if so, when it is likely to be decided ?

The Honourable Mr. Manohar Lal : (a) Not yet.

(b) Does not arise : but the whole question will shortly be examined afresh in the light of the financial situation.

Pandit Bhagat Ram Sharma : Is the Honourable Minister aware of the resolution which was passed by this House to this effect ?

Minister : Yes.

Lala Deshbandhu Gupta : What action has Government taken on it so far ?

Minister : I have answered that question more than once and the answer is implicit in what I have just said.

Lala Deshbandhu Gupta : Does he hope to take any action in the coming year on the resolution ?

Minister : We entertain many hopes.

Lala Deshbandhu Gupta : Is it a pious hope and will it ever remain so ?

Minister : A pious hope is better than an impious hope.

Lala Duni Chand : Has Government ever considered the question of giving a lead to other provinces in this matter, as it claims to do in many other cases ?

Minister : I think the division from which the honourable member comes has so embarrassed the finances of this province, that leadership in this respect for the time appears to me out of question.

Lala Duni Chand : Will the Finance Minister advise the Government to transfer my division to the United Provinces ?

Pandit Shri Ram Sharma : Will the Honourable Minister kindly let me know whether prohibition will be introduced in the Punjab when famines have ceased to ravage the south-eastern districts of Hissar and Rohtak ?

Minister : If the *kahat* goes on at this rate, I think I can not answer the question in the affirmative.

Pandit Shri Ram Sharma : Could the Honourable Minister foretell as to when the finances of the province will have been stabilised and prohibition introduced ?

Minister : I am not a prophet.

Lala Deshbandhu Gupta : May I know if financial considerations alone stand in the way of introducing prohibition, or whether there are some other considerations also ?

Minister : I do not understand what the honourable member means by the question, but let me say that the financial considerations are cogent and complete enough for the time to postpone even contemplating the introduction of this change.

Lala Deshbandhu Gupta : May I know if there is any divergence of views among the members of the Treasury Benches on the question of prohibition, or are financial considerations alone responsible for the postponement of the introduction of prohibition ?

Minister : That we may not enquire into. I am not here to give you any information as to the state of opinion that exists in the Cabinet on this question.

Lala Deshbandhu Gupta : May I know the views of the Government ? Are they at variance with the views of the Assembly ? The Assembly has passed a resolution on the subject.

Minister : I can only remind the honourable member that Government did not oppose the resolution when it was brought forward in this House.

Lala Deshbandhu Gupta : What are the personal views of the Finance Minister in regard to prohibition ?

Minister : What have my personal views to do with regard to this matter ?

S. JOGINDAR SINGH OF CHHINA.

***5665. Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state

- (a) the state of health of S. Jogindar Singh of Chhina convicted in the Fatehwal murder case, at present lodged in the Lahore Central Jail;
- (b) his present state of health;
- (c) the reasons for the deterioration of his health;
- (d) whether he is confined in a solitary cell; and if so, the reasons therefor?

The Honourable Mr. Manohar Lal : (a) On admission to the Lahore Central Jail on the 13th February, 1939, his health was indifferent. His weight was 129 lbs., i.e., 14 lbs. below the standard weight.

(b) Indifferent.

(c) Not known.

(d) Yes, for one month; because he quarrelled with and beat a fellow prisoner in the jail.

Lala Duni Chand : Has the Government taken care or will the Government take care to see that this man does not suffer from tuberculosis?

Minister : I think every prisoner whose health is not good and as a matter of fact whose health may even be very good, is under fairly frequent medical examination.

Sardar Sohan Singh Josh : What medical relief is provided to this prisoner in view of his indifferent health?

Minister : I think he is receiving all necessary medical attendance in the jail.

Sardar Sohan Singh Josh : What is his diet?

Minister : I have no particulars with me at the present moment.

PROHIBITION IN THE PROVINCE.

***5668. Dr. Sant Ram Seth :** Will the Honourable Minister for Finance be pleased to state whether it is a fact that the Punjab Legislative Assembly passed unanimously a resolution of prohibition to be enforced in 5 districts of the Punjab Province in the first instance; if so, the number and name of those districts in which the prohibition has been enforced and if it has not been enforced in any district, the reasons therefor?

The Honourable Mr. Manohar Lal : Government has in mind the Resolution in question, but owing to extraordinarily heavy strain on the provincial finances due to grave famine conditions in a large part of the province and very large expenditure that the famine has caused directly and indirectly it has not been possible to take any steps required by the Resolution. Nor is Government at present in a position to engage the preventive staff necessary to give effect to the Resolution. The whole position would be reviewed as soon as the provincial finances make that possible.

DISPOSAL OF CRIMINAL APPEALS BY DISTRICT MAGISTRATE, LUDHIANA.

*5673. Chaudhri Muhammad Hasan : Will the Hon'ble Minister of Inances be pleased to state the number of criminal appeals disposed of by the District Magistrate, Ludhiana, from June to September, 1939, giving dates of institution of each of them and the dates of decision, the names of the parties and their counsel in details as well as the final result in each of them ?

The Honourable Mr. Manohar Lal : A statement giving some of the information required by the honourable member is laid on the table. As these cases were decided some time ago and have been consigned to the Record Room, I do not consider the time and trouble involved in collecting the remaining information will be justified.

Statement showing the disposal of criminal appeals by District Magistrate, Ludhiana, from June to September, 1939.

Serial No.	A. peal No.	Date of institution.	Date of decision.	NAME OF PARTIES.		Result of Appeal.
				Appellant.	Respondent.	
1	37	2-6-39	16-6-39	Fateh Muhammad ..	Crown ..	Appeal accepted.
2	39	17-6-39	24-6-39	Gulzara ..	Do. ..	Appeal rejected.
3	40	19-6-39	16-7-39	Alli ..	Do. ..	Ditto.
4	41	22-6-39	29-7-39	Malan ..	Do. ..	Appeal accepted.
5	42	27-6-39	22-7-39	Dips ..	Do. ..	Appeal rejected.
6	43	28-6-39	22-7-39	Rulia ..	Do. ..	Ditto.
7	44	29-6-39	2-8-39	Duda Singh ..	Do. ..	Ditto.
8	45	11-7-39	29-7-39	Yusuf ..	Do. ..	Appeal accepted.
9	46	15-7-39	29-7-39	Muhammad Shafi ..	Do. ..	Ditto.
10	47	18-7-39	16-9-39	Bhag ..	Do. ..	Ditto.
11	48	18-7-39	7-8-39	Narain Singh ..	Do. ..	Appeal rejected.
12	49	18-7-39	5-8-39	Badan Singh ..	Do. ..	Ditto.
13	50	28-7-39	28-7-39	Amrik Singh ..	Do. ..	Appeal accepted.
14	51	28-7-39	28-7-39	Lala ..	Do. ..	Appeal rejected.
15	52	28-7-39	28-7-39	Phuman Singh ..	Do. ..	Ditto.
16	53	28-7-39	28-7-39	Jagir Singh ..	Do. ..	Ditto.
17	54	28-7-39	28-7-39	Nagar Singh ..	Do. ..	Ditto.
18	55	29-7-39	29-7-39	Ali Muhammad ..	Do. ..	Ditto.

[Finance Minister.]

Serial No.	Appeal No.	Date of institution.	Date of decision.	NAME OF PARTIES.		Result of Appeal
				Appellant.	Respondent.	
19	56	29-7-39	29-7-39	Fatta ..	Crown ..	Appeal rejected.
20	57	29-7-39	29-7-39	Muhammad Sadiq ..	Do. ..	Ditto.
21	58	29-7-39	29-7-39	Bachan Singh ..	Do. ..	Ditto.
22	59	29-7-39	29-7-39	Abdul Majid ..	Do. ..	Ditto.
23	60	1-8-39	2-8-39	Ismail ..	Do. ..	Appeal accepted.
24	61	2-7-39	10-8-39	Sadhu Singh ..	Do. ..	Appeal rejected.
25	62	7-8-39	6-9-39	Bhagra ..	Do. ..	Appeal accepted.
26	63	3-8-39	14-9-39	Ghalib ..	Do. ..	Ditto.
27	64	3-8-39	11-9-39	Bakhsha ..	Do. ..	Ditto.
28	65	15-8-39	16-8-39	Nathu ..	Do. ..	Appeal rejected.
29	67	2-9-39	13-9-39	Mela Ram ..	Do. ..	Appeal accepted.
30	68	4-9-39	16-9-39	Hassan Din ..	Do. ..	Ditto.
31	69	8-9-39	8-9-39	Ralia ..	Do. ..	Appeal rejected.
32	70	8-9-39	8-9-39	Prem Das ..	Do. ..	Ditto.
33	71	8-9-39	8-9-39	Swarn ..	Do. ..	Ditto.
34	72	8-9-39	8-9-39	Ghag Shah ..	Do. ..	Ditto.
35	73	8-9-39	8-9-39	Fazla ..	Do. ..	Ditto.
36	74	8-9-39	8-9-39	Jogindar Singh ..	Do. ..	Ditto.
37	75	8-9-39	8-9-39	Shadi ..	Do. ..	Ditto.
38	76	8-9-39	8-9-39	Wazir Chand ..	Do. ..	Ditto.
39	77	12-9-39	10-10-39	Ganda Singh ..	Do. ..	Ditto.
40	78	16-9-39	16-9-39	Ujagar Singh ..	Do. ..	Ditto.
41	79	18-9-39	25-10-39	Chanan ..	Do. ..	Ditto.
42	80	25-9-39	24-10-39	Abdullah ..	Do. ..	Ditto.
43	81	26-9-39	5-10-39	Ujagar ..	Do. ..	Ditto.
44	84	26-9-39	28-9-39	Ram Singh ..	Do. ..	Ditto.
45	84	24-5-39	22-6-39	Surta ..	Do. ..	Ditto.
46	85	24-5-39	22-6-39	Bishan Singh ..	Do. ..	Ditto.
47	86	26-5-39	12-7-39	Nahmat ..	Do. ..	Ditto.

**ARREST AND DETENTION OF SARDARS RATAN SINGH AND
MOLA SINGH.**

***5638. Master Kabul Singh:** Will the Honourable Premier be pleased to state—

- (a) the reasons for the recent arrest of Sardar Ratan Singh, resident of village Mandhali, district Jullundur, and that of Sardar Mola Singh of village Behwalpur, district Hoshiarpur;
- (b) where have they been lodged and what proceedings, if any, Government propose to take against them;
- (c) whether they are under-trial prisoners or internees;
- (d) whether their legal advisers, relatives, and friends are allowed to see them; if so, whom are they to approach for the purpose?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Sardars Rattan Singh and Mola Singh (not Mola Singh) were arrested for having acted in a manner prejudicial to the public safety;

(b) Lahore Fort. Further action against them is under contemplation.

(c) They have been detained under section 2, Punjab C. L. (A) Act, 1935.

(d) Interviews with near relatives are permitted, for which applications should be made to the Superintendent of Police, Special Branch, II, C.I.D., Punjab.

Sardar Sohan Singh Josh: How long will they have to remain there under the Criminal Law Amendment Act?

Parliamentary Secretary: I want notice of that question.

Khan Sahib Khawaja Ghulam Samad: May I know the rules under which friends are allowed to see the prisoners? The answer says about relatives only?

Parliamentary Secretary: According to rules near relatives are permitted. But I am afraid I cannot say off-hand whether friends who are not near relatives would be permitted.

Khan Sahib Khawaja Ghulam Samad: May I enquire whether the Parliamentary Secretary has ever studied the Jail Manual and whether his reply is based on a study of that Manual?

Parliamentary Secretary: I must confess in reply to this question that I have not lately studied the Jail Manual except the relevant clauses of it.

Khan Sahib Khawaja Ghulam Samad: As far as I know there is a provision in the Jail Manual in regard to friends also.

Diwan Chaman Lall: Which rule of the Jail Manual is my honourable friend referring to?

Parliamentary Secretary: I cannot cite the particular rule just now but if my honourable friend is interested in it I shall be delighted to give him the information later on.

Diwan Chaman Lal : May I take it that it is rules 26—28 that my honourable friend is referring to, of the Prison Rules under which interviews are allowed to prisoners in jail custody ?

Parliamentary Secretary : I cannot say ; it may be so.

CLASS FOR CHAUDHRI AFZAL HAQ, AHRAR PARTY LEADER.

***5641. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Finance be pleased to state—

- (a) when Chaudhri Afzal Haq, the leader of the Ahrar Party, was arrested ;
- (b) the class that was allotted to him in the jail in the beginning ;
- (c) whether it is a fact that he has been now given A class ;
- (d) if the answers to (b) and (c) be in the affirmative, the reasons for not giving Chaudhri Afzal Haq A class from the outset ;
- (e) whether in the matter of allotment of a particular class to a prisoner the Punjab Government also is consulted or whether decision of the local officers alone in that respect is final ;
- (f) whether he would be pleased to lay on the table of the House a report about Chaudhri Afzal Haq's present state of health and the nature of facilities provided to him in the jail in view of the month of *Ramzan* ?

The Honourable Mr. Manohar Lal : (a) Chaudhri Afzal Haq was arrested on the 26th September, 1939.

- (b) Ordinary class.
- (c) He was given " better class " on the 12th October, 1939.
- (d) The court was making enquiries regarding his status.
- (e) The classification of an under-trial prisoner is made by the trial court. The prisoner has the right of filing a revision application against this classification to the District Magistrate.
- (f) His health is indifferent and he has attacks of asthma from time to time. A jail cook is allotted to him to prepare his food.

Lala Duni Chand : Is the Government aware of the fact that Chaudhri Afzal Haq is one of the foremost recognised political leaders of the Punjab ?

Minister : If I may say so, the honourable member has put so many questions into one. We are all aware that Chaudhri Afzal Haq was a member of the Legislative Council, the previous Council, and he is regarded by some to be a leading politician.

Lala Duni Chand : Was not that fact by itself sufficient to give him a better class ?

Minister : Government was not dealing with it. It was a matter for the court.

Pandit Bhagat Ram Sharma : May I know the nature of the enquiries made by the magistrate ?

Minister : I do not know. The matter lies entirely in the discretion of the court and the court made the necessary enquiries and within a fortnight he was put into a better class.

Chaudhri Muhammad Hasan : Is it a fact that Chaudhri Afzal Haq criticised the Premier's policy and, therefore, he was not given B class at the beginning?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : What does the Honourable Minister mean by 'better class'? Has he created another category, because we know only A class, B class and C class?

Minister : When a prisoner is an under-trial prisoner, he is either in the ordinary class or a better class. The question of A, B and C class arises after conviction.

Diwan Chaman Lall : May I enquire as to which court was making the necessary enquiries regarding Chaudhri Afzal Haq's status?

Minister : The court before whom he was an under-trial prisoner.

Diwan Chaman Lall : May I enquire whether it is not a fact that that court had the full complete description of the honourable gentleman and was fully aware of the fact that that gentleman had been a member of the past Legislative Council?

Minister : I have no knowledge of the extent of the court's information.

Diwan Chaman Lall : Is it not a fact that in ordinary circumstances when a prisoner is brought before the court for trial a full description of that prisoner is given, with the fullest details regarding the status of the particular prisoner, what he was and what he has been?

Minister : I think the honourable member is quite right in making that assumption; but I am not sure whether that would include a prisoner being a member of a previous legislative chamber.

Lala Duni Chand : Does the Government admit that it was a mistake on the part of the court to have given him ordinary class?

Minister : I am not sitting in judgment on the court. The court had complete discretion and the court after satisfying itself, as the court was bound to do, gave the under-trial prisoner the better class.

Lala Duni Chand : Is not the Honourable Minister the highest authority so far as the question of classification is concerned?

Minister : The matter at the stage did not concern me.

Lala Deshbandhu Gupta : According to Jail rules, jail authorities had perfect discretion in giving any class. I would request the Honourable Finance Minister to see whether there is not a provision in the Jail Manual to that effect.

Mr. Speaker : The honourable member may see the Manual himself.

Lala Deshbandhu Gupta : I am asking the Honourable Minister as to why the Superintendent did not decide the question of his classification in the very first instance when according to rules he is entitled to decide about the treatment which a prisoner should receive as long as the court has not decided that point?

Minister : The court gave him the ordinary class.

Munshi Hari Lal : Was this discretion exercised in accordance with the instructions of the Local Government ?

Minister : I do not understand what the honourable member means ?

Munshi Hari Lal : I mean, is there any instruction regulating the exercise of discretion by the magistrate ?

Minister : No. I do not see why the honourable member should make such a statement.

Munshi Hari Lal : I was told the other day by a magistrate that he is acting according to instructions.

Minister : A very emphatic 'no'.

Lala Duni Chand : When a flagrant instance of this kind comes to the notice of the Government does the Government take any action and did the Government take any action in this case ?

Minister : I do not see how the Government was called upon to take any action.

Pandit Shri Ram Sharma : Will the Honourable Minister please state whether Chaudhri Afzal Haq has been to jail before and whether he has been placed in higher class before ?

Minister : I am not in a position to answer that question.

Pandit Shri Ram Sharma : Does the Honourable Minister know that Chaudhri Afzal Haq was placed in A class when he was in jail last time ?

Mr. Speaker : That is irrelevant.

Pandit Shri Ram Sharma : May I know if the Honourable Minister will take note of the fact when he makes an enquiry ?

Minister : Which enquiry ?

Chaudhri Muhammad Abdul Rahman Khan : Though the Assembly has become brown from white, yet the language of the Assembly seems to be the same, that of the white men.

Khan Bahadur Nawab Muzaffar Khan : Is that a supplementary question ?

Mr. Speaker : The honourable member is making a speech.

Lala Deshbandhu Gupta : He is requesting you to ask the Honourable Minister to reply in Urdu.

Mr. Speaker : I have more than once explained from this chair that there is no provision in the Government of India Act, nor in our rules under which I can compel an honourable member to speak in Urdu.

Mr. Dev Raj Sethi : Let there be a convention in this respect.

Lala Duni Chand : May I know if the Government is aware of the fact that when Chaudhri Afzal Haq was convicted in 1930 as a member of the Working Committee, he was given A class and he was allowed to travel in the 1st class ?

Mr. Speaker : Disallowed.

Pandit Bhagat Ram Sharma : May I know from the Honourable Minister whether he is prepared to enquire from the magistrate concerned as to how it took him full 15 days to enquire into the matter?

Mr. Speaker : Disallowed.

ARREST OF SOME MEMBERS OF THE PUNJAB LEGISLATIVE ASSEMBLY.

***5642. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) the names of those honourable members of the Punjab Legislative Assembly who have been arrested so far ;
- (b) the nature of their offences, and the nature of the punishments awarded to them ;
- (c) the class given to them at first in the jail, the class given to them at present, and the names of the jails in which they are confined ;
- (d) whether he would be pleased to lay on the table of the House a copy of the report about each Honourable Member's present state of health ?

Parliamentary Secretary (Mir Maqbool Mahmood) : If the honourable member will kindly indicate the period over which he desires the information regarding arrests I will have the necessary enquiries made. It would also help me if he would make clear whether he wishes for information regarding arrests of every kind or only arrests under certain provisions of law. If the latter, would he kindly state the particular provisions ?

Chaudhri Muhammad Hasan : On a point of order. The member who puts a question should be afforded facilities to put supplementary questions before others.

Mr. Speaker : The honourable member is a lawyer. Will he quote any rule or law under which I can do that ?

Chaudhri Muhammad Hasan : Allowing of putting of supplementary questions by the questioner in preference to other members is, I suppose, the duty of the chair and he must see that the questioner understands the answer.

Mr. Speaker : The honourable member must understand that under the Government of India Act all that is permitted is that members may be allowed to speak not only in English but in some other language also, but there is no provision which authorizes the chair of the Assembly itself to make rules that answers to questions put in English should be in Urdu. That question has arisen in the House many a time and that is how I have viewed the matter.

Chaudhri Muhammad Hasan : On a point of order. The Parliamentary Secretary speaks in Urdu in regard to one question and in English in regard to another.

Mr. Speaker : That is so. But the question is whether I can compel him to answer questions in Urdu.

Chaudhri Muhammad Hasan : Is it not open to the chair to force him to answer in Urdu ?

Mr. Speaker : Is there any rule or law which empowers the chair to do so ?

Chaudhri Muhammad Hasan : Is it not open to the chair to force a member to speak in Urdu when he has spoken in Urdu before on that very day or in that very session ?

Mr. Speaker : It is not in my power to force any member to speak in Urdu.

Pandit Shri Ram Sharma : But you can allow a member who can speak in English very well to speak in Urdu.

Mr. Speaker : To permit an honourable member to speak in Urdu is different from forcing him to speak in Urdu.

Pandit Shri Ram Sharma : That is a question of taking a lenient view which you have already taken of Urdu speaking.

Rai Bahadur Mukand Lal Puri : What is the answer to part (a) of the question.

Parliamentary Secretary : I am afraid my honourable ver definite ? not carefully follow the reply which I gave. I said that I shall be delighted to collect the necessary information if the honourable member would kindly indicate the period over which he desired the information. It would also help me if he would make it clear if information is required regarding arrest of every kind or under certain provisions of the law. No supplementary question of the kind suggested by my honourable friend arises out of the answer.

Rai Bahadur Mukand Lal Puri : Is not the question very definite ? The question is about the arrest of the members of the Punjab Legislative Assembly. It came into existence only in 1937. After all how many members of the Assembly could have been arrested ?

Parliamentary Secretary : Granted, but I wanted definitely to know whether my honourable friend wants information for one year or for two years or for three years and whether he wants under the Defence of India Act or under section 124-A or under section 153 or any other provision of the law. It will help me to collect the information.

Diwan Chaman Lall : Would it have been at all difficult in view of the fact that cases are very few, to collect the information and place it at the disposal of the House instead of wasting the time of the House ? (*Hear hear.*)

Rai Bahadur Mukand Lal Puri : The information is sought only for a period of 2 years and 4 months. Does the Government think it too expensive to collect that data or does it refuse to answer the question ?

Parliamentary Secretary : I have not refused to answer the question. What I have asked the honourable member is to be more precise.

Rai Bahadur Mukand Lal Puri : The question is quite precise.

Premier : May I interpose with your permission ? I understand that another question has been asked which is more definite and a reply will be given to that question. I understand that the total number of arrests is 11 including cases under ordinary law like cheating.

Diwan Chaman Lall : May I ask my honourable friend whether all the members arrested happen to belong to the Opposition ?

Premier : No. I think there are few from the Opposition. There are some from the so-called Independent Benches.

Diwan Chaman Lall : Are there any amongst these 11 who belong to the Unionist benches ?

Premier : I believe there are one or two.

Diwan Chaman Lall : What are their names ?

Premier : My honourable friend is now anticipating. I have promised a detailed reply in answer to another question that has been asked.

Lala Duni Chand : Has the Government considered the desirability of shutting up the remaining members of the Opposition also so that the Unionist benches may go on merrily ? (Laughter.)

Mr. Speaker : Order, order.

Premier : If my honourable friend also commits an offence under section 409 or any other similar offence, then I would not be able to help him, I am afraid.

ADJOURNMENT MOTIONS.

Mr. Speaker : After carefully going through the notices of the remaining adjournment motions, I have come to the conclusion that, strictly speaking, none of them is admissible.

Diwan Chaman Lall : I have no doubt that you are correct with regard to some adjournment motions; but there are some other adjournment motions, and before you disallow them, we would like to express our point of view as to their admissibility.

Mr. Speaker : I am not going to disallow all motions *en bloc*. I will follow the usual practice.

Pandit Shri Ram Sharma (Urdu) : On a point of order. Previously copies of the adjournment motions were handed over to the honourable members of the House, but now this practice has been discontinued.

Mr. Speaker : The notice of an adjournment motion is given not less than half an hour before it is sought to be moved ; and it is the giver of the notice, who hands over to the Speaker the written statement, which he proposes to discuss. So, if he has not kept a copy of it, he has to thank himself.

Diwan Chaman Lal : An honourable member who has given notice of an adjournment motion is entitled to get a copy of it from the office. You might have inserted some words or changed the motion or modified it in consultation with the honourable member. Therefore, it is necessary that the honourable members should get a copy of the adjournment motions.

Mr. Speaker : May I invite the honourable member's attention to Rule 42, which runs as follows :—

A member asking for leave must, not less than half an hour before the commencement of the sitting of the day, hand to the Speaker a written statement of the matter proposed to be discussed.

Diwan Chaman Lal : The office has been supplying copies of the adjournment motions to the honourable members previously. The honourable member concerned certainly must have a copy of the adjournment motion.

Mr. Speaker : I have never modified or corrected the written statement handed over to me for discussion as an adjournment motion.

DIWAN CHAMAN LAL'S INTERVIEW WITH SARDAR IQBAL SINGH.

Sardar Sohan Singh Josh : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Superintendent of Police to allow Diwan Chaman Lal, M.L.A., to have an interview with Sardar Iqbal Singh arrested on his entry in the Punjab after the expiry of his one-year externment.

Mr. Speaker : The motion is inadmissible for several reasons. It is not definite. It is vague. The name and district of the Superintendent of Police are not given. The place and date of arrest are not given. Therefore the motion is clearly out of order.

Sardar Sohan Singh Josh : Is there anybody on the Government side who objects to this motion being moved ?

Mr. Speaker : The question whether there is any objection to the motion being moved will be asked after the motion is held by me to be in order. If I hold it to be out of order that question will not be put. In my opinion the motion is not in order. So, the honourable member may ask for leave to make his next adjournment motion.

ARREST OF SARDAR IQBAL SINGH.

Sardar Sohan Singh Josh : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Premier to give any information to the House in regard to the arrest of Sardar Iqbal Singh on his entry in the Punjab after the expiry of his one-year externment.

Mr. Speaker : Was any question about this matter put to the Minister concerned ?

Sardar Sohan Singh Josh : The day Sardar Iqbal Singh was arrested, I put a short notice question, but it was turned into a starred question.

Mr. Speaker : Did the honourable member receive a reply to it?

Dr. Sir Gokul Chand Narang : Is it necessary under the rules to put a question before an adjournment motion can be moved?

Mr. Speaker : It is not necessary that a question should be put in every case.

Dr. Sir Gokul Chand Narang : May I know whether it is necessary under the rules to put a question to a member of the Government before an adjournment motion can be moved?

Mr. Speaker : No. But speaking generally adjournment motions arise out of questions put and answers given. However, where it is said, as in this case, that certain information is refused, while it is not refused in fact, a question would be necessary.

Sardar Sampuran Singh : That is one of the reasons for the motion of adjournment.

Dr. Sir Gokul Chand Narang : To give this reason for disallowing the adjournment motion is liable to be misunderstood.

Mr. Speaker : There are other defects too. The next motion.

Diwan Chaman Lall : May I draw your attention to the wording of this adjournment motion. The wording is not that the Premier has refused to reply to a question. What the adjournment motion refers to is the refusal of the Premier to give information to this House. There is no question of any questions being put to him. It is the refusal which—

Mr. Speaker : How can it be said that the Honourable Premier has refused to give information?

Diwan Chaman Lall : I shall explain. The honourable member put a short notice question and the information should have been made available immediately. The short notice question is put but the short notice question is not treated as a short notice question. It is treated as a starred question thereby leading to the conclusion—

Mr. Speaker : Let it be taken for granted that a short notice question was put, but that the Premier decided to treat it as an ordinary question. Does that amount to refusal to give the information?

Diwan Chaman Lall : May I draw your attention to the fact that what is involved is the principle of demanding urgently certain information which the Honourable Premier did not give to the House or to the honourable member seeking that information. Since he refused to give that information at the time and in the manner in which it was demanded, surely it is tantamount to refusal. Is it not?

Mir Maqbool Mahmood : The adjournment motion does not refer to the refusal of the Honourable Premier to answer the short notice question.

Dr. Gopi Chand Bhargava : A short notice question is put when a matter is very urgent and if it is to be treated as an ordinary question, then it damages the question of urgency necessary for adjournment motions or getting information or taking any action if the information is refused.

Premier : May I submit that short notice questions are meant to be short notice questions in case of extreme urgency and not to short-circuit the ordinary procedure. My honourable friend should know that notices of short notice questions are only given when there is a particular urgency. I can cite dozens of instances where there was no urgency and notices of short-notice questions had been merely given in order to evade the ordinary procedure. Under the ordinary procedure questions take their turn. Therefore, if they want answers out of turn they may put those short-notice questions which really relate to urgent matters and not otherwise. Where the matter is urgent or where it is possible for the Government to secure the necessary information, we always accept these short notice questions but where it is not possible to get information expeditiously then it is physically impossible for us to accept those questions as short-notice questions. So, it will not serve any useful purpose. I have not been in a position to make that information available but in matters of extreme urgency a short-notice question may sometimes be useful and we make every endeavour to give the information where it is possible.

Diwan Chaman Lall : There should not be a wrong impression created with regard to Honourable Premier's statement with reference to short-notice questions. The urgency of this short-notice question lay in the fact that this gentleman had been arrested without a charge being levelled against him. He is detained under an exceptional procedure. He can be detained in the first instance only for fifteen days. The urgency arose out of the fact that the first detention can only be for a period of fifteen days. Therefore, the matter was urgent and this House wanted to get information as to why this particular gentleman had been arrested. In the second instance my honourable friend knows that under the Criminal Law Amendment Act he can be detained in the second instance for two months. After the expiry of the first fifteen days he had been detained under express orders of my honourable friend. My honourable friend knows all about it. He knows all about the circumstances of his detention, and, therefore, there could have been no difficulty in answering this question as a short-notice question.

Premier : I think the honourable member is doing me an injustice. When I came to know all about it, I informed the Leader of the Opposition informally. He did ask me what the position was and I promised to make enquiries and I did make enquiries. When I got the information I communicated it to him, but when Sardar Sohan Singh's notice was received I was not prepared. (*Interruption.*)

Mir Maqbool Mahmood : When the information is given in answer to this question, may I take it that it will be open to this side of the House also to submit their objections to this adjournment motion on other grounds ?

Mr. Speaker : The next notice please.

ABDUCTION OF MINOR SON OF TUHI RAM, MAHAJAN.

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 failure of the authorities concerned

in knowingly not taking any cognisance of serious crime of abduction of the minor son of one Tuhi Ram, Mahajan of village Guhna, Police Station Sonepat, Rohtak, by a band of *badmashes* with the object of extorting money, in the last week of October, 1939.

Mr. Speaker : The next motion.

Pandit Shri Ram Sharma (Urdu) : Sir, I had tabled a short notice question regarding this matter but to my surprise that is being made a long notice question. And when the Government came to know that local authorities had failed to do anything in the matter, Rs. 1,200 was given to *badmashes* in order to secure the boy. The authorities have scandalously failed in the discharge of their duty and—

Mr. Speaker : I did not consider the motion in order. Therefore, I did not read it to the House.

Pandit Shri Ram Sharma (Urdu) : May I know on what grounds my adjournment motion has been ruled out of order ?

Mr. Speaker : I am not bound to give reasons

Pandit Shri Ram Sharma (Urdu) : I want to know the reasons so that I may be more careful in future in tabling adjournment motions.

Mr. Speaker : I do not consider it necessary to give any reasons.

ELECTIONS TO DISTRICT BOARD, ROHTAK.

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 intention of the Government to further postpone the already overdue elections of the District Board, Rohtak.

Two years have already been wasted over the redistribution of circles and now on the pretext of war the Government intend to further—

Mr. Speaker : Order please. The next motion.

NOMINATION OF HARIJANS OF ROHTAK TOWN.

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 intention of the Government not to give representation through nomination to the Harijans of Rohtak town, who failed to get representation in elections, and whose population and voting strength is one-fifth of the Hindus and one-ninth of the entire town population.

Sir, it is very important matter concerning the Harijans.

Mr. Speaker : The next motion.

DIWAN CHAMAN LALL'S INTERVIEW WITH SARDAR IQBAL SINGH.

Sardar Sohan Singh Josh : My motion arises out of the unsatisfactory nature of the answer.

Mr. Speaker : Which answer ? Has any answer been given ?

Sardar Sohan Singh Josh : Which adjournment motion are you referring to ?

Mr. Speaker : I am referring to motion No. 59, which stands in the honourable member's name.

Sardar Sohan Singh Josh : This is the same as the previous one with a little addition. It makes the motion more definite.

Mr. Speaker : He wanted to see him as his legal adviser.

Sardar Sohan Singh Josh : But here nobody cares.

Mr. Speaker : There is no question of caring. When an accused person is in the custody of the police, anybody can see him with the permission of the police authorities concerned. But they are not bound to give permission. How is the administrative responsibility of Government involved if a superintendent of police refuses to allow a lawyer to see a person who is in police custody ? The honourable member has other remedies. He can approach the district magistrate.

Dr. Gopi Chand Bhargava : He cannot approach the district magistrate because under the Criminal Law Amendment Act he is convicted by the provincial Government.

Mr. Speaker : In that case also he must have some remedy. He can approach the next higher authority.

Diwan Chaman Lall : When Hitler arrests a man one can approach his deputy, Herr Hess. Whom are we to approach here ? *(Laughter.)*

Mr. Speaker : The motion is out of order.

BEADON ROAD MURDER.

Pandit Shri Ram Sharma : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the police in promptly reaching the scene of murderous outrage last week on the Beadon Road, Lahore, resulting in aggravation of the tragedy.

Mr. Speaker : The motion is out of order.

FAILURE OF COTTON CROP.

Sardar Ajit Singh : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the situation arising out of the miserable condition of the zamindars of the province due to the utter failure of their only monetary cotton crop throughout the province especially in the South-West Punjab.

Mr. Speaker : The motion is out of order.

HANDCUFFING OF PANDIT BHAGAT RAM SHARMA, M.L.A.

Chaudhri Muhammad Hasan : 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 unsatisfactory nature of the reply given to-day by the Honourable Premier to the Short Notice Question of **Manshi Hari Lal** regarding the handcuffing of Pandit Bhagat Ram Sharma, M.L.A.

Mr. Speaker : I understand that this matter has been discussed in detail in connection with Sardar Hari Singh's arrest. Both cases are more or less identical.

Chaudhri Muhammad Hasan : One relates to the conduct of the authorities in the Hoshiarpur district and the other in the Kahgra district.

Mr. Speaker : I would like to hear the question and answer about the Honourable Pandit Bhagat Ram Sharma, to enable me to decide how far the answer is unsatisfactory.

Chaudhri Muhammad Hasan : That question was whether Pandit Bhagat Ram Sharma—

Mr. Speaker : I want the question and answer *verbatim*.

Chaudhri Muhammad Hasan : It may be supplied by the Assembly office.

Mr. Speaker : Will the Secretary please help me ?

Secretary : The question ran as follows :—

Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Pandit Bhagat Ram Sharma, M.L.A., an honourable member of this House, was handcuffed on the 13th September, 1939, when he was arrested under the Defence of India Ordinance and was subsequently brought to the court on different dates with handcuffs on both the hands;
- (b) if answer to (a) above be in the affirmative, the action Government proposes to take in the matter ?

The answer was :—

- (a) Yes. Under the existing rules handcuffing on arrest is obligatory when a person is accused of a non-bailable offence punishable with a sentence exceeding in severity the term of three years imprisonment, as also is the handcuffing of persons who are violent, disorderly or obstructive, or acting in a manner calculated to provoke popular demonstration. Pandit Bhagat Ram Sharma is charged with an offence which is non-bailable and for which the maximum punishment is five years. In addition, when the Station House Officer, Dharm-sala, went to the house of Pandit Bhagat Ram Sharma to arrest him, the latter demanded to know his authority in a haughty and truculent manner. When shown the warrant, he started to move into the interior of his house. The Station House Officer fearing that Pandit Bhagat Ram Sharma was attempting to evade arrest, handcuffed him and produced him before the court. There he adopted an obstructive and objectionable attitude, inviting the support of other Congressmen, who heralded his appearance with the usual slogans. As his behaviour was calculated to provoke a public demonstration, it was considered advisable to handcuff him at subsequent hearings. No application was made to the court by his counsel for the removal of the handcuffs, and I may add that only one hand of the honourable member was handcuffed.
- (b) None, as the action taken was in accordance with the Rules.

Mr. Speaker : The motion is out of order.

The following adjournment motions proposed by Chaudhri Muhammad Hasan were ruled out of order :—

PLIGHT OF ZAMINDARS OF SEHNA AND BET ILAQA.

Motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the district authorities to properly acquaint themselves with the sad plight of the zamindars of the Sehna and Bet Ilaga, to recommend and obtain remission of land revenue for them in consequence of their declining to visit the villages in the Sehna and Bet Ilaga in spite of several oral requests and in spite of deputations of the villagers waiting on them for seeing with their own eyes, the general condition of crops, health of the people and their cattle, and the appalling poverty of the Ilaga.

POSTING OF POLICE AT THE LUDHIANA CENTRAL CO-OPERATIVE BANK.

Motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, failure of the authorities to take proper and suitable action in the matter of the posting of the police at the Ludhiana Central Co-operative Bank without any justification even though the matter of posting of the Police was brought to the notice of all the officers concerned.

Motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the posting of the police at the premises of the Ludhiana Central Co-operative Bank on the 19th of October, with the object of ousting and preventing the duly elected Directorate to enter the Bank and transact business although the Directorate had taken possession of the Bank in pursuance of a warrant of possession issued by the Senior Sub-Judge, Ludhiana, on 18th October, 1939, at 1-25 P.M.

ABDUCTION OF MINOR SON OF TUHI RAM.

Premier : Sir, with your permission I should like to make a brief statement with regard to the adjournment motion by my friend Pandit Sri Ram about the abduction of a boy in village Guhna. You have disallowed the adjournment motion ; but in the interest of my honourable friend opposite, and as the matter is of public importance I will read out the following with your permission. These are the facts as reported by the Superintendent of Police :—

Sub-Inspector, Sonapat, heard a rumour that a minor boy, son of Tuhian Bania of village Guhna had been kidnapped and conveyed this rumour to me on 2nd November. Mr. H. L. Gupta, a Bania shopkeeper of Rohtak also wrote to me about the alleged kidnapping of the boy and I got his letter on 12th November. On the receipt of this report of the Sub-Inspector I had ordered him to send for Tuhian Ram, father of the boy and to make enquiries from him. I ordered that in case his story showed the occurrence of an offence under section 364, Indian Penal Code, or any other cognizable offence an F. I. R. should be registered and investigation started at once. I wrote to Mr. Gupta also that so far no complaint had been made to me by the party concerned about the alleged kidnapping and suggested that the best course would be for Tuhia Ram to lodge a complaint

at Police Station, Sonapat, where necessary legal action would be taken by the local police at once. The Sub-Inspector, Sonapat, reports that Tuhian Ram notwithstanding he was repeatedly summoned, did not give any information or lodge any complaint about his son being kidnapped. The Sub-Inspector also reports that the minor boy Jai Narain, son of Tuhian Ram, Bania, of Guhna, about whom this rumour was spread, was brought to and left at the house of Mr. Sant Lal, LL.B., Pleader, some days ago by his own father.

I have ordered the Deputy Superintendent of Police to personally go to Guhna to-morrow morning and to get hold of Tuhian Ram and to personally record his statement.

I have satisfied myself that the minor boy alleged to have been kidnapped is at Sonapat and living with his relative Lala Sant Lal, Vakil, now.

Pandit Shri Ram Sharma : Does the Honourable Premier mean to say that according to his information the minor boy was not kidnapped ?

Premier : The Superintendent, Police, reported that the father of the boy was sent for and it was suggested to him that the best course for him would be to lodge a complaint at the police station Sonapat where necessary action would be taken by the local police at once. But he did not give any information or lodge any complaint about his son being kidnapped. As a matter of fact he himself took his son to the house of Sant Lal, B.A., LL.B., Pleader, some days ago and left him there. The boy was still with Sant Lal.

Dr. Gopi Chand Bhargava : I cannot question the statement made by the Premier, as no question can be raised on it, but I would request him to make further enquiries whether the Sub-Divisional Officer of the place advised the father of the boy not to lodge a complaint with the police and get the boy back by paying ransom money.

Premier : Who advised ?

Dr. Gopi Chand Bhargava : The Sub-Divisional Officer advised the father of the boy to pay some money for the boy and get him back.

Premier : I am afraid the information of my honourable friend opposite seems just as flimsy as that on which the adjournment motion is based. This is the Superintendent Police's report. He sent for the father of the boy and another gentleman also and asked whether he wanted a report to be lodged.

Dr. Gopi Chand Bhargava : My request is that he might enquire from the Sub-Divisional Officer as to what advice he gave—

Lala Deshbandhu Gupta : The Leader of the Opposition asked whether the Sub-Divisional Officer advised the father of the boy to accept money. (*Interruption.*)

Pandit Shri Ram Sharma : Sir, with your permission I wish to put a question to the Honourable Premier. Though my adjournment motion has been ruled out of order, he has been kind enough to make a statement with regard to it. Now I want to know if he is aware of the fact that the boy in question remained away from his parents for 22 days and whether he is also aware of the fact that two days after the boy was kidnapped the

[Pandit Shri Ram Sharma.]

Sub-Divisional Officer came to village Guhna on tour where in the presence of the police and the people he was told that the boy was abducted and taken to a jungle of Guhna, a place of shelter for absconders, and was kept there and other places for 22 days, and was later on released by the kidnappers after receiving a ransom of 1,200 rupees.

Mr. Speaker : Is that a question or a speech ?

Pandit Shri Ram Sharma : This is merely a question. Is the Honourable Premier aware of the fact that the boy was kept away from his house for 22 days and his release was obtained by payment of Rs. 1,200 as ransom money and was it also brought to his notice that when the father of the boy requested his case to be registered by the police, the Sub-Divisional Officer advised him not to do so because he was afraid that if he did so the absconders would kill his son ? If not, I place these facts before him and take responsibility for their correctness.

Premier : I have already said that it was suggested to the father of the boy to lodge a complaint at the police station, Sonapat, where necessary action would be taken by the local police at once. But he did not give any information or lodge any complaint there about his son being kidnapped. Now my friend says that somebody, may be an officer of the Government, advised him not to lodge any complaint. When that is so, how can an adjournment motion against the Government in this case be justified ?

Pandit Shri Ram Sharma : If the Honourable Premier accepts my challenge I can prove that the whole administration in the Rohtak district is corrupt.

Premier : Now my friend says that the whole administration in the Rohtak district is corrupt. (*Voices :* Why not hold an enquiry ?) What should be inquired into ? The boy is with his relatives.

Pandit Shri Ram Sharma : On a point of order, Sir. Before ruling my adjournment on this matter out of order had you been pleased to allow me some time, and if you had seen the statement of the Honourable Premier, the motion would have been held in order by you. So, now I wish to draw your attention to the fact that the matter now before the House is a very important one. If you give me an opportunity I can prove—

Mr. Speaker : Order, order, please.

RESTITUTION OF MORTGAGED LANDS (AMENDMENT) BILL.

Mr. Speaker : The House will now resume discussion of the Punjab Restitution of Mortgaged Lands (Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Last time when I was speaking on the Bill the House adjourned. My objections to this Bill being introduced are three. First of all, the new Bill provides a sort of differential treatment between one class of landholders and another, and as such I think the Bill should not be discussed in this House.

The second reason is that this Act has only been in force for a short time. Even the rules under this Act have only recently been framed, I think in August last, and we have not had sufficient experience of its working.

An honourable member : Louder please.

Minister : I cannot speak any louder than that. I was saying we have not had any experience of the working of this Act. Government has in the interval appointed some officers—some I.C.S. officers—who would after making due enquiries submit a report about its working.

The last point is that when my Bill was being discussed in this House at Simla, many provisions of the same nature were fully discussed by the House, and I find that now an endeavour is being made to put them in the form of a Bill.

In the circumstances, my objections are that it would be waste of time of the House to go on with this measure when we are not in a position to tell the House what is the effect in the province of the Act that was passed. As soon as the matter is fully gone into and we are in a position to tell the House, if need be, what effect it has had in the interval, then there would be time for my friend to put forward a motion of this kind. One thing more I must point out. My friend Dr. Gokul Chand Narang during the debate on the last Bill said that 9 per cent compound interest should be allowed. In the present Bill I am very glad to note that they have come down from 9 to 5 per cent compound interest. Perhaps further on they would still come down and accept what has been provided in the Bill.

In these circumstances I strongly object to the motion.

Mr. Speaker : The question is :—

That leave be given to introduce the Punjab Restitution of Mortgaged Lands (Amendment) Bill.

The Assembly divided : Ayes : 40, Noes : 74.

AYES

Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Mrs.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Harjab Singh, Sardar.
Harnam Das, Lala.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Mazhar Ali Azhar, Maulvi.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Hasan, Chaudhri.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.
Uttam Singh Dugal, Sardar.

NOES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Allah Bakhsh Khan, Khan Bahadur
 Nawab Malik.
 Amjad Ali Shah, Sayed.
 Badar Mohy-ud-Din Qadri, Khan
 Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Rasul, Chaudhri.
 Ghulam Samad, Khan Sahib Kha-
 waja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin Khan Sahib
 Shaikh.

Muhammad Azam Khan, Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash,
 Sardar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasrullah Khan, Rana.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib
 Thakar.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Hon-
 ourable Major Sir.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur
 Sardar.

TENANCY (AMENDMENT) BILL.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) : Sir, I beg to move—

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

Mr. Speaker : Motion moved is :—

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia): I object to it.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, the Honourable Minister for Revenue has done a great injustice to those people to whom the Bill, now sought to be introduced in the House, relates. The present Unionist Ministry has been in office for the last thirty months and yet it has done precious little to alleviate the sufferings of the tenants-at-will of this province. The Punjab Tenancy Act now in force was enacted in 1887 and no substantial amendment has been made in it since then. It goes without saying that kisans—the actual tillers of the soil and not the owners of land or the zamindars—who constitute between themselves 21,56,814 families and have a total population of about one crore are absolutely landless, although their only occupation is agriculture. They cultivate with their own hands nearly one-half of the total cultivated land of this province. It is a thousand pities that the so-called Zamindar Government has not moved even its little finger to help them so far. I may be allowed to submit that according to the Darling Committee half of the cultivated land in the Punjab is tilled by tenants-at-will. This means that out of 37,000,000 acres of land cultivated every year in the Punjab about two crore acres of land are cultivated by tenants-at-will alone whom this Bill that I seek to introduce in this House, is calculated to benefit.

Again, according to the Darling Committee, the Punjab produces every year about 72 crores of rupees worth of crop out of which half, that is, approximately rupees thirty-six crores worth of crop is produced by the tenants alone. It is evident, therefore, that the tenants contribute a very large share into the provincial agricultural wealth every year. They bring to this province an income of 86 crores every year, that is, about 3 crores every month, 10 lakhs every day and 1½ lakh in every working hour of the day. In spite of all this, the tenants live a miserable life in the province. The Unionist Ministry has not tried to do anything for the amelioration of their conditions, and what is worse, when we bring forward a measure which is calculated to benefit this poor but wealth-producing class, the Government oppose that measure even at its introduction stage. The matter calls for immediate and urgent attention, and is not to be lightly brushed aside. It is well worth pondering over. The tenants in question have in fact turned the jungles of the Punjab into smiling gardens. They have not made one or two but several blades of grass grow where none grew before, and yet so precarious is their position that the zamindars can eject them with a three months notice from the land which they may have been tilling for the last forty years or several generations. The Unionists would do well to remember that it is the poor tenants who have made it possible for the former to live in spacious bungalows and travel in first class motor cars.

[Mr. Dev Raj Sethi.]

In spite of this my honourable friends who profess sympathy with them do not allow them the ownership of even one yard of land in the province. In fact the big landholders live on the hard-earned income of the tenants who day in and day out work in the agricultural fields. Is it not an act of sheer ingratitude on the part of the landowners not to allow these tenants to erect on their land a house to live in? How tragic it is that the real producers of the wealth of the province are steeped in misery and are almost starving! This is not my view alone. It is borne out by the Darling Committee which observes in page 35 of its report as follows:—

Our general conclusion, therefore, supported moreover by our individual experience is that at present prices the tenant who has no land of his own is hard put to it to make both ends meet.

How the tenants are exploited by the zamindars is ably expressed by Professor Brij Narain in a passage quoted by Darling Committee in its report on page 32 which runs as follows:—

The non-cultivating landlord is able to exploit the tenant because of the ever-growing pressure of population on the soil. Land is scarce relatively to demand and there are no alternative means of earning a livelihood for the tenant class. Under such conditions it is not surprising that the landlord's share should contain a large element of loot. Government's land revenue is a share of t his loot.

Let me make it clear, Sir, that the Bill that I want to introduce in the House makes only a very modest demand on behalf of tenants-at-will. I am certainly not asking for the moon. For instance, I am not asking you to dispossess all the zamindars of their land and then redistribute the same equally among the tillers of the Punjab. What I demand through this Bill is simply this that those tenants who have been tilling a certain piece of land for the last six years prior to 18th October, 1938, should be given the rights of occupancy tenants of the same land. This step, when taken, would recompense the landlord in several ways. At present the tenants-at-will have no stake in the land. They are not at all interested in permanent improvements. But the moment the security of tenure is granted, their whole angle of vision will undergo a change. "The magic of ownership turns sand into gold" is a maxim which works wonders. No intelligent zamindar can deny that the principle of Diminishing Returns is at work in agriculture in this province; and is responsible for decreasing yield. The one way to counteract it and to replace it by Increasing Returns is to create some permanent interest for the tenant in the land. The Bill under discussion has the same objective. The tenants should be entitled to receive one-half of the gross produce of that land and they should be freed from the clutches of the zamindars who compel them to pay several unnecessary taxes. These unreasonable charges should no longer be recovered from them. Other dues in whatever form should legally be forbidden in the future. Moreover, the zamindars should not be allowed to compel them to pay any portion of the land revenue or water rate that may be imposed upon the land which they have to cultivate.

Most probably my honourable friends like Raja Ghazanfar Ali Sahib will stand up and say that there are many defects in this Bill. I agree there may be many defects in this Bill. But there is a way of removing defects. The Bill may be referred to a select

committee. Government will have a clear majority in the select committee and all the defects in this Bill may be removed in that committee. Then, how many Bills have been brought forward on behalf of Government which were absolutely free from defects? When a Bill is drafted, there are bound to be some defects in it which are removed later on in the select committee and thereafter. I would, therefore, submit that this Bill should at least be allowed to be introduced. Another objection may be raised that if this Bill is passed into law, it will give rise to a class-war. I am sure that if the injustice which is being done to the tenants in the Punjab is allowed to continue for any length of time it is bound to result in a class-war. I earnestly request the landlord class to believe me that in moving this Bill I am prompted by the only desire of helping the landlord. It is as their sincere friend that I am moving this Bill because I believe that the only way to avert the menace of class-war is to enact such a measure. It is, therefore, the bounden duty of the Punjab Ministry to look into this matter without delay lest we are caught napping. After all, is there any reason or justice in refusing justice to a class which is adding to the wealth of the province at the rate of one and a quarter lakh of rupees per hour? Is it right that these people should not be allowed to possess one marla out of the 4 crores of acres of agricultural land in the province? My honourable friends on the Government benches should bear in mind the fact that history always repeats itself. Indifferent treatment was shown to tenants in Russia; all of them were ejected. Their demands were refused. What was the result? The world knows it too well. Sir, I see that no importance is being attached to this Bill to-day. The Government can throw this Bill out with the help of its comfortable majority in the House. But it is not in the power of the Government to arrest the rising tide of events in the world. I am sure that if the Government does not wake up to its responsibility towards the tenants in the province the events will recoil with a vengeance. At that time the Government will be hard pressed to effect a change. It may be said that a committee has already been appointed to go into this question. But committees cannot satisfy hungry people. We want that leave for introducing this Bill be granted. Something should be done for those one crore people who make it possible for members of this Assembly and the Ministers to receive fat allowances. Something should be done for those people who contribute about four crores of rupees annually towards the Government revenues. I would again request that leave be given to introduce this Bill. It should thereafter be referred to a select committee and then passed into law.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, my friend has tried to bring in extraneous matter in the course of his debate on this subject. His Bill creates a new class of occupancy tenants which is altogether different from what is provided in the Tenancy Act. For the benefit of my friend I may state that sections 5 and 6 of the Tenancy Act provide the method of settling this question. That Act provides in Chapter II :—

A tenant who at the commencement of this Act has for more than two generations....

Mr. Dev Raj Sethi : Is it of 1866 ?

Minister : It is the Act of 1887. It reads —

- A tenant who at the commencement of this Act has, for more than two generations in the male line of descent through a grandfather or grand-uncle and for a period of not less than twenty years, been occupying land paying no rent the rector beyond the amount of the land revenue thereof and the rates and cesses for the time being chargeable thereon, or
- (b) who having owned land, and having ceased to be landowner thereof otherwise than by forfeiture to the Government or than by any voluntary act, has, since, he ceased to be landowner, continuously occupied the land, or
 - (c) who, in a village or estate in which he settled along with, or was settled by, the founder thereof as a cultivator therein, occupied land on the twenty-first day of October 1868, and has continuously occupied the land since that date, or
 - (d) who being a jagirdar of the estate or any part of the estate in which the land occupied by him is situate, has continuously occupied the land for not less than twenty years, or, having been such jagirdar, occupied the land, while he was jagirdar and has continuously occupied it for not less than twenty years has a right of occupancy in the land so occupied, unless, in the case of a tenant belonging to the class specified in clause (c), the landlord proves that the tenant was settled on land previously cleared and brought under cultivation by, or at the expense of the founder.

I need not read section 6. But this is the ordinary procedure by which a person becomes an occupancy tenant of the land. My honourable friend has probably forgotten that besides the occupancy tenant there are other classes of tenants who have to quit the land under certain conditions, land belonging to the zamindars who lease it out to the tenants for the purposes of cultivation after the lease expires. But let me remind him that in the Punjab which is, only a land of small holders, there are not many people who own big areas of land—

Mr. Dev Raj Sethi : Question.

Minister : My friend says, question, but when he has read the Revenue Committee Report, he will know that there are only 13 big landlords in the province. But leaving that question aside there are tenants who have been holding lands for a very long time. Now the relations between the landlord and the tenant and between the petty landlords and his adjoining landlord from whom he takes land for cultivation to eke out a living have been very cordial in this province.

Rai Bahadur Mr. Mukand Lal Puri : Why do you not want to do something for them ?

Minister : The honourable member must understand that conditions in the adjoining province, the United Provinces to which I also have the honour to belong are quite different from what they are in the Punjab. United Provinces is a province of big landlords, while the Punjab is a province of petty land lords. That I think is a point which would not be disputed by anybody in spite of the fact that some body on the Opposite benches says 'question.'

Sardar Ajit Singh : A little louder please.

Minister : Shut up.

Sardar Ajit Singh : Is it parliamentary for the Minister to say 'shut up' to a member ?

Minister : (In a raised voice) I am very sorry, Sir. But please let me go on with my speech.

Lala Deshbandhu Gupta : Is the Honourable Minister in order in replying to the honourable member in that manner ?

Mr. Speaker : He has expressed regret.

Minister : If my honourable friends would have patience and hear me, I would give them the experiences that I have of this Tenancy Act in the United Provinces. Previous to the time of Lord Macdonald relations between the landlords and the tenants in the United Provinces were very cordial.

There was no question of ejecting a tenant who had been there on the land for generations past and who was treated by the landlords or the zamindar as one of the members of the family. The time came when this question of occupancy or non-occupancy tenure was mooted. The object behind that measure at that time was that there should be a fixity of tenure so that even tenants, who cultivate that land should carry on their work properly and that the land may not be spoiled and the utmost benefit may be taken out of the land. First of all there was a provision of 12 years time, in which they had to acquire occupancy rights. A scheme was produced by Lord Macdonald that 7 years lease if given to the tenants would not be counted towards the 12 years time to get occupancy rights. That did not satisfy the people. Endeavours were made, as endeavours have been made here in this province in the Land Alienation Act of *benami* transactions, and the people tried to evade the provisions of the lease. That was the period of manoeuvres of tenants with the connivance of some of the petty officials. Afterwards when this did not satisfy the United Provinces Government, they enacted a law creating statutory tenancy whereby a man once a tenant, became a tenant for life and five years after his death. No provision has been made to give occupancy rights to such tenants, and particularly when my honourable friend says that the number of such tenants is very large, surely he does not contemplate that all those people, 21 lakhs of people, whatever the number is, should each and every one of them, get occupancy right. This is not the objective of my honourable friend. My idea is, I may be wrong that there should be some sort of fixed tenure and nothing more nor less. That fixity of tenure should be given to every tenant. It is not necessary that we should provide for 6 years term to acquire occupancy rights. The result of this would be that previous tenants, who are holding the land from year to year for generations past should immediately be ejected. That will be the action that will be taken. (*An honourable member :* By merciful zamindars.) (*Interruptions.*) If that is the objective behind this, I think my honourable friend is quite welcome to have that view. The position is this. Surely you can do something else than create a new occupancy tenant in this province and create a condition here which exists in the United Provinces, under which the relations of the tenants and the landlords have become very strained. Our province is a happy province where relations between landlords and tenants are not strained at all. They have been living from generation to generation and there has been no question raised during the last so many years while the Act has given protection to all people who are there.

Now, the further question is of 4 years tenancy. I think that is what my honourable friend has provided for for those people whom he does not want to give occupancy rights. Does he want to stop me from giving my tenants 20 years lease? If that is what he means then his object is not to be obtained by those provisions. Now, the only point which he has raised

[Revenue Minister.]

is that this Zamindar Government has not done anything for the poor tenants or for the poor zamindars. I do not know what else we could have done in spite of all the objections, in spite of all the obstructions that are raised in this House by the benches opposite. They may be quite right in putting forward their view, but if they have the real interest of the poor tenants at heart, they should have at that time seen that those people who are being tyrannized, and who are being crushed under the weight of debt, all of them, should get relief. Where was that sympathy at that time? (*Hear, hear.*) If that sympathy was not there at that time, now this sympathy coming from my honourable friend, is nothing else but a lip sympathy and an endeavour to try to put the present tenants and the zamindars at logger-heads with each other. If that is the objective of my honourable friend that there should be commotion in the province and that the peace and prosperity of the province should be disturbed and that there should be no step forward, if that is the objective of my honourable friends, they are quite welcome to have that view. Under the circumstances we try our best to keep peace and order in the province and try to carry on the province to a higher goal which we have set before us. My honourable friend does not know the situation, which arose probably at the instance of certain people outside the House, who created trouble between the tenants of that part of the country. My honourable friend does not know that Government is fully alive to the situation. We looked into details, and immediately provided that no undue liberties should be taken by the landlord from the tenants. We stopped all unauthorised exaction that used to be taken by the landlords from the tenants, though we have not yet been able to stop what happens when the tenants take their produce to the *mandies* or markets. My honourable friend to my right is doing his best to check that thing. That is the sort of sympathy which my honourable friends want to show to the poor tenants and wanted to save them from the exactions of the landlords. That is the sympathy for the poor tenants.

Sardar Sohan Singh Josh : They want land.

Revenue Minister : As regards land my honourable friend is very anxious to know what we have done. We have land in the Nili Bar Colony. We have given instructions to the Colonization Officers to reserve 50 per cent. of the area for the poor tenants.

Sardar Ajit Singh : Wherefrom should they get money for this land?

Revenue Minister : From you. To allow you to have influence therein.

Pandit Bhagat Ram Sharma : What about the remaining fifty per cent.?

Minister of Revenue : Please let me go on. When I go to Kangra you can ask that question. As regards the fifty per cent we have provided that men should get land up to two rectangles on five years' rent and nobody would be turned out of this land for that period provided the land is two rectangles or below two rectangles. In the case of people who take less than ten rectangles, the period would be four years. In the case of still bigger areas the period is three years. (*Interruptions.*) Previous to this land

could be taken by people who had the largest purse at their command or who managed to get money from some places not known to us. I have had experience that for Ganji Bar land, which I consider was not worth that much, people paid rupees forty thousand per acre for land which they purchased somewhere near the *mandis*. I was astonished at these bargains. The result was that they could not pay the instalments and they lost the land. That is not the condition now. We are at the present moment providing means for many people who are cultivating these lands. If people want land they are quite welcome to come and get it on the conditions which the Government has fixed and placed at the disposal of the people. This is what we have done with regard to the large number of tenants who go from place to place and who cultivate the land in colonies of the province, for a very long time. My friend's proposition is certainly a novel one which creates a new class of occupancy tenants in the province and would probably create another serious trouble in this province which is leading a peaceful life. (Voices : Landlords.) There is no question of landlords. Big landlords are nowhere to be found. If my honourable friend has got his Soviet friends coming from outside, those landlords would not be allowed to remain here. That is what he is driving at at the moment. Our sympathy is for the poorer tenants, we have given them land, we have provided means for them to get lands and eke out their living. We have provided further these Acts for them which give them the necessary facilities. Are our friends really interested in the poor people of the province? If so what are they going to do with regard to houses? (Interruptions.) Are they going to give them facilities in the matter of occupation of these houses? I think they know what sympathy they can expect from these quarters. Well, I need not dilate on this subject any further. I shall close with the remarks that these friends are trying to seek sympathy of these people for the purposes of the coming elections. They are probably looking forward to the time when the new elections would take place and during the intervening period they are carrying on their propaganda. I do not direct my remarks to the present company but to members outside—probably men of their ideas—who are carrying on this propaganda to give a bad name to the Government so as to achieve their aims. With these few remarks I say that I am justified in opposing this motion.

Mr. Speaker : Question is ;

That leave be granted to introduce the Punjab Tenancy (Amendment) Bill.

The motion was lost.

MINIMUM RATES OF WAGES BILL.

Chaudhri Kartar Singh : I move—

That leave be granted to introduce the Fixation of Minimum Rates of Wages Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Fixation of Minimum Rates of Wages Bill.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) : I object to it.

Chaudhri Kartar Singh (West Hoshiarpur, General, Rural) (*Urdu*): Sir, if my memory fails me not I do not think such a useful Bill has ever been brought forward in any legislature. And therefore I expected its acceptance during the regime of Chaudhri Sir Chhotu Ram. As I thought that Chaudhri Sahib would prove to be as much sympathiser and well-wisher of the poor as he professes himself to be. But when he objected to it my surprise knew no limits and I was convinced of the fact that the Honourable Minister for Development had thrown overboard all those principles which he had professed during his elections.

Mr. Speaker : Please speak to the motion.

Chaudhri Kartar Singh : Sir, as this Bill concerns the Honourable Minister of Development, I am submitting to him that when the labourers, who are under the impression that the Government is in the know of their hardships, are disillusioned and come to know that the Honourable Minister of Development has refused to accept this Bill, how extremely will they be shocked? I am unable to understand why the Honourable Minister of Development is conveniently ignoring this fact that labourers are compelled to work for 15 hours at a stretch in cotton factories and they are paid 8 annas for that labour. It appears from the attitude of the Honourable Minister of Development that he approves of the exploitation by Ghansham Das Birla and Shri Ram of Delhi in this province and it shows that Sir Chhotu Ram is obliged to play a second fiddle to Sir Sikander Hyat Khan. We may press our proposals as strongly as possible but the Government, as experience shows, would go its own way. However I deem it my duty to request the Honourable Minister of Development that if he is fully aware of the necessities, requirements and demands of the labouring classes of the provinces and if he actually feels their hardships and is anxious to ameliorate their conditions, he should take the time by its forelock and should not hesitate in granting me leave to introduce the Fixation of Minimum Rates of Wages Bill. But if he is going to give a long rope to big mill-owners who exploit labouring classes day in and day out and if he does not raise his little finger against them then it is another thing. However I should hope that he would be generous enough as to grant me leave to introduce this Bill.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, the honourable mover has expressed much surprise on objection being raised by the Government to leave being granted to introduce the Bill which according to him is intended for the relief of the low paid labourers. Before I proceed with my speech I would like to inform him that it is the policy of the Government to ameliorate the conditions of the backward classes of the province, and I assure him that my personal sympathy is also with them. Let me, however, point out to my honourable friends opposite at the very outset that I differ with the honourable mover for exactly the reason which he has advanced in support of his motion. He has remarked in the course of his speech that fixation of minimum rates of wages would prove conducive to the welfare of the poor workmen. But I do not share the opinion of my honourable friend opposite that this measure would benefit the working classes. On the other hand I sincerely believe that the enactment of this Bill will prejudice the interests of the poor labourers and workmen. Moreover, it will surely retard industrial progress in the

province. The immediate effect of this Bill will be that nearly 80 per cent of the factories and industries that are working successfully at present in the province will disappear. But this does not mean at all that the remaining 20 per cent of them will not suffer. Even they will suffer a lot and work with great difficulty.

It is my firm belief that the enactment of such a measure for a single province will definitely be detrimental and prejudicial to the industrial progress of that province. Such a Bill should be passed into law by the Central Legislature so that it may be equally applicable to all provinces. Supposing the Bill is enacted by this House and it comes into force only in the Punjab, what will be the result of it? The result will be that all the industries and the factories of the Punjab will suffer seriously and no new factory will be started for fear of this measure, whereas the industrial concerns of other provinces where the minimum rates of wages have not been fixed will flourish and prosper more than ever. Those provinces will profit by the industrial deadlock in the Punjab and new factories will be set up there which under normal conditions should have been started in the Punjab. Moreover, the problem of unemployment is threatening us with all its evil consequences. It is very likely that if wages are fixed at a certain minimum rate, and industrial concerns close as a consequence many thousands of workmen will be thrown out of employment. We cannot compel employers to keep them in their employment and continue to remunerate them at a rate of wages which they cannot afford. Even on this one ground alone we are perfectly justified in opposing this Bill outright.

Again, Sir, there is one thing very interesting about this Bill. Had any Bill similar in purpose to the present Bill been introduced by the Government in order to raise the standard of living of the working classes the Opposition would have consulted and sounded those capitalists and industrialists who helped them during their elections. Now as the honourable mover of the Bill had good reasons to believe that the Government was not at all likely to favour it he plucked up courage and gave notice thereof. Had it been known to him that the Government intended to grant leave for its introduction he would have thought twice, perhaps, "thrice" before proposing to move in the matter.

Furthermore, Sir, it should be borne in mind that there are certain honourable members in the House who are representing capitalistic classes in the Punjab. It is their first and foremost duty to look after the interests of these factory owners. They, I am sure, will not be prepared to support this measure. They are perfectly alive to the idea that the enactment of this Bill will bring the whole industrial development in the Punjab to a standstill and play havoc with the invested capital of the province. These honourable members who have formed an Independent group in the House will, I presume, oppose such a legislation tooth and nail.

Moreover, the passage of this Bill will mean a great financial strain on the State exchequer. In order to bring it into effective operation the Government will have to make elaborate arrangements. The Bill provides that the Government should set up in each district or sub-division a joint board for the purpose of determining and settling minimum rates of wages. This will involve considerable financial commitments. Then, suppose the

[Minister of Development.]

orders of the joint boards are disobeyed or not carried out properly, or any of the other provisions of the Act are violated. The Bill provides that such breaches should be tried by courts of law. This implies that the work of courts will be considerably increased, and the Government will have to increase the strength of its magistrates in every district. The establishment of a joint board in each district or sub-division and the appointment of at least two more magistrates in each district will involve a few lakhs more of expenditure. I hope that my honourable friend can now understand that this scheme will cost the Government large additional sums every month. It is regrettable that whenever any measure for an increase in the revenue is brought forward by the Government our friends opposite raise a hue and cry against it and most vehemently oppose it saying that the Government intends to exploit the moneyed classes of the province. Now they should think for a moment that if they are not prepared to support any Government proposal for an increase in daily income but recommend fresh services and further press for a reduction in land revenue and *abiana* how far are they justified in bringing forward such a measure which will undoubtedly lead to large additional expenditure. I know they are not at all serious and have given notice of this Bill simply to win cheap popularity among the public and the press. With these words I oppose this motion.

Mr. Speaker : Question is—

That leave be granted to introduce the Fixation of Minimum Rates of Wages Bill.

The Assembly divided : Ayes 38, Noes 70.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
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.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
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.
Muhammad Alam, Dr. Shaikh.
Muhammad Hasan, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.

Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.

Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Khan
 Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.

Muhammad Azam Khan, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 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.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sar-
 dar.

PUNJAB COURTS (AMENDMENT) BILL.

Lala Bhim Sen Sachar : Sir, I beg to move—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

Mr. Speaker : Motion moved—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

Finance Minister : I object.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban): Sir, the reasons for this legislation are given in the statement of objects and reasons of the Bill which is printed and has already been circulated to the members. Since the motion has been opposed by the Government it appears necessary to say a few words just by way of further explanation of the object of this Bill.

As has been pointed out in the statement of objects and reasons, before the High Court judgment reported in Indian Law Report 5 Lahore 288, it was possible for the High Court to exercise its powers and remedy a wrong that might have been done to a party by a lower court. That wrong was occasioned by an interlocutory order. It is well known to those who have knowledge of law that all interlocutory orders are not appealable. When a remedy is open to a party to a suit by way of appeal and revision the party can go up to the High Court and seek justice from there; but it must be within the knowledge of lawyer members of this House and certainly of the Honourable Finance Minister that certain interlocutory orders can be easily and without any fear of contradiction dubbed as foolish or frivolous. When an interlocutory order of that type can be passed by a court and a party can be very unjustly injured by that particular order then the opposition of the Government to my Bill means "does not matter, let that wrong stand till the case has been finally decided." Now there may be a case of wrong exercise of jurisdiction: there may be a case in which the court refuses to summon a witness and there may be a case in which an interlocutory order as passed by a court is contrary to the established judgment of other High Courts. In the absence of a ruling to the contrary by our own High Court the judgments of other courts are entitled to respect at the hands of law courts even in our own province. But there is a subordinate judge who disregards all those rulings and passes an interlocutory order against which no appeal lies, against which no other remedy is open to the aggrieved. It is for cases of this kind that leave is being sought to introduce this Bill. We had before the Act of 1935 came into force, section 107 of the old Government of India Act to fall back upon, and our High Court in spite of 5 Lahore 288 interfered and tried to set right injustice done where the High Court was satisfied that real injustice had been done. The strongest argument that I can adduce for leave being granted to introduce the Bill is the fact that the High Court had been moving under section 107 of the old Government of India Act, which shows that there had been instances and that there are cases in which interference of this type is called for. What is it that this Bill asks for? This Bill asks for nothing more than this that every man in the province should be assured that there is no restriction on the part of the High Court to do justice where justice is needed to be done. What is the principle? What is it that the Opposition asks for? The Opposition merely asks for this, that where the High Court thinks that a grave wrong has been done by a subordinate court, the High Court should have power to interfere in that case. I put it to the Government, through you, if it is fair that Government by opposing a measure of this nature should give the world outside an opportunity of saying, here is a government which puts obstacles in the way of administration of justice? As it is some of the members of Government have but scant respect for judicial officers. Probably the opposition of the Government may be

explained with reference to the attitude which Government has been taking in certain other measures with respect to the desirability of giving judicial jurisdiction in those cases. We find that our Government is not very fond of their judicial officers. They even look askance on judicial officers and perhaps because of that mentality and because of that view Government is anxious to restrict the scope of interference even by such an august body as the High Court. Therefore although I am perfectly sure that arguments will not avail when minds are made up in pursuance of a certain policy, still if it be possible at all for any argument to go home, I dare say the argument is strong enough. This is an argument which my honourable friend the Finance Minister must have put forward a number of times before the Honourable Judges during the days of his private practice. He must have said that such and such a subordinate judge had misbehaved and that under section 107 the Honourable Judges should interfere. If they told him that they could not interfere, he would have answered back and said that the magistrate had issued a warrant which was against all law. And although the order as such was not open to revision, still the High Court did use to interfere and at the instance of my friend the Finance Minister to whose lot it has fallen to-day to oppose a measure for which he has been standing all his life. It may be that he makes a statement that he had never asked the High Court that it should interfere even in cases where proved injustice had been done by means of interlocutory orders. If so, then that is a different matter, otherwise I do not see any reason for leave not being granted.

Minister for Finance (The Honourable Mr. Manohar Lal): I shall be very brief in formulating my objection to the motion that has been made. It will be seen that the main clause in the Bill for which leave to introduce is sought is in these words: That the High Court may call for the record of any case where a subordinate court has acted among other things in a manner not conducive to interests of justice.

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

One has only barely to apply one's mind to see that those are very wide and indefinite terms and I venture to submit that if the Bill remains in this form and this is the only operative amendment to the present law, it would render the revisional jurisdiction of the High Court much larger than its appellate jurisdiction is at the present moment. You will see further towards the end of this clause 3, sub-clause (c) which reads: "or otherwise to secure the ends of justice." A very large measure of indefiniteness is let in. The words are far from precise and would render the revisional jurisdiction of the High Court indefinite, in fact the jurisdiction of the court would be enlarged beyond anything that might be even in the remote contemplation of the honourable member who has sponsored this legislation.

Further, this section 44 of the Punjab Courts Act is the same as section 115 of the Civil Procedure Code which defines revisional jurisdiction in other parts of this country, and it would also be readily recognised that to have the revisional jurisdiction in this province different from that which exists elsewhere when we are proceeding on the same procedural law, would also be a matter that would require a more serious justification than has been offered by the honourable member on the other side.

[Finance Minister.]

Next, Sir, it has been said that at one time section 107 of the Government of India Act afforded the parties who felt aggrieved a kind of relief which is sought under this Bill. Now it is not correct—I say with all respect—to say that section 107 of the old Government of India Act could be or could have been fairly invoked to enlarge the revisional jurisdiction of the High Court. That is a proposition, to put it at the lowest, open to serious debate. At any rate, the fact is that section 107 of the Government of India Act that has been repealed has been repealed for all the courts in all the provinces in India and I am not aware that the repeal of section 107 and the substitution for that section of another section in the Government of India Act has been the subject of any grievance in any part of India.

Now, Sir, something has been said, and I am fully aware of the complaints sometimes made on the score of the absence of the possibility of raising a revision against an interlocutory or an intermediate order. We are all familiar with the fact that much controversy exists among the High Courts and different views are held by various judges as to how far an interlocutory order may be subject to revision. Be that as it may. This is no occasion to enter into the merits of that controversy. But it is obvious that if interlocutory or intermediate orders were allowed to become subjects of revision, it would let in a tremendous mass of revisional petitions in the High Court and that will create its own difficulties. We are all aware that people do not go up to the High Court merely because in an extreme case they feel that justice is being denied to them. It is a bigger issue than that. Everybody feels if the case is not decided in his favour that he should go to a higher court. Therefore every one will be rushing to the High Court with these petitions, with these real or imaginary grievances, and it does not require much reflection to see that that would lead to a vast mass of additional work in the High Court. I think one is fairly right in saying that if the revisional jurisdiction of this unrestricted character were to be allowed, we may probably have to increase the number of judges of the High Court. I am not saying that this is a fatal objection. But it will certainly lead to a large increase in the number of judges. May I also say this to those members who can bring a legal mind to bear on the question before us that it may be that a certain type of orders are not at present included amongst appealable orders and their inclusion among these orders may be desirable. If that be so and if our object is to see that a particular kind of order should be the subject of adjudication by the High Court, is it not a case for pressing that the list of appealable orders should be expanded rather than the creation of this indefinite and unrestricted and uncontrolled kind of jurisdiction very different from what it is in the rest of India, very different from what lawyers have so far felt as being necessary? Now I shall bring this to the mind of honourable legal members in particular. You will remember that we had a Civil Justice Committee sitting in India in 1924-25 and that Civil Justice Committee was pressed heavily against the conferment of increased revisional powers to the High Court. That will be within the recollection of legal members. Now what perhaps is not remembered fully but really should be in the recollection of some members here is that after on it was in some quarters considered that as a matter of fact

the revisional jurisdiction should be cut down it should be reduced, it should be restricted further, so much so that the Government of India which alone, if I may say so, is the proper body to legislate on a matter of this description, introduced a Bill in the Central Assembly restricting the revisional jurisdiction. When this Bill came, I think Lala Bim Chand will probably remember it, for consideration before the Central Legislative Assembly, it was negatived and we have heard no more of this Bill. So the idea that the revisional jurisdiction as it is even to-day is too extensive is not an idea without considerable support in the country. (*Interruption.*) It was the 2nd of February, 1927. If you will kindly read the debates of the Central Legislative Assembly you will see the circumstances in which that particular Bill was, as a matter of fact, negatived, I mean the motion for consideration. In these circumstances, when no particular difficulty is felt anywhere else in India, when the enlargement of revisional jurisdiction is likely to lead to difficulties particularly when you consider the terms of the new operative amending clause in this Bill whereby the power sought to be given is more than the power under appellate jurisdiction, I have no hesitation in opposing the introduction of this Bill. The only circumstance I will add is this. It is only in October—not very long ago—I think it was on the 10th of October that a motion for exactly the same Bill stood in the name of the Leader of the Opposition—not more than 5 weeks ago—and he did not think it proper or he did not think worth his while to ask for leave. (*An honourable member*: “Was it reached?”) Yes, it was reached and Dr. Gopi Chand Bhargava asked me whether I would oppose it and I said ‘Yes’ and he did not move his motion. (*Interruption.*) This Bill was No. 12 of the October list. (*An honourable member*: “It was not reached.”) It is not a conclusive argument. There it stood and permission was not sought and nothing happened. In these circumstances I trust the House will have no difficulty in throwing out this particular motion.

Lala Bim Sen Sachar: On a point of personal explanation. The remarks made by the Honourable Minister may possibly give the impression that the Bill is being moved without the consent of the Leader of the Opposition because the Honourable Minister has said that he had had a talk with him and knowing from the Minister that the Bill would be opposed by him, the Leader of the Opposition had given up his intention of moving it. But I wish to inform the House through you that this Bill is to-day taken up with the fullest consent and concurrence of our Leader.

Minister: I have not the slightest doubt.

Mr. Deputy Speaker: The question is—

That leave be granted to introduce the Punjab Courts (Amendment) Bill.

The motion was lost.

ANTI-CHOWKIDARI TAX BILL.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*): Sir, I beg to move—

That leave be granted to introduce the Anti-Chowkidari Tax Bill.

Mr. Deputy Speaker: Motion moved—

That leave be granted to introduce the Anti-Chowkidari Tax Bill.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hyat Khan Tiwana) : I oppose leave being granted to the introduction of this Bill.

Pandit Shri Ram Sharma : Sir, I wanted leave to move the Anti-Chowkidari Tax Bill. I am sorry to see that it is being opposed by the Ministry. Even leave is being refused to introduce this Bill. In a way I am pleased to find that the Government is opposing this measure, because I am sure that if it continues in its present course, that is, if it goes on opposing all measures calculated to benefit the poor people of the province, it will make our task lighter. We shall not have to bring about its downfall as it will be digging its own grave.

Minister for Public Works : Your wishes will not be fulfilled.

Pandit Shri Ram Sharma : This is not an occasion to make a lengthy speech. I shall confine myself to a statement of the principle underlying this Bill. Day in and day out it is said in this House that zamindars are the backbone of this province. But no attention is paid to the heavy pressure which is falling on this backbone. We are afraid that if this pressure is not lessened the backbone will give way some day. The first burden on the shoulders of the zamindars is that of land revenue and abiana. If we on this side of the House ask the Government to lessen this burden we meet with an emphatic "No." The second burden is that of the local rate. This is increasing day by day. Now it has mounted to the high level of two annas in the rupee. If we raise the question of reducing the local rate the party in power will oppose us. The third burden which is proving very irksome for the poor zamindars is that of the chowkidari tax. There is no doubt that the big zamindars and *turawalas* do not feel the burden but the poor zamindars and other poor sections of the rural population are groaning under its pressure. The condition of the harijans is especially miserable. Now when we on this side of the House wish to lighten this burden by moving this Bill the Honourable Minister opposes the very introduction of this measure.

The Government has the power under section 39 (a) of the Punjab Laws Act to appoint chowkidars in a village and to realise the expenses from the village population. But it is not obligatory for the Government to enforce this provision of the Punjab Laws Act. The fact of the matter is that whenever Government assumes certain powers, it is always chary of giving them up. The result is that now the said provision of the Punjab Laws Act is proving even more troublesome than the Defence of India Act. The rules made under the Punjab Laws Act for levying the chowkidari tax are made so stringent that they are never relaxed. It is possible that land revenue may be remitted under some hard conditions but no remission can be claimed in the chowkidari dues. Although in its essence the provision was of an optional nature now it has been made obligatory for the local officers to enforce and levy this hated tax.

The present demand for doing away with the chowkidari tax is not being put forward in a party spirit. This demand had the blessings even of prominent members of the Government party. But it is another thing that

when they have come to power they have not paid any attention to this matter. Perhaps they put forward the demand then in a lukewarm way. The idea was that if the demand was conceded so much the better; if not, that did not matter. For instance, the reputed champion of the cause of the poor zamindars, who sometimes looks as if he is the very incarnation of Lenin, I mean, Sir Chhotu Ram has been a strong supporter of the idea of doing away with the chowkidari tax. I wonder why he has left the House now. Perhaps he does not like to listen to what he used to say in 1931. I do not suggest that this is actually the case. His absence may be purely accidental. But it is desirable that he had been here to listen to what he said in 1931. This is what he said on the floor of the Punjab Legislative Council on the 7th March, 1931.

I should also like to draw the attention of Government to one more point which relates particularly to South-Eastern districts.

My honourable friend the Minister for Development hails from the same district from where I come. But he seems to have forgotten this difficulty of his district which he remembered eight years ago. It has fallen to my lot to-day to dwell upon that difficulty. I pray that I myself may not become after the lapse of some years what he has become to-day—indifferent to the difficulties of his home district. He proceeded to say :

The number of chowkidars in the South-Eastern districts is very large.

Mark his words "very large". I wonder if he still thinks the number of chowkidars to be *very large*. He went on to say :

There are villages in which the number of chowkidars exceeds six. There is a very large number of villages in which the number of chowkidars is 4 or more. Now this is a direction in which Government can easily give relief to the people without suffering loss itself.

This is sound logic indeed. But may I ask my honourable friend the Minister for Public Works if he shares the belief which was held by his colleague eight years ago? Chaudhri Chhotu Ram further remarked :

The chowkidars, it is notorious, do not do any service to the village community.

Now may I ask my honourable friends on the Government benches if this is a fact? To me it is as true to-day as it was when Chaudhri Chhotu Ram delivered his speech. He is a prominent leader of the party of my friend the Minister for Public Works. Will he not listen to what his leader said? He said that the chowkidars did not do any service to the village community. That is exactly what I say to-day and this is why I have brought forward this Bill. I want to tell the honourable members of this House that the only function of these chowkidars is to dance attendance upon the Government officials. This opinion was held by Chaudhri Chhotu Ram when he was only a Rao Bahadur but now he is a Knight and that makes a great difference, the difference that is between day and night. It perhaps changes one's very outlook. The Chaudhri Sahib further remarked :

In ordinary course of things the burden of their salaries should fall on Government itself.

As long ago as eight years he expressed the opinion that this burden of the pay of chowkidars should be borne by the Government and not by the village community. Just at present he like so many others on the opposite benches is not in the Chamber and we find that the strength of the Ministerial party in the Chamber has become equal to ours. Anyway the Honourable

[Pandit Shri Ram Sharma.]

Chaudhri Sahib put another proposal before the then Government to the effect that if the Government could not bear the burden of the pay of chaudiars it should "reduce their number wherever it was in excess of actual needs." He said it was the easiest thing to do. Now, Sir, I would like in this connection to mention the case of a village situated in the constituency of my honourable friend Chaudhri Tikka Ram. You will be surprised to hear that only for one part of that village Purkhas there are no less than six chaudiars and the burden on the people amounts to as much as Re. 1 per head. When I put a question it was admitted that this was really the case but when the reason for this shameful state of affairs was demanded it was stated that it was for the deputy commissioner to appoint as many chaudiars as he considered necessary. Now compare this with what Sir Chhotu Ram said in 1931. He said—

On the question of appointment and dismissal of these chaudiars the village communities are not consulted. Their dismissal and their appointment should be made to depend on the will of the village communities.

This is exactly as it ought to be. Is it not strange that the poor villagers should be made to pay the salaries of so many persons for doing nothing for the village community? Can any one deny the fact that the only thing that they do is to fetch *hulkas* for police officers and grass for their horses?

Mr. Deputy Speaker : The honourable member has far exceeded the limit of a brief explanatory statement.

Pandit Shri Ram Sharma : You are a villager and you know all this. You will, therefore, agree that this is a grievance which must be brought to the notice of the Government. To the Government in 1931 Sir Chhotu Ram said—

This is a reform which the Government can easily undertake (mark the word easily) and if Government effects this reform it will lighten the burden of a large number of villages in the south-eastern portion of the province at least.

May I ask, Sir, why he does not preach the same sermon to the present Government of which he is such an important member? Where is that solicitude for the south-eastern districts now? If there was financial stringency in 1931—a reason to press the demand—what is the excuse now? Now the conditions of the rural population are far worse. To a question relating to prohibition the Honourable Minister of Finance replied that so long as famines continue in south-eastern districts prohibition cannot be introduced. But, Sir, famines will continue to play havoc in the province so long as this Government is in office.

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

Pandit Shri Ram Sharma : Anyway, it was only a passing reference. But may I remind Sir Chhotu Ram that he remarked in the course of his speech which I have referred to that he had been "working at this question for the last two years" (i.e., 1929 and 1930). But why has he forgotten the matter altogether now that he is in a position to do something? During the elections the opposite party made a definite promise that chaudiars would be abolished. But what has actually happened is that on behalf of the Unionist Party my honourable friend Chaudhri Ram Sarup instead of proposing the abolition of this tax came forward with a resolution that

the people living in the cities should also be taxed with such a tax. This is a case identical to that of the proverbial old woman who instead of her own hunch being cured wanted all the other women to be visited with that deformity. The Premier put the matter off with some evasive words. These people are past masters in promising all and doing nothing.

To show what services the chaukidars render the village communities. I would mention what happened in Balochpur (in the constituency of Sir Chhotu Ram). There was a dacoity in that village and the dacoits continued their nefarious activities for full six hours but no chaukidar went to the police station Beri at a distance of five miles to report the matter to the police within 18 hours. When this shameful dereliction of duty was brought to the notice of the public and the Government by means of an article in a newspaper the Haryana Tilak the whole machinery of the Government at once came into action to crush the paper concerned. Similarly some absconders had to be paid Rs. 1,200 as ransoms for a boy whom they had abducted at village Guhna Police Station, Sonapat. Is it not pertinent to ask in view of all this what purpose these chaukidars and in fact the whole machinery of the Government serves?

Khan Sahib Khawaja Ghulam Samad : On a point of order. I invite your attention to the agenda before you to-day. There are about twenty-one new Bills, ten resolutions and sixteen already introduced Bills. Therefore, such a lengthy speech by movers of Bills should not be allowed because other members who have given notice of Bills and who have already moved the Bills also desire that their Bills may be taken up to-day.

Mr. Deputy Speaker : I have drawn the attention of the honourable member to the fact that he is permitted to make a brief statement. I pulled him up twice. I would request Pandit Shri Ram Sharma to go on with his speech. He is not permitted to go into details.

Pandit Shri Ram Sharma : I was submitting that the chowkidara tax is being collected by the Government and that tax amounts to thousands and lakhs of rupees, but it is very unfair on the part of the Government that no protection is afforded to the people living in villages. Nothing substantial is being done to check burglary, dacoity and other crimes that are being committed in the countryside. When this is the position then may I ask what is the use of levying this unnecessary tax on poor zamindars? I may also submit that the rural class, particularly the petty cultivators and poor Harijans cannot bear the burden of the tax.

Mr. Deputy Speaker : I would request the honourable member not to go into the details.

Pandit Shri Ram Sharma : Sir, I am not going into the details, what I am submitting is that the chowkidara tax is unnecessary burden on the villagers who are too poor to afford this superfluous money to the Government. In the end I submit again to the Government through you, that they should not lose this opportunity of helping zamindars by accepting Anti-chowkidari Tax Bill. Otherwise, I am sure, when zamindars whom they represent and with whom they profess their sympathy come to know that at the time of division the Unionists voted against the Bill, their eyes would be opened. Let me submit with all the emphasis at my command that if the Government persist in the same attitude they will be digging

[Pandit Shri Ram Sharma.]

their grave with their own hands. I may also declare that this attitude of the Government would be a death-blow to the very roots of the Unionist Party in the next general election and every member who votes against the introduction of this Bill would be taken to task by his constituents.

Minister of Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana): The honourable mover of this Bill has said lot of things but hardly anything pertaining to the Bill that he has introduced. First of all he seeks to penalise the levy of chowkidara tax. He perhaps presumes that this is an illegal tax or it is an exaction which is contrary to law. This is however not the case. Then why penalise it? The proper course to approach the matter was to move an amendment of the Punjab Laws Act, 1872—I mean section 39 (j) under which this tax is levied.

Pandit Shri Ram Sharma (Urdu): Why does not the Government approach this matter?

Minister of Public Works: I am coming to that. I was only saying that this Bill is absurd so far as the method of approach to the problem is concerned. He seeks to penalise it. If a tax is levied which is valid under the law, the proper course is to amend that law but not to penalise it. Your penalising the levy of that tax is itself contrary to law. Referring to the merits of the case the House would remember that a resolution was brought forward by this party and the whole matter was thrashed threadbare on the floor of the House. So I need not enter into detailed argument for and against the matter at this moment. The history of the tax is well known. On the annexation of the Punjab it was felt that some arrangement should be made for the defence of person and property in villages and towns. Whatever tax was levied used to be levied in villages as well as in towns but subsequently there came a period when certain elements living in towns were successful in bringing about a state of affairs which resulted into a condition that the tax went on being levied in villages but the towns got away from it. A provision even now exists that such a tax can be levied for the purposes of municipal police but no such tax is being in fact levied. I would not like to go into the history of how the municipalities were let off but when we discuss this resolution here and the sense of the House is taken, equity demands that all those people that live in this province, so far as this incidence of taxation is concerned, should pay it and the matter is engaging the attention of the Government at present. The Honourable Premier gave an assurance that the matter would be looked into. There are various ways of bringing this into effect. What is the present position? It is that the chowkidara is paid by the villager and his property is looked after. It is not the poor but the capitalist whose property is looked after. The poor man has hardly anything to look after and if he is a zamindar, he looks after that himself. So, before long steps would be taken to bring about equity so far as the payment of this tax is concerned. (*Interruption*). Yes, there are capitalists in the villages. There are capitalists and poor people as well. (*Interruption*).

Mr. Deputy Speaker: If the honourable member wants to put a question, he should first rise in his seat and then ask the question through the Chair.

Lala Duni Chand: I want to know your definition of a capitalist.

Minister of Education: All Duni Chands!

Minister of Public Works: In villages there are two types of people—the poor and labouring classes and those who live on that labour, may be in some cases landlords, industrialists or the village money-lenders. I am talking of all those capitalists and not of any one category. It has been said that this tax is hitting the poor very badly. You would know that incidence of taxation is generally very small. The levy is sufficient enough to pay the cost of the chowkidars employed in villages. So there is no special grievance as far as the levy is concerned. What is happening is this that the very poor about whom so much has been said are paying it. But comparatively richer people, I would say comparatively richer, because everybody in towns is rich, get away scot-free and it is this inequity that the Government is considering now to remedy.

Then, Sir, certain other matters were brought in, that is, the Honourable Sir Chhotu Ram once said that the chowkidars do not do anything for the villagers but they work for the officials. Certain of the duties of these chowkidars are of such a nature that they have to work for the officials and for the administration whenever it is necessary. But so far as the interests of the villagers are concerned, those who have carefully studied the Panchayat Act must have realised that we are now empowering panchayats to have certain amount of control over the chowkidars and if there are any defects, as the Honourable Chaudhri Sir Chhotu Ram said, they would be set right.

Attempt has also been made to bring in political issues by saying that we had made some promises to the electorate. I am not aware of any promise given by any member of our party with regard to this tax. What we said, and what we stand by, was that we shall do our level best to further the interests of the people we represent and that is what we are trying to do. Where we can remove a tax we do so but where tax is being paid by the villagers while the protection is being afforded to the comparatively rich people, we shall try to remove that inequity. So, I do not think we can agree to this Bill. With these words I oppose it.

Mr. Deputy Speaker: The question is—

That leave be granted to introduce the Anti-Chowkidari Tax Bill.

The Assembly divided: Ayes 33, Noes 60.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Deshbandhu Gupta, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.

Harjab Singh, Sardar.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Hasan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Nurullah, Mian.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Ror Singh, Sardar.
 Sahib Ram, Chaudhri.

Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 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 Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 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.
 Karamat Ali, Shaikh.
 Khisar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.

Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant Sardar.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 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.

LAND REVENUE (AMENDMENT) BILL.

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

That leave be granted to introduce the Punjab Land Revenue (Amendment) Bill.

Mr. Deputy Speaker: Motion moved is—

That leave be granted to introduce the Punjab Land Revenue Amendment Bill.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, I object to leave being granted to introduce this Bill.

Mian Muhammad Nurullah: Sir, I need not make a long speech with regard to this matter because the reduction in land revenue is an urgent necessity for a landlord. I have given a resumé of it in my statement of objects and reasons as follows:—

The present demand for land revenue is fixed at quarter net assets. Considering the poverty and uneconomic holdings of the land owners, this is too high. Moreover, it compares unfavourably with the rate of state demand payable by other classes. This Bill proposes to give much needed relief to the poor land-owners and to a certain extent to equalise the incidence of state demand on the various classes of the people.

For the benefit of my honourable friends, who cannot understand English, I will read *Bayan Aghraz-o-Wajook* in Urdu—

اس وقت معاملہ اراضی کا مطالبہ خالص آمدنی کا ایک چوتھائی مقرر ہے۔ زمینداروں کے فلاح اور غیر انفر کشر ملکیتوں کے پیش نظر یہ بہت زیادہ ہے۔ مزید برآں مطالبہ حکومت کی اس شرح کے مقابلے میں بھی یہ شرح نامناسب اور حد سے متجاوز ہے جو دیگر جماعتوں کی طرف سے واجب الادا ہے۔ اس مسودہ قانون میں عریب زمینداروں کے بوجھ میں اشد ضروری تخفیف نیز مختلف جماعتوں پر مطالبہ حکومت کے بوجھ میں کسی حد تک یکسانی پیدا کرنے کی تجویز پیش کی گئی ہے۔

You are aware of the fact that previous to the year 1928, when dyarchy was in vogue in the Punjab the Government's share as land revenue was fixed at 50 per cent of net assets. But the late Mian Sir Fazl-i-Husain may his soul rest in peace, moved an amendment by which the maximum share of the Government was fixed at 25 per cent of net assets. That was a very salutary amendment but as ill-luck would have it the depression set in and the prices of agricultural commodities began to fall. Consequently the condition of the zamindars became pitiable and it went from bad to worse day by day. When their condition literally became pitiable a committee, known as the Darling Committee was appointed to suggest ways and means for giving relief to the poor agriculturists. Now whenever we have asked the Government to give relief to the poor in land revenue and other Government dues, they have always replied that they have appointed a committee to suggest relief in the land revenue and that they were waiting for its recommendations and as soon as the said committee submitted its report, they would at once take steps to implement those recommendations and thereby they would provide relief to the poor and needy agriculturists. But let me point out that the Government have received the report of the said committee since long and its copies have been distributed among the members of this House as well. Up till now the Government

[Mian Muhammad Nurullah.]

have taken no action on it. If, Sir, you read the report you will find that there is not a single suggestion in it which can give any satisfactory relief to the poor zamindars. However, I do not like to anticipate it and I am sure when this report comes up before the House for discussion, a full day would be allotted for it. So I do not propose to go into the details of the report now, but this much I can say that if anybody reads it he will find that the framers of the report have admitted that in view of the uneconomic holdings of the zamindars it is highly necessary that some sort of relief should be provided to them. Let me also point out that the relief measures which the committee has suggested are not sufficient, as compared to the appalling conditions of the zamindars. It has been pointed out in the report that those people who pay less than Rs. 10 as land revenue they would be given remission to the extent of 8 annas in a rupee. And those people who pay less than Rs. 25 by way of land revenue they would be granted less remission. But those who pay over Rs. 25 as land revenue they will not be granted any remission at all. So far as the question of the big landlords is concerned their share of the land revenue would be increased to some extent. Personally I have no objection to it. If the big landlords so wish they can pay the whole of the land revenue. What we want is to give relief to the poor zamindars. It is our duty that we should keep their interests in the forefront. If their conditions can be improved by increasing the land revenue of the big zamindars we should not hesitate in doing so.

Mir Maqbool Mahmood : Is the honourable member speaking against his own Bill? His own Bill does not provide for any special assistance to the poor zamindars.

Mr. Deputy Speaker : I would request the honourable member to confine his speech to the motion before the House.

Mian Muhammad Nurullah: The honourable member is not sitting in his own seat while raising this point of order. A general relief means relief to the poor.

Besides you are aware of the fact, Sir, that in many districts sliding scale system has been introduced. But it is apparent from the report of the Darling Committee that it has not worked satisfactorily. It is therefore necessary that some changes should be made in it. Reverting to the subject proper I may submit that those persons who pay over Rs. 25 as land revenue, will not be granted any remission at all. Let me take the example of a person who pays Rs. 26 as land revenue, he will not receive any remission.

What is the total income of a zamindar who pays Rs. 26 as land revenue? The present demand for land revenue is fixed at quarter net assets. If we multiply 26 by 4 we get 104. That is Rs. 104 is the income per year of that zamindar. It means that if his net income is Rs. 104 he will not be entitled to any remission at all. How sad it is that although his income is less than that of a chaprasi yet he cannot get any remission. In the circumstances, I am constrained to remark that the recommendations of the said committee are very unsatisfactory and so far we have been misled by sweet promises. All the time we were under the impression that when the report of the committee was received great relief would be given to the poor zamindars. But the mountain in labour has produced the proverbial mouse.

Mr. Deputy Speaker : The honourable member is going beyond the limits of a brief explanatory statement.

Mian Muhammad Nurullah : I am simply developing an argument.

Perusal of the Darling Committee report has convinced me that in the interest of the peasant proprietors who form the bulk of landowners either definition of net-assets be changed or basis of land revenue be reduced from 25 per cent to 15 per cent.

Although it is said that the Government realizes 25 per cent. of the net assets, I can say without fear of contradiction that the Government does not realize 25 per cent of the net assets when prices are low. As a matter of fact it often realizes up to 100 per cent of the net assets by way of land revenue. I have more than once stated on the floor of this House the case of Pir Karam Husain Shah. During the time when the prices of agricultural produce were falling Pir Karam Husain Shah who had to pay arrears of land revenue requested the Government that instead of realizing land revenue in cash from him they should reap his whole harvest every year and thus realize the sum of land revenue due from him. He undertook to till the lands, sow crops in them and water them. Every year he tilled his lands, sowed crops in them, watered them, and the Government reaped those harvests but his arrears of the land revenue were never made good. As a matter of fact he gave 6 harvests to the Government still his arrears of land revenue remained near about the same. The Government have never given any reply to that. Whether they realized 25 per cent or 100 per cent of the net assets by way of land revenue you can judge for yourself. Though the rules provide that the Government should realize 25 per cent of the net assets by way of land revenue actually they are realizing much more. The object of my Bill is that where previously the Government have been realizing 100 per cent of the net assets now they should realize only 60 per cent. And in this way they should give some relief to the poor and needy zamindars. Instead of Rs. 100 charged as land revenue they should charge Rs. 60, i.e., make a wholesale reduction of 40 per cent. So far my friends have been moving such amending Acts which have not satisfied us and they will never go a long way in providing relief to the poor zamindars. All the honourable members of this House are aware of the fact that the crops of the zamindars are failing and agriculture has become a losing concern. In the circumstances I suggest that the realizing of 25 per cent of net assets by way of land revenue is much too high and instead only 15 per cent should be charged. Even now I have received thousands of applications from the zamindars that their crops have failed and it is next to impossible for them to pay their share of the land revenue and that due to failure of cotton crop remission be given.

Again I wish to point out that when the elections were going on my honourable friends sitting on the Unionist Benches declared from housetops that their party would do this thing and would do that thing. They also promised to grant remission to the zamindars in land revenue and water rates. But I may point out that they are now opposed to a reduction in land revenue and abiana. On a previous occasion when I moved a resolution asking for a reduction of 25 per cent in *abiana* it was opposed and in order to get rid of it the Assembly Session was prorogued. Now I have

[Mian Muhammad Nurullah.]

sought leave to move a Bill by which I propose to give much needed relief to the zamindars. The present demand for land revenue is much too high, and I desire that in future only 15 per cent of the net-assets should be the basis of settlement resulting in a general reduction of 40 per cent in land revenue. Your party has raised an objection under the pretext of realizing 25 per cent. My friends have been realizing 100 per cent of the net assets by way of land revenue. Now what I am contending is that instead of 100 per cent they should realize only 60 per cent. and leave the rest to the zamindar. My friends are also opposing this salutary measure tooth and nail. May I know from them whether they are the representatives of the urban people or of the rural people? It behoves them to levy taxes on the urban sections of the people. These people are very lightly taxed. If they compare the incidence of the demand of Government on urban people with that of the rural people they would find that in a way they are not taxed at all. Besides, there are thousand and one ways of increasing the sources of the province. They can start industries in the province on which thousands of people can be employed. If they start industries in the province they can also turn the agricultural produce to their benefit. In short if my friends had paid any attention to these matters even the question of realizing of land revenue would not have risen at all. If they so marshal the resources of the province they can make the province prosperous. Moreover in this way the pressure on land would also be reduced. Some people would be employed in industries, some in the army and others would take to subsidiary industries and like pursuits and thus the country would become happy and prosperous.

In conclusion I would request the honourable friends on the Unionist benches that they should not go on overburdening the golden sparrow. If they continued to act in a manner in which they have so far acted the result would be that the golden sparrow would die and they would lose everything. My advice is, do not kill the goose that lays the golden egg. If you cannot give any relief to the zamindar in *abiana*, at least give them some relief in land revenue. I, therefore, expect that all the zamindar members of this Assembly would vote for this Bill. With these words I move my motion.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia)

6 p.m.

(*Panjabi*): Sir, I am very sorry to have to oppose the motion of my honourable friend. My honourable friend has suggested in his Bill that the rate of assessment of land revenue be lowered from 25 to 15 per cent of the net assets. Another suggestion made by my honourable friend is this that if it is not possible to lower the rate of assessment from 25 per cent., Government should apply the 25 per cent net asset rates to districts where this limit has not been so far applied. The third suggestion of my honourable friend is that the two-thirds increase which could be taken should be lowered to one third.

My first submission is that my honourable friend has made no differentiation between the big and small landholders. If he had made that distinction, I would have been convinced that he had a genuine sympathy with the small landholders. He ought to have laid down a condition that only the small landholders will benefit by his Bill and not the big landlords.

Mian Muhammad Nurullah : I agree.

Minister for Revenue : My honourable friend shows now that he has sympathy with the small landholders but when it comes to voting he walks into the lobby along with Dr. Sir Gokul Chand Narang and Sardar Sahib Santokh Singh (*Hear, hear*). I am sure that when the zamindars will understand the real purport of his Bill they will say : "Save us from such friends." I have all along been hoping that my honourable friend will tell us as to how the necessity had arisen to further lower that rate of land revenue assessment which was reduced in 1928 from 50 per cent of the net assets to 25 per cent. If he means to suggest that this reduction is desirable as the zamindars cannot pay this rate, I shall presently show what the Punjab Government has already done for the poor zamindars. We never forget the poor zamindar and his requirements. My honourable friend the Mian Sahib, most probably, has not read the report of the Land Revenue Committee. At least he has not referred to the rate of assessment prevailing in provinces like the United Provinces. (*An Honourable Member :* Please talk of the Punjab). I see that my honourable friends feel perturbed at the very mention of the United Provinces.

Sardar Partab Singh : You may fix a higher rate for big landholders.

Minister for Revenue : I quite realize that my honourable friends feel restive on hearing some home truth but I cannot help them. I was saying that my honourable friend has not mentioned the United Provinces, Central Provinces or Madras. The rate of assessment in these provinces is very high but even the Congress Governments have not brought them down during their regimes. For instance it is 40 per cent of net assets in Madras, 50 per cent in Bombay, United Provinces, Berar and Central Provinces and similarly high elsewhere but the Congress Governments have not reduced it. (*Interruptions*). My honourable friends have, it appears, decided to interrupt me so that I may lose my temper but I may tell them that I have decided that I would not lose my temper to-day (*Laughter*). I would like my honourable friends to remember that when in 1928 the rate of assessment was lowered the Government made a great concession to the zamindars. Although the question was taken up in my time, it was finally decided in late Sir Fazl-i-Husain's time. But now my friend is suggesting that the rate should be further lowered from 25 to 15 per cent of the net assets.

Moreover, Sir, the honourable sponsor of this Bill has said nothing beyond telling us that the zamindars in the Punjab are poor. Let me hasten to add that I entirely agree with him. But does my honourable friend know the reason for this? The reason is that most of the landholders in this province are small holders. The Punjab is a land of small proprietors and it is free from landlords in the real sense of the word. More often than not, a zamindar has to cultivate the land of his neighbours on a 'batai-system' and make both ends meet.

Sardar Sohan Singh Josh : Confiscate the lands of the big landlords then.

Minister for Revenue : If Russia comes down upon India and you are spared, then you may confiscate the lands of the zamindars. So far as we are concerned, let me assure my honourable friend that we believe in

[Minister of Revenue.]

action rather than in mere words. While my honourable friend is merely talking we have shown our active sympathy with the zamindars.

Adverting to the subject matter of the debate, I may submit that the honourable Mian Sahib has even gone to the length of denying the material advantages of the sliding scale system. He was pleased to say that this method benefited none. May I respectfully put it to my honourable friend Sardar Sampuran Singh that if the sliding scale system is really of no use to him and is only a paper transaction whether he would offer on the floor of this House to forego the remissions that come to him under this system.

Sardar Sampuran Singh : My honourable friend Mian Sahib acknowledges the advantages of this system.

Minister : I am grateful to him for this admission. He used to deny this fact previously by saying that it was only a paper transaction.

Sardar Sampuran Singh : That I say even now.

Minister : Let me give you some figures for the last year. In the Lyallpur and Sheikhpura districts over 28 lakhs per kharif and more than 28 lakhs per rabi have been given as remissions, i.e., Rs. 56,28,442 have been remitted.

Sardar Sampuran Singh : You enhance it and then remit it. It is paper transaction.

Minister : My friend tries to enhance by telling the zamindars not to take canal water. That is what he does and for 3½ months they do not take water and he goes on taking the water.

Sardar Sampuran Singh : I say in this House that I never advised anybody to stop taking canal water.

Minister : Now I think my friend will allow me to give some figures as regards remissions that this Government has given since it took charge of the province in 1937. I will now lay before the House the figures relating to the remissions that the Unionist Government have granted to the zamindars. These figures also include suspensions as well and the remissions relating to both the land revenue as well as the water rate. I would particularly draw the attention of Mian Sahib to the remissions pertaining to the water rate charges because he has very often and even now tried to criticise the policy of the Government on this score. His main argument against the Government is that we get 30 per cent profit on the irrigation system of the Punjab. The figures that I am going to quote will remove his doubts. To begin with I may be allowed to say that in rabi, 1937, we suspended the recovery of a sum of 1,35,000 rupees.

Mian Muhammad Nurullah : I think the figures relating to Hissar district are also included in it.

Minister of Revenue : May I take it that the honourable member has absolutely no pity for the district of Hissar? My honourable friend would do well to remember that the Unionist Government stands for the

protection of all people of the Punjab. I further hope that the honourable Mian Sahib's Bill is also intended to help the zamindars of the whole of the province and not those of Lyallpur alone. Here are the other figures of suspensions :—

			Rs.
Rabi 1937	..	..	1,35,000
Kharif 1937	..	..	14,66,000
Rabi 1938	..	..	4,82,000
Kharif 1938	..	..	25,00,000
Rabi 1939	..	..	18,70,000
Total	..	..	59,53,000
Average per harvest	..	..	11,90,600

Again, the figures for the amount remitted on account of calamities out of current demands are as follows :—

			Rs.
Rabi 1937	..	..	14,26,000
Kharif 1937	..	..	2,08,000
Rabi 1938	..	..	52,000
Kharif 1938	..	..	2,58,000
Rabi 1939	..	..	12,41,000
Total	..	..	31,85,000
Average per harvest	..	..	6,87,000

The figures that I have given just now relate to the remissions which were granted from the current demand only. Now I will give the amounts that were remitted on account of calamities, out of suspended revenue. Here are the figures :—

			Rs.
Rabi 1937	..	..	6,62,000
Kharif 1937	..	..	1,08,000
Rabi 1938	..	..	6,04,000
Kharif 1938	..	..	2,21,000
Rabi 1939	..	..	5,52,000
Total	..	..	21,47,000

The House will note that these remissions yield an average of Rs. 4,29,000 per harvest, since the Unionist Ministry came into office.

[Minister of Revenue.]

I will now inform the House as to how much remission we gave to the zamindars on account of the low prices of the agricultural commodities. The relevant figures are as follows :—

			Rs.
Kharif 1937	..	..	95,000
Rabi 1938	..	..	4,58,000
Kharif 1938	..	..	4,88,000
Rabi 1939	..	..	5,68,000
Total			16,09,000

Now if my honourable friend Mian Muhammad Nurullah will care to calculate the average per harvest for the last five harvests, he will come to know that we have been granting remission at the rate of 3,21,800 rupees every harvest on account of low prices alone.

Now I would like to quote figures with regard to *abiana*. The remissions in *abiana* that have been granted at each harvest since the present Ministry took over the reins of office are as follows :—

			Rs.
Rabi 1937	..	..	24,88,773
Kharif 1937	..	..	15,55,254
Rabi 1938	..	..	5,15,897
Kharif 1938	..	..	21,33,574

Sardar Partab Singh : On a point of order, Sir. May I know how it is relevant on the part of the Honourable Minister to quote figures of remissions in *abiana* in connection with the Bill now before the House ?

Minister for Revenue : My honourable friend has not the courage to face the facts. He and his friends are always loud to condemn us that we have done nothing worth the name for the amelioration of the zamindars. But when we quote figures to refute their false allegations, they feel perturbed and make unnecessary interruptions. Well, Sir, I have stated the amounts of *abiana* remitted at each harvest during the last two years. Now the figures for rabi, 1939, come to Rs. 11,75,478. After adding these amounts we find that the total remissions on this account come to a colossal figure of Rs. 78,68,976 and the average per harvest works out to Rs. 15,73,795.

An honourable member : But the Honourable Minister should not ignore the fact that the land revenue had been increased by an amount no less than Rs. 80 lakhs.

Minister for Revenue : My honourable friend is unnecessarily getting restive. Let me tell him why this increase was made. In 1924 owing to certain financial necessities, Government were forced to enhance land revenue by Rs. 80 lakhs. But during my tenure of office remissions of *abiana* were granted to the extent of Rs. 46 lakhs and the total reductions come to about a crore of rupees. (*Voices from the Opposition benches : How ?*) If my honourable friends take the trouble of coming to my office I will place before them all the figures relating to this matter. Well, Sir, my object in quoting these figures is to show that the present Government is second to none in its solicitude for the welfare of the zamindars. As a matter of fact we do not brag about what we have been able to do for them. Then my honourable friend over there invited my attention to the fact that we should tax the richer classes in order to provide relief for the zamindars. I may point out to him that we are fully alive to that matter and we hope to introduce certain measures to this effect.

Now I come to the suggestion made by Mian Sahib. He says that the land revenue should be reduced from 25 per cent to 15 per cent. If his proposal were accepted then out of the total income of Rs. 475 lakhs and deducting 51 lakhs on account of districts where this rule has not yet been applied owing to these districts not having come under new assessment a sum to the tune of Rs. 2-2/5 crores will be remitted. I earnestly appeal to Mian Sahib to ponder over the matter dispassionately and see for himself whether his proposal is at all practicable. In fact he has failed to suggest how to meet the consequent loss in revenue receipts. But even there my friends opposite do not stop. They make a further demand of 50 per cent reduction in *abiana*. I may point out that land revenue and *abiana* form the most important items of the provincial finances. As a matter of fact they are the main sources of income. The next important item is the excise which yields income to the extent of Rs. 105 lakhs. Though the subject is not included in my portfolio, my honourable colleague would tell you that we are having a deficit under this head also. And if we agree to such huge reductions as suggested by my honourable friend over there, the provincial Exchequer is bound to suffer heavily. May I ask how we are to carry on the administration of the province with depleted finances? It is a pity that my friends do not realize our responsibility. They do not take into consideration the interests of the province as a whole. They want that their proposals must be accepted even if the province goes to the wall. We, being responsible for the administration of the province cannot undertake such risks.

Besides, one of my honourable friends opposite remarked that it was not very difficult for the Government to find out money. But I should like to ask if the Congress party (God forbid) comes into power in this province, how they will manage to get more money. Perhaps the Congress ministers would by the use of magic wand convert one hundred rupees currency notes into two hundred rupee currency notes. (*Laughter*). May be that they may be able to tap some new and novel sources to enhance the revenues of the province by issuing currency notes with any backing. Anyhow those who have to run the Government cannot afford to ignore facts. We are here to face hard realities. He who takes the responsibility alone knows what he is in for. We mean business and do not intend to turn our backs and run away like

[Minister of Revenue.]

the Congress ministers who feeling their inability to fulfil their pledges made to their voters have taken the step of resignation from office. (*Cheers from Government benches*).

I have yet to say one thing more. An honourable friend has remarked that the Punjab has run into bankruptcy. Sir, we had to spend almost two crores of rupees in my honourable friend Lala Duni Chand's districts in the Ambala Division.

Chaudhri Kartar Singh : But the people got only half of it.

Minister for Revenue : You say so, perhaps you got nothing out of it. (*Laughter*). Well, Sir, we spent two crores only because we could afford to do so. If we save something we can spend it on the welfare of the people. Borrowing is not an easy thing. The Honourable Premier tells me that the United Provinces Government wanted to float a loan but failed. Of course borrowing depends upon credit. How can one raise a loan when he has no credit. The Punjab Government floated a loan which was over-subscribed within an hour and this was because of its high credit.

At this stage the Assembly adjourned till 2-30 p.m. on Friday, 24th November, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 24th November, 1939.

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

QUESTION HOUR.

Dr. Gopi Chand Bhargava : Sir, I beg to move—
That the question hour be suspended to-day.

The motion was carried.

SUPPLEMENTARY DEMANDS.

IRRIGATION WORKS (CAPITAL EXPENDITURE).

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

That a supplementary sum not exceeding Rs. 25,94,790 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of construction of Irrigation Works (Capital Expenditure).

Mr. Speaker : The motion moved is—

That a supplementary sum not exceeding Rs. 25,94,790 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of construction of Irrigation Works (Capital Expenditure).

Thal Project.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : I beg to move—

That the demand be reduced by Rs. 10.

Sir, the demand under consideration relates to the Thal Project which has been most anxiously awaited by the people of the Western Punjab for the past 25 or 30 years. It has been estimated that about 6 crores and a half of rupees would be spent on this project. It has been proposed that a sum of Rs. 50,00,000 should be expended during the current year. When we consult the budget estimates we find that nearly half of the sum, i.e., Rs. 26,25,410 was intended to be met from the savings for the purpose. The Government has arranged to distribute the total cost of the project over a number of years and to complete it in 1944. After acquainting the House with these figures I would like to make it clear that the Congress party is not averse to the idea of irrigating barren and unproductive *ilagas* of the Punjab. On the other hand it is our profound desire to see that not a single drop of water in the five rivers of the province may go unutilized. We

[Mr. Dev Raj Sethi.]

whole-heartedly welcome the idea of turning the deserts of the Punjab into green and fertile lands. But the question is as to whether the project under consideration would be profitable from a commercial point of view and whether it would be able to meet its own expenditure.

Mr. Speaker : May I enquire whether the whole or a part of the cost of the scheme was sanctioned in the last annual budget and whether the amount now proposed to be sanctioned is a supplementary demand ?

Minister of Revenue : No, Sir.

Mr. Speaker : Then the motion is in order and the honourable member may proceed.

Mr. Dev Raj Sethi : Sir, I was submitting that this project does not seem to be profitable. The detailed report on the scheme was placed in the Assembly library only yesterday and I have gone through it very carefully. Moreover, I belong to the *tlaga* adjacent to which this project is being started. I thus happen to possess theoretical as well as practical knowledge of the scheme. I am constrained to submit that this project on which the Government intends to spend a colossal sum amounting to six crores and a half would fail to prove a profitable concern. The reasons are manifold. Firstly, the whole *tlaga* is virtually a vast desert containing more than 90 per cent sand. Recently an experiment was made in order to ascertain the humidity and retentive power of the soil of that area. It was arranged to irrigate a field 15 feet by 12 feet with the water of a well having a diameter of 10 feet. The well worked for full 24 hours and still the field was not completely watered. If such is the condition of the soil, I do not think the canals would be able to irrigate those arid lands on a commercial basis.

My next point is that even irrigation experts do not hold high hopes with regard to this project. They are doubtful of its success. The Irrigation Research Department is a valuable asset to this province. It was responsible for saving several lakhs in the execution of the Haveli Project. The Irrigation Research Department must have been consulted on the subject. I would request the Honourable Minister of Revenue to place the report of irrigation research experts, if any, on the table of the House. We want to know the opinion of the experts in the matter. I have sufficient reasons to believe that this project which has been already in progress would not be able to meet its own expenditure. Then there is the question of water supply. I do admit that the Government of India has decided in favour of the Punjab Government allowing the latter to use a certain amount of water of the Indus. But now the Sind Government has submitted a strong representation to the Central Government for an increase of its share in the water supply from the river Indus. The Government of India is considering the claim of the Sind Government. In view of the strong representation made by the latter it is possible, the Central Government may revise its previous decision and accede to the request of the Sind Government. Under the circumstances the whole project is likely to end in a fiasco.

Turning again to the financial aspect of the scheme I would like to draw the attention of the House to a sentence on page 2, Volume I of the report

that has been published by the Government in regard to the Thal Project. It runs as follows :—

It may be mentioned that both the expenditure and the revenue estimates are on the safe side.

Let us examine the real facts. The Government wants to say that by spending the estimated sum borrowed at the rate of 4 per cent per annum it would be able to get 5.18 per cent return from the project. But when we are already in the grip of a terrible war, how will it be possible to raise loans at the estimated rate? Again, will it be possible for the landlords to pay Rs. 2, or Rs. 3 per acre as estimated in view of the sandy nature of the soil? Another very important point. Has the Government taken into calculation the loss that is likely to be incurred due to appearance of *kallar*, *thur* and waterlogging? In the Punjab wherever canals have been dug waterlogging, *kallar* and *thur* have wasted hundreds and thousands of acres of rich fertile land. Only the other day the Honourable Minister of Revenue was pleased to remark in reply to a question of mine that so far in the Punjab five lakhs of acres of land had already gone waste owing to *kallar* and that about 30,000 acres were being rendered barren every year by waterlogging. This figure was based on a survey confined to a few districts. In fact my apprehension is that no less than half a lakh acres are going to waste every year which means a dead loss of about a crore of rupees. The same problem of waterlogging is almost certain to appear in the area to be irrigated by the Thal Project. Has the Government debited this potential loss in calculating the profit and loss account of the project? So far as the productivity of the soil is concerned I think it would be sufficient to quote the note that appears in the margin of page 12, Volume II of the Report. It runs as follows :—

A recent examination by the Director of Irrigation Research of the few sites in the Derajat and in the Thal gave an indication that possibly the soil in the Thal may not be as fertile as that on the Jhakhari Distributary in the Derajat circle and may require a greater quantity of water to give the same yield.

Thus the Director of Irrigation Research himself admits that the soil in the Thal will require a greater quantity of water. Similarly the soil of the Mianwali district will also require a much larger quantity of water to render it productive.

Further it is clear from the Thal Project Report that in that *ilaga* the average rainfall is hardly eight inches a year and out of twenty-one years 18 years are such in which it did not rain at the sowing time resulting in complete failure of crops. The facts regarding the scarcity of rains have been mentioned in the Thal Project Report. But it is a pity that the Government have very conveniently ignored these facts. Therefore, I would like to submit that the Government should think twice over this important work before they take some practical step towards it. It has been said from the other side that the Government intend to finish this project by 1944. In this respect my submission is that as we are face to face with a war, I think, it would not be advisable to start this work at this critical juncture when the prices of material which is to be used on the project are being raised. Take iron, for instance, its price has already risen by 80 per cent and the prices of cement, concrete and other such material have also risen. Goodness knows when the present war will come to an end. In fact prices rise tremendously during the war and the boom persists even after

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the war. The Great War was over in 1918 but the prices jumped much higher in 1921 and even 1922 and 1923. According to British estimates the present war may last for three years. Herr Hitler has declared that he has made preparations for a war that may last even for five years. Inevitably during the next five years at least the prices are certain to soar very high and they will persist during the entire period when the project is in progress. Under the circumstances would it be advisable on the part of the Government to squander money like that? Therefore, I am constrained to say that this proposal of the Government seems to be of a very doubtful character. It is time to ponder over whether this work should be taken in hand or not. Strictly speaking we are not against the Thal Project. As far as irrigation is concerned it is our heart's desire that every drop of the five rivers should be spent for the well being and prosperity of the countryside of this province. But we do not see eye to eye with the Government if they are going to construct this project for the purpose of consolidating their party or to win the confidence of the people living in that area. This shows that they have ulterior motives and want to serve their own end. My submission is that before starting this work the proposals should be re-examined and thoroughly considered and that this work should not be executed in haste. With these words I commend my cut motion for its acceptance.

Mr. Speaker : Demand under consideration, motion moved—

That the demand be reduced by Rs. 10.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural): It is a great temptation to bring that great area under cultivation and also to irrigate it by the water which is flowing uselessly in the great river Indus. We are not against new canal projects. We shall welcome any such project. But there are certain difficulties which are not fully appreciated and I very much doubt if they have even now been appreciated when this project is being executed, if not in great haste, at least with great expedition. This is admitted by everybody that a very large area in this part of the province is sandy.

Minister of Revenue : Have you seen it?

Sardar Sampuran Singh : Yes. You travel at Government expense, I travel at my own.

Minister of Revenue : Probably to buy land!

Premier : Benami! (Laughter.)

Sardar Sampuran Singh : That is reserved for those benches.

Mr. Speaker : Please proceed.

Sardar Sampuran Singh : One of the great engineers of our province happened to remark once that we may be successful in running a canal in this area, but is there any land which is to be irrigated? There is hardly enough arable area for which you are going to spend so much money. Greater portion of that land may not be brought under cultivation because of its sandy nature, and it may not be productive enough. The condition of soil of that place reminds me of a certain branch of the Sutlej Valley Project in the British and Bahawalpur territories which was, I think, called Forest branch of Abbassia Canal. Rest-houses were built on that canal and

efforts were made to run water in it as well, but eventually that branch had to be altogether closed, so much so that the material of those rest-houses, which, as I have said, were built on that canal, had to be carried away to other places. I am speaking of the Desert Branch of Abbassia Canal. So far as I remember the actual name of the place is Gagan Hatta. (*Interruption.*)

Minister of Revenue : I am not concerned with Bahawalpur State.

Sardar Sampuran Singh : Bungalows on the portion of the canal which was running through British territory have also been removed. What to say of Bahawalpur State, all those that were on British Indian territory have had also to be removed.

Premier : Where ?

Sardar Sampuran Singh : On this desert branch of Abbassia Canal of the Sutlej Valley Project.

Premier : But Abbassia branch is not through British territory.

Sardar Sampuran Singh : Portions of British territory were irrigated by that canal and in those portions there were bungalows the material of which had to be removed.

Minister of Public Works : Which tahsil and district ?

Sardar Sampuran Singh : I require notice for that question. (*Laughter.*)

Premier : Abbassia Canal is only in Bahawalpur State.

Sardar Sampuran Singh : In other parts of the world also similar difficulties have been experienced. In America there was a distance of three miles of sandy tract under a canal and the United States of America had to spend millions to get over the difficulties. Here you have practically to run the whole canal through land which is worse than that found in the United States of America.

Minister of Public Works : What about Africa ?

Sardar Sampuran Singh : That territory is reserved for—(*Interruption.*) We are certainly not against digging new canals. We welcome the project. (*Hear, hear.*) But we feel that you are perhaps not cautious enough. You will succeed in making the canal but in this area you have not only to line the canals with cement and concrete but you have to cover them as well, if you want to run them.

Minister of Revenue : Will you please name the engineer who has suggested this ?

Sardar Sampuran Singh : I will tell you when you come to my office.

Minister of Revenue : I am not going to Lyallpur to see you at your office. I want the reply here. I take it that all this is an imaginary thing.

Sardar Sampuran Singh : My sources of information are reliable.

Dr. Gopi Chand Bhargava : It is not in the public interest to disclose (*Laughter.*)

Sardar Sampuran Singh : It is also, I think, a fact which is known to you that very efficient and high placed engineers of your department have expressed their doubts about the success of the scheme. So, I would only submit that in your enthusiasm to do something for the welfare of the people of that area, do not go so far as to put the Punjab in such a great risk, that after spending millions over that project, and after lining it with cement and concrete you find that it is a total failure. It is only this word of caution which I want to say today, so that even at this stage you may overhaul the whole scheme, and go through it carefully and with saner views at your command, and in case you find that this canal cannot be a paying concern you may change your programme. (*Cheers.*)

Chaudhri Kartar Singh (Hoshiarpur West, General, Rural) (*Urdu*) : Mr. Speaker, I rise to support the cut motion moved by my honourable friend, Mr. Dev Raj Sethi. As the Deputy Leader of the Congress party, Sardar Sampuran Singh, has stated, the engineers have given expression to some misgivings with regard to this project. But the most important question is this. It has been said more than once from the ministerial benches that they are traders and that, therefore, they know how to do things on commercial lines. Now the question is whether they have paid proper consideration to the commercial aspect of this project. We, the members of the Opposition, of whom 90 per cent are poor soldiers possessing no sugar or iron factories, fully understand that this project is not free from risk. In the previous bureaucratic regime a minister put before the old Council the Hydro-Electric Scheme, but now that crores of rupees have been spent on it the economic experts as well as the members of the Assembly have had to admit that from the financial point of view the scheme has not proved useful to the province. Had that money been spent on sugar factories and other industries the kisans of the Punjab would have benefited to the extent of millions of rupees.

I am convinced that since this Government, based on the popular vote, has assumed office its policy has been directed not towards ameliorating the condition of the whole province but to benefiting the constituencies of its supporters. All its legislations and other activities have as their objective the good will of the voters of the Multan, Mianwali and Rawalpindi districts. Let it be clearly understood that I do not object to public money being spent for the benefit of the voters of these districts. My complaint is that when the question of Bhakra Dam was raised the Honourable Minister of Revenue was pleased to inform us that the scheme was not taken in hand because the necessary material that was to be purchased abroad could not be obtained on account of the War. Now may I inquire whether all the necessary material for this Thal Project has already been purchased? If not, how will you get it during the War which must continue for at least four or five years? Are you quite sure that all this material can be had in India?

Now a sum of Rs. 81,290 has been demanded for the Central Workshops and I am sure that more money will be demanded for the purpose later on, but when you know that you will not be able to get the necessary material for the scheme, why do you insist on taking a risk with the public money amounting to crores of rupees, some of which has been taken out of the revenues of the province and the rest borrowed? You should be as cautious

with regard to this scheme as you have been in the case of the Bhakra Dam scheme. I have my misgivings lest this huge sum of Rs. 6,50,00,000 should meet a fate similar to that of the money voted for the Hydro-Electric Scheme. I request you not to repeat the blunder committed by the old Council. I have not visited the *ilaga* concerned but I put a question which made the Honourable the Premier feel awfully out of sorts. But it has become a habit with me to speak the truth, howsoever unpalatable it may be for somebody. I have got the information—and I speak with the fullest sense of responsibility—that certain honourable members sitting on the Government benches have purchased land in that *ilaga* at Rs. 2 or so per acre because they know that the price of land in that part of the province is going to rise very soon.

Premier : I should like my honourable friend to give the name of that member. It is most unfair to make an insinuation like that.

Mr. Speaker : The honourable member has made a serious insinuation. If he is in possession of facts, he may move a substantive motion against the member concerned; otherwise he is not right in making such insinuations against his honourable colleagues. He should withdraw the insinuation and proceed.

Chaudhri Kartar Singh : Sir, I have not named anybody.

Mr. Speaker : Please withdraw and proceed.

Chaudhri Kartar Singh : I have not made any insinuation against anybody. What should I withdraw ?

Mr. Speaker : That is a stronger reason why he should withdraw, without any further hesitation, the insinuation made by him. If there is nothing to be withdrawn, then by withdrawal the honourable member shall lose nothing, but if there is something to be withdrawn, then he is bound to withdraw it.

Chaudhri Kartar Singh : But, Sir, I have not named anybody.

Mr. Speaker : My ruling is that an insinuation against the honourable members, even if they are not named, is an insinuation against the honourable members of this House. Therefore, I request the honourable member to withdraw it ?

Sardar Sampuran Singh : Is it wrong to buy land ?

Mr. Speaker : No interruption please.

Sardar Sampuran Singh : But why should he withdraw ?

Mr. Speaker : Because, I direct him to withdraw.

Chaudhri Kartar Singh : Sir, if you regard these words as an insinuation, I withdraw them.

I was submitting that in view of the fact that war is going on in Europe and we cannot have the necessary material for the construction of the canal it behoves the Honourable Minister in-charge to realize his responsibility and postpone the construction of the project. I may also point out that if he thinks that he can buy material for the construction of the canal in the time of war without unduly affecting the budget of the province, then of course he can carry on the work of the construction of the canal referred to above. But if he thinks that there is

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any danger of loss, in that case I would request him to postpone the construction of the canal till the war is over. With these words I support the cut motion under consideration.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan, Rural) (*Urdu*) : Sir, I rise to oppose the cut motion that has been moved by my honourable friend, Mr. Dev Raj Sethi. It is a matter of great regret that he has thought it advisable to move it. I think if this cut motion had been moved by an irresponsible member of the Opposition, I would not have felt so aggrieved as I do now. I am extremely sorry to observe that a project for the construction of which we have been looking forward for the last 40 or 50 years is now being vehemently opposed and objected to. This project will not only benefit a few villagers but would do a lot of good to the poor people throughout the district. (*Hear, hear.*) This scheme, by grace of God and through the kindness of the Honourable Premier, is going to materialize in a short time after anxiously waiting for it for the last 40 or 50 years. It was hoped that this would be completed within the next two or three years and would eventually lead to the prosperity of the poor. But unfortunately because of the international crisis brought about by Hitler it will mature within six years instead of within the previously anticipated period of three years. And it is in fact deplorable that we would have to wait for six years to get water. This scheme is being opposed by my friends but they do not realize that it will be very useful particularly for the zamindars of those tracts where rainfall is scanty. If my friends had known the hardships of the people in these days in the Mianwali District, which I have the honour to represent, when the people there for want of rain and scarcity of fodder emigrate to districts like Sargodha and Jhang carrying their children on the back of bullocks, he would not have dared to oppose this useful project. The real cause of the whole trouble is the absence of canal and scarcity of rains and other hardships experienced by the people. I am sorry to observe that it has become a habit with my honourable friends to oppose any and every suggestion that is intended to benefit the zamindars and kisans of this province. No doubt my friends never miss an opportunity to express their lip sympathy with the zamindars just as my honourable friend, Mr. Dev Raj Sethi, did the other day while moving his Bill. But whenever any practical suggestion is brought forward to benefit the zamindars they invariably oppose it. Now when they see that a project is being undertaken for providing some relief to the poor and needy zamindars they are opposing it tooth and nail. The fact of the matter is that my friends show sympathy for zamindars merely because they are anxious for cheap popularity, otherwise they are opposed to their interests.

Besides, my honourable friend, Chaudhri Kartar Singh, who regards himself to be very honest and infallible has stated that some honourable members of this House have acquired lands in the Mianwali District. I as a sub-registrar of the said district can say without any fear of contradiction that this statement of the honourable member is entirely incorrect and the people who have informed him gave him wrong information.

Before concluding my speech I may submit that we should thank the Government for taking up this scheme in hand. I would also request

them that they should do their level best to complete this scheme as early as possible even if they may have to make reductions in the expenditure of other departments of Government in order to supply water to the poor people of this district who have been anxiously waiting for the completion of this scheme for the last so many years. This scheme if it materializes will no doubt benefit the zamindars and even the Government will not feel sorry for having constructed it. We feel a sense of gratitude towards Government on their having undertaken the scheme in right earnest. With these words, Sir, I strongly oppose the cut motion that has been moved by my honourable friend, Mr. Dev Raj Sethi.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): Sir, a few years ago a resolution was moved in this House. I was practically the sponsor of that resolution which was balloted in the name of Sardar Bishen Singh, a friend of mine from Lyallpur. I had to make the main speech recommending the expedition of the project. Then a few documents were placed in my hands that the people of the *ilaga* were prepared to give a part of their land or even to accept any enhanced rate simply to make the project a paying one. I am sure after that Government would have taken all the precautions necessary to see that this project would not be a drain. I would request the Government to go into this matter from that point of view and make sure that there is no trouble in future regarding this matter. *Secondly*, fears were expressed on this side that this may not fail and the soil may prove to be an inferior one. I can say on the authority of an engineer friend of mine, that the experiments of watering the land from the Sind water have proved successful. I am sure that when the water of Sind with those five particles is put into the soil, the soil will improve and naturally it will pay itself.

Premier : Is it the same engineer who advised Sardar Sampuran Singh ?

Mian Muhammad Nurullah : I am not sure of that. That gentleman told me certain things but he was not so pessimistic when he discussed this project. The only redeeming feature in the last budget was the promise of expedition in the construction of the project. We are all for the zamindars and we want that this *ilaga* should be brought under cultivation as soon as possible and should add to the revenues of the province. *(Hear, hear.)* Another fear expressed was and my grievance is as to why they have slowed down the construction of the project.

As a business man I must say that delay in this matter will cost us much more and will make this project pay less, for if the war continues, prices are bound to go up and increase the cost of the project. If you had taken funds in hand, raised loans and bought all the material and expedited the project as you did in the case of Haveli, I am sure you would have gained if not one crore, at least 50 lakhs. I do not agree with my friends that from the business point of view the Thal Project will not be a success if it is expedited, and I am sure Government will do their best to expedite it.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : I do not think I need detain the House very long on this subject. I will give a few figures to answer certain points which have been raised by my honourable friend Mr. Dev Raj Sethi and by my old friend Sardar Sampuran Singh who has taken the trouble to go and visit that *ilaga*. I do not

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know with what object he visited the *ilaga*. It may be that he had been engaged by some client of his to go and visit the place or it may be that he had some other objective in view. Any way I am glad that my friend has been there and has found out that in addition to planning these canals we may have to cover these canals as well. I may remind my friend that when the railway line from Ferozepore to Bhatinda was being built, that tract being very sandy they used to put some sort of *tattis* along side of the railway track so as to save it from sand. Those times have gone and I have not seen those *tattis* being used to protect that line from being covered by sand, and the probability is that my friend will not find the necessity of having to cover these canals by another method so as to save them from being filled by sand.

As regards the fear of waterlogging and other things that have been expressed by my friends, I may tell them that we have had the condition of land in sandy tract very carefully examined by experts from the Irrigation Department who have specially studied the soil of the Thal project. The whole tract has been very carefully studied. We had maps made to show where sand is and where land is good. My friend has painted a picture of this Thal. No doubt the word Thal gives an idea that it is a sandy tract. There are sandy tracts in that area but the whole tract is not sandy. Our engineers would be expected to carry water through the sandy tract to the land which will be cultivated by irrigation and use their endeavours to make that land pay as lands in Lyallpur and other colonies have paid in the past. I have seen with my own eyes while passing through Montgomery that that tract used to be a very arid tract and now thanks to the availability of canal water that tract has been transformed into an oasis, many parts of the land which we considered to be useless have been reclaimed and only recently I found that lands on which Government spent a good deal of money to reclaim them have been taken by people who are making a great success and are carrying on their work in the usual way.

My friend has probably forgotten or he has foregotten to read the account that has been given of the land which is to be cultivated in this tract. The gross area, both proprietary and crown, is 2,056,096 acres with 1,448,897 commanded. The area for irrigation in the tenth year would be 831,000 acres. Crown waste land of course is a small tract, that is we have 144,500 acres crown waste and 686,500 proprietary which are going to be irrigated by this project. My friends will recollect that in Khushab area there is something like two lakhs of acres of land of very good quality which will receive irrigation from this project. By lining the canal we may save water to irrigate 235,000 acres.

As regards the question that the scheme may not be a success, of course in the canal projects there are certain schemes which are productive and there are certain others which are protective. We have tried to work the Thal Project as one of the productive projects and not as a protective project—though if necessity had arisen that the people in this part of the country had required some help of providing them facilities of irrigation we would have been justified in building this canal as a protective measure—and I can assure this House that there will be no necessity of making this

canal a protective measure. It will be a productive measure and it will probably pay 6 per cent. on the outlay.

The question of *thur* and waterlogging has been brought in by my friend. That has to be discussed later on and I shall deal with it when that question is taken up. But it may interest this House to know that we have in the project provided nearly 2½ crores to line the canal. We have had some experience in the Haveli Project where 45 miles of canal have been lined and it has stood the test of a flood which came in unexpectedly. We hope to save water from percolation which will come in very handy in irrigating other parts of the tract. My idea is that when the pucca canal is built there will not be a drop of water which will be wasted in seepage and the fear of waterlogging and *thur* will not be there at all.

Some of my friends, I think the mover of the cut motion, has asked, how is it possible, when as I have said before that machinery is not available, that this project is being carried on? We have certainly slowed down the work on this project to some extent but it is not totally due to want of machinery; we have ordered the construction of some machinery in our own workshops; but it is on account of the impossibility of the Punjab Government being able to raise the necessary loan. I may inform my honourable friend that the Finance Minister does not wish to raise a loan at this juncture at a very high rate. Therefore, instead of stopping the project altogether and disappointing the people of the areas to which irrigation facilities are to be extended, we have adopted the slower course of trying to build this canal by taking 1½ years more than it would have taken otherwise.

We thought that if we gave up the project at the present moment, it would be not only creating a great disappointment in the minds of the people who have waited for more than 50 years, but the possibility is that this canal may not be built at all. My honourable friends will remember and I think my honourable friend has also hinted it, that the waters of the rivers belong to so many people. My friend wants that not a drop of that water should go anywhere else. Probably he has forgotten that the Government of India has to decide this question as there are other people who are shareholders in the waters of our rivers. Therefore, to give up the project at the present juncture would give a chance to others who would claim a bigger share of the water and tell the Government of India that as the Punjab Government is not going to build the Thal canal they might take all the water. So the water would be lost to us for ever. I think this is a policy which should not have the support of any sensible man, what to say of a business-man as my friend is. Perhaps my friend Mr. Kartar Singh will say something different. He says that this money should have been spent on the sugar factories and iron works. There are other people who have started sugar factories and who have started iron works. They are going in for more and more sugar factories at places where they can be constructed with advantage. My friend does not know that in the Punjab it is not very easy to start sugar factories owing to the climatic conditions. However my friend Sir Gokul Chand Narang has tried some experiments in some States. There may be one or two people who are going to oust him from Kapurthala also. Anyhow anything done to expand the industry of sugar has my wholehearted support. (*An honourable member*: What about cloth mills?) Industrial

[Minister for Revenue.]

works no doubt may fail. But the projects that we have built hitherto have not failed and this is the last project. There will be no more barrages built in the Punjab. We may have to fall back on the expediency of building dams instead of barrages in future. Therefore, to put back this project at the present juncture would be a very unwise step and I am afraid I cannot accept the advice of my friends opposite to give up this project at the present juncture.

As regards the idea of people purchasing lands, though my friend has kindly withdrawn that allegation—

Mr. Speaker : I would request the Honourable Minister not to refer to that matter.

Minister for Revenue : I am only trying to explain that to safeguard land being expropriated from the people of the districts through which these canals pass, we have issued a notification stopping even the agriculturists from outside these districts to come and take the land, what to say of non-agriculturists taking it. We find that there are many people who are trying to take advantage by taking the land at cheap prices and reaping the benefit subsequently. So, the Punjab Government has issued that notification to stop this.

As regards the point that things are becoming dearer, it will interest my friends to know that an important factor in the building of this project has been that it has been contracted to purchase cement even at a lower rate than was the case in the Haveli project. There I think we paid something like Rs. 25 to Rs. 30 and we are now paying much lower than that. As regards steel I think we have arranged to purchase it at rates cheaper than in the case of Haveli. Some machinery might have to be renewed. We have got some machinery from Haveli transferred to Thal and we are carrying on the work with the machinery which is available. New machinery we can purchase gradually. So there is no fear at any rate at present that we have to pay much for the machinery. As regards other materials such as bricks, they are available here.

Dr. Sir Gokul Chand Narang : What machinery do you want? Dredgers?

Minister : Many other things.

Dr. Sir Gokul Chand Narang : For instance?

Minister : Will my friend say what is needed for an irrigation project?

Dr. Sir Gokul Chand Narang : The Honourable Minister is the irrigation man.

Minister : I am a layman. But all the same I may tell you that a good deal of machinery, ramming machinery, steel piles, and such like things have to be purchased. Perhaps a good deal of it would be purchased from the Tatas in which some of my honourable friends are interested.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I am not surprised to see that my honourable friend, Mr. Dev Raj Sethi, has opposed the Thal project. I know that men of his *qimash* cannot but oppose such a scheme.

An honourable member : What does *qimash* mean ?

Chaudhri Krishan Gopal Dutt : It is in very bad taste.

Mr. Dev Raj Sethi : It ill becomes a Premier.

Premier : Evidently my honourable friends do not understand the meaning of the word *qimash*. In English it means ilk.

Dr. Sir Gokul Chand Narang : Ilk is bad enough.

Premier : You will please suggest some other word.

Dr. Sir Gokul Chand Narang : You can better say "men of his way of thinking".

Premier : I will say that men of my friend's mentality or sentiments cannot but oppose this scheme.

Chaudhri Krishna Gopal Dutt : To-day you have used *qimash* to-morrow you will use *qallash*.

Premier : No, *qallash* are those who sit on this side of the House whom it is intended to benefit by the new irrigation projects.

I am however surprised at the attitude of the Congress members in this province. While the Indian National Congress professes to be the supporter of everything which is done to benefit the poor people in the country, the Punjab Congressmen make it a point to oppose all such things. I will not say why my honourable friend has opposed this project. I will for instance not say that he has opposed this project as the percentage of population in the area to be affected by the Thal project is of a particular complexion. He has perhaps opposed this new project for the fear that it will result in the postponement of other irrigation projects of a very important nature. But when the Government has undertaken the responsibility of carrying on with the project why should he have any worry ? If he still persists in his attitude I will say :

Qazi ji ap kion shehr ke andeshe se duble ho rahe hain ?

I think that if he continues to mix with those people with whom he is mixing these days there will be no end to his worries. He seems to think that it is this Government which is the originator of the idea of this scheme. But that is not the case. The idea of the Thal project dates back to the year 1880, that is, it is as old as 60 years. For a long time this area has continued to be barren and waterless. It has not been possible for the people living there even to get drinking water.

Chaudhri Kartar Singh : What have you done for the Hissar district ?

Premier : My friend need not worry as he has become an industrialist now.

First of all a survey was carried out. Then it was thought with a certain amount of fear that this scheme will not be a paying proposition. The Government, therefore, was chary of investing money on it. An Act was passed in which it was laid down that the zamindars of the *ilaga* should be made to yield three-fourths of their *shamilat* to Government. Then they were required to pay other *habubs*. But no objection was raised at that time to these conditions. Now the Government has revived the old scheme. The Government has decided to render help wherever it is badly needed. The Bhakra Dam project has been decided upon for the Hissar district and

[Premier.]

the Thal for the Mianwali district and Muzaffargarh district. We know that these projects are meant to benefit the *ilagas* the need of which is the greatest. There is famine in Hissar and there is disease in the Muzaffargarh district. My honourable friends on those benches may not be feeling anxious about the condition of the people living in those areas but the Government cannot be indifferent to its duty. In case it is not possible for us to carry out the Bhakra Dam Scheme on account of paucity of funds due to war we have another alternative scheme on hand. It will be possible to make a temporary arrangement to provide water to the Hissar district out of the Jumna river at the cost of half a crore of rupees. This will enable the people of the Hissar district at least to sow fodder for their cattle. When I last visited this district I made an announcement to that effect and I hope that the scheme will mature soon and water will be available for the next crop.

So far as the Thal project is concerned, our party which was formed in the time of the last Legislative Council got the old Act repealed so that the zamindars will not have to give up three-fourths of their land in order to get benefit from the Thal project. This was indeed a commendable success of our party. In place of the provisions of the former Act much easier conditions were offered to the people whose lands are to benefit from the Thal project. It was pointed out to them that as their lands will increase in value—the lands worth a few rupees per acre will become worth Rs. 250 per acre—so a *khush haisiyyati* tax would be levied from them just as it is done in the case of lands on other canals. It was further made clear to them that they would have to pay ten to fifteen rupees each in easy instalments of eight annas each. To this they readily agreed and promised to pay up the amount.

Sardar Sampuran Singh : You would not get it.

Premier : I am sure they will fulfil their promises only if nobody goes there to advise them not to fulfil them. My honourable friend knows how people can be persuaded to go back upon their promises. In Lyallpur he did that. People were ready to prove as good as their word but he made them forget all their promises. (*Laughter.*)

I am sure that if discouraged by the present financial position of the province, we had abandoned the idea of carrying out the Thal project all sorts of misunderstandings would have been created. Perhaps adjournment motions would have been brought forward to condemn the Government for its callousness. It would have been pointed out that the Government was no real friend of the poor zamindars.

There have been financial difficulties in our way. Previously when the Congress Governments assumed offices we got loans from the Reserve Bank as the authorities of the Bank were very accommodating. But experience showed that it was not easy to carry on Governments by raising loans. My honourable friend the Finance Minister knows how difficult it is to keep the budget balanced. There were Governments, however, which did the work of rural uplift by raising loans. Although we did not raise any loan for rural uplift we had to go in for a debt.

But look at the superhuman powers of this wizard of a Finance Minister. He has spent about 2½ crores of rupees on relief work in the famine-stricken area without in any way disturbing the Budget Estimates. Thus our credit was established in the country. Other provincial governments also obtained the sanction of the Reserve Bank to raise loans. First of all Madras and then Bombay came into the field. But even after under-writing, it appears that at least 50 per cent, remained in the pockets of the lenders. Then take the case of the Government of India in comparison with whom we almost pale into insignificance. In spite of the fact that the rate of interest offered was 3 per cent it could get only 98 per cent of the amount advertised. But this humble Government of yours goes to Bombay and the loan is over subscribed in about an hour. Not only that. We got this loan at a rate of interest which is the lowest offered by any Government in the country. (Hear, hear.) Even from Bombay we got application for an amount equal to 60 per cent of the loan to be raised while previously the share of Bombay in our loans was never more than 10 per cent. This is our credit in the market and I am sure that the superhuman faculties of our Finance Minister will always get us the required amount of money. But even if we fail to get it, you gentlemen, and other patriotic Punjabis are sure to make up the deficiency and thus save your Government from any embarrassment. Anyway, my honourable friends need have no unnecessary apprehensions because our experts are of the opinion that this project will have more water than any canal including the Lower Bari Doab. They are sure that it will stand unique among our canals.

Thus some risk had to be taken and we took it. We have also extended the period for the completion of the project. I am sure that our engineers will regret this delay because they had promised that if the project is sanctioned in 1939 water would be available in 1941. The Chief Engineer had promised to complete the Headworks and mains within 18 months. But now they will have to slacken the pace. As my honourable friend, Mian Muhammad Nurullah, has said, this slackening of pace will result *inter alia* in more interest being paid and the income being delayed by a year and a half. But we cannot help it. However, so far as the risk is concerned we have to take it for the sake of those who have been waiting and hoping for 60 years to get canal water.

Attention has been drawn to the Hydro-Electric Scheme. Yes, risk was taken in this case and the expenditure which was estimated at 6½ crores rose to 12½ crores. I was even at that time of the opinion that the scheme would prove a white elephant and I still hold that opinion. Although the Department has by its efforts succeeded in showing some profit this year, yet I am not very sanguine about the realisation of the high hopes held in connection with this scheme. But just as risk was taken in the case of the Hydro-Electric Scheme we are going to take it in this case. At the worst there can be a loss of one crore of rupees but we are prepared to face it for the sake of those poor people who have been kept waiting for 60 years. (Hear, hear.) Then my honourable friend has laid great stress on the fact that the lands in that part of the province are covered with sand and that there is nothing but sand there. But the trouble is that he does not know much about land. He ought to have remembered that the Lyallpur district which is now so famous for its rich crops was originally no better than a

[Premier.]

desert. I admit that the land in certain parts of the *ilaga* concerned is of inferior quality but my honourable friends should know that the remaining area yields very good crop of gram which now-a-days fetches better price than wheat. The Leih tahsil is called 'Thal Jandi.' I do not profess to be an expert but people who ought to know have a saying to the effect that you should readily agree to purchase a piece of land where there are "jand" trees. This opinion is based on the experience of many generations and we must act on the advice contained in the saying.

Moreover, if we have water in excess of the requirements of the Thal *ilaga* it can be used to irrigate the Khushab and Pind Dadan Khan tahsils. It should also be remembered that the canals are going to be lined which means that their fears about waterlogging are empty and without any foundation. This will also save a good deal of water which can be utilized elsewhere.

My honourable friend, Chaudhri Kartar Singh, suggested that the money which the Government is going to waste on this project should be utilized for opening sugar factories and otherwise industrialising the province. Dr. Sir Gokul Chand Narang may be able to tell him whether it is in the Punjab or Behar that a sugar factory can be started more profitably. But may I ask, since when this socialist friend of ours has become an industrialist? Let me tell him that the greatest industry of this province is agriculture which supports about 90 per cent. of its population. It is, therefore, this industry which has the first claim on our attention. If we cannot devote 90 per cent of our money to agriculture we must spend at least 75 per cent. on it, and if this Government gets a sufficiently long lease of life we will certainly attain that percentage. Let me make it clear that we are not unmindful of the importance of industry. If we spend 75 per cent. on agriculturists the remaining 25 per cent. will be devoted to the interests of other classes. But I want to see all parts of the province to benefit from any scheme of industrialisation that we undertake. I am waiting for the day when places like Bhakkar and Leiah will become so rich and fertile as to make it possible to open sugar factories there. (*Hear, hear.*) I, therefore, hope that my honourable friend will withdraw his motion. Otherwise we shall be obliged to think that he and his party cannot brook the prospect of anything done for the good of zamindars.

Mr. Dev Raj Sethi (Urdu): Sir, at the very outset of my speech I would like to assure my honourable friend who hails from the district of Mianwali, I mean Khan Bahadur Captain Muzaffar Khan whom I hold in high esteem, that I have not opposed this project at all. (*"Hear, hear." from the Government benches.*) But I have submitted that the proposal regarding the project should be re-examined and thoroughly considered once again. As you are aware, Sir, the Honourable Minister of Revenue has not replied to most of the objections raised by me. He has admitted that the *ilaga* to be irrigated by the Thal project is more sandy than any other *ilaga* in which a project has been constructed. There is no doubt that the Government propose to spend 2 crores and more to line the main canals, and the water may flow through the canals without loss by percolation, but the question is, how and wherewith will the sandy fields be irrigated?

The fields would absorb double or treble or even four times the quantity of water required under normal circumstances. I know several experiments where wells have been working for 24 hours but the field less than one marla in area being sandy could not be filled with water. All I ask is, by having to supply several times the quantity of normal water for irrigation per acre how will the project be made productive? Then comes the question of *thurs*. The Government has tried to assure us that as soon as the canals are lined in that *ilaga* the question of *thurs* will not arise. Is it for me to tell the honourable members adorning the treasury benches that the irrigation experts who deal with such subjects do not agree with what my honourable friends have said? There is an important section which holds the opinion that even if the canals are lined and reinforced, the problem of *thurs* will still arise. They hold that appearance of *thurs* is more the result of defective drainage than an after-effect of percolation through irrigation channels. Anyhow it is not a simple affair to analyse the factors that lead to the appearance of *thurs*. It is still a moot question. Therefore, my submission is that in calculating profit and loss of the heavy project, the loss due to appearance of *thurs* and *kallar* ought to have been added on the debit side. I challenged the Honourable Minister for Revenue to place the opinions of irrigation research experts and those incharge of central designs regarding this particular matter on the table. But to my surprise, and to the dismay of the House he has not taken the trouble to do so. I, therefore, submit that the Government should not start this work without first taking the House into confidence, regarding certain important points to which I have drawn their attention. As far as the hardships of people living in Mianwali district are concerned we are at one with the Premier in sympathising with them. But what we really object to is the policy and method of construction of the Thal project. We should not, however, be led away by the warm words of the Premier who knows how to please others by oral professions. As Mianwali, with the sole exception of the district of Hissar, is the poorest district out of the 29 districts of the Punjab, we do not object to the Government spending as much money as they can afford for the well-being of the said district. Let the Thal project be treated as a protected one and we shall all willingly support it. But to present it as a productive one, knowing all the while that it will not be able to pay its way is to throw dust into the eyes of the honourable members. As it has just now been remarked by the Honourable Premier that even Hydro-electric Scheme is proving a white elephant, I would like to suggest to the Government that they should think twice before launching on this project so that no one may fling the same words to-morrow in the face of the Cabinet that the Thal project is also proving another white elephant. Now comes the question of loans. It is well known that only a loan of 62 lakhs of rupees has so far been taken for the project out of the Punjab Government loan of 2 crores floated last summer. During the war it will be very difficult to raise further loans. During the last Great War, Government loans were raised at 4 per cent, 5 per cent, 6 per cent, and even 7 per cent. During the next four years Government will require 2 to 3 crores annually. If the Government has to pay interest at 6 per cent or 7 per cent, how will they make the project productive, when the calculations are based on 3 per cent? The British Government has even at the commencement of the War been forced to raise loans of small amounts like 15 s. and 5£. Public

[Mr. Dev Raj Sethi.

Safety Bonds. Will the Punjab Government be able to raise loans for the Thal project when all the financial resources will have to be tapped for the Empire.

As far as the district of Mianwali is concerned the Honourable Premier knows very well how to shed crocodile tears. But may I ask him when one lakh peasants of district Shahpur cry hoarse for water, why does the fountain of tears becomes dry? Before I resume my seat I would like to point out what is being done in that *ilaga*. Is it not a fact that six private canals flowing in that *ilaga* are owned by Tiwanas and Noons? Several years ago the Punjab Government constructed a canal at a cost of 19 lakhs. The canal, rest-houses, bungalows, bridges, every thing is ready but the Government canal is not run. Why? Is it because the Tiwanas and Noons who charge 25 per cent. of gross produce as *abiana* from the small cultivators for the water, will be deprived of their rich booty? If that is a fact the Government stands condemned. The Government may not think it expedient to incur the displeasure of the Tiwanas and Noons, but surely the interests of one lakh of small holders call for a more dispassionate and honest consideration of the question. My submission is that the Government should not conceal full facts with regard to the construction of this project from the House and that the opinions of experts should also be disclosed on the floor of the House so that every honourable member may be able to form an independent and correct judgment.

Minister of Revenue (Honourable Dr. Sir Sundar Singh Majithia) (*Punjab*): Sir, my honourable friend has laid much stress upon this point that there is much sand in that *ilaga*, but I should point out to him that the quantity of sand in that *ilaga* is not so much as my honourable friend considers it to be. I would not dilate upon this point as the Honourable Premier has already explained that the sand of that *ilaga* possesses such fertilizing qualities that the zamindars grow grams instead of wheat and derive more profit out of it than they would have done in case of wheat. And as far as gram blight is concerned we have taken precautionary measures. I, therefore, submit that my honourable friends over there need not bother themselves with regard to the sandy nature of that *ilaga*. We have consulted best American experts in this connection and if some opportunity occurs I will show my honourable friends how dams are constructed so that their apprehension may be allayed.

As regards *thur* I am afraid my honourable friend has perhaps conveniently forgotten that *thur* and waterlogging do not exist particularly in that *ilaga* and he seems to be dreaming about other parts where it does exist. Had he been aware that sand absorbs water he would not have made such remarks. I may also inform my honourable friend that we would be spending two and a half crores of rupees on lining the canals in this project and our experts have succeeded in solving this problem so much so that even .001 per cent water has not percolated through it. When this is the position how can my honourable friend expect that plenty of water will be wasted through percolation? The Government has spent and is still spending a large amount of money to do away with *thur* and waterlogging wherever they have

appeared. The last budget estimates contained a demand amounting to Rs. 82,00,000 for constructing drains which was sanctioned by the House. But let me tell you that construction of drains is not as easy a job as lining the canals. This report contains some other figures too which throw a flood of light on the activities of the Government in this direction. A waterlogging conference is held twice a year in which this question is thoroughly discussed and important decisions taken thereon. Similarly where there is excess of *kallar* efforts are made to wash it away and improve the condition of the soil by extra supply of water. The reports show that the experiment has proved very successful.

Now, Sir, I am glad that my honourable friend opposite has expressed some sympathy with the Mianwali district although I am not quite sure what sort of sympathy he has. Only yesterday leave was sought to introduce a Bill which reflected quite a different kind of sympathy from the one professed to-day. (A voice: Please answer the points raised.) I would gladly do that but the trouble is that my honourable friends have not raised any point worth the name. They have been simply trying to raise walls of sand. Now, as regards productivity I may inform my friends that a yield of 6 per cent. is expected by the Government. (Dr. Sir Gokul Chand Narang: Plus or minus?) (Laughter.) We have paid fullest possible attention to all aspects of the question and it is thought that on the whole we are not likely to be any the losers. I do not want to take any more time of the House. I would simply inform my honourable friends that this project will supply water to the Shahpur, Mianwali and Muzaffargarh districts and if there is water to spare it will be given to Pind Dadan Khan and other places. They should, therefore, refrain from opposing the demand under consideration.

Mr. Speaker : The question is—

That the demand be reduced by Rs. 10.

The motion was lost.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 25,94,790 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of construction of Irrigation Works (Capital Expenditure).

The motion was carried.

FAMINE.

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

That a supplementary sum not exceeding Rs. 37,96,680 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Famine.

Mr. Speaker : The motion moved is—

That a supplementary sum not exceeding Rs. 37,96,680 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Famine.

Officers for Famine Relief.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*):
I beg to move—

That the item of Rs. 21,050 on account of pay of officers be reduced by Rs. 21,049.

Sir, with regard to this particular demand several friends of mine on this side of the House have given notices of a number of cut motions. But it does not necessarily follow that the Congress party is opposed to the idea of the Government having started relief work in the famine-stricken area. Our object in giving notices of such motions is, as is evident from the remarks, to criticise the incompetency and inefficiency of the officer who has been entrusted with the whole relief measure. The idea that has actuated us to move such motions is two-fold. On the one hand our contention is that the relief which is being given is hopelessly inadequate, and on the other hand our grievance is that the arrangements that have been made by the Government for the purpose are definitely unsatisfactory. Let me again point out to the Government that the Congress party in the Assembly does not oppose the idea underlying the relief work. On the other hand it started its own relief centres in those areas for affording material help to the famished people. It has spent a lot from its own pocket for the purpose. But it is a pity that no such centre was opened by the Unionist party or any of the Jat Sabhas for giving relief to the poverty-stricken and penniless people of that *ilaga*. Anyway so far as the relief work started by the Government is concerned, it was its duty to see whether the public money was being properly and honestly disbursed. But we feel constrained to say that it has done nothing in this direction and I charge it with a criminal negligence of its duty. It is dereliction of duty pure and simple. It is a fact that the officials concerned have misappropriated hundreds and thousands of rupees. The Unionist Government has on various occasions made boastful declarations in connection with the famine relief work. Inside as well as outside the House we are told that the Government has done this and done that for the welfare of those who are face to face with grave dangers. The Director of Information too has not lagged behind. He too has done his duty by singing the praises of his Government for the help it has rendered to the famished. We are told that Rs. 1,75,00,000 have been spent in one way or other for mitigating the effects of the famine.

Minister of Revenue : The honourable member seems to be poor in mathematics.

Sardar Kapoor Singh : I graduated from a college which is managed by the Honourable Minister himself. The students of that college cannot, therefore, be expected to be strong in mathematics. (*Laughter.*) The Government usually give relief to the poor people in three ways. Either they grant remissions or suspend land revenue or grant taccavi loans. Now the major part of this money has been spent under these three heads. Now, may I ask if the grant of taccavi loans, remissions and suspensions of land revenue amount to relief for the zamindars? If that is so, it is a pity that they are mistaken. Is it not a fact that whenever crops fail in any *ilaga* for want of rains the Government have to grant *kharaaba* to the zamindars? Now when the crops of the zamindars have failed, how could the

Government realize land revenue from them? They have no other alternative but to grant remissions to the zamindars. In the circumstances if my honourable friends opposite say that they have granted Rs. 40 or 50 lakhs by way of remissions, it cannot be described in any sense of the word as relief for the zamindars. In other words they have been forced by circumstances to adopt this measure. When the zamindars are not in a position to pay their share of the land revenue, naturally the Government have to grant remissions. Now so far as the question of remissions in land revenue is concerned my honourable friends may claim the credit of granting it as a measure of relief. But, how are they justified to describe suspension in land revenue as a relief measure? Because, the suspended land revenue can be realized later on. May I now ask how it lies in the mouth of my honourable friends to say that they have granted relief to the zamindars to the extent of Rs. 40 or 50 lakhs?

Let me now advert to another aspect of the question of granting relief. I mean the test works started for affording relief to the famished people. These works are mainly confined to the building of ponds and roads.

Raja Ghazanfar Ali Khan : May I know what motion is under discussion?

Mr. Speaker : Demand No. 2.

Raja Ghazanfar Ali Khan : What motion is the honourable member discussing now?

Sardar Kapoor Singh : Be patient. I am coming to it. The Government commended the construction of ponds and roads and the famished people were put on work in this connection. So far as my information goes these works were under the supervision of the Public Works Department; but the supervising staff was not honest in payment for daily labour.

There is yet another point that I want to make out and that is that Fodder Adviser and his staff were bound as was stated in the Explanatory Memorandum to supply fodder to the famished people but when I visited the *ilaga* I found to my utter astonishment that these officers were not rendering any service to the people but were actually feeding fat at their expense. Sir, you are aware of the fact that the Fodder Adviser is drawing Rs. 2,500 per month, Rs. 1,500 as pay and Rs. 1,000 by way of allowances. Then there are under him tahsildars, naib-tahsildars, kanungoes and patwaries, who are all engaged in the work of supplying fodder. If we look at the work that they have done so far we may be in a position to know how much money they have disbursed among the poor and how much they have taken for themselves. If we look at the budget of this year we would find that a sum of Rs. 18 or Rs. 20 lakhs was provided for the supply of fodder to the famished people. The Fodder Adviser was authorised to spend this huge amount. So far as I know the money was spent in the following manner. In the first place the Fodder Adviser used to prepare an estimate as to how much fodder was required for the famine-stricken area and then used to place an order to that effect with the contractors through the deputy commissioner of the district. In this connection what appears to me most objectionable is that the Fodder Adviser placed orders with the contractors without inviting tenders, and further such orders were mostly placed with

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his friends or relatives. (Voices : Question). My friends on the other side are getting restive. Let them wait and they will know whether my statement is correct or not. That is how the fodder was supplied. Besides, fodder centres were opened 20 miles apart. Now the poor zamindars in the first instance were required to obtain chits and after having these chits they had to go to these centres for getting fodder. I hope the honourable members know that generally speaking the contractors are not always honest. Even the most honest of them keeps 20 per cent. profit for himself. Now if we assume the share of the contractor as 20 per cent. it means that he would keep three and-a-half annas in a rupee as a profit for himself and will supply fodder worth twelve annas and a half to the depot. It is therefore obvious that a person who obtains a chit worth one rupee will only be able to get fodder worth twelve annas and a half. But what did he actually receive? As a matter of fact the poor follow under the arrangements could hardly get fodder even worth twelve and-a-half annas. I have already stated that the people were required in the first instance to obtain chits and it is but natural that the officer authorised to issue chits must have extorted something from the famished people by way of his share. Now, if a person after good deal of botheration got a chit say worth five rupees, he then had to go to fodder centres which I have already stated were situated at a distance of 20 miles apart, in order to get fodder. I am stating all these facts on the authority of a friend of mine who told me all these facts. Now when he reaches there he finds that the person incharge of the fodder centre is to be seen nowhere. That is very often the case. As a matter of fact the incharge of fodder centres usually adopt this device to extort money from the poor zamindars. And when after five or seven days he finds him out and tells him that he has got a chit worth five rupees for the purchase of fodder but he is prepared to accept fodder worth three rupees and the remaining two rupees may be kept by him for his personal use ; it is then and then only that the poor fellow gets the fodder worth three rupees. Now may I ask whether the Honourable Minister for Development and his colleagues are prepared to say they have not received such complaints? If they have received such complaints what have they done to put a stop to such a state of affairs? It is a matter of great regret that Government was not moved in the least in spite of the innumerable complaints made by the Congress Committees as well as various prominent persons. But later on when there was much talk about this corruption amongst the people the Government deputed a tahsildar or a naib-tahsildar to start investigations about a weak case and try to restore the confidence in the people by its consequent failure. Under the circumstances it is obvious that Government are not justified in boasting that they provided Rs. 20 lakhs for the supply of fodder to the famine-stricken zamindars of Hissar. I can say without any fear of contradiction that fodder worth Rs. 5 lakhs was misappropriated during transit and the embezzlement by the contractors accounted for an equal figure. I am, therefore, of the opinion that the zamindars in no way received fodder worth more than 10 lakhs of rupees.

Now I would like to make mention of the concentration camps established by the Government in the famine-stricken area for the protection and preservation of breeding cows and stud bulls. In this connection

I may tell the honourable members that in the beginning of famine certain cow protection societies under the aegis of Congress and other well-to-do persons decided to open concentration camps in order to preserve stud bulls and cows of good breed. But when Government received this news they thought that if this work was left to the Congress Committees it would enhance the prestige of the latter amongst the masses and consequently the hold of the Unionist Government would be weakened. And the Government, altogether ignoring the fact that these non-official committees would prove more efficient in carrying out this work, hastened to issue a *communiqué* that they intended to establish concentration camps for this purpose. It was stated that in the first instance 12,000 cows would be admitted into these camps. Hence in accordance with this announcement good breeding cows were purchased from the zamindars on the condition that they would be looked after as long as the famine lasted and after the conditions had improved they would be returned to them for the same prices. But it is a pity that instead of admitting 12,000 cows, as was announced, hardly five or six thousand cows were admitted in the concentration camps. It is a matter of still greater pity that Government could not keep up its pledged word. That is, they could not fulfil the condition of looking after those animals during the famine period and returning them to the owners at the same prices. In this connection I may submit that in September last Government announced their decision to discontinue the concentration camps and instead of selling the cows to the same zamindars placed them in the market for sale. Even the deputy commissioner issued letters to well-to-do persons residing outside Hissar to come and purchase these cows. I am fully aware of those persons who utilised this offer. It would not be out of place to mention here that those very responsible persons who were loud in their professions that the breeding cows of Hissar must be preserved from falling into the hands of outsiders, in the end themselves decided to dispose of these animals. I would request the Honourable Premier to send for the list of those persons who have purchased those cows. It would be quite evident from the list that cows had been sold either to the officers who had supervised the famine works or to their relations or friends. At the same time the list would speak of the honesty of the officers who are at the helm of affairs in respect of famine works. I am, therefore, of the opinion that these facts clearly show that most of the money provided by Government for which they are claiming so much credit has been wasted or improperly used and the zamindars have not been able to get benefit of this provision to the fullest extent. In view of these considerations I have been obliged to move this cut motion and I hope the House would agree to it.

Mr. Speaker : Demand under consideration, motion moved is—

That the item of Rs. 21,050 on account of Pay of Officers be reduced by Rs. 21,049.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (Urdu) : Sir, I rise to support the cut motion now before the House. I would like to point out to the honourable members why incompetent and inefficient officers have been appointed there and why it is that Government do not want to take notice of this fact. But before doing that I may submit that in this august House there are two sorts of honourable members, firstly, those who have no control over their tongue as the Honourable

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Premier has often pointed out; and secondly, those who have a control over their tongue but have no hold over their conscience. But fortunately you, Sir, being above party politics, possess control both over your tongue as well as your conscience. Now, whenever we speak out the plain truth on the floor of the House, the Honourable Premier gets up and more often than not uses such expressions as "He has the audacity, he has the temerity, he has the hardihood to say" and so on. But I may point out that we are not going to be cowed down by such remarks.

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

Premier : If the honourable member has the courage, he should give this to me in writing; I shall make inquiries. But apparently my friend has not the courage to do so.

Chaudhri Muhammad Hasan : I know it is you who have not the courage. Sir, my honourable friend is in the habit of trying to intimidate members sitting on these benches but I assure him that we will not be browbeaten.

Premier : Sir, I strongly protest against this insinuation. My honourable friend is making this insinuation with immunity only in this House. I should like him to say this outside this House so that an opportunity is given to the officer to vindicate himself.

Chaudhri Muhammad Hasan : Should I say that the Honourable Premier has inherited his policy of perpetuating corruption and slavery? But I am not one of those who believe in the saying—'Fathers ate the sour grapes and sons' teeth were set on ache'.

Premier : On a point of order. I want your ruling whether my honourable friend has a right to make an insinuation against a highly respectable officer, an officer whose reputation in this province is known in every district and to every man and child?

Sardar Sohan Singh Josh : Is this a point of order or a speech?

Premier : My honourable friend has made an insinuation against an officer whose reputation is of the highest. But he always makes insinuations only against honest officers and not against dishonest officers.

Mr. Deputy Speaker : The honourable member has no right to make defamatory statements against a Government official because the character of a Government official can be impugned only by means of a substantive motion.

Diwan Chaman Lall : On a point of order. May I ask your ruling in regard to this matter? I am not going into the merits of the case, because I do not know anything about its merits. I personally hold that it is undesirable that any statement of this kind should be made on the floor of this House either by my honourable friend's party or by my party. I consider that it is undesirable. All that I am asking is under what rule of procedure or fiat of the Speaker do you hold that this particular matter is out of order. It is undesirable, I quite admit; but how is it out of order?

Chaudhri Muhammad Hasan : Sir, if you refer to the words of the cut motion you will see that I have been permitted therein to bring under discussion the inefficiency and incompetency of the officer. My point is that this officer is indifferent to his duty. This is perhaps due to the fact that the Premier above him is also indifferent. The officer knows that if a report is made against him it will go to the Premier, he will refer it to his Secretary, Mir Maqbool Mahmood, and this gentleman as we all know is singularly indifferent. At least I know him since 1918. He is the last person to care for facts. He will at once say that the officer is an able, honest and most efficient man without taking the trouble of making inquiries. In these circumstances, how can that officer mend his ways?

Much stress has been laid on the officer's being a fodder expert. Yes, he is an expert in the sense that he knows about nothing but *bhusa*. He never takes the trouble of considering that what is most essential for the health of cows and buffaloes is *dana* and not *bhusa* alone. My point is that the officer in spite of his getting 25 hundred rupees per month is not doing any useful work. But my honourable friend the Premier tries to exonerate him.

Premier : Sir, it is indeed shameful to suggest that the officer is dishonest although he is an honest gentleman.

Chaudhri Muhammad Hasan : I have facts to show that the Honourable Premier has all along been busy showing favours to that officer. I want to uphold the honour of the Premier but unfortunately he has no control over his tongue. The other day he used the word "*la'nti*" in connection with Chaudhri Afzal Haq and he knows it too well what he had to hear in return. I for one am a defender of his honour, but he himself is out to land himself in trouble. I cannot help him.

Sir, I was saying that either the establishment under this officer does not carry out his instructions or he himself deliberately shuts his eyes against his subordinates' misdoings. A very respectable and reliable gentleman, Mr. Hardev Sahai, who is the secretary of the unofficial relief committee made the allegations that Government officials took bribes. How can I reject the statement of this responsible gentleman as totally baseless. He is a resident of the locality. His statement cannot be brushed aside as untrue without proving that it is not true. We have thrown out a challenge to Government to hold an enquiry. If my honourable friend has the moral courage he should at once reach the spot and make enquiries. Is it not a fact for instance that cases under sections 409 and 161 were instituted against Government officials working there and they had to be dismissed? Is it possible that cases are instituted without strong reasons to believe that officials had been guilty of corruption and dishonesty? I have, therefore, to suggest that an enquiry be made into the work of this officer in order to see if the allegations of incompetency and inefficiency against this officer are true or not. It is a fact that the area under cultivation in Hissar has been reduced due to the inefficiency of this officer. Another proof of this officer's incompetency and tactlessness was that he sent cows and buffaloes to the neighbouring province. The result has been that this province has been drained of a fine breed. The zamindars in the neighbouring province

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have become rich and the people of the Hissar district have been impoverished. This officer ought to have tried to retain those in the province. These things show that the province is not benefiting from the services of this officer to the extent to which it has to bear the burden of his big salary.

My honourable friend Chaudhri Sir Chhotu Ram said that taccavi was a great help to the famine-stricken people. But he forgets the fact that whereas the zamindars' lands are safe from attachment in satisfaction of the debts owed to the sahukars no such facility exists in the case of debts owed to Government. If he is not able to pay up his debts to Government his lands may be promptly put up for auction. Is this a service to the famine-stricken zamindars? Then the land revenue has not been remitted. It has only been postponed. More burden, therefore, has been piled upon the weak shoulders of the poor zamindars. I am sure that the zamindars in the famine-stricken areas will not be thankful to the Government when they know that their burden has not been lightened but addition has been made to it.

Then, should we think that this officer does not care a twopence for the instructions of the Ministers? If that is so, he ought not to have been retained in service. If the Honourable Premier wishes to benefit him there are so many ways open to him. For instance, he may be sent to Patiala (*Laughter*). If he is allowed to remain in Hissar he will waste a lot of money of the province.

The Honourable Premier cannot deny his responsibility in the matter, and since, as has been remarked by the Honourable Minister of Revenue, the Government is working on the principle of joint responsibility the whole Government is to blame for this state of affairs. If the money spent in the famine area is not being disbursed properly for the benefit of deserving persons you cannot say that there is nothing wrong with the administration and those responsible for running it.

Then I wish to draw your attention to another side of the activities of this officer which throws a flood of light on his much advertised capability and efficiency. You will remember, Sir, that a number of cattle were received in the concentration camps and it was said at the time that they would be returned to their owners or other approved persons without any charge. But my honourable friends Chaudhri Sahib Ram and Rai Sahib Chaudhri Het Ram will bear me out that instead of being returned to their owners these cows have been sold to Government officials at nominal prices. This is what the Government said :—

The Punjab Government have decided to close the Cattle Concentration Camps in Hissar. Most of the cattle which were concentrated in these camps and fed at Government expense during the worst part of the famine in Hissar have already been restored to their owners. Regarding the rest which have not yet been claimed by anybody, it was represented by the Deputy Commissioner of Hissar that their disposal by public auction would be inadvisable for several reasons. After considering the case Government have decided to authorise local officers to make arrangements to give these unclaimed cattle free of charge to cattle breeding societies or other approved persons who might desire to have them.

Now, may I enquire whether cattle breeding societies or 'other approved persons' and the Government officials to whom these cattle have been sold are one and the same thing? Is this the capability and efficiency of which we hear so much in season and out of season?

Premier : Sir, may I draw your attention to rule 68? The honourable member is trying to defame a responsible and honest officer without any rhyme or reason. The officer in question has nothing to do with the concentration camps. Rule 68 (2) (iii) lays down that a member while speaking shall not—

Utter treasonable or defamatory words or make use of offensive expressions.

Chaudhri Muhammad Hasan : I am not attacking his honesty or using any defamatory expression against him. I am only criticising his incapability and inefficiency.

Diwan Chaman Lall : One word with regard to this rule 68. You will find that the word "defamatory" is immediately after the word "treasonable" and these words fall within section 121-A of the Indian Penal Code and section 124-A of the Indian Penal Code. An honourable member of this House can criticise the character or conduct of an official in his public capacity. I will refer to rule 20 (9). It definitely states that a question can be put with regard to the acts done by an official in his official or public capacity and that no question can be put reflecting on the private conduct or character of an official. In discussing the conduct or character of an official no treasonable or seditious expressions should be uttered. But here we are not prevented or debarred from discussing the conduct or character of an official in his public or official capacity. If an honourable member criticises the public or official character or conduct of an official, that is no defamation at all. The Honourable Premier wants to prevent us from doing our duty. The House will be prevented and debarred from conducting its business. That the discussion of the public or official character or conduct of an official appointed by this Government is desirable or not, is a different matter altogether. Will the Honourable Premier point out any rule of procedure which prevents the discussion of the conduct or character of an official in his public or official capacity?

Premier : An honourable member can say anything against any official in this House with impunity and no court of law can take action against him. There have been very few instances in the House of Commons where the conduct or character of an official has been criticised. When an honourable member has criticised the conduct of an official, he has also criticised it simultaneously outside the House, in order to enable the official so attacked or criticised to vindicate his position by filing a suit in a court of law. If the honourable member is prepared to do so, he is quite welcome to say whatever he likes in this House.

Chaudhri Muhammad Hasan : I am quite prepared to do it, if the Honourable the Premier undertakes to make an enquiry.

Diwan Chaman Lall : We are not defaming anybody. We simply want to criticise the public or official conduct or character of an official. This House is the supreme body in this province and is above all the law courts and no honourable member can be debarred or prevented from

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discussing the official conduct of an official appointed by my honourable friend's Government. Suppose an official has misbehaved in his official or public capacity in the constituency of my honourable friend, is it not his duty, as a representative of that constituency, to have the conduct or character of that official discussed on the floor of this House? Nothing can debar him from doing that. If in laying those grievances before this House the conduct or character of any official is impugned, then my honourable friend is well within his rights to impugn them.

Premier : My honourable friend is again talking theory. Let me make it clear that if he wants to ventilate the grievances of any of his constituents it is his duty first of all to make sure and satisfy himself that those allegations are correct and he must take responsibility for that statement. That is why I gave an instance of Parliament that where on very rare occasions the public policy of an official was challenged in Parliament, it was done outside the Parliament also so as to give an opportunity to the official concerned to retaliate and vindicate his position. My honourable friend is perfectly aware that we can abuse anybody in this House. My honourable friend may consider somebody to be most honest in this province and yet if some irresponsible member or dishonest member, if I may say so, wants to defame him on account of some grudge, he can do so on the floor of the House because he is immune in this House from any trouble, but what I say is that it is only gentlemanly that the same charge should be repeated outside this House. When a charge of this nature is made in Parliament, it is simultaneously made outside the House as well to give the person concerned a chance to vindicate his position so that he may be able to bring action against the member concerned for the defamatory language used.

Diwan Chaman Lal : This is a most extraordinary position. Here we have certain immunities and privileges which are enjoyed on the floor of this House. My honourable friend cannot compel me to give up those immunities and privileges merely by challenging me to repeat outside what I want to say here. My honourable friend has thrown out a challenge and I am sure he will accept my honourable friend's challenge which has nothing whatever to do with his right to impugn the public character or conduct of any official on the floor of the House but I have not the slightest doubt that my honourable friend will take up my honourable friend's challenge and repeat whatever he is saying here outside the Chamber if my honourable friend so wishes. But may I say this much, is it not my honourable friend's duty, when such matters are brought to his notice, that instead of asking my honourable friend to go outside and repeat the allegation, he should take up that matter, institute an enquiry and find out the truth or otherwise of the charges that have been made? That is the reason why we are here. If on every occasion we are to be asked by my honourable friend, "You are not to ventilate your grievances here unless you are prepared to go outside and ventilate them also" (*Laughter*) then it would be stultifying the business of this House altogether. Then I would ask, why hold meetings here and why not hold meetings in Mori Gate? (*Laughter*.)

Premier : That is the proper place for those gentlemen.

Diwan Chaman Lall : Certain privileges have been conferred upon us by virtue of the Government of India Act. Those privileges do not prevent us from bringing into the discussion the character of any official in his official capacity. I refer to rule 20 (9) regarding questions to be put.

It says—

"(9) It must not refer to the character or conduct of any person except in his official or public capacity, nor the character or conduct of any person which can be challenged only on a substantive motion ;"

Who are the persons whose character can be challenged on a substantive motion? They are my six honourable friends who are sitting over there. If I want to challenge them in regard to these matters, I must first of all bring in a substantive motion, namely, a motion of no-confidence, but it does not follow that I have to bring a motion of no-confidence against every official whose character or conduct officially I am bringing forward for discussion on the floor of the House? It would be an absurdity, it would be robbing us of our right to ventilate public grievances if the restriction that my honourable friend wants is to be placed on debates on the floor of this House.

Premier : My honourable friend is trying to confuse the issue by his eloquence. Let me tell him that it is the privilege of a member of this House to ventilate the grievances, to criticise the character, the work or attitude of any public servant but it does not mean that we should defame any person. My honourable friend has cleverly cited to you the rule concerning questions, but in a question you cannot make a defamatory statement which you can in a debate. My honourable friend has again over-looked rule 20 (6) which is—

"(6) It shall not contain arguments, inferences, ironical expressions or defamatory statements ;"

The rule is quite clear on the subject. If my honourable friend wants to impeach him, it is right that he should go outside as well, he should go to Mori Gate, as was said, and there address these remarks with regard to an official and call him by any name so that that official may be able to vindicate his position and if he does not vindicate his position—I will force him to do so—then I will hold an enquiry into his character. On the other hand he can go to a court of law and fight against those defamatory expressions and if they prove false, then he will have the opportunity of getting hold of my honourable friend. That is my point at issue. I think every one will agree with me that one should not criticise the conduct of a Government servant in that manner. By all means do so, but you cannot make defamatory statements. If my honourable friend will look at the parliamentary debates he will find that on rare occasions when it was done there, the member simultaneously repeated those remarks outside the House so as to give an opportunity to the party concerned to sue him if it wanted.

Diwan Chaman Lall : My honourable friend says that no defamatory statements are to be made. May I ask if an officer can write on the character sheet of an official that he is inefficient? If he can write this word that he is

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inefficient, then why can my honourable friend here, representing his constituency, not mention on the floor of this House that a particular official is inefficient? The charge that he is making is of inefficiency and incompetency. If that is the charge he is making, how is that charge a defamatory charge as far as the official position of the person is concerned? May I submit that whatever my honourable friend says he may say in a manner which my honourable friend may not like, he may say in a manner which I may not like but the fact is that he is pointing out the inefficiency of a certain type of official and he cannot be debarred from stating those facts on the floor of this House and I do suggest to my honourable friend that the custodian of those officials who are badly dealt with by my honourable friend is the Premier. He has the right of reply. He will put right whatever wrong constructions may have been put on the deeds of certain officials who are being criticised. Therefore, a debate will put matters right where matters can be put right but to say that my honourable friend will be prevented altogether from mentioning the inefficiency or the incompetency of an official because there is a rule to the effect that defamatory statements are not to be made, is not correct. This is not defamation. This is criticism of the conduct of the administration. My honourable friend is criticising the administration and in doing that he is naturally criticising the officials concerned with that administration. Surely, my honourable friend would agree with me that he was within his rights.

Premier : My honourable friend talks of incompetency and inefficiency. He has, I think, deliberately kept out the word dishonesty. (*An honourable member :* This is absolutely wrong.) The gentleman here has charged that officer with being dishonest. That is where I object that that is defamatory language and we should not use such defamatory language because purely from moral and gentlemanly point of view it is not right to take advantage of privileges in this House and call everybody blacksheep and dishonest when it cannot be proved outside. That is my point.

Dr. Shaikh Muhammad Alam : I am afraid we are drifting into a very irrelevant discussion altogether. What is the procedure of the Parliament and what should be done by my honourable friend if he is going to charge the public character of an official is not the question. The question before you is the objection. The objection which is taken is taken under rule 68 where the word used is 'defamatory', that is, a speech of a defamatory character would not be allowed to be made in this House. My honourable friend, the Premier has adopted a very queer position of defining the word 'defamatory' and it is this. He says that if you say anything here against the public conduct of an official you should say it outside also, that is, by saying it outside you take it out from the category of defamation altogether. (*Premier :* No.) Yes, certainly. If you say anything here you must say it outside also, otherwise in his opinion it amounts to defamation, implying thereby that you can say a thing in this House provided you take the responsibility of repeating it outside also. That is not the rule. The word 'defamation' has to be given a meaning independently of the fact whether it is repeated outside or not or whether the responsibility to repeat it outside is taken or not. If it is defamation it is defamation. If the

responsibility to repeat it outside is denied and in fact it is not defamation, then it is not defamation. My honourable friend, the Premier, will, I think, have the advantage of looking to the exceptions to the law of defamation in the Indian Penal Code as to what is defamation and what is not defamation. It is certainly for your consideration, Mr. Deputy Speaker, whether to criticise the public character of an official is not defamation even according to the Statutory Law and independently of the fact whether it is undertaken to be repeated outside or not. It does not affect the meaning of defamation. I submit that while giving the meaning to the word 'defamation' you will only consider whether to criticise the public function of a public official as defamation or not. Certainly, I hope you will not call it defamation.

Premier : My honourable friend has interpreted the word 'defamation' with his legal luminary—

Pandit Shri Ram Sharma : On a point of order.

Mr. Deputy Speaker : Order, order.

Premier : The gist of the honourable member's speech is that defamation which is defamation here is also defamation outside. That is what I gather from his speech. I may point out to him that that is the reason why defamatory words have been excluded so far as the debate in this House is concerned, because if you utter a defamatory word outside you have not got that immunity outside which—(Interruptions).

Pandit Bhagat Ram Sharma : On a point of order, Sir. (Voices from the Treasury Benches : Order, order.)

Pandit Bhagat Ram Sharma : I can certainly raise a point of order. I want your ruling on this point, whether—

Mr. Deputy Speaker : Order, order. A point of order is already being discussed.

Pandit Bhagat Ram Sharma : How many speeches by one member can be allowed on one point of order ?

Premier : Same number of speeches as have been made by the other side and no more. I am not speaking more than once.

Mr. Deputy Speaker : The same leniency was shown to the Opposition also.

Premier : My honourable friend was arguing that what is defamation inside the House is also defamation outside the House. I agree and that is the reason why the word 'defamation' in this House has been excluded. The honourable member is precluded from expressing any defamatory words. Why ? Because in this House you have got an immunity to say certain things which you cannot utter outside. If my honourable friend utters a defamatory word or expression outside this House against any person or official, he can sue him in a court. That is why this thing has been specifically excluded here. My honourable friend is immuned from saying several things here. (A voice : Prohibited.) That is why I say that you cannot utter a defamatory language because your speeches are privileged in this House.

Dr. Sir Gokul Chand Narang : Defamation is not a privilege.

Premier : It is. No court can take action on anything said within this House.

Mr. Deputy Speaker : The honourable member may attack the incompetency of the officer or his inefficiency and may say those things which are absolutely necessary to press that point. But the real thing is that the level of the debate should not be lowered and the language should not be wantonly defamatory. (*Hear, hear, from the Treasury Benches*).

Dr. Sir Gokul Chand Narang : May I say just one word? I am not concerned with the merits of the case. The gentleman, whom the Premier has been trying to defend, is a personal friend of mine. I am going to say these words absolutely from an impersonal point of view. I would suggest to my honourable friend just to consult the Indian Penal Code and see whether it is defamation to criticise the public conduct of an officer. I would just draw the attention of this House and particularly of the Premier to the first exception to section 499 of the Indian Penal Code. It says :—

“ It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.”

Then, the second exception says :—

“ It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.”

So, the very basis of the point of order raised by the Premier totally disappears.

Premier : Mark the words, ‘in good faith’.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Would you allow me to say a few words?

Dr. Shaikh Muhammad Alam : This is after your ruling. You have no right to allow anybody to speak even for a minute.

Mr. Deputy Speaker : The discussion is closed now. (*Hear, hear, from the Opposition Benches*).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Sir, I rise on a point of order and it is this that unfortunately an absolutely wrong interpretation is being put on the word ‘defamatory’.

Diwan Chaman Lall : We cannot allow such an abuse of the rules of this House.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I am astonished to see that my honourable friend, Dr. Sir Gokul Chand Narang, has put a wrong interpretation on the word ‘defamatory’. My submission is that the word ‘defamatory’ here means that such words, which would be defamatory in their nature, should not be used. (*Voices*. Is it a point of order?)

Mr. Deputy Speaker : It is no point of order. (*Hear, hear, from the Opposition Benches*). Dr. Sir Gokul Chand Narang said that the word ‘defamatory’ is used here in the Penal Code sense. In my opinion this word is used here in its general sense and not in the Penal Code sense. The object is that the word used should not be defamatory or offensive. It is in that sense that the word ‘defamatory’ is used and not in the legal sense.

Chaudhri Muhammad Hasan : Sir, I fail to understand as to what was the matter which led the Honourable Premier to misunderstand me. I have not used any words which can create any misunderstanding. Now I do not propose to take any more time of the House, but before concluding my speech I would like to read out a quotation from an Urdu appeal issued by the Secretary of Congress Committee, Hissar district. It is as follows:—

قحط کی مصیبت پچھلے سال سے بہت زیادہ ہے۔ امداد زیادہ کرنی چاہئے
تھی پڑھے پچھلے سال سے نصف۔ پچھلے سال ۳۱ امدادی کام اور ان پر کام
کرنے والوں کی تعداد ۲ لاکھ سے بھی زیادہ تھی۔ کائے کیسپ کے علاوہ چارہ
تقاویٰ ملنے والے مریشیوں کی تعداد ۷۰ ہزار تک پہنچ گئی۔ ۱۳ سال صرف ۱۳
امدادی کام ہیں جنکا فاصلہ بہت زیادہ ہونے کے کارن لوگ پہنچ نہیں
سکتے۔ اس لئے تعداد صرف ۴۵ ہزار ہے۔ پچھلے سال پندرہ سیر کا اناج ہوتے
ہوئے بھی دو آنہ یومیہ مزدوری تھی۔ اب بارہ سیر کا ہے پھر مزدوری کم
کر کے ڈیڑھ آنہ کر دی گئی ہے۔ کائے کیسپ توڑ دیا گیا۔ تقاویٰ چارہ ملنے والے
مریشیوں کی تعداد صرف ۳۰ ہزار ہے۔ آبیانہ و معاملہ اراضی کی معافی کا
اعلان پہلے ۷ اکتوبر کو ہو ہی چکا تھا پر اس سال اب تک کوئی فیصلہ نہیں
بلکہ کئی گاؤں میں پچھلی فصل کے آبیانہ کی وصولی کی بھی تیاری ہو
رہی ہے۔ اس قحط میں سوکار کی سون مہری اور محدود مدد کو دیکھ کر لوگ
مایوس ہو گئے ہیں اور یہ عام خیال ہے کہ پچھلے سال بھی سوکار نے جو کچھ
کیا وہ کانگرس کی وجہ سے کیا۔ اگر از خود فرض سمجھکر امداد کرتی تو کم از کم
سال جتنا کام تو جاری رکھتی۔

In short my statements are corroborated by this appeal. I do not know why the Honourable Premier became so very restive. I did not say anything which was contrary to facts. I hope now my honourable friend Pandit Shri Ram Sharma will throw a flood of light on these matters. With these words I resume my seat.

Raja Ghazanfar Ali Khan (Parliamentary Secretary) (Urdu) : Sir, I think if my honourable friend Chaudhri Muhammad Hasan in the course of his speech had not emphatically stated one sentence, I would not have felt any hesitation in saying that such an unpleasant speech had never been delivered on the floor of the House before. That sentence was that in the year 1913 when he was studying in the college he used to be a member of the mock parliament. Now the trouble is that after the passing of so many years he has not been able to shake off that indelible impression made on him at that time that he is no longer a member of that mock parliament but instead is a member of this honourable House.

Chaudhri Krishna Gopal Dutt : Ye bhi mock parliament hai.

Khan Bahadur Nawab Muzaffar Khan : I strongly object to the words used against this honourable House that it is a mock parliament. I strongly object and request you to ask the honourable member to withdraw them. He is insulting the whole House.

Mr. Deputy Speaker : I would request the honourable member to have the courage to withdraw them.

Dr. Gopi Chand Bhargava : What is offensive in it if he describes the working of it as that of a mock parliament?

Khan Bahadur Nawab Muzaffar Khan : I am sorry the Leader of the Opposition should misinterpret it.

Dr. Gopi Chand Bhargava : I am not misinterpreting it. I am only interpreting what it means.

Chaudhri Krishna Gopal Dutt : What I said was—*Ye bhi mock parliament hai*. I used these words in a lighter mood. If you wish me to withdraw then I am prepared to withdraw. If you hold that this House lacks in sense of humour I am prepared to withdraw them.

Pandit Shri Ram Sharma : As compared to the mother of Parliaments, is not this House a mock parliament?

Raja Ghazanfar Ali Khan (Urdu) : I am extremely sorry to remark that it has become a habit with some of my honourable friends over there that as soon as any honourable member from this side of the House rises to make a speech, they on one pretext or the other try to obstruct or interrupt him. Now, Sir, after hearing the speeches which have been so far delivered on the floor of the House from the Opposition benches, any fair-minded person cannot but conclude that the Opposition party has decided once for all to oppose each and every suggestion, proposal and measure sponsored by Government however useful it may be. (*Voices : Question.*) To-day some of my honourable friends delivered speeches in connection with demand No. 1 and objected to the taking in hand of the Thal project. (*Voices : How is it relevant?*) The question now before the House is as to why the Government has so generously and magnanimously spent large sums of money for providing relief to the famine-stricken people. In this connection I may point out that I cannot deny the fact that in view of this unforeseen calamity when the Government was called upon to spend lakhs of rupees without giving a moment's reflection it was impossible for them to pause and take measures side by side to check the defects that may have crept in the working of famine relief works and to which pointed reference has been made by my honourable friends over there. Unfortunately when the famine conditions appeared in the Hissar district the Government was taken as if by surprise and had not sufficient time at their disposal to make a selection of officers for employment on famine relief duty. When they saw that a great calamity had befallen the people their first and foremost duty was to hurry to the aid of the stricken people and try to save them from the jaws of that awful calamity. Similarly, the first thing which the Government did was that they began to send money post haste to the famished people. And the Commissioner sent whatever officers were available, which included amongst them, tahsildar naib-tahsildar and excise sub-inspector candidates, to the Hissar district, so that whatever relief work

was to be done should be done under the very eyes of such responsible officers who were expected to do their duty honestly. I may also point out that in view of the past experience Government is however taking steps to see that in future corruption if not rooted out totally should be reduced to its minimum in this district. Besides, the Government have appointed the Fodder Adviser in the person of Khan Bahadur Maulvi Fateh Din who has no equal as all those who know him will bear me out, in integrity, honesty and sympathy towards men and animals alike. (*Hear, hear.*) I have been pained to see that instead of encouraging him and paying a tribute to him he is being defamed and traduced. He is a type of officer who in bitterest winter seasons, which in my opinion are unbearable for ordinary people, not only toured every nook and corner of the Punjab, but also went to the United Provinces and the Central Provinces for procuring fodder. And after working days and nights on end he proposed best stations for the importation of fodder. In view of these facts I am constrained to remark that only those members will have the heart to make allegations against him who absolutely feel no responsibility as members of this House. I am confident that there is none amongst us who is so irresponsible as to calumny this officer.

Lala Duni Chand : May I know from the honourable member whether he is not running a risk in so far as he is bestowing so many certificates on this officer when he has been challenged on this side? He is not really as honest as Government has tried to make out. Is it not very improper? It will give him a handle and he will use these certificates bestowed on him in order to carry out his activities.

Raja Ghazanfar Ali Khan : Sir, I cannot tolerate that undue advantage should be taken of your leniency. I gave way to my honourable friend under the impression that he would raise some important and a reasonable point of order. If I knew that he would make a frivolous short speech I would certainly have not given way. But I am of the opinion that so far as the Opposition is concerned, it has made it a point to hurl accusations in season and out of season at the Government as well as its officers. I think it should be a matter of gratification for the honourable members on this side of the House to see that the Opposition has exhausted all its reasonable criticism and is now resorting to meaningless objections. As a matter of fact my honourable friends over there have excessively indulged in misrepresenting facts and my friend Chaudhri Muhammad Hasan remarked that the Government has made no remissions worth the name in respect of land revenue and abiana, but had only suspended the realization of Government dues. I am of the opinion that when my honourable friend was distorting the facts it was the duty of the Opposition to ask him to refrain from indulging in making mis-statements.

Chaudhri Muhammad Hasan : I never said that. Probably the honourable member was sleeping.

Premier : My honourable friend is always in the habit of saying things which he would afterwards deny having said.

Raja Ghazanfar Ali Khan : It appears that my honourable friend was so much engrossed in making mis-statements that he did not realise what he was saying. I may tell the honourable members that Government

[Raja Ghazanfar Ali Khan.]

made remissions in abiana to the extent of Rs. 15,22,778. (*Interruptions.*) I am not giving figures regarding suspensions. These figures relate to remissions only. Well, Sir, land revenue to the extent of Rs. 6,20,778 was totally remitted. Now in view of this may I ask if the Opposition is justified in criticising the Government that has afforded relief to the extent of Rs. 1,92,32,626 to the famine-stricken people of one district alone during such a short period ?

Pandit Shri Ram Sharma : May I know if the Government has also given free hand for misappropriations and embezzlements ?

Raja Ghazanfar Ali Khan : Not at all. But so far as corruption or embezzlement is concerned, unfortunately the persons working in the famine area are the kith and kin of my honourable friend. (*Loud applause.*) I may point out that Government are fully alive to the need for maintaining the standard of efficiency and honesty required of the officers working there and they are satisfied that the latter are doing their best in the discharge of their duties. It would not be out of place to mention here that at the outbreak of famine Government at once deputed an Assistant Commissioner to the districts of Hissar, Gurgaon and Rohtak. They also appointed an Extra Assistant Commissioner for each of these districts to carry out famine relief measures. In this connection I may also mention the fact that no officer below the rank of a tahsildar or a naib-tahsildar was put in charge of fodder dumps. Besides, these officers have been going round the areas under their jurisdiction without first informing the subordinates of their intention to inspect the account registers in order to see that the entries made in regard to the persons to whom fodder was issued, were correct or bogus. I may also add for the information of the honourable members that in Hissar district alone no less than 64 clerks were dismissed for corruption. I see that my honourable friends opposite are laughing at this piece of information. I know full well that they would have jeered at us if we had not removed these corrupt clerks. Now if the Government can dismiss 64 clerks on the ground of corruption, it means that the officers working there are wide awake to their responsibilities. I may also mention that an officer who was working in the famine-stricken area has been proceeded against for an offence in a criminal court. Besides, Government have issued instructions that the persons guilty of corruption should not only be punished with dismissal from service but also they should be hauled up before a court of law to stand their trial.

It is a pity that in our country, specially in our own province there are certain people who are always out to grind their own axe, no matter, however, great the calamity may be. These people always endeavour to utilise such opportunities for their personal ends. But it appears that the Fodder Adviser has antagonised the people of this type, because he has not permitted such persons to make huge profits by taking advantage of the famine conditions (*Hear, hear*). I am of the opinion that it is the imperative duty of the Government to encourage such officers who do not allow dishonest persons to have their way. Besides, I may tell the honourable members that on reading the report of the Deputy Commissioner, I find that certain persons including Congressmen have alleged that corruption is rampant among the officers who are said to have distributed taccavi

of fodder amongst well-to-do persons. As a matter of fact Government always welcome such complaints if they are made honestly. It is interesting to note that when the Deputy Commissioner enquired of these gentlemen the names of those persons who got the taccavi, they gave evasive replies. I am pained to say that even a responsible person like the secretary of a Congress committee was among the persons who made such vague allegations and refused to furnish the names of the persons who were alleged to have been unduly favoured by the Fodder Adviser or other officers.

Pandit Shri Ram Sharma : May I know if the Parliamentary Secretary is reading a chapter from a tale? Will he kindly state the district to which this incident relates?

Raja Ghazanfar Ali Khan : It is no wonder a tale. The report which I quoted is very old and antiquated as it had been received only 13 or 14 days ago.

Diwan Chaman Lall : May I ask my honourable friend to give us the name of the Congress Secretary?

Raja Ghazanfar Ali Khan : Hardev Sahai.

Diwan Chaman Lall : Where did my honourable friend get the information from, that Mr. Hardev Sahai refused to furnish the information to my honourable friend in view of the poster and pamphlet that I hold in my hand in which the entire information has been given? The charge that my honourable friend is making is equally applicable to my honourable friend for getting hold of frivolous information and passing it as genuine information to this House.

Raja Ghazanfar Ali Khan : I would read out for the benefit of the honourable members of this House just a few lines from the report of the Deputy Commissioner—

"Lala Hardev Sahai, the Secretary of the Hissar Congress Committee, came to see me some days ago and we had a lengthy conversation. He told me that a great well-to-do people who do not need it, are receiving fodder taccavi; he could, however, give me no names though I understand he may do so later. To my request for the names of the well-to-do people whom he also asserted to be on the gratuitous relief lists, he was again only able to say that he would try to find out names and send them to me."

Diwan Chaman Lall : That shows his decency.

Raja Ghazanfar Ali Khan : That shows the extent to which importance should be attached to the complaints made by those persons who claim to be very responsible but who do not disclose the names of the persons concerned at the time of the inquiry.

Another objection, Mr. Deputy Speaker, that has been levelled against the Government is that a very large amount of famine relief fund is being spent on the official staff and a small margin is given to the famine-stricken people of Hissar. I may be allowed to mention for the information of the critics that the total amount spent in connection with famine during 1938-39 was 52,86,801 rupees while the sum spent by way of salaries of the staff amounted only to .8 per cent of this total expenditure. Again, in 1938-39 the total expenditure was 64,66,711 rupees and the salary of the staff employed was only 1,20,000 rupees, that is 1.8 per cent. of the whole expenditure.

[Raja Ghazanfar Ali Khan.]

Now the House will note that in the villages the lambardars receive 5 per cent. of the land revenue that they recover from the zamindars. In comparison to that, the salary of the famine relief staff is insignificant because it is only 1·8 per cent. of the total expenditure.

Now let us see what happened to the cattle of Hissar during the famine. I am sorry to observe in this connection that the honourable mover of the cut has thought it fit to level objections against the Government without making sure of the information on which his criticism was based. As a matter of fact, the protection of the fine cattle breed of Hissar is one of the very few things of which the Government is really proud. Before the Government had taken full charge of the matter, a very large number of cattle had been taken over into the United Provinces on the advice of some honourable members of the Opposition. But it is a thousand pities that even 10 per cent. of those cattle have not come back into the Punjab while about nine thousand cattle, out of those bought by the Punjab Government have been returned to the original owners who applied to them saying that they were now able to maintain their cattle. It is wrong, therefore, that the Punjab Government have sold away the fine cattle breed of Hissar. It will be interesting to note here some of the misstatements made by my honourable friends sitting on the Opposition benches. For instance, my honourable friend Chaudhri Muhammad Hasan was pleased to say that 184,000 maunds of *bhusa* was swept away by a wind storm. This is clearly a wild statement to make. It is possible of course that an ounce of *bhusa* might have found its way into the brains of the honourable member himself.

Chaudhri Muhammad Hasan : The Parliamentary Secretary may enquire from my honourable friend Chaudhri Sahib Ram.

Raja Ghazanfar Ali Khan : And you are only a gramophone record of his! (*Laughter.*)

Chaudhri Muhammad Hasan : Just as you are His Master's Voice (*Laughter.*)

Raja Ghazanfar Ali Khan : One thing, however, is clear that the furious speech of my honourable friend was based on hearsay only and not on any personal knowledge. With such a limited knowledge he was not expected to express any better opinion of the Fodder Expert. Indeed if he had expressed a different opinion, I would have been very much surprised.

Pandit Shri Ram Sharma : I can also say that a report about *bhusa* having been swept away by a wind storm did reach us.

Raja Ghazanfar Ali Khan : It is possible that the honourable member had received such a report. But I may inform him that only reasonable reports are sent to the Government because our subordinate officers realise that unreasonable reports made by them would not be appreciated by the Government. I am, however, glad to observe that although the honourable member hails from the district of Ludhiana yet he has had enough moral courage to confess on the floor of this House that his statement was based on hearsay only. (*Laughter.*)

Premier : Present company is always excepted, of course.

Diwan Chaman Lall : Is it a reflection on the Chair, Sir?

Raja Ghazanfar Ali Khan : Mr. Deputy Speaker, I have not the slightest hesitation in taking back these words and I withdraw them forthwith. In fact I forgot for the moment as to who else hailed from the same district.

Minister of Education : Perhaps the honourable member looked to the other side only.

Raja Ghazanfar Ali Khan : I am glad that the honourable member has proved his moral courage by admitting that his information was not based on any personal knowledge. He merely stated what he had heard from somebody else. It is really sad that the honourable members of the Opposition do not see before allowing some one to speak on a motion as to whether he is in possession of the necessary information about the subject matter of the debate or not. It is clear, therefore, that the verdict of the Opposition about the inefficiency or incompetence of the Fodder Expert was not based on facts but on expediency alone. The officer in question must have displeased some interested person in the honest discharge of his duties.

One word more and I have done. May I ask the Opposition as to what steps the Government have failed to take that were necessary for the protection of the famine-stricken area of Hissar? After all famine is a natural calamity and is not the result of any human agency. It is sent by the Almighty. It has visited Hissar to-day, and it may visit, God forbid, any other district to-morrow. It is well known to the Government that whenever rain fails in a *barani* area, famine does come in. It has been so in the past, at least. *Lala Bhagat Ram Choda :* It is you people who are the cause of the failure of rains in the province). I would only appeal to the sense of justice of the Opposition. My honourable friend Pandit Shri Ram Sharma who day in and day out keeps up harping upon the sad fact of famine in Hissar, would do well to remember that famines have been visiting this country even before. Now fairness demands that he should recollect what measures used to be taken by the previous Government and then compare them with the steps taken by the present Unionist Ministry in connection with the famine of Hissar. A comparison of this nature will really convince him of the fact that there is a tremendous difference between the attitude of the previous Governments and that of the present popular ministry.

Dr. Sant Ram Seth : I would request the Babaji to retire. If he does so, the famine will go along with him.

Minister for Revenue : I have not understood the recipe suggested by the learned Doctor.

Mr. Deputy Speaker : I would request Dr. Sant Ram Seth not to interrupt like this.

Raja Ghazanfar Ali Khan : When I am always prepared to give way, it does not become honourable members on that side to murmur something. The moment I find that a gentleman has the slightest intention of interrupting me, I give way. Will the honourable member repeat what he has said? (*Interruption.*) It may be so because it is *kaljug* and every thing in *kaljug* must be the other way about. Ordinarily the people believe that if the bad

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people go, calamities go along with them. But now it seems that the good must perish in order to relieve the world of a calamity. But personally I believe that all calamities like the famine will end if we learn to be honest. There should be transparent honesty. We should all learn to call good good and bad bad at all events and in all circumstances. (*Hear, hear.*)

Now I would come to what Khan Bahadur Maulvi Fateh Din has done for the famine-stricken area. First of all he abolished the system of buying the *parchis* on payment of cash money. Some people used to purchase *parchis* and sell them at profit. He put a stop to this practice. The officer no doubt has his difficulties. Some friends go to him to recommend the case of some person so that he may be given some contract. Naturally he who has never been a member of the Assembly does not know what his refusal to accommodate such gentlemen may mean. He does not know that if he insists on carrying on his official work with strict honesty, questions may be asked in the Assembly or that a particular type of expressions may be used about him on the floor of this House. All he knows is to do his work with efficiency and honesty, which I am sure he is doing. But I wish my honourable friends had paid attention to another aspect of this question. If a person with a grain of humanity in him is called upon to perform the duty of giving relief in the famine-stricken areas, he will always remember that he is responsible not only to man but also to God. Unless and until a person is utterly lost to humanity he can never entertain the idea that money which is meant to relieve the distress of the famine-stricken people should go into his own pocket.

Further whenever such questions are debated in this House honourable members should not overlook another fact. Our officers after all are educated gentlemen. They read their morning papers. Whenever they learn that such a thing is under discussion in the House they rush to their morning papers to see how those under whom they have to serve look upon their efforts. If after doing their work with all honesty, sincerity and industry they come to know that their work has not been appreciated their disappointment can better be imagined than explained. If honourable members begin to rely on the reports supplied to them by those people who have some personal grievance against a Government officer or who depend for the information which they convey on those who have had a grievance against him, the result is that the administration gets demoralized. My honourable friends should remember that a good Government depends upon the good work of its officers and the foundation of good work is on its due appreciation by Government. I do not mean to suggest that there is no corruption in the Punjab. India or for the matter of that the world is not free from corruption. Human weaknesses are co-existent with mankind. All I want to say is that most of the officers working under this Government are doing their best to relieve distress in the famine-stricken areas of Hissar. The present Financial Commissioner, Mr. C. C. Garbett took over charge in Simla on the 31st of August. On the following day, that is, on the first of September he came down from Simla to visit the famine-stricken villages of the Hissar district. September is not a very convenient month for an officer to tour in villages and especially in those villages where there is no tree to be found to afford shade. But does this fact alone not

show that the officers under this Government are doing everything in their power to relieve the distress of the famine-stricken people?

Unfortunately I am not capable, like many other friends, of forming an opinion after a few hours stay in the famine-stricken area as to how the officers are working. But my friends are not only capable of forming an opinion within so short a time but they can come forward with an amendment on this point. In October I had to visit Hissar, Rohtak and Gurgaon districts along with my friend Pandit Muni Lal Kalia. Of course I did not visit in connection with famine relief work but I had the occasion to have a talk with the deputy commissioners and revenue assistants who were doing relief work. But although I saw the relief works and also had an opportunity of meeting the officers concerned, I cannot be so definite about the conditions there as to be able to speak on a motion on the subject of famine relief in those areas. But there is a friend of mine who has moved a cut motion based on the information which he gathered from another person. What is the guarantee that that person only half an hour before making his report to my honourable friend, had not met with a refusal from Khan Bahadur Fatch Din and was therefore prejudiced against the officer? But my friend has paid no attention to this fact and has simply hastened with his motion.

It would have been much better if the honourable Leader of the Opposition or Diwan Chaman Lall or some other responsible members had gone there and studied the whole situation on the spot. Then if it was found that there were certain defects which should be removed they could bring those defects to the notice of the Premier or the Honourable Minister of Revenue. This would have been the best course for them to adopt if they really wanted an improvement. It should be remembered that this is not a political or economic problem on which there can be a difference of opinion or policy. The plain position is that a certain area is suffering from famine and we, all of us, want to give the people as much relief as we can. It cannot be denied that the Government has done much more in this connection than was warranted by its financial position. We are simple zamindars and so do not know much of arithmetic and accounts. Fortunately we have a Finance Minister who understands these things better than any one in the whole of India. But we zamindars do not understand their intricacies. We know only this much that the poor people have to be saved from the clutches of the demon which is threatening their very existence and, therefore, we should not mind if a few thousands of rupees more are spent. God will help us to find more money for our needs. The Honourable Premier was speaking of the loan which was oversubscribed in about an hour and the low rate of interest at which he got it. But we do not bother about these things. Our belief and faith is that it is due to the blessings of these famished and helpless people that we are able to construct canals and that the machinery of the Government is moving on greased wheels in spite of the hard times through which the world is passing on account of the war. We have left no stone unturned and have used every method of helping these people. Even for those *purdah* women who could not earn their living otherwise we opened spinning centres and they proved highly beneficial.

6 P. M.

[Raja Ghazanfar Ali Khan.]

One of my honourable friends was pleased to remark that the Ministers are never tired of advertising their activities in this behalf and the Government also issues a monthly statement. My submission is that although we believe in *gupt dan* still this relief is not *dan*. It is the right of those people. But, Sir, even in spite of these statements to which so much labour is devoted by our Additional Financial Secretary my honourable friends are constantly accusing the Government of doing nothing and you can very well imagine what they would say if we go on working silently and do not speak a word about our activities.

Dr. Sant Ram Seth : May I know what my honourable friend means by *gupt dan*? Is he referring to illegal gratifications that are so rampant?

Premier : No, *gupt dan* means embezzlements in the offices of the Congress Committees. (Laughter.)

Raja Ghazanfar Ali Khan : Sir, my chief grouse is that we have not been favoured by any constructive criticism by my honourable friends. When the honourable mover of this motion rose to speak the Honourable Minister and I got ready with our pencils and note books to take down any useful suggestion or proposal that he may have to offer. But neither he nor any other honourable member from that side has tried to be helpful. Let me make it clear that with regard to these beneficent activities we are prepared to pay the fullest attention to every useful proposal, no matter where it comes from. We do not claim to be the only wise persons in the world. We want the administration to be as efficient and perfect as it is humanly possible to make it. Therefore, we are always open to conviction in connection with every activity of the Government. You know, Sir, that there are *ilaqas* like the Jhelum district which, though not facing a famine in the strictest sense, are in a very sad plight and the Government cannot help the people there for want of funds. This shows that we cannot spare money to meet such urgent claims for relief, not to speak of squandering it. Thus my honourable friends should know that so far as the object is concerned there can be no difference of opinion. But unfortunately certain people try to be too clever in politics. As the proverb goes, too much of everything is bad and the present motion is an example of too much far-sightedness. The discussion on it has proved beyond a shadow of doubt that it was moved for fear lest the whole credit for the relief work may go to the Government.

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

As I have already said, as far as the controversial subject of famine is concerned we do not hold two contradictory opinions about this. Our main object is to help the sufferers by giving them relief and if the Opposition is to say something against the methods adopted by the Government for the relief of the famine-stricken people, they should see the revenue officers and the Financial Commissioner and ask them to remove any defect if there is any. By doing so they will not oblige the Government alone, but they will be doing a moral duty as well. Let me assure them once again that the Government do not want to take credit for the relief afforded to the famine-stricken areas. Whatever is done by the Government is done in earnestness

for the sake of the people and for the good of the province. If the Opposition is labouring under the impression that the Government want to win the confidence of the people and intend to achieve some political object by doing so then I believe they are entirely mistaken. Whereas we have got many schemes in our mind for the welfare of the province, and which are still to be materialised I am afraid if the Opposition will not discontinue indulging in this type of adverse criticism we would be obliged to say that my honourable friends are incorrigible. (*Interruptions.*) Sir, before I resume my seat I have to thank my honourable friends over there who have listened to my speech with patience and I am grateful to my learned friend Chaudhri Muhammad Hasan in particular who has admitted his mistake in a sporting manner. Sir, my last point but not the least important is that the Opposition should not turn a blind eye to that non-official committee which was appointed by the Government to find out ways and means for spending the collected subscription amounting to 50 thousands of rupees and in which certain members of the Congress were also included.

Chaudhri Muhammad Hasan : How much did you subscribe?

Raja Ghazanfar Ali Khan : I have not yet become the president of the Central Co-operative Bank. (*Laughter.*) I was submitting that certain members of the Congress were also taken in that committee. Is it not enough to prove that the Government do not want to make this matter a party question or monopolise it? I, therefore, request the Deputy Leader of the Opposition not to call a division on this issue as it will show that he is anxious to take an isolated position altogether.

Mr. Speaker : The question is—

That the item of Rs. 21,050 on account of Pay of Officers be reduced by Rs. 21,049.
The motion was lost.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 37,96,680 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Famine.
The motion was carried.

MISCELLANEOUS.

Mr. Speaker : The question is—

That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Miscellaneous.

The Assembly divided: Ayes : 64, Noes : 27.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.

Faiz Muhammad, Shaikh.
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 Samad, Khan Sahib Khawaja.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Gopal Singh (American), Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Gurbachan Singh, Sardar Bahadur Sardar.	Muzaffar Khan, Khan Bahadur Nawab.
Habib Ullah Khan, Malik.	Nasir-ud-Din, Chaudhri.
Hans Raj, Bhagat.	Nasrullah Khan, Rana.
Hari Chand, Rai Sahib Rai.	Naunihal Singh, Mann, Lieutenant Sardar.
Het Ram, Rai Sahib Chaudhri.	Pir Muhammad, Khan Sahib Chaudhri.
Indar Singh, Sardar.	Pobop Singh, Rao.
Jagjit Singh Man, Sardar.	Ram Sarup, Chaudhri.
Karamat Ali, Shaikh.	Ripudaman Singh, Rai Sahib Thakur.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	Roberts, Sir William.
Kishan Das, Seth.	Sadiq Hassan, Shaikh.
Manohar Lal, The Honourable Mr.	Sahib Dad Khan, Khan Sahib Chaudhri.
Maqbool Mahmood, Mir.	Shahadat Khan, Khan Sahib Rai.
Muhammad Akram Khan, Khan Bahadur Raja.	Shah Nawaz, Mrs. J. A.
Muhammad Amin, Khan Sahib Shaikh.	Shah Nawaz Khan, Nawab Sir.
Muhammad Ashraf, Chaudhri.	Sikandar Hyat-Khan, The Honourable Major Sir.
Muhammad Azam Khan, Sardar.	Sohan Lal, Rai Sahib Lala.
Muhammad Hussain, Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
Muhammad Jamal Khan Leghari, Nawab Sir.	Suraj Mal, Chaudhri.
Muhammad Nawaz Khan, Major Sardar Sir.	Talib Hussain Khan, Khan.
Muhammad Qasim, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Sarfraz Khan, Raja.	Ujjal Singh, Sardar Bahadur Sardar.
Muhammad Yasin Khan, Chaudhri.	

NOES.

Ajit Singh, Sardar.	Muhammad Abdul Rahman Khan, Chaudhri.
Balbir Singh, Rao Bahadur Captain Rao.	Muhammad Hasan, Chaudhri.
Bhagat Ram Choda, Lala.	Muni Lal Kalia, Pandit.
Bhagat Ram Sharma, Pandit.	Partab Singh, Sardar.
Chaman Lal, Diwan.	Prem Singh, Mahant.
Dev Raj Sethi, Mr.	Rur Singh, Sardar.
Duni Chand, 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.
Kabul Singh, Master.	Sohan Singh Josh, Sardar.
Kapoor Singh, Sardar.	Sudarshan, Seth.
Kartar Singh, Sardar.	

TOKEN DEMANDS.

The following Token Demands were then put from the Chair and adopted :—

- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Land Revenue.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of General Administration.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Education (excluding European and Anglo-Indian Education).
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Medical.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Public Health.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Industries.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Civil Works.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Civil Works not charged to Revenue. (Capital Expenditure).
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Capital Outlay on Electric Schemes—I—Hydro-Electric Schemes (Other than Establishment).
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Stationery and Printing.
- That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in course of payment for the year ending 31st March, 1940, in respect of Loans to Municipalities and Advances to Cultivators, etc.

HOURS OF SITTING.

Premier : Sir, I move—

That on and after Monday, the 27th November, 1939, until the end of the session on days when the Assembly meets other than Fridays the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on those days.

Mr. Speaker : The motion moved is—

That on and after Monday, the 27th November, 1939, until the end of the session on days when the Assembly meets other than Fridays the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly without question put at 4-30 p.m. on those days.

Dr. Gopi Chand Bhargava : Two or three days ago the Honourable Premier wanted me to agree to this proposal, and as you know, you have been also discussing this matter with some members of this House. Some alternative proposals were put but they do not seem to have been accepted by the Honourable Premier. I beg to remind you that when the rules were being discussed we were in favour of sitting from 11 to 4-30 without any interruption. But looking to the convenience of some lawyer members of this House and of some other members who come from outside, it was decided.

[Dr. Gopi Chand Bhargava.]

unanimously that the House should meet at 2 o'clock and adjourn at 6-30. During the Ramzan days, I could understand that change, because it was inconvenient to hold the meetings because some of the members had to break their fast, and therefore, it was right that the House met at 12 and adjourned at 4-30. But I do not see what has happened now that the time is to be changed. As you see 2 o'clock is convenient for every member, but 12 o'clock, as is now proposed, would be inconvenient to many members. Therefore, we should fix such a time which should be convenient to every one of us. I think no case has been made out why the hours should be changed. Another objection is this that this motion has come just now. What I thought was that this motion would be coming on Monday. We were discussing this thing amongst us and we discussed it with you also. Now, some members have left with the idea that this question will be taken up on Monday and not to-day. They might not agree to this proposal. I think the suspension of the rule should not be made unless all the members or majority of them agree to the change. Therefore, I think that this question should be postponed till Monday and then from Tuesday, if the House agrees to the proposal, we can change the hours.

Premier : May I say a few words in reply to my honourable friend the Leader of the Opposition. He was correct when he said that I told him that it would be moved on the next day. This motion is being moved to-day because if we move it on Monday we shall have to spend an hour and a half on its discussion. Therefore it would be in the interest of everybody concerned to dispose it of to-day. So far as I am concerned I am prepared to sit at any time for any number of hours. Personally I have said good-bye to my evening exercise ever since I have been in this bed of thorns. There are other members who, I think, deserve a certain amount of consideration ; and a large number of members came to me and represented that this time is not suitable. In view of the fact that the present session is going to be a protracted one—formerly the House used to be in session lasting for 6 or at the most 7 weeks—and this particular session is going to last for about 5½ months—we started in October and with short breaks on account of certain festivals we will go on till May—therefore they considered that we should have the benefit of such time which would give them an opportunity of taking a little exercise and to attend certain social functions that are usually in vogue at this time of the year. In view of these considerations I agreed to put the motion before the House and leave the House to decide the matter. Personally I think that in view of the considerations which I have mentioned my honourable friend will not oppose the motion and would accede to the request from the majority of members who I am convinced are in favour of meeting from 12 noon (*hear, hear*) so that there may be no inconvenience caused to anybody concerned. I am constrained to remark that so far as the lawyer members are concerned even when we meet at 2 o'clock they usually put in their appearance at odd hours, usually at the fag end of the session, and when they do arrive there is no time to start legal and technical hares ! You will see that none of the local lawyer members is present at the moment. Even those lawyer members who practise at the High Court usually get the last hour and a half to come here. I am told the work at the High Court is finished before luncheon hour and after luncheon hour they can always

come. Therefore I hope my honourable friend the Leader of the Opposition, if the majority of the members want it, will accede to this request of mine.

Mr. Speaker : The question is—

That on and after Monday, the 27th November, 1939, until the end of the session on days when the Assembly meets other than Fridays the Assembly shall meet at 12 noon and the Speaker shall adjourn the Assembly without question put at 4.30 p.m. on those days.

The motion was carried.

ADJOURNMENT MOTIONS.

HOURS OF DEBATE.

Premier : The next motion is only consequential ; I move—

That on and after Monday the 27th November, 1939, to the end of the session the time for taking up an adjournment motion shall be 4.30 p.m., on days other than Fridays and 7 p.m. on Fridays, and that Rule 45 of the Assembly Rules be accordingly suspended for the remainder of the session.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 27th November, 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 27th November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ARREST OF SAYED ATAULLAH SHAH BUKHARI.

***5643. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Finance be pleased to state—

- (a) when Sayed Ataullah Shah Bukhari, a leader of the Ahrar Party, was arrested and whether his arrest took place at the instance of the Punjab Government or local officers of the place from where he was arrested ;
- (b) the class that has been allotted to him in the Jail ;
- (c) whether he would be pleased to lay on the table of the House a report regarding his present state of health ;
- (d) whether he is allowed to read books of his own choice ;
- (e) the nature of the facilities provided to Sayed Ataullah Shah in the jail in view of the month of Ramzan ; if no facilities have been provided, the reasons therefor ?

The Honourable Mr. Manohar Lal : (a) Sayed Ataullah Shah Bukhari was arrested on the 8th September, 1939, under the orders of the Punjab Government.

- (b) He has been classified as a " better class " prisoner.
- (c) He has had some dental trouble for which he has been treated by an outside dental surgeon.
- (d) Yes.
- (e) It is reported that all facilities were provided to him in the month of Ramzan. The honourable member is referred to the provisions of paragraph 600 (4) of the Punjab Jail Manual.

ARREST OF THAKUR HAZARA SINGH OF KANGRA.

***5664. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that Thakur Hazara Singh, Pleader, Hamirpur, district Kangra, a leading lawyer and respectable citizen was

[Pt. Bhagat Ram Sharma.]

arrested on the 18th October, 1939, at Hamirpur under Defence of India Ordinance and was handcuffed ;

(b) whether it is a fact that the said Thakur Hazara Singh, Pleader, and other under-trials are shut in a highly insanitary and unclean judicial lock-up at Dharamsala situated in the court compound when they are brought to court to stand their trials ;

(c) whether it is a fact that the said Thakur Hazara Singh, Pleader, and others were mal-treated and beaten by the police on the 26th instant for refusing to enter the above-mentioned insanitary and unclean judicial lock-up ;

(d) whether it is also a fact that Thakur Hazara Singh and others are being treated as 'C' class prisoners irrespective of their high social status ;

(e) if answers to (b) and (c) are in the affirmative, the action proposed to be taken by the Government in the matter ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Yes. Thakur Hazara Singh, a Pleader, who practises at Hamirpur where there is only a Tahsildar's court, was arrested at Hamirpur on 18th October, 1939, under the Defence of India Rules and handcuffed.

(b) No. A magistrate inspected the lock-up after Thakur Hazara Singh had made a complaint and he reported it to be as clean as it was possible for it to be.

(c) No. This man refused to obey a lawful order to enter the lock-up and the grounds for his refusal were found to be unjustified by a magistrate ; although his behaviour was most objectionable and a grave breach of discipline, only the minimum force necessary to compel him to obey the order was employed.

(d) and (e) Enquiries are being made regarding the classification of Thakur Hazara Singh as an under-trial prisoner. I may however point out to the honourable member that the classification of under-trial prisoners is a matter for the courts. If a prisoner is dissatisfied with his classification by the court trying him, he may apply for the revision of his classification to the district magistrate. The honourable member has not given the names of the other prisoners about whom he wishes to have information, so I regret that I cannot give any reply about them.

Pandit Bhagat Ram Sharma : May I ask the Honourable Premier whether he admits that Thakur Hazara Singh is a leading lawyer and respectable citizen of Hamirpur ?

Premier : Every citizen of the province is respectable in the eyes of the Government.

Pandit Bhagat Ram Sharma : Does the Honourable Premier know that that gentleman was a candidate for the elections for the Assembly ?

Premier : But that does not distinguish him from other respectable men of that district.

Pandit Bhagat Ram Sharma : Is the Honourable Premier aware that Radha Kishan, P. I., Kangra, actually tortured this gentleman while putting him into a dirty lock-up ?

Premier : I am not aware of any such incident.

Pandit Bhagat Ram Sharma : I want a reply to part (c) and it is this, whether he was mal-treated and beaten by the police and, if so, who was the officer who was responsible for mal-treating and kicking him ?

Premier : I have given a very clear answer to that part by saying, 'no.'

Pandit Bhagat Ram Sharma : May I ask the source of information of the Honourable Premier in this connection ?

Premier : The district authorities.

Pandit Bhagat Ram Sharma : May I know whether the head of the police is responsible or the district magistrate, for the information given by the Honourable Premier ?

Premier : I am satisfied that the information received by the Government is correct.

Pandit Bhagat Ram Sharma : Has the Honourable Premier satisfied himself that the judicial lock-up within the court compound was clean and neat and habitable ?

Premier : I am afraid my honourable friend has not listened to the answer I gave. I have made it clear that a magistrate inspected the lock-up and he reported it to be as clean as it could be.

Pandit Bhagat Ram Sharma : I was also put in that very lock-up. Will he consider the question of putting it in order ?

Mr. Speaker : That is a request for action. Disallowed.

EXTERMENT AND ARREST OF S. IQBAL SINGH HUNDAL.

***5666. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the date of S. Iqbal Singh Hundal's entry in the Punjab after the completion of the term of his externment ;
- (b) the date of his arrest and the reasons for so doing ;
- (c) the place where he is detained now ;
- (d) whether he was ever declared an absconder ; if so, when and for what reasons ;
- (e) whether any prize was offered for his arrest ?

The Honourable Major Sir Sikander Hyat-Khan : (a) He has been visiting the Punjab clandestinely, the exact date of his first visit to the Punjab after the expiry of his externment order on 11th August, 1939, is not known.

(b) 23rd October, 1939, for acting in a manner prejudicial to the public safety ;

(c) the Fort, Lahore ;

(d) and (e) No.

Sardar Sohan Singh Josh : Does the Government deny that he came for the first time on the 28rd October ?

Premier : This we could not say. You say that he came for the first time on the 28rd October. Our information is that he came several times before.

Sardar Sohan Singh Josh : What are your grounds for saying that he visited the Punjab clandestinely while he was an externee ?

Premier : Our information.

Sardar Sohan Singh Josh : But what is the proof ?

Premier : But what proof does my honourable friend require ? It is our information.

Sardar Sampuran Singh : Can you give dates of his clandestine visits ?

Premier : I have given dates.

Sardar Sohan Singh Josh : May I ask why he was not arrested when he was on clandestine visits ?

Premier : We received news of his visits after he had left.

Dr. Gopi Chand Bhargava : If he visited clandestinely, he committed an offence. How is it that he was not prosecuted ?

Premier : We knew of his visits after he had left. He was later arrested under section 2 of the Criminal Law Amendment Act. He has been detained by Government for making some inquiries from him. This done, he will be let off.

Sardar Sohan Singh Josh : How does the Government deny that first he was arrested under the rules made under the Defence of India Act ?

Premier : The question of Government's denying this does not arise. He was arrested under the Criminal Law Amendment Act, section 2.

Sardar Sohan Singh Josh : What was found on his person when he was taken into custody ?

Premier : Honourable member may give notice of this question. I will give him the reply.

Sardar Sohan Singh Josh : Why was not Diwan Chaman Lall allowed to see him while he was in custody ?

Premier : Diwan Chaman Lall wanted to see him in the capacity of a legal adviser. The question of a lawyer interviewing him did not arise as he was not under detention as an under-trial prisoner. He was to be let off after making some inquiries from him.

Lala Duni Chand : Is it true that in the case of this gentleman Criminal Law Amendment Act has been resorted to simply because there is no evidence against him ?

Premier : My honourable friend's inference is wholly incorrect.

Lala Duni Chand : Under what law is a legal adviser not permitted to see a person who has been detained ?

Premier : A legal adviser is only allowed to see an under-trial prisoner. This gentleman is not under-trial at all.

Lala Duni Chand : I want to know the rule under which legal advice is not allowed to a man who is detained and is kept in custody.

Premier : Legal advice is required only when there is a case in a court or when a man is under trial. Neither of these cases existed in the case of this gentleman.

Lala Duni Chand : When a man is in custody a legal interview is permissible under the orders of the district officer or the superior police officer. Therefore I want to know by virtue of what law was the legal adviser debarred from interviewing this gentleman?

Premier : There are instructions that in cases of section 2 prisoners, no one should be allowed an interview without the permission of Government.

Lala Duni Chand : Does the Government approve of the policy of oppression under the Criminal Law Amendment Act when another legal remedy is open to Government?

Premier : What legal remedy?

Lala Duni Chand : Prosecution for a particular offence.

Premier : Section 2 is for investigation purposes.

Lala Duni Chand : The point is, how is it that when it is open to Government to start a prosecution for an offence, prosecution under the Criminal Law Amendment Act is resorted to? Does Government approve of this policy or not?

Mr. Speaker : Disallowed.

Sardar Sohan Singh Josh : Has the Government decided as to when this permission will be granted?

Premier : The Government can detain him only for two months and after that either he will have to be prosecuted or released.

Dr. Gopi Chand Bhargava : Under section 2, the Government can detain a person only for 15 days. May I know how this period was extended?

Premier : I require notice of this question.

Dr. Gopi Chand Bhargava : May I know as to which officer was authorised to detain him?

Premier : I must again ask for a notice, because the authority has to be specified in the order and this must have been done in this case also.

PERSONS DETAINED IN LAHORE FORT.

***5667. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) the number, together with their names of persons detained in Lahore Fort at the present moment;
- (b) the offence they are charged with, together with their dates of arrest;
- (c) whether it is intended to try them in the open court; and if so, when?

The Honourable Major Sir Sikander Hyat-Khan : (a) Six ; it is not in the public interest to give names ;

(b) They have been detained under section 2 of the Punjab Criminal Law (Amendment) Act, 1935, and were arrested on the 23rd September, 2nd, 5th, 23rd and 25th October and 2nd November, 1939.

(c) This matter is being considered.

Sardar Sohan Singh Josh : May I enquire as to when the reply to this question was prepared ?

Premier : No date is mentioned here. Most probably it was prepared after the receipt of the question. (*Laughter.*)

Sardar Sohan Singh Josh : Has not the number increased now ?

Premier : This was the number when the question was received.

Sardar Sohan Singh Josh : May I know whether in addition to this number Sardar Arjan Singh Gargaj has been detained ?

Premier : Which Arjan Singh Gargaj ?

Sardar Sohan Singh Josh : Those who have arrested him must know.

Premier : If my honourable friend is referring to the man responsible for the issue of the posters entitled '*Ailan-i-Jang*' the reply is in the affirmative.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5676. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of arrests made and the number of cases started so far under the Defence of India Act in Hoshiarpur district ;

(b) the number of cases started under section 802/115, Indian Penal Code, during the current year ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Thirteen arrests have so far been made. Eighteen cases have been registered.

(b) Two.

Lala Duni Chand : May I know whether the main reason for starting these prosecutions in the Hoshiarpur district is the fact that Hoshiarpur is an unusually Congress-minded district ?

Mr. Speaker : The honourable member is giving information.

Lala Duni Chand : Unless I make it clear to the Honourable Minister what for I want the information, how is it possible to put any question and to get any reply ? It is absolutely necessary that some sort of information should be first given in order to get further information. Otherwise it will be reducing us to a position of helplessness.

Mr. Speaker : But in this case the honourable member may ask his question.

Lala Duni Chand : May I know whether the reason for starting these prosecutions recently in Hoshiarpur is the fact that Hoshiarpur is an unusually Congress-minded district ?

Premier : That is not my information. I do not know what my friend means by unusually Congress-minded district. But these arrests are made under the Defence of India Act and our instructions are that only persons who infringe the rules under this Act and in connection with anti-war propaganda are to be dealt with.

Lala Duni Chand : Is it within the knowledge of the Premier that of late there have been an unusual number of prosecutions in this district as compared with other districts ?

Premier : Then there must have been an unusual number of offences in this district as compared with other districts. That is obvious.

Pandit Bhagat Ram Sharma : Is the Honourable Premier aware that a special procedure is adopted by these district authorities in these cases.

Premier : What does the honourable member mean by 'special procedure' ?

Pandit Bhagat Ram Sharma : The ordinary Criminal Procedure Code is not applied to these cases but as soon as information is received through even an ordinary village official, the man is arrested and produced before a court without any enquiry whatsoever.

Lala Duni Chand : Is it true that the presence of a particular officer whom I need not name, in the Hoshiarpur district, is responsible for these prosecutions ?

Mr. Speaker : What is the official position of that officer ?

Lala Duni Chand : He is connected with the criminal administration of the district. He is a magistrate.

Mr. Speaker : Then the question is disallowed. I cannot allow magistrates to be attacked like this.

Lala Duni Chand : I have no desire to attack him. I want to know whether it is within the knowledge of the Honourable Premier that a certain policy pursued by a certain magistrate in Hoshiarpur is the cause for the unusual number of prosecutions started in that district ?

Mr. Speaker : The policy of a magistrate cannot be discussed on the floor of this House except by a substantive motion.

Lala Duni Chand : May I not ask whether it is not within the knowledge of the Premier himself that the presence of the present district magistrate of the Hoshiarpur district is responsible for this unusual persecution and repression ?

Mr. Speaker : No.

Pandit Bhagat Ram Sharma : Is the Honourable Premier aware that the statement he made on the 12th September has made the district authorities very careless and has encouraged them in setting up false cases in regard to the Ordinance ?

Premier : I do not agree with my honourable friend that officers are capable of starting false cases.

Pandit Shri Ram Sharma : Is it a fact that cases under the Defence of India Act have been instituted even on reports made by ordinary chaakidars, patwaris and constables ?

Premier : Not to speak of constables or chaukidars, such cases can be instituted even on reports made by the honourable member himself.

SUSPENSION AND DISMISSAL OF LAMBARDARS.

***5677. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state the number of lambardars who have been recently suspended or dismissed in Hoshiarpur district for reasons of their being members of Congress or being concerned in supposed political activities otherwise ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : None. The attention of the honourable member is drawn to my answers to questions Nos. *5259,¹ *5178¹ and *5204¹ in the current session.

Lala Duni Chand : May I know if any lambardars were dismissed or suspended ? Should I understand that the Parliamentary Secretary means to say that no lambardars were suspended or dismissed ?

Parliamentary Secretary : I never said that no lambardar were suspended or dismissed. On the other hand, I have already said in answer to a question that 16 lambardars were suspended and 9 dismissed. When I said that none were dismissed I meant to say that none were dismissed for taking part in Congress activities.

Pandit Bhagat Ram Sharma : Is a lambardar liable to be dismissed for his political activities ?

Parliamentary Secretary : I do not understand what he means by political activity.

Lala Duni Chand : Is it possible for the Parliamentary Secretary to state for what reasons those lambardars were suspended or dismissed ?

Parliamentary Secretary : If my honourable friend wants me to take the time of the House by repeating an answer which I gave to question No. *5178¹ I have no objection.

Lala Duni Chand : May I point out that up to this time you have not been pleased to disclose any specific reason ? Will you kindly do so now ?

Parliamentary Secretary : I gave the reasons the other day and if my honourable friend so likes, I will repeat them :—

For detailed reasons in each case the honourable member is referred to the files of the cases from which copies may be obtained under the rules. Of those dismissed one was for taking part in a subversive movement; his case is *sub judice*, on appeal; and 8 were for unauthorized absence. Of those suspended one zaildar was dealt with on police report; one *sufedposh* for subversive activities; 2 lambardars for failure to pay their dues to the village bank; one for an offence in connection with the recovery of land revenue; 3 for taking part in a subversive movement; 2 for non-payment of fines—3 for neglect of duty and 5 for giving false evidence. One zaildar was degraded for neglect of duty.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to throw some further light on what he means by the word neglect of duty ?

Parliamentary Secretary : The honourable member knows what the duties of a lambardar are. They are available in a public document and when I say neglect of duty, I mean neglect of one of these duties.

Lala Duni Chand : Is it true that the appeals of all those lambardars and sufedposhes who elected to file appeals were accepted and they were acquitted on the ground that they should not have been suspended or dismissed on those grounds?

Parliamentary Secretary : Then what complaint has my honourable friend to make?

Pandit Muni Lal Kalia : What does the Parliamentary Secretary mean by subversive activities? Does it include political movements or terrorist movements only?

Parliamentary Secretary : I am afraid I cannot give a detailed reply.

Pandit Muni Lal Kalia : I only want to know whether the term includes political movements or only terrorist movements.

Parliamentary Secretary : If the honourable member looks up Webster's dictionary, he can find out the meanings of the word "subversive."

Pandit Muni Lal Kalia : I want the meaning that Government attaches to it.

Parliamentary Secretary : It is the same.

Dr. Gopi Chand Bhargava : What was the nature of the subversive activities for which the lambardars were dismissed?

Parliamentary Secretary : If my honourable friend gives me the name of a particular lambardar, it may be possible for me to supply that information. At the same time I would submit that as all these dismissals and suspensions are liable to be appealed against in revenue courts, exhaustive comments on this question are highly undesirable.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary has been pleased to say that one lambardar was dismissed on account of subversive activities?

Parliamentary Secretary : If the honourable member wants me to inform him of the names of the lambardars who were so dismissed, I shall be glad to do so.

Dr. Gopi Chand Bhargava : I want to know the nature of the activities for which the three lambardars were dismissed.

Mr. Speaker : Are not the cases of some of them pending before the Commissioner in appeal?

Parliamentary Secretary : All of them are appealable.

Pandit Muni Lal Kalia : May I know the names of the lambardars who were dismissed?

Mr. Speaker : As some cases are under appeal, I cannot allow further supplementary questions.

Pandit Muni Lal Kalia : I do not want to go into the merits of the cases; I want only the names of the persons who have been dismissed for subversive activities.

Parliamentary Secretary : Let me assure my honourable friend that I have the names of the lambardars, sufedposhes and zaildars here and

[Parliamentary Secretary.]

also the reasons for their dismissal or suspension, but I hold that supply of that information would be neither desirable nor fair to the House as it may take so much time. But if any honourable gentleman wants that information about any particular individual I can give it to him.

Mr. Speaker : There should be no objection to giving the names only of those who have been dismissed for subversive activities.

Parliamentary Secretary : I have already submitted that an exhaustive discussion in this House in the form of questions and answers will not be desirable when these cases are liable to be appealed against or are *sub judice* and appeals can lie to revenue courts.

Lala Duni Chand : Is it not true that according to Government phraseology subversive activities mean Congress activities?

Parliamentary Secretary : No.

Pandit Muni Lal Kalia : To come to the same question, I want the names of the persons.

Mr. Speaker : The honourable member should not insist upon a reply when the Parliamentary Secretary has more than once refused to give any answer.

Dr. Gopi Chand Bhargava : It is through you that we want the Premier and the Parliamentary Secretary to give replies to questions that are put.

Mr. Speaker : To insist upon a reply, when it is not given, is out of order.

Lala Duni Chand : Evasiveness is the order of the day on the floor of this House.

Minister : There is no question of being evasive. These gentlemen can apply to the Commissioner and further on to the Financial Commissioners on appeal.

Dr. Gopi Chand Bhargava : We only want the names of those dismissed.

Minister : An appeal lies on behalf of the persons dismissed.

Dr. Gopi Chand Bhargava : We want the names of the persons. How can the giving of mere names affect the case?

Minister : It is for the men to appeal and not for the House to take any action.

Dr. Gopi Chand Bhargava : We do not want to file an appeal, we only want the names of those dismissed.

Parliamentary Secretary : I have already said that if any honourable member is interested in any particular case, he can get a copy of the order.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary says that he has got the names of these people with him. We want to know the names of those who have been dismissed for subversive activities. But he says, "give me the names and I will give you the information." He cannot seek information from us. We want information from him.

Lala Deshbandhu Gupta : Is that a case of guilty conscience ?

Minister : No, Sir.

Dr. Gopi Chand Bhargava : Have they any conscience ?

Mr. Speaker : I disallow all these questions.

Lala Deshbandhu Gupta : There must be some valid reasons for withholding such information from the House.

Mr. Speaker : A Minister may refuse to answer a question without assigning any reason. To insist upon an answer is out of order.

Lala Deshbandhu Gupta : And with all your authority you cannot help us.

Mr. Speaker : I have no authority.

Lala Duni Chand : You can prevent a Minister from being perverse.

Mr. Speaker : Truth in the abstract is always different from the official truth (*laughter*). That is the practice everywhere, even in the Parliament.

HARYANATILAK PAPER AND THE PRESS, ROHTAK.

***5750. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the reasons which led to the demand of security of Rs. 1,000 each from the *Haryana Tilak* paper and the Press, Rohtak, under orders of the Chief Secretary, Punjab Government, dated 14th August, 1939 ;
- (b) the issue of the paper articles, with specific portions, sentences and words that offended the law, and in what respect ;
- (c) the special reasons as to why the Punjab Government took the action directly without the report or consent of the District Magistrate, Rohtak ;
- (d) whether the previous Deputy Commissioner, Rohtak, Khan Sahib Chaudhri Ghulam Mustafa Khan, who was himself strongly criticised by the *Haryana Tilak* has reported against this paper ; if so, the objectionable published matter pointed out by him and whether the action was taken on the same ?

The Honourable Major Sir Sikander Hyat-Khan : (a) Both the paper and the press offended against clause (d) of sub-section (1) of section 4 of Act XXIII of 1931.

(b) It is not in the public interest to lay objectionable portions of the offending articles on the table of the House. I would add that as some of the articles in question appeared over the signature of the honourable member he ought to be able to provide this information himself.

(c) The law does not require the report or consent of the District Magistrate.

(d) This is an insinuation, not a question.

Pandit Shri Ram Sharma : May I enquire from the Honourable Premier as to which particular article or part thereof comes within the purview of the section referred to that relates to promoting enmity between different classes ?

Premier : Whenever and wherever my honourable friend says anything, nothing but bitterness and hatred can follow.

Pandit Shri Ram Sharma : May I know as to which of my words can create embitterment between different classes ?

Premier : I have stated in reply to the main question that I do not want to give further publicity to those objectionable writings.

Pandit Shri Ram Sharma : It has been stated in reply to part (a) of my question that the articles in question come under section 4 (A) but my point is that this section holds liable to action only those writings which are likely to create hatred against the Government and enmity between the various sections of His Majesty's subjects. Now may I ask as to how this section can be applied to those writings ?

Premier : I have stated in reply to part (b) that I do not want to repeat the articles on which action was taken because I do not propose to give them unnecessary publicity and thus create further mischief.

Pandit Shri Ram Sharma : May I enquire as to whether the Honourable Premier before issuing orders had gone through those articles which in his opinion were likely to create mischief ?

Premier : My honourable friend perhaps does not know that I have not time enough to go through every sentence written by every newspaper. However I read those parts which had been marked for my perusal and I can say that they were as inflammatory and objectionable as my honourable friend's writings usually are.

Pandit Shri Ram Sharma : Was any legal opinion sought before taking that action ?

Premier : My honourable friends will know the working of the various Government Departments if ever they come to occupy these benches.

Dr. Gopi Chand Bhargava : The Honourable Premier has said that the writings and speeches of the honourable member are always objectionable. Does he mean to say that his speeches in this House are seditious ?

Premier : Here one can say several things which one cannot say outside this House. That has been my grouse.

Dr. Gopi Chand Bhargava : Seditious things cannot be talked here in this House. If seditious things cannot be talked here then he is not talking sedition.

Premier : Speeches can be made and unfortunately they have been made in this House which create bitterness and if they would have been made outside the House they would have been dealt with according to law.

Lala Deshbandhu Gupta : May I know which were the two communities the relations of which were likely to be embittered ? Were they Hindus and Muslims, or Unionists and non-Unionists ?

Premier : I have already stated that the speeches of the honourable member never create anything but bitterness.

Lala Deshbandhu Gupta : Which were the two communities in this case ?

Premier : Bitterness may be created between Sanatanists and Arya Smajists or —

Lala Deshbandhu Gupta : May I know whether Unionists are also considered as being one community ?

Premier : No, I treat the Unionist party as a political party of this province.

Pandit Shri Ram Sharma : What is the issue of the paper and what is the number of the articles which were considered to be objectionable ?

Lala Duni Chand : This paper has existed since 1923 and no action has ever been taken by the previous Government.

Pandit Muni Lal Kalia : May I know whether this paper has only criticised certain articles that had appeared in the *Jat Gazette* ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : I draw your attention to part (b) of my question. May I know what public interest prevented the Honourable Premier from acquainting the House with the issue of the paper in which those objectionable articles had appeared ?

Premier : My honourable friend must have that information already. When the order was delivered to him he must have found in it what issue was responsible for that action.

Pandit Shri Ram Sharma : Is the Honourable Premier himself aware of the issue that led to that action ?

Premier : If my honourable friend thinks that the only business of the Punjab Premier is to study and learn by heart the date on which certain articles appeared in the *Haryana Tilak* he is very much mistaken.

Pandit Shri Ram Sharma : Do I take it that the Honourable Premier passes orders with regard to newspapers with his eyes shut ?

Pandit Shri Ram Sharma : In view of my reply given to part (c) of my question may I ask whether the action was taken at the instance or with the consent of the district magistrate ?

Premier : The reply is quite clear that the law does not require report or consent of the district magistrate.

Pandit Shri Ram Sharma : The Honourable Premier has often remarked that in such cases the district magistrates are free to take action at their discretion. Then, may I ask as to why the district magistrate was not consulted in this particular case but was kept unaware of the whole matter ?

Premier : I have not said anything in any part of my reply as to whether the district magistrate was or was not aware of the matter.

Pandit Shri Ram Sharma : Was any complaint ever received from the former deputy commissioner of the district ?

Premier : How can I be expected to remember as to how many complaints have been made against the honourable member and by whom ?

Pandit Shri Ram Sharma : May I enquire as to whether the Government took advantage of this occasion to take action against the paper on any complaint made by the former deputy commissioner ?

Premier : I regret that I cannot add anything to what I have already stated.

HARYANA TILAK PRESS, ROHTAK.

***5751. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the keeper of the *Haryana Tilak* weekly paper and the Press, Rohtak, had filed the ceasing declaration with respect to both the paper and Press on 23th August, 1939, that is before the time allowed for depositing the security by the Punjab Government ;
- (b) if so, whether it is further a fact that the order for forfeiting the *Haryana Tilak* Press, Rohtak, was issued by the Chief Secretary, Punjab Government, on 15th September, 1939, at the time when the Press did not exist any more ;
- (c) how the Government was justified in ordering an ex-keeper for the forfeiture of a defunct press ;
- (d) who is responsible for the harassment of the ex-keeper caused by this order and what steps Government propose to take in order to undo the wrong ?

The Honourable Major Sir Sikander-Hyat Khan : (a) Yes. The ceasing declarations were filed on the 28th August, the last day of the period allowed for the deposit of the required securities.

(b) The order forfeiting the press was issued on the 14th September 1939, in consequence of the reprinting of the objectionable articles before the 28th August, that is to say, between the date on which security was demanded and the date on which the ceasing declaration was made.

(c) and (d) The question of justification is one for the courts to decide.

Pandit Shri Ram Sharma : Is it a fact that before issuing the order for forfeiting the *Haryana Tilak* Press, Rohtak, the Chief Secretary ascertained the fact that the press had been closed down or not ?

Premier : My answer was that the articles in question were published in the intermediary period of the ceasing declaration.

Pandit Shri Ram Sharma : May I know when the existing press had closed down against whom the orders for forfeiture were issued ?

Premier : The press had already closed. A few articles were published between the demanding of security and filing of ceasing declaration. And then you shifted the press to Gaziabad.

Lala Deshbandhu Gupta : Is it up to the United Provinces Government to take action against my honourable friend ?

Mr. Speaker : That question does not arise.

Pandit Shri Ram Sharma : Is it a fact that, when the orders regarding the forfeiture of the press were issued, there was no keeper of the press at all ?

Premier : There can be no press in the eye of law unless there is some one as its keeper.

Pandit Shri Ram Sharma : Is the Honourable Premier aware of the fact that the Chief Secretary issued orders for the forfeiture of the press on 15th September, while as a matter of fact the press had ceased to exist after the 28th August, 1939, and there was no keeper of the press against whom the orders could be given ?

Premier : Then it means that there was no owner of the press and was not being controlled by any one.

Pandit Shri Ram Sharma : Your remarks are meaningless. What I want to inquire is whether the Honourable Premier is aware of the fact that the Chief Secretary issued the order for forfeiting the *Haryana Tilak Press*, Rohtak, on 15th September, 1939, while as a matter of fact the press had ceased to exist after the 28th August, 1930. If so, against whom was the order issued and under what rule ?

Premier : My honourable friend is asking for information regarding matters which are not included in the question. If he gives notice I shall try to furnish him the necessary information and then he will know as to who was the keeper of the press.

Pandit Shri Ram Sharma : The Honourable Premier says that I am asking the questions regarding matters that are not included in the question. I refer him to part (c) of the question which says :—

(c) how the Government was justified in ordering an ex-keeper for the forfeiture of defunct press ?

Premier : As regards this part of the question I said that my honourable friend could go to a court of law and if he followed that procedure he would know whether the Government was justified in ordering an ex-keeper or not.

Pandit Shri Ram Sharma : The question of seeking help from a court is a different matter. When the time comes that will be seen. But the questions asked here should be replied to.

Premier : The matter which can be decided by a court cannot be dealt with here.

Pandit Shri Ram Sharma : When my question has been admitted by the Honourable Speaker, why can it not be answered here ?

Premier : I have replied in the same spirit in which the question has been asked by my honourable friend.

RETIREMENT OF EMPLOYEES OVER THE AGE OF 55 IN THE SERVICE OF LOCAL BODIES.

*4049. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether the Government is aware that there is a large number of employees on the staff of the local bodies (both municipalities and district boards) in the province above the age of

[Dr. Gopi Chand Bhargava.]

55 and that these bodies also employ men who have retired from Government service ;

- (b) if the answer to (a) above be in the affirmative, what steps the Government proposes to take for the compulsory retirement of such men to relieve unemployment and remove inefficiency caused by the employment of superannuated men ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes, there are some employees of local bodies who have either attained the age of 55 years or have retired from Government service.

(b) The question of amending the Punjab Municipal Act and the Punjab District Boards Act, with a view to preventing the employment of persons above a certain age, is under the consideration of Government.

SALARIES OF SUB-DIVISIONAL OFFICER OF ELECTRICITY BRANCH, PUBLIC WORKS DEPARTMENT.

***4233. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the salaries and allowances of the Sub-Divisional Officer of Electricity Branch, Public Works Department, were revised and raised some time ago ;
- (b) whether the grades of Subordinate Staff, i.e., Line Superintendents, Machine Attendants, Meter Inspectors, Sub-station Attendants and Linesmen of the same Department have also been revised ; if so, what changes have been made ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The term Sub-Divisional Officer is used in the Branch only for purposes of departmental administration. For purposes of rules such officers used to be classified as Local Managers, Grade I and II, before the 15th February, 1936 and are now designated as Assistant Engineers (Senior and Junior Scales). The honourable member is perhaps referring to those officers. Their scales of pay were revised as shown below :—

<i>Designation and scale of pay before the 15th February, 1936.</i>	<i>Revised scale and designation.</i>
Local Manager (Grade II) in the scale of Rs. 150—15/2—225.	Assistant Engineer (Junior scale) in the scale of Rs. 150—25—200—15—275/15—380.
Local Manager (Grade I) in the scale of Rs. 200—20—600 . .	Assistant Engineer (Senior scale) in the scale of Rs. 275—15—470/15—500—20—600.

(b) No, the scales of pay of Line Superintendents, Machine Attendants, Meter Inspectors, sub-station Attendants and Linesmen have not so far been revised.

Dr. Gopi Chand Bhargava : Does the Government propose to revise the grades ?

Parliamentary Secretary : They have not been revised up till now and, so far as I know, there is no such proposal under consideration.

SWEEPERS EMPLOYED BY MUNICIPAL COMMITTEES.

***4237. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether security of service, and benefits of leave, gratuity and provident fund and housing are guaranteed to the sweepers employed by the municipal committees in the province; if so, in what municipalities; if not, why not, and what does the Government propose to do in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The honourable member is referred to the reply given to question No. *4187.¹

Dr. Gopi Chand Bhargava : May I know what is the reply to this part of the question, "if so, in what municipalities; if not, why not, and what does the Government propose to do in the matter"? In the reply given to the question which has been referred to, the names of the municipalities are not given. Some have introduced the new procedure and others have introduced it in part. I want to know the names of municipalities which have introduced this system and have taken action on the circular and names of those municipalities which have taken action in part or have not taken action and why.

Parliamentary Secretary : So far as I can recollect I gave the names of the municipalities which had introduced the system as given in the circular.

Dr. Gopi Chand Bhargava : I have got with me the reply to that question. It was, that in the circular mentioned by the honourable member, deputy commissioners were requested to inform local bodies that in the opinion of the Government sweepers should be treated as whole-time employees and should receive the same privileges as regards leave and provident fund as other employees and so on and so forth. The reports are not yet complete as to which municipalities are giving effect to the proposal and which are giving effect to it in part. The names of the municipalities taking action are not given. In this connection I want to know the names of municipalities which have taken action and names of those which have not taken action.

Parliamentary Secretary : During the current session a similar question was put asking for names of municipalities which had adopted the circular. I had also given names of committees which had not adopted it and had given reasons for their not doing so. If my honourable friend is keen I will hunt out that answer. During this very session a question was asked in reply to which I supplied the information.

Dr. Gopi Chand Bhargava : The Parliamentary Secretary refers to question No. 4187¹ which I have practically read out. If there is any other question, let him refer to it.

Minister of Public Works : He will quote the number of the relevant question, otherwise he will supply you with the information.

Dr. Gopi Chand Bhargava : My question is, "if so, in what municipalities."

Parliamentary Secretary : I replied to such a question during this very session.

DIFFICULTIES OF COMMUNICATION ON PATHANKOT-KULU ROAD.

***4945. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Government is aware that Kulu is one of the most important fruit-growing areas in the Punjab;
- (b) whether representations have been made to Government stating the difficulties of communication which exist on Pathankot-Kulu road in the matter of toll charges;
- (c) if answer to (a) and (b) above be in the affirmative, what action does the Government propose to take to remove this difficulty of communication to enable the fruit-growers to market their fruit without any difficulty?

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

(b) Yes.

(c) Ghatta-Mandi Section of the Pathankot-Kulu road belongs to the Mandi State and it is proposed to take over this Section for maintenance as soon as negotiations with the Mandi Durbar are concluded. These negotiations also aim at reducing the tolls on this road.

Pandit Bhagat Ram Sharma : Since when is the Government in communication with the Mandi State with a view to get it done?

Parliamentary Secretary : I am afraid I cannot give dates.

Pandit Bhagat Ram Sharma : How long will it take for the present Government to complete the negotiations?

Parliamentary Secretary : It is not possible for me to give the period which would be taken in completing the negotiations.

Pandit Bhagat Ram Sharma : May I know if the Government appreciate this difficulty of fruit-growers of Kulu Valley?

Parliamentary Secretary : If Government had not appreciated the difficulty they would not have started the negotiations.

Lala Duni Chand : Has the Government ever considered the question of throwing the public roads from Kulu to Simla open to fruit traffic? Has that question been ever considered by the Government?

Mr. Speaker : Road from Kulu to Simla is not in question.

Lala Duni Chand : It deals with the question of communications and facilities with regard to the export of fruits.

Mr. Speaker : I decline to allow this question.

Lala Duni Chand : Sir, this question is quite clear. It does not deal with any particular road.

Parliamentary Secretary : It particularly deals with the Pathankot-Kulu road.

Pandit Bhagat Ram Sharma : Has the Government received any representation from the Kulu fruit-growers' association?

Parliamentary Secretary : Representations have been received and it is in consequence of those representations that the Government is taking this action.

Pandit Bhagat Ram Sharma : May I know the number of representations received so far?

Parliamentary Secretary : It is impossible for me to give the number of representations.

Pandit Bhagat Ram Sharma : May I know whether it was one or more than one?

Parliamentary Secretary : I cannot say.

CLOSING DOWN OF THE KANGRA VALLEY RAILWAY LINE.

*4972. **Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state if any inquiry has been made from the Punjab Government by the Central Government regarding the closing down of the Kangra Valley Railway Line; if so, what is the attitude of the Punjab Government in this respect?

Parliamentary Secretary (Shaikh Fais Muhammad) : No enquiry regarding the closing down of the Kangra Valley Railway Line has been made by the Central Government. An enquiry has, however, been made by the North-Western Railway and the same is under consideration of the Government.

Pandit Bhagat Ram Sharma : Since when is it under the consideration of the Government?

Parliamentary Secretary : For some time past. I cannot give the exact date.

Pandit Bhagat Ram Sharma : May I know whether the Parliamentary Secretary is aware that this question was asked during the last session and the same answer was given by the Government?

Parliamentary Secretary : The position is now the same as it was before, and, therefore, the same answer is repeated.

Pandit Bhagat Ram Sharma : How long will it take to settle the matter?

Parliamentary Secretary : It is very difficult to say how long it will take to settle the matter.

Pandit Bhagat Ram Sharma : Will it be decided during the life-time of the present Ministry?

Parliamentary Secretary : Hope so.

GOHANA MUNICIPAL COMMITTEE.

*4989. **Chaudhri Sahib Ram :** Will the Honourable Minister of Public Works be pleased to state—

(a) the date when the Gohana (Rohtak district) Municipal Committee was suspended and when it will be restored;

(b) the reasons for the undue delay in its restoration;

[Ch. Sahib Ram.]

- (c) which other municipal committee in the Ambala division remained suspended for such a long or even for a longer time?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The Gohana municipal committee was superseded in November 1933. It will be reconstituted as soon as its electoral rules which are under preparation are ready.

(b) It takes time to rehabilitate a committee which has been superseded on account of bad management and finances; hence the delay in resuscitating this committee.

(c) The honourable member is perhaps referring to Buria municipal committee, which was superseded in August 1933. The operation of the Municipal Act was withdrawn from the municipality in December last and the municipality was converted into a notified area.

Pandit Shri Ram Sharma: May I know if the Gohana municipal committee was superseded on grounds of unsatisfactory administration and unsound financial condition?

Parliamentary Secretary: My honourable friend would be well advised to ask Dr. Sir Gokul Chand Narang as to the circumstances under which the supersession of this particular committee was brought about. (Laughter.)

Pandit Shri Ram Sharma: May I ask the Parliamentary Secretary if an ex-Minister can give answer to an Assembly question?

Parliamentary Secretary: No, but my honourable friend is asking supplementary questions in regard to a matter which took place in 1933. He wants reasons as to why that particular committee was superseded. I may inform him that I would be glad to furnish him with the required information if he gives me notice of that question.

Sardar Sohan Singh Josh: Will the Parliamentary Secretary please state when the electoral rolls will be ready?

Parliamentary Secretary: I cannot tell this off-hand, but this much I can say that they are in the course of preparation.

Sardar Sohan Singh Josh: May I know if there is any procedure or rule laid down, under which the electoral rolls must be prepared within five, six or twelve months?

Parliamentary Secretary: I cannot recall any such rule from my memory. My honourable friend would better consult Municipal Election Rules.

Pandit Muni Lal Kalia: Is the Parliamentary Secretary aware that the reasons are given in the supersession order and that they are also published in the Government Gazette?

Parliamentary Secretary: Yes.

Pandit Muni Lal Kalia: May I know what were those reasons?

Minister: Why ask this question? If they are published in the Gazette, the honourable member may look it up.

Pandit Muni Lal Kalia : May I know whether the electoral roll is being prepared for the last six years or has been undertaken recently ?

Parliamentary Secretary : This Government was not in office six years ago. It came into office on the 1st April, 1937. Since then steps are being taken. Rolls have been prepared and the elections will take place in due course.

Pandit Muni Lal Kalia : How long will it take ?

Parliamentary Secretary : I cannot state that.

Pandit Shri Ram Sharma : When will the elections be held, after four months, five months or after a year ?

Minister : Without any inordinate delay.

Pandit Shri Ram Sharma : Does it mean a year approximately ?

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNITY-WISE STRENGTH OF SUBORDINATE ESTABLISHMENT IN THE HEAD OFFICE OF DEPUTY COMMISSIONER, CRIMINAL TRIBES AND RECLAMATION OFFICER, LAHORE.

936. Sheikh Sadiq Hasan : Will the Honourable Minister of Finance be pleased to state—

- (a) community-wise the strength of the subordinate establishment in the head office of the Deputy Commissioner, Criminal Tribes and Reclamation Officer, Lahore, in the month of April, 1939, and September, 1939, separately ;
- (b) what action the Government intend to take to remove the grievances of the under-represented communities in the above-mentioned establishment ?

The Honourable Mr. Manohar Lal : (a) The required information is given below :—

			<i>Strength in April 1939.</i>	<i>Strength in Sep- tember 1939.</i>
Muslims	..	..	14	13
Hindus	..	..	17	17
Sikhs	..	..	5	5
Christians	..	..	..	1
			—	—
Total	..	..	36	36
			—	—

(b) It is not possible to fix rigid communal proportions for the head office establishment apart from the other branches of the department. Communal proportions are already maintained as far as possible in making recruitment to the Department as a whole.

**SCHEDULED CASTES' STUDENTS IN GURGAON, HISSAR AND
ROHTAK DISTRICTS.**

937. Chaudhri Prem Singh : Will the Hon'ble Minister for Education be pleased to state—

- (a) the number of boys belonging to the scheduled castes in the districts of Gurgaon, Rohtak and Hissar who have so far passed the Middle Examination ;
- (b) the number at present of schools in the above-named districts exclusively meant for the students of scheduled castes ;
- (c) the total number of Government scholarships meant for students reading in schools up to the middle standard in the Gurgaon district and the number out of them meant for students belonging to the scheduled castes ?

The Honourable Mian Abdul Haye : (a) I regret I am unable to answer this part of the question as it is too vague.

(b) There were two such schools for boys in the Hissar district but none in Gurgaon and Rohtak districts on the 31st March, 1939.

(c) None for boys ; but five for girls. None of the latter is reserved for the students belonging to the scheduled castes.

SCHEDULED CASTES' CANDIDATES ACCEPTED AS PATWARIS.

938. Chaudhri Prem Singh : Will the Hon'ble Minister for Revenue be pleased to state the number of candidates accepted as Patwaris this year in the Gurgaon district and the number of Achhuts among them ?

The Honourable Dr. Sir Sundar Singh Majithia : *First part*
106.

Second part—5.

ACHHUTS EMPLOYED IN GURGAON POLICE.

939. Chaudhri Prem Singh : Will the Hon'ble Minister for Public Works be pleased to state the number of Achhuts employed at present in the Police Department in the Gurgaon district together with the rank each one of them is holding ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : Two (constables).

940-41. *Cancelled.*

REPRESENTATION OF MUSLIMS IN KANGRA DISTRICT BOARD.

942. Khan Haibat Khan Dahi : Will the Hon'ble Minister for Public Works be pleased to state :—

- (a) what is the percentage of Muslim population of Kangra District ;
- (b) the total number of elected members of the District Board and the number of Muslims among them ;

- (c) whether it is a fact that only one of the ten nominated seats has been given to the Muslims;
- (d) whether it is a fact that the Muslim population is scattered all over the District and is not compact in any particular zail to be able to return a Muslim member by election;
- (e) whether any representations have ever been made to the Government for giving to arrange proper representation to the Muslims in the Kangra District Board; if so, the action taken thereon?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) 4-7.

- (b) Of the 34 elected members none is a Muslim.
- (c) There are only five seats to which members are appointed by name. One of them is held by a Muslim. The other five seats are filled *ex-officio*.
- (d) It appears so.
- (e) Yes. As Muslims are entitled only to one seat on the Board on the basis of the formula adopted by Government, no action is called for.

COMMUNAL REPRESENTATION IN OFFICE OF LOWER CANAL EAST AND WEST CIRCLE.

943. Khan Haibat Khan Daba : Will the Hon'ble Minister of Revenue be pleased to state :—

- (a) the existing strength of the staff community-wise at present working in the offices of the Lower Chenab Canal East and West Circle at Lyallpur;
- (b) whether it is a fact that at present all the responsible posts in these offices are held by non-Muslims; if so, the action intended to be taken to give the Muslims their due share?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Government has fixed communitywise ratios for the recruitment of all classes, of Provincial and Circle Establishments which are being strictly adhered to.

(b) It will be some years before the correct community ratios are attained in all such cadres. Government, however, is fully alive to their responsibility to see that each community gets its fair share of responsible posts in each Circle, at the same time taking into consideration the efficiency of its employees for all posts. Government considers that no useful purpose will be served by collecting the information asked for.

SUBORDINATE ESTABLISHMENT IN HEAD OFFICE OF DEPUTY COMMISSIONER, CRIMINAL TRIBES AND RECLAMATION OFFICER, LAHORE.

944. Sardar Muhammad Husain : Will the Hon'ble Minister of Finance be pleased to state community-wise the strength of the Subordinate Establishment in the head office of the Deputy Commissioner, Criminal Tribes, and Reclamation Officer, Lahore, in the months of April, 1939, and September, 1939, separately?

The Honourable Mr. Manohar Lal : The honourable member is referred to the reply given to part (a) of the question No. 936¹ put by Sheikh Sadiq Hasan in the current session.

APPOINTMENT OF SCHEDULED CASTES' CANDIDATES AS NAIB-TAHSILDARS.

945. Lala Harnam Das : Will the Hon'ble Minister of Revenue be pleased to state the total number of candidates appointed direct as Naib-Tahsildars during the last two years and whether it is a fact that none of them belongs to scheduled castes ; if so, the reasons for the same.

The Honourable Dr. Sir Sundar Singh Majithia : *First part.*—54.
Second part.—Yes.

Third part.—No suitable person belonging to the scheduled castes with requisite qualifications was forthcoming.

NOMINATION OF SCHEDULED CASTES' CANDIDATES AS E. A. Cs.

946. Lala Harnam Das : Will the Hon'ble Premier be pleased to state—

- (a) the total number of E. A. Cs. taken direct or by nomination, community-wise, since 1st April, 1937 ;
- (b) whether it is a fact that no one belonging to the scheduled castes has so far been appointed as E. A. C. direct or by nomination during this period ; and if so ; the steps Government propose to take to give proper representation to the scheduled castes in future ?

The Honourable Major Sardar Sir Sikander Hyat-Khan : (a) Since 1st April, 1937, 31 candidates have been recruited by competition and direct nomination. Of these 15 are Muslims, 10 Hindus, 5 Sikhs and one Christian.

(b) It is true that no person of the Scheduled Castes has so far been recruited to the Punjab Civil Service (Executive Branch). One such person has, however, recently been accepted as a candidate for appointment to the Punjab Civil Service (Judicial Branch), and the claims of suitable Scheduled Castes candidates for the Executive Branch will always receive due consideration.

GRADE OF PAY OF ACCOUNTANTS AND ACCOUNTS CLERKS IN JAIL DEPARTMENT.

947. Khan Haibat Khan Daba : Will the Hon'ble Minister of Finance be pleased to state—

- (a) the names with grade of pay and the present actual pay of Accountants and Accounts Clerks in the jail department ;
- (b) the names with grade of pay and the present actual pay of each member of the staff at present working in the office of the Inspector-General of Prisons, Punjab ;

- (c) the names with date of appointment of the members of the staff at present employed in the offices of all Jail Superintendents in the Punjab ?

The Honourable Mr. Manohar Lal : Government considers that the labour and time involved in collecting the information would be out of all proportion to the importance of the question asked.

ADJOURNMENT MOTIONS.

Pandit Shri Ram Sharma (Urdu): On a point of order. No printed list of adjournment motions has been supplied to us, and we are at a loss to know the order in which these adjournment motions will be put before the House.

Mr. Speaker : This point was raised by the honourable member the other day. Under Rule 42 a member asking for leave to move an adjournment motion has to hand to the Speaker half an hour before the sitting of the day a written statement of the matter proposed to be discussed. So, if the statement is handed only half an hour or so before the sitting of the day, there is hardly sufficient time to have it typed and circulated to the members of the House. But if time is sufficient it is circulated as a rule.

Pandit Shri Ram Sharma (Urdu): If it is not possible to supply copies of the list to all the members of the House, they may at least be supplied to those honourable members who have given notice of these adjournment motions.

Mr. Speaker : They can easily keep copies of the statements which they hand in.

Pandit Shri Ram Sharma (Urdu): Even then the difficulty remains. We cannot know the order in which they will be put before the House.

Mr. Speaker : I will call upon the honourable members to move their motions in the order in which they are received.

ABDUCTION OF MINOR SON OF TUHI RAM, MAHAJAN.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) : 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 unsatisfactory statement of the Honourable Premier read by him on 23rd November, 1939, about the abduction of the minor son of one Tuhi Ram, Mahajan, of village Guhana, police station Sonapat, district Rohtak.

Mr. Speaker : Will the honourable member please state in what respect the answer is unsatisfactory ?

Pandit Shri Ram Sharma (Urdu) : It is unsatisfactory in that it is wholly misleading and wrong.

Mr. Speaker : Please state which part of the question has not been answered.

Pandit Shri Ram Sharma (Urdu) : The Honourable Premier has not mentioned that the local police knew that the boy was kidnapped, kept for twenty-two days and was returned only when a ransom of Rs. 1,200 was paid; he has simply told us that the boy has safely returned to his parents. Why has he not said that the boy was kidnapped and kept for 22 days and that a ransom money had to be paid for his return?

Mr. Speaker : The honourable member may ascertain this by a question.

Pandit Shri Ram Sharma (Urdu) : I tried to elicit this information through a short notice question, but it was turned into a long notice question. It is usually the case with my short notice questions. The pity is that the replies are given to me after 1½ or 2 months when the force is gone.

Mr. Speaker : I want to know in what respect the answer is unsatisfactory and defective?

Pandit Shri Ram Sharma (Urdu) : It is unsatisfactory in that it has not given the full facts of the case and has concealed the failure of the authorities to do their duty.

Mr. Speaker : Which authorities?

Pandit Shri Ram Sharma (Urdu) : The police authority. The police feigned ignorance or remained ignorant, including every police official from the foot constable to the Superintendent. At the top of it all comes the misleading reply of the Premier which is wrong.

Mr. Speaker : His knowledge of facts is not personal. He relies on information supplied by his officers. In what respect is his answer unsatisfactory?

Lala Deshbandhu Gupta : On a point of order, Sir. You have ruled that in the reply given there is no element of dissatisfaction. May I know whether you hold that even if a Minister deliberately suppresses truth the reply given will not constitute sufficient cause for an adjournment motion?

Mr. Speaker : The honourable member's question is hypothetical. But if a Minister deliberately suppresses something or evades answering a question the honourable member may move a substantive motion but not an adjournment motion.

Lala Deshbandhu Gupta : In what way then can an unsatisfactory reply afford an occasion for an adjournment motion?

Mr. Speaker : That is for the honourable member to state.

Lala Deshbandhu Gupta : I want to know in what manner, when the reply to a question is unsatisfactory can an adjournment motion be moved?

Mr. Speaker : No hard and fast rule can be laid down. Each case has to be decided on its own facts and merits.

Lala Deshbandhu Gupta : You are to clear doubts.

Pandit Shri Ram Sharma (Urdu) : Sir, an entirely wrong and misleading reply has been given by the Premier. What can be more unsatisfactory than that?

Mr. Speaker : That is the honourable member's view.

Minister for Public Works : I want to say a few words on this point. As you would remember the father of the boy refused to make any report. When he did not make any complaint how could the police proceed ? The honourable member gave notice of a short notice question raising a new point. We could not reply without making further enquiries and enquiries are being made and he will get the reply in due course. A short notice question can only be answered when we have the information. The information which we had has already been given.

Mian Abdul Aziz : In a case which is cognizable, is it necessary that anybody in particular should lodge a report before the police ? Is it not the duty of the police officer himself to lodge a report and begin investigation ? It is on the legal aspect that I am asking, because so much stress has been laid on the fact that the father did not give information. If it came to the notice of the police it was their duty to start the investigation whether the father of the boy did actually lodge a complaint or not.

Mr. Speaker : As regards the first point raised by the honourable member whether it is not the duty of the police to start an investigation irrespective of whether any regular report is made to it or not, that is a matter of law. My knowledge of law has become stale and, therefore, I am not in a position to express any opinion. As regards the second point, it depends on the first.

Malik Barkat Ali : The matter is very elementary. A cognizable offence has been committed. It becomes the duty of the police as soon as they receive information of its commission, to start investigation irrespective of the fact whether a report is made or not.

Premier : I am sorry that unnecessary heat has been generated. The point is this that a complaint was made to the Superintendent of Police by some one in writing. He sent for the father of the boy and asked him whether it was correct, and to lodge a complaint if there was any truth in the allegation. He refused to lodge a complaint. An enquiry was made and the police found that the boy was living in that very town.

Malik Barkat Ali : May I draw the attention of the Premier to the fact that it is one thing for the police to say that no offence of kidnapping has been committed. Once they take up that position, there is an end of the matter, but if the police have received information, no matter what the source of that information may be, that an offence of kidnapping which is a cognisable offence, has been committed, then it becomes the duty of the police to start investigation at once irrespective of whether the person aggrieved has reported to the police or not.

Premier : The police did make an enquiry and found that the offence had not been committed.

Malik Barkat Ali : The police have no right to call upon the father to lodge with them a written complaint, if the enquiry of the police has brought out that no cognizable offence had been committed.

Premier : The father would not admit that there was a case of kidnapping.

Dr. Gopi Chand Bhargava : In the statement made by the Honourable Premier the other day, he said that the Superintendent of Police wanted the father of that boy to lodge a complaint. Then he said that the boy was living with a certain gentleman. That does not mean that the boy had not been kidnapped. He was as a matter of fact kidnapped. A ransom money was paid and he was returned and is now living with another relation, may be because there is a chance of his being kidnapped again. It is not that the boy was not kidnapped. There is not a word about it in that statement.

Mr. Speaker : In this case the attack is on the Premier.

Pandit Shri Ram Sharma : My attack is on the police authorities of Rohtak.

Mr. Speaker : But the reply is said to be unsatisfactory because the information, expected by the honourable questioner, has not been collected and laid on the table of the House.

An Honourable Member : Unsatisfactory to whom ? To the Ministry concerned ?

Chaudhri Muhammad Hasan : To whomsoever it may appear unsatisfactory.

Mr. Speaker : Strictly speaking it should be unsatisfactory to the House ; though *prima facie* it is my duty as well to see, as the representative of the House, that it is unsatisfactory.

Munshi Hari Lal : It is for the questioner to judge whether the answer satisfies him or not.

Mr. Speaker : Then, I am afraid, there shall be a number of adjournment motions on every question.

Chaudhri Muhammad Hasan : That is what the rule says. The rule does not say that it should appear unsatisfactory to the Speaker or to the Minister.

Munshi Hari Lal : The Minister has to speak on the strength of the information which is supplied to him. The Speaker has only to hear what the answer is. It is the questioner who knows the facts and figures and who can determine whether the answer is satisfactory or not.

Mr. Speaker : The honourable member's motion is :—

To discuss a matter of public importance, namely, the most unsatisfactory, wrong and misleading statement of the Honourable Premier.

That language is unparliamentary, but if the honourable member feels advised, he may give notice of a censure motion against the Premier.

Munshi Hari Lal : The honourable member does not want to censure the Premier. He wishes to censure the subordinate authorities. Why should he bring in a motion of censure against the Premier ?

Mr. Speaker : Will the honourable member please point out any rule to show how this can be done ? He does not want to censure the Premier, but it is only by censuring him that he can censure the subordinate authorities.

Pandit Shri Ram Sharma : May I know precisely which are the words in my motion which render it out of order ?

Mr. Speaker : I consider it out of order.

BAN ON THE ENTRY OF MR. M. N. ROY INTO THE PUNJAB.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : 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 notice served on Mr. M. N. Roy by the Punjab Government banning his entry in the Punjab for one year.

Mr. Speaker : Leave is sought to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the notice served on Mr. M. N. Roy by the Punjab Government banning his entry in the Punjab for one year. Any objection ?

(No objection being taken, 4-30 p. m. was fixed for the discussion of the motion.)

CITY OF LAHORE CORPORATION BILL.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I beg to introduce the City of Lahore Corporation Bill.

I beg to move—

That the City of Lahore Corporation Bill be referred to a select committee consisting of—

Mrs. J. A. Shah Nawaz.
 Diwan Bahadur S. P. Singha.
 Khan Muhammad Yusuf Khan.
 Captain Ashiq Hussain.
 Sardar Bahadur Sardar Gurbachan Singh.
 Chaudhri Ram Sarup.
 Rai Sahib Lala Sohan Lal.
 Sayed Afzaalali Hasni.
 Malik Habib Ullah Khan.
 Dr. Gopi Chand Bhargava.
 Mrs. Duni Chand.
 Mian Abdul Aziz.
 Mian Fazal Karim Bakhsh.
 Begum Rashida Latif Baji.
 Rai Sahib Chaudhri Het Ram.
 Shaikh Faiz Muhammad.
 Mr. K. L. Gauba.
 Khan Bahadur Raja Muhammad Akram Khan.
 Mian Abdul Rab.
 Sardar Bahadur Sardar Ujjal Singh.
 Diwan Chaman Lall.
 Lala Sita Ram.

[Minister of Public Works.]

I further move—

That the quorum for the meetings shall be nine.

I would also move—

That the House do agree to a select committee of more than 15 members.

Mian Abdul Aziz : Why honour me by nominating to the select committee for the first time after a period of nearly three years?

Minister : Perhaps the honourable member is the prospective Mayor of Lahore or a time may come when the Corporation may not have him. *(Laughter).*

Mian Abdul Aziz : It would be your desire not to have me. I myself have no such desire.

Minister : I do not at this stage want to say anything more except to draw the attention of the honourable members to the statement of objects and reasons attached to the Bill and to further remind them that when the present Government came into office, we found the Municipal Committee of Lahore superseded for persistent maladministration. So, the immediate problem was to ask the administrator to clear up the arrears and to draw up schemes to remedy the default for which that local body had been superseded. In short the task was to create order out of chaos left by the municipal committee. After that, the next and the most important problem that had to be solved was what should be the future form of municipal administration in Lahore. There were two obvious alternatives. One was to revive the old municipal committee—there were demands from certain quarters for this—and the other was to constitute a corporation. As demand for revival was made at the time from certain quarters we also considered the question, and came to the conclusion that if the defects which had led to failure in the past were allowed to remain, perhaps the result would be the same. The main defect under the municipal administration as existed was that the executive and legislative and deliberative functions were combined in one body. So, with that defect we were told that if we repeat the experiment, the result would be more or less the same. It was not one committee which had been working unsatisfactorily, but a number of successive committees had not been able to come up to the expectations of modern system of local self-government. So we ruled out that alternative and considered the other alternative of a corporation. Local self-government is supposed to be functioning successfully in other big towns of India such as Bombay, Calcutta, Madras and Karachi where the principal feature of the Acts is that the executive is totally separated from the deliberative and the legislative body. So we came to the conclusion that if we adopt this principle perhaps we will be able to remedy many of the defects from which the administration has been suffering in the past and it is on these lines that the present Bill has been modelled. As you will see, it is mostly modelled on the lines of the Karachi corporation which is the latest enactment on this subject. Through this Bill we should like to constitute three separate authorities, the corporation, the standing committee and the chief executive officer. Specific powers have been given to these various authorities under the provisions of the Bill and care has been taken that there is no conflict among these authorities.

This will lead to efficient working. These are the main principles and if we accept these principles and proceed on these lines, I am sure we will be able to have in Lahore not only local self-government but that coupled with good government. I do not claim perfection for any of the details of the Bill nor is it possible to expect unanimity. In a controversial legislation of this type there is bound to be considerable difference of opinion. But if we consider the measure dispassionately and without any bias, I am sure we will be able to agree on the main principles and if we accept and agree on those principles, then the minor details may be left over to be settled in the select committee which I have just proposed and which I am sure includes representatives from all parts of the House including all the representatives of Lahore, including the Leader of the Opposition himself. With these few words I commend this motion to the consideration of the House. (*Cheers.*)

Mr. Speaker : Motion moved—

That the City of Lahore Corporation Bill be referred to a select committee consisting of—

Mrs. J. A. Shah Nawaz.
 Diwan Bahadur S. P. Singha.
 Khan Muhammad Yusuf Khan.
 Captain Ashiq Hussain.
 Sardar Bahadur Sardar Gurbachan Singh.
 Chaudhri Ram Sarup.
 Rai Sahib Lala Sohan Lal.
 Sayed Attaalali Hasni.
 Malik Habib Ullah Khan.
 Dr. Gopi Chand Bhargava.
 Mrs. Duni Chand.
 Mian Abdul Aziz.
 Mian Fazal Karim Bakhsh.
 Begum Rashida Latif Baji.
 Rai Sahib Chaudhri Het Ram.
 Shaikh Faiz Muhammad.
 Mr. K. L. Gacba.
 Khan Bahadur Raja Muhammad Akram Khan.
 Mian Abdul Rab.
 Sardar Bahadur Sardar Ujjal Singh.
 Diwan Chaman Lal.
 Lala Sita Ram.

That the quorum of the select committee be nine ; and that the House do agree to a select committee of more than 15 members.

Minister : I have received a suggestion from the Honourable Leader of the Opposition that he would like to withdraw from the select committee and in his place Mian Iftikhar-ud-Din may be taken.

Mian Abdul Aziz : I would like to make a suggestion that instead of removing the Leader of the Opposition from the committee he can have him as also Mian Iftikhar-ud-Din. Dr. Gopi Chand is absolutely necessary. He has worked on the committee and he knows the working of the Lahore municipality and I hope the Minister will kindly agree to my suggestion.

Minister : That is why I proposed the name of the Leader of the Opposition. I entirely agree with my honourable friend.

Diwan Chaman Lal : If my honourable friend can omit my name and keep Dr. Gopi Chand's, perhaps that will solve the difficulty.

Minister : There is no difficulty. The only trouble is that under the rules a select committee cannot exceed in any case the number 25 and we have already reached that number. In consultation with the Leader of the Opposition I allotted a certain number of vacancies to be filled up by him. He gave me the names but now he has suggested another name. I have no objection to anything if the list remains within 25. I understand that Mian Iftikhar-ud-Din says that Dr. Gopi Chand's name may continue to be on the committee and that he does not want to be on it.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban): Sir, I beg to move—

That the City of Lahore Corporation Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1940.

I beg to add that the figure 1939 published in the agenda is a misprint. What I actually sent in was 1940. At the very outset I would like to make it clear to you and through you to the honourable members of the House that the object of the circulation motion is not at all dilatory. It is not my intention, it is not the intention of the Opposition or the Congress Party to kill the City of Lahore Corporation Bill. This circulation motion represents a genuine attempt to get the Bill referred to our masters outside, the citizens of Lahore who are vitally affected by the Bill under discussion. Mr. Speaker, there might be two opinions on the action of the preceding Government in having superseded the Lahore municipality, but I take it that so far as independent opinion is concerned there are no two opinions on the fact that the continuation of the supersession was a crime against democracy in Lahore.

Malik Barkat Ali : *Hear, hear.*

Minister : Crime against licence! Yes.

Chaudhri Krishna Gopal Dutt : That is what you think of the citizens of Lahore. Now, the Opposition welcomes that the supersession will be ended and that the municipality will be restored. It may, therefore, appear surprising to some of the members of the House that in the face of this opinion held by the Opposition as well as by the general public, we are moving a circulation motion. You will agree with me, Sir, that this Bill is a very comprehensive Bill. This Bill contains 410 clauses and it vitally affects the interests and the welfare of the common people of Lahore and therefore I say that there should be no indecent haste in rushing through this Bill. We should not try to rush through this Bill. Therefore I put in a plea for a cool, calculated consideration and examination of the various clauses of the Bill. The Bill should be before the public at least for a couple of months or so, so that the public should take into account every aspect of the Bill before we here who consider ourselves as the custodians of the rights of the people or as the representatives of the people express any opinion in regard to this Bill. It is, therefore, with that object that I have placed this circulation motion before the House. The other object

is that knowing the fate which is in store for the circulation motion, knowing the treatment which is to be accorded to the circulation motion, I want to take advantage of this occasion to place the views of the Opposition before the Government as well as before the prospective members of the select committee, so that the Government may consider ten times before actually rushing through the Bill and before actually enacting this legislation. Mr. Speaker, there are, as I said, no two opinions on the undesirability of the continuation of the supersession of Lahore municipality. I could go one step further and say that time was when there were certain members of the Opposition who honestly believed that the affairs of the Lahore municipality might become better, that the misrule of the superseded municipality might be ended by the supersession of the municipality. May be my honourable friend Dr. Sir Gokul Chand was one of those, may be that Mian Abdul Aziz and some other friends were also amongst those who honestly and genuinely believed—

Mian Abdul Aziz : I was not on the committee then.

Chaudhri Krishna Gopal Dutt :—who believed that if a respite is given the affairs might improve. I said that there were certain members of the Opposition at that time, I never said that Mian Sahib was on the committee. I do not actually know but at least we have one honourable gentleman who is adorning the Opposition benches, Dr. Sir Gokul Chand Narang in whose regime the municipality was superseded and I make bold to say that even Dr. Sir Gokul Chand who superseded the municipality at that time was never in favour of the continuation of the supersession for a time longer than was absolutely necessary. Now after tasting the bitter experience of the present administration, it is the unanimous opinion of the citizens of Lahore that the present administration is much more intolerable, is much more stinking than the misrule or the maladministration of the superseded municipality. I make bold to say on the basis of knowledge, on the basis of facts which I have in my possession and I have given a little time and attention to the study of the state of affairs in Lahore that the present administration, the present Macnabbian administration is a hundred times more inefficient and more corrupt than the maladministration of the superseded municipality. (*Hear, hear.*) I am, therefore one of the first persons who welcome the restoration of the municipality, but before we actually throw the present Macnabbian administration into the grave we should try to examine the structure which the present Government intend building on the ashes of the Macnabbian administration.

So far as I have studied the various provisions of the present Bill, so far as I have studied the structure of this measure, I find that the structure provided for in this Bill is open to serious objections. The constitution of the corporation, which is provided for in this Bill, is a hybrid, reactionary and anti-democratic, and reveals a peculiar mentality of the Punjab Government, which has made a declaration to the effect that it is out to send hundreds and thousands of people of this province to serve as cannon-fodder to save the democracy of Poland, while the same Punjab Government denies the same democracy to the fullest measure to the citizens of Lahore. It is provided in the Statement of Objects and Reasons that the present Corporation Bill is based on the model of the Bombay Corporation Act.

Minister : No, on the model of the Karachi Act.

Chaudhri Krishna Gopal Dutt : I think the Honourable Minister cannot be so ambiguous as to say one thing at one place and another thing at another place.

Minister : I stated that it was on the model of the Karachi Act.

Chaudhri Krishna Gopal Dutt : I was going to say that a portion of the Bill is on the model of the Rangoon and the Karachi Acts, when the Honourable Minister interrupted me. I will read out what is given in the Statement of Objects and Reasons :—

In drafting the Bill an attempt has been made to combine the Karachi model with the provisions of the Punjab Municipal Act, 1911. The Karachi Act was passed in 1933 and is the latest enactment. It follows the Rangoon model and is based on the Bombay Corporation Act, 1888.

I think the Honourable Minister for Public Works while studying the City of Lahore Corporation Bill, has not made a comparative study of the Bombay Corporation Act, the Karachi Act and the Rangoon Corporation Act; otherwise he would not have made such a false statement as is contained in the official document, that is, the Statement of Objects and Reasons, which is appended to the Bill itself. The Lahore Corporation Bill is not only not based on the Karachi Model, it not only does not follow the model of the Bombay Act, but it is diametrically opposed to some of the important provisions of those Acts and therefore I say that he has tried to throw dust into the eyes of the unsophisticated people of this province. I have made a comparative study of the most important provisions of the City of Lahore Corporation Bill, as well as of the Bombay Corporation Act, the Karachi Act, the Calcutta Corporation Act, the Rangoon Corporation Act and the Madras Corporation Act, and I have come to the conclusion that whereas democracy is enjoyed to a great extent in those big towns, here that very democracy in the present Bill is denied to the citizens of Lahore. We should not forget one very important thing while making a comparative study of this measure; we should not lose sight of the fact that those Acts, that is the Calcutta Corporation Act, the Bombay Corporation Act and the Karachi Corporation Act and other Acts of this kind, were passed by the bureaucratic governments. Those Acts were not passed by any popular Government. This is the first time in the history of India that a so-called popular Government has introduced a Corporation measure and in that measure the Government are going to trample under foot the rights and privileges of the citizens of Lahore.

Lala Harnam Das : On a point of order. In view of the importance of this Bill, it is in the fitness of things that some representation should be given to the scheduled class on the select committee.

Mr. Speaker : Order, order. That is not a point of order.

Chaudhri Krishna Gopal Dutt : It is neither flesh, nor fowl, nor good red-herring. I fail to understand how the Government had the temerity or the audacity to place such an objectionable and anti-democratic Bill before this House, unless it be because the Government had absolutely no hand in the matter, probably because the Honourable Minister for Public Works was not even consulted while this Bill was being drafted. I understand from a very reliable source, I am open to correction, that the present Bill is the offspring of a notorious administrator, who has made himself, in the

opinion of all right-thinking citizens of Lahore, a nuisance. This is the opinion of all right-thinking citizens of Lahore about this official. I think it would have been better if he had been here during the discussion of this Bill. (*Minister for Public Works: No.*) Does the Honourable Minister deny the origin and genesis of this Bill, when he says "No"? Is Mr. Macnabb not the originator of the Bill? What does the Honourable Minister mean by "No."? Mr. Macnabb has made himself a thorough nuisance in the eyes of the citizens of Lahore and indirectly in the eyes of the whole province. Does he deny that? If the Government had taken the people into its confidence; if it had cared for the wishes of the people, then it was the duty of this Government not to entrust the authorship of this Bill to such an officer as Mr. Macnabb. Not only that. If it had cared for the wishes, for the feelings and susceptibilities of the citizens of Lahore, it should have long ago removed Mr. Macnabb from his present office. But the Government did not care to do that, probably because this Government which is English-ridden, had not courage to remove an officer, who is a European.

You will be surprised to know, and perhaps you already know, that even a newspaper like the "Civil and Military Gazette," which you know is very friendly to the Government, has condemned from time to time the actions of the Administrator and has demanded the removal of Mr. Macnabb. Not only that but it was only very recently that the "Civil and Military Gazette" devoted one full column to a leading article in which the Lahore Corporation Bill was condemned as an anti-democratic measure. It was said therein that perhaps the Punjab Government did not believe that the citizens of Lahore were capable of managing their own affairs and that the Government evinced a distrust of democracy. The Punjab Government does not at all respect the opinion expressed by nationalist newspapers like the "Tribune," the "Milap," the "Pratap" and others but it should certainly take into account the opinion expressed by the "Civil and Military Gazette" which is theirs and not ours.

Let us make a comparative study of the City of Lahore Corporation Bill and other similar Acts. The charge which I have laid against the Government is that they have placed before this House a Bill which is anti-democratic. In defence of my argument I have to give certain facts and figures. First of all I would like to take the most important question of the constitution of the Corporation. That is, I am sure every honourable member will agree with me, the basic factor of the City of Lahore Corporation Bill. The Corporation, according to the Bill, will consist of 68 councillors out of whom 17 shall be appointed by the Government. I would like to read out to you the constitution of the City of Lahore Corporation as provided in the Bill. It is—

7. (1) The Corporation shall consist of sixty-eight Councillors—

- (a) forty-five elected by ward elections in such manner as the Provincial Government may, by rule, prescribe in this behalf;
- (b) one elected by the Northern India Chamber of Commerce;
- (c) one elected by the Trustees of the Lahore Improvement Trust;
- (d) one elected by the Indian Chamber of Commerce;
- (e) one elected by the Punjab University;
- (f) one elected by the District Board;
- (g) one nominated by the North-Western Railway; and
- (h) seventeen appointed by the Provincial Government;

[Ch. Krishna Gopal Dutt.]

So far as the important question of nomination of seventeen members is concerned, may I ask the Honourable Minister of Public Works whether such a large percentage of nominated members exists in any other Corporation or municipal committee of India? I am glad he is very discreet in being quiet because the answer is 'no.' In no Corporation in India is there such a large percentage of nominated members. Now the pertinent question is as to what are the intentions of the Government in having such a large number of nominated members on the Lahore Municipality? Does he know how many nominated members there are in the Calcutta Corporation, in the Karachi Corporation and in the Bombay Corporation? I would like to state for the benefit of the honourable members of this House what the strength of nominated elements in other Corporations is. In Bombay there is absolutely no nominated element at all. Please note that the Bombay Corporation, which, it is said, has provided a source of inspiration for the authors of the present Bill, contains not even a single nominated member. (Interruption.) There are three members who are appointed *ex-officio* and not nominated members which you should bear in mind. They are not considered as nominated members. Mind you only three out of 117. In our Corporation out of a house of 68 there are going to be 17 nominated members while in Bombay as I have said there are only three *ex-officio* members out of a House of 117. It will be a standing shame to the Punjab Government. In Calcutta the nominated element is 8 out of a house of 98. In Karachi the nominated strength is 8.

Begum Rashida Latif Baji : There is none. I have got the letter with me.

Chaudhri Krishna Gopal Dutt : I might have committed some mistake but the notes, which I took down, show that it is 8 out of a house of 64 in Karachi. This question of nomination is an important question and requires consideration on the part of the honourable members of this House. This system of nomination has two origins. In political science, there was a group of political thinkers who thought that, when democracy was, in the very beginning, introduced in certain countries, there might be certain very good gentlemen, there might be certain important interests, which, through the ordinary electoral machinery provided by democracy, might not be represented on a particular representative institution. So they thought that the Government should take that duty upon itself to nominate some of the members so that some of the important interests may be reflected on a particular representative institution. There was another aspect which was political. This wholesome principle of nomination was abused from time to time by the British Government in India and the present Government has taken a legacy from the preceding Government. It has tried to retain that principle and there is every likelihood of its being abused. We have got bitter experience of those people who have been nominated by the Punjab Government from time to time on the various municipal committees. We know that ordinarily speaking, without casting any aspersion against any particular gentleman, those people, who had been nominated so far, were absolutely nincompoops and were thorough reactionaries, had thoroughly retrograde outlook on life and politics, they were the friends of the reactionary government and were the enemies of the aspirations of the people.

We have never found that in any elected body those nominated gentlemen ever took the popular view. Not one instance can be found throughout the province when any nominated member supported the popular cause. Such gentlemen are again going to be nominated on the Lahore Corporation. May I know if there is any other object underlying the provision of seventeen members as nominated members for the Lahore Corporation?

I can well understand that the Honourable Minister for Public Works would get up and say that there are certain important interests which have to be represented on the Lahore Municipality; he would get up and say that there is the question of women and that there is the question of the scheduled castes. But, Sir, so far as we are concerned, we are opposed to the representation of special interests by nominations and especially the large number proposed to be nominated by the Government. I will pick up only one of these special interests and that is the question of the representation of women. I have got the greatest respect for the aspirations of women. I am one of those who believe in complete equality of sex, I am one of those who believe that perhaps no spoon-feeding is required for our women and they do not even demand it in the organisation called the All-India Women's Association. They never asked for any special rights. They never asked for any special representation. What they have demanded is the equality of sex. May I draw the attention of the House to a statement issued on the subject by one of our honourable ladies of this province, who is a very talented lady, Mrs. B. L. Nehru. She issued the following statement on behalf of the Executive Committee of the Central Punjab Branch of the All-India Women's Conference :—

“The Executive Committee of the Central Punjab Branch of the All-India Women's Conference Association at their meeting held to-day, considered the main features of the Lahore Corporation Bill which will shortly come up before the Legislative Assembly for consideration. Before making any comments on the Bill the Committee considers it necessary to enumerate the principles which have, from time to time, guided the deliberations and decisions of the A. I. W. C. They are as follows :—

- (1) The emancipation and freedom of women within the larger emancipation and freedom of the country. If and when there is a clash between the two, it has followed the policy of subordinating the women's interests to the interests of the country as a whole.
- (2) Complete equality of the sexes.
- (3) The establishment of full democracy of which complete local self-Government is an essential part.
- (4) Adult franchise as a pre-requisite of Self-Government.
- (5) Joint electorates without which the attainment of unity of all classes and communities is impossible.

The Corporation Bill tested in the light of the above principles is unsatisfactory. The hold of the Government is greater and the freedom of action of the corporation is more fettered than can be justified. The nominated element is larger than the modern thought and practice allow. The most important question of franchise and electorate is left over for the by-laws.

We, therefore, respectfully recommend to the Government to amend the Bill in such a way as to bring it in conformity with the accepted principles of the present age and the enlightened public opinion of the provinces. We draw the attention of the Government particularly to the following :—

- (1) All sex discrimination be abolished....”

[Ch. Krishna Gopal Dutt.]

I would like the Honourable Minister of Public Works to note these words and I want Baji Sahiba also to note them.

All sex discrimination be abolished by giving women equal rights of franchise with men. Such rights are enjoyed by women in other provinces where equality of status is guaranteed to them in the main body of the Municipal Acts as in the case in Bombay and Calcutta.....".

The only plea which the Honourable Minister for Public Works can adduce is this that the interests of women have to be represented in the Corporation by nomination. What I put before him is that he can leave this question to the Corporation itself. I think the best method of getting the representation of women is to give adult franchise even to women and they should also be allowed to fight the elections on political and economic issues. They should be allowed to fight for their own interests. They should be allowed to fight for the interests of the province and they should be allowed to fight for the interests of Lahore and for political and economic interests (*Inter-ruption*)—not that they should fight with men day in and day out. (*Laughter*). At present it is not considered advisable by the orthodox people to have representation of women in that manner. In that case I suggest that it should be left to the Corporation itself to have representation of women in whatever manner it likes. But if the Punjab Government is going to take undue advantage of this fact that there are certain special interests which require representation on the corporation, then I would say that it is a negation of democracy and that no gentleman in this province, who has got any love for liberty or freedom, or for equality and fraternity and all these noble things would be a party to this provision which gives the Government power to appoint 17 members out of a house of 68.

Mrs. J. A. Shah Nawaz : May I, through you, ask a question? Is it the considered opinion of the honourable member that the representation of women for safeguarding their interests should be left to the corporation and that the State has no duty to safeguard their rights?

Chaudhri Krishna Gopal Dutt : If this is a suggestive question, I am really sorry. It is the duty of the State to protect the interests of women but it is not the duty of the State to take undue advantage of that fact and thrust their own men and women on the corporation. It is, of course, the duty of the State and what do you mean by State? By State, of course, I do not suppose you mean the Government. State does not mean Government.

Mrs. J. A. Shah Nawaz : May I ask the honourable member another question? Why has he taken it for granted that the nominations have been provided for in this Bill just because women wanted to be nominated on the corporation or in order to safeguard their rights and interests?

Begum Rashida Latif Baji : I do not want it. (*Hear, hear.*)

Chaudhri Krishna Gopal Dutt : I am glad to hear that Baji Sahiba, who has been leading a number of municipal agitations in Lahore, and is interested in municipal affairs has declared that she is not in favour of the system of nominations.

Now, Sir, coming to another question with respect to the constitution of the Lahore Corporation, I would point out that the Bill provides for one

elected seat by the Northern India Chamber of Commerce and one elected seat by the Indian Chamber of Commerce. I beg to submit that the attempt of the Government to give representation to the commercial class is very welcome. But my only grouse against the Government in this matter is that the Government, while giving representations to the big capitalists, has failed to give representation to the middle-classes and the lower middle classes who are commercial. Why do they specifically mention here that one seat will go to the Northern India Chamber of Commerce and one will go to the Indian Chamber of Commerce? There is another important organisation in the province which represents the middle classes and the lower middle classes and that organisation is the Punjab Merchants' Association. Why have the Punjab Government failed to give any representation to the Punjab Merchants' Association? The second thing is that while the Government have given representation to commercial classes and to the employers' association, there is not one seat provided for those down-trodden and those poor and poverty stricken labouring classes. Not a single seat has been provided for labour. If it is said that all the interests are to be represented on the Lahore Corporation, then there are two parties to this question, capitalists and labour; while the Punjab Government have provided for the representation of capitalists, they have not done anything for the representation of labour on the Lahore Corporation. I say, that in my opinion, there should be a specific provision in the Bill, guaranteeing the representation of labour, not through back-door method of nomination but through the open door of election, so that these poor people should be able to send their genuine, true and real representatives to the Lahore Corporation.

Now we come to another important question, viz., the appointment of the Chief Executive Officer. I hope if this particular question is discussed on its merits there would be a number of members of the Unionist party who would see eye to eye with us in this particular matter and if they are left free, if they are given freedom of vote by their Premier, I am sure there would be a large number of members of the Unionist party who would vote with us on this particular question. I have had talks with some very important members of the Unionist party and I have come to the conclusion that there are a number of people who resent the appointment of the Chief Executive Officer by the Punjab Government. In the Bill this right is vested in the provincial Government. It would be for the provincial Government to appoint the executive officer. May I ask if it is democracy; or may I ask if it is the distrust of democracy? Why should the Punjab Government have its own nominee? It is said this is local self-government. This Bill is an insult to local self-government; this Bill is an insult to the citizens of Lahore. The Punjab Government believes that the people of Lahore are not able to manage their own affairs, that they are not in a position to elect such representatives who are the best man for the post of Chief Executive Officer. We know that the Punjab Government would come out and say that there were intrigues, wranglings, and parties going on in the Lahore municipality and they are likely to be repeated in the Corporation, and that the work of the municipality should not suffer.

These are old bureaucratic answers which do not require any reply. If this is the honest opinion of the Punjab Government it is better that they

[Ch. Krishna Gopal Dutt.]

should say in the most unmistakable words that there should be no Lahore Corporation at all. They should try to rule the Lahore city with the fiat of Mr. Macnabb or any other gentleman. If they believe in the democratic instinct of the citizens of Lahore they should vest this right of the appointment of the executive officer in their representatives and should not arrogate this right to themselves. I would read out to you what some of the honourable members of the Unionist party had said about this particular matter: not only some of the honourable members of the Unionist party but such a distinguished member as the honourable Sir Chhotu Ram who is a member of the Cabinet as to what his opinion was with regard to the question of Executive Officers. The honourable Sir Chhotu Ram if he has got any individual conscience.—I hope he has, I do not believe in collective conscience—he would certainly give his anxious thought and consideration and and reconsideration to the provisions of the Bill. Sir Chhotu Ram characterised it while speaking on the Executive Officers Bill in the Punjab Legislative Council on the 4th and 7th of May, 1931, as “putting the whole municipality on the shelf, the president and the deputy president on the shelf.” He went on to say:—

They who have been installed in power by the free will of the people do not count for a farthing—it is the Executive Officer who has been placed there by the bureaucracy who will rule the roost. The principle is inconsistent with and directly opposed to the principles of democracy and as such it should not be acceptable to anyone here or outside the House.

This is what Sir Chhotu Ram said then. To-day he is a member of the Punjab Government but he should not forget his own views and forget his own conscience and defy us and oppose us and go with the Government benches. (A voice: He is more responsible now.) This I call as Machiavellian politics ill-suited to the genius of the country. This means that when a gentleman is irresponsible, he has got one set of views and when he comes into power he has another set of views and votes against his own previous views and convictions. If my honourable friend is right we would take it that no gentleman sitting on the other side has got any views.

Now making a comparative study of the question of the appointment of the Chief Executive Officer we have it that in Karachi and Calcutta the appointment is made by the Corporation although it is subject to the approval of the Government. I quite agree with the Government in their view expressed in the Statement of Objects and Reasons as to why the various local bodies in the Punjab or in other provinces have proved a failure. One of the remedies suggested is control by the Government. Control of the Government does not mean Government itself: it does not mean that the principles of local self-government should be thrown to the wind. It does not mean that the Punjab Government should completely ignore the wishes of the representatives of the people. It does not mean that the appointment of such an important officer of the Lahore Corporation should be made by the Punjab Government. What does control of Government mean? The control of Government means that if the Chief Executive Officer is thoroughly bad and is hampering the rapid growth of local self-government or is thoroughly corrupt or undesirable and the Corporation fails to take notice of it and panders to his corruption, it is then that Government should intervene. Absence of such control would mean that

a corrupt and undesirable officer will not be removed. If democracy goes wrong and degenerates into mobocracy then Government should exercise its control. It does not mean that from the very beginning the Government should imagine that there is no atmosphere for democracy and that therefore Government should act in an autocratic manner. I think the citizens of Lahore will never be able to agree to the clause by which the appointment vests in the Punjab Government.

Now I come to another question. There are so many members who are anxious to speak and I will not like to cover all these points. I should therefore leave something for them to talk about. Now there are two aspects of the question so far as this executive officer is concerned. Firstly, the appointment of the executive officer and secondly the removal of the executive officer. The method of removal of the executive officer as provided for in this Bill is absolutely anti-democratic. I have to use this word again and again because again and again an attempt is made by the Punjab Government to crush democracy under foot. Therefore I would say that if the appointment of the Chief Executive Officer by the Government is anti-democratic the removal of the Chief Executive Officer is equally anti-democratic. What is the provision in the Bill? The provision is that three-fourths of the majority of members present in the House are required for the removal of the Chief Executive Officer. Now if you know, as you know, the personnel of the Corporation and the constitution of the Corporation, you would agree with me that in view of the very nature of things it would be absolutely impossible to have such a majority and that where an executive officer who is undesirable, who is corrupt, who has made himself as big and as thorough a nuisance in the eyes of the people or in the eyes of the representatives of the people, as Mr. Macnabb has done, it would be next to impossible to dislodge that man from his office. Three-fourths—this means that the Government should always have a hand in the matter. This means that since there are going to be 17 members who will be nominated, without the help of these members, no executive officer who is in the bad books of the people but who is in the good books of the Government shall be removed. It means that at all times under such circumstances it would be the nominee of the Punjab Government who would be in the *gaddi* and the representatives of the people will never have any choice in the matter at all. Now the Honourable Minister comes here and declares that this Bill is following certain models of other provinces. Let us see what other provinces have to say in this matter. In Bombay out of a house of 117 only 64 are required for the removal of the Municipal Commissioner, which corresponds to the Chief Executive Officer in the Punjab. This means 64/117. By ordinary calculation it would be clear to every gentleman here that it is much less than even two-thirds. In Karachi only two-thirds majority of those present is required for the removal of the executive officer.

I would refer only to one or two other matters. Of course the Bill contains so many clauses that within the short space of time which I have before me it is well nigh impossible to discuss the whole Bill, but I am taking only the important clauses of the Bill.

[Ch. Krishna Gopal Dutt.]

The other question which I want to discuss is the property-tax which is provided for in this Bill. There has been a lot of agitation against the decision of Government to levy a house-tax or a property-tax on the citizens of Lahore. I want to record here my own opinion, which is also the opinion of the Congress Party, and I wish it to be understood by Government that we have got views which are independent of those held by the present leaders of the anti-house tax agitation in Lahore. So far as I am concerned, I am not against the imposition of a house-tax. So far as the Congress Party is concerned, it is not opposed to the levy of a property-tax. I want these gentlemen who have been leading this agitation to understand that after all money has to come from somewhere, and that money has to come from those who are able to pay. I am not discussing the agitation. I am discussing the principle of the tax. I am not discussing as to what the tax should be. I am discussing whether Government had any right to tax those to whom it had not given any representation. Has Government forgotten the old democratic principle: "No taxation without representation"? I believe that the fundamental objection of some of the leaders of the recent agitation is that the taxes should be levied by the representatives of the people and not by the Punjab Government. If Government had any faith in self-government, then it should have left the matter of taxation to the representatives of the people, as to whether it is advisable or desirable to have a house-tax and if so what should be the rate of that tax. But my main objection to the provisions relating to the house-tax is that it has been made obligatory on the Lahore Corporation to levy a property-tax. In my opinion the Government have again shown a distrust of democracy. Government have paid scant respect for the feelings and susceptibilities and views and opinions of the representatives of the people. Does the Government think that it understands better the needs of the people and that those who are elected by the widest franchise in Lahore will not be in a position to understand the requirements of the city, as to whether there should be a tax and if so, how much? Why not leave it to the Corporation? Why say that it shall? The provision, Mr. Speaker, says that the City of Lahore *shall* levy a property-tax. In my opinion, the Government should leave this question to the Lahore Corporation and change the word *shall* into *may*—the City of Lahore may levy a property-tax.

The other thing which I want to put before you is that there is a very vague definition of the "City of Lahore," not vague but at present you will be surprised to know that we do not know nor does the Minister know as to what Lahore is to-day, as to what is the City of Lahore to-day. May I ask him if he knows what the City of Lahore is? He knows it personally, but at least so far as this Bill is concerned we do not know as to what is going to be the jurisdiction of the Lahore Corporation and what is going to be the limits, what is going to be the area over which the Corporation will have some control. According to the definition—

"The City of Lahore" or "the City" means the local area which the Provincial Government may by notification under this Act, declare to be the city and any other area which the Provincial Government may include on the issue of a notification in the Official Gazette under section 364.

It is yet to be seen and it depends on the sweet pleasure of the Government to declare what is going to be the City of Lahore. I want that this should not be left to the Punjab Government. This should be decided here; this should be a part of the Act. I want to bring home to the honourable members that this power entrusted to the Punjab Government has already been abused. I would refer to the recent extensions of Lahore which have been made by the Punjab Government in the teeth of opposition.

Minister : At least you know what Lahore is.

Begum Rashida Latif Baji : I know it very well.

Mian Abdul Aziz : Let us know what the administration knows.

Chaudhri Krishna Gopal Dutt : The better-half knows better. The better-half is the Administrator himself and not the Honourable Minister. I mean the better-half of the Administration. (*Laughter*).

Dr. Sir Gokal Chand Narang : I thought that the Minister was the better-half. (*Renewed laughter*).

Chaudhri Krishna Gopal Dutt : Sir, by a notification dated the 22nd of April it was declared that the Governor of the Punjab would increase the limits of Lahore from 26 square miles to 92 square miles. In my opinion this is against the interests not only of the old city of Lahore but also of those people who inhabit the area which the Punjab Government seeks to bring within the Corporation. I represent portions of that area which are adjoining Lahore and I am in a position to say that even the inhabitants of those places are against such an extension. I believe that the city of Lahore would become very unwieldy and it would not be possible for a Corporation to administer and rule all these places very wisely and efficiently. There are a number of objections to this extension. A very lengthy statement was issued by that Grand Old Man of the Punjab who had made a special study of this subject, I mean Raja Narendra Nath Sahib. Raja Narendra Nath Sahib had studied this question in its detail and he gave arguments which were territorial arguments, which were financial arguments, which were also political arguments, to show that this scheme of expansion of the limits of Lahore was absolutely silly and absurd. We do not want to entrust this power to the Government and therefore we want that instead of leaving this thing vague, it should be incorporated in the Act itself, so that the citizens of Lahore and its representatives should know what the City of Lahore means. I would not like to take more time of the House, but I would say one thing and that is that in the opinion of all right-thinking people of Lahore, the present Bill is an anachronism. It is out of tune with the spirit of the times and therefore the Punjab Government should be in no hurry to rush through the Bill but circulate it to elicit public opinion thereon.

Mr. Speaker : Motion under consideration, amendment moved—

That the City of Lahore Corporation Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1940.

The amendments of other honourable members will be discussed along with this motion, but will be voted upon separately, if necessary.

Malik Barkat Ali : May I know the order in which you would call upon the members to speak, so far as the members who have given notices of amendments are concerned ?

Mr. Speaker : The amendment moved by Chandhri Krishna Gopal Dutt is under discussion. As the remaining amendments are identical with it except as to dates by which public opinion is to be elicited, all amendments shall be discussed together.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women, Urban) (*Urdu*) : Sir, the present Bill is so defective and imperfect that even a cursory glance at it makes one feel that it undoubtedly deserves to be thrown into the waste-paper basket. (*Hear, hear* from the Opposition benches). Sir, it has been admitted that the Lahore Corporation Bill has been copied from the various Corporation Acts that are at present in force in Bombay, Calcutta and other big cities of India. My contention is that cities like Calcutta, Bombay and Karachi are sea ports. Since they are big commercial centres the inhabitants of those cities are rolling in wealth. The conditions prevailing in Lahore have nothing in common with the conditions obtaining in the said commercial centres. It would have been much better if the conditions of the inhabitants of Lahore were kept in view while drafting such an important Bill. It is no use copying others. If at all it was felt necessary to copy from those Acts, then either this work should have been entrusted to a professional copyist (*Laughter*) or to a clerk employed for the purpose on Rs. 20 or 25 per mensem. Had it been so copied I would have refrained from suggesting that the Bill should be thrown into the waste-paper basket. The framer of this Bill is the Administrator of the Lahore Municipality. But it is a pity that he does not even know how to copy it. (*Laughter*). While drafting this Bill he remained at Simla and it seems that he was then under the impression that since he had drunk elixir of life at the hand of the Honourable Khizar he would continue to rule over Lahore. It would be a Himalayan blunder on the part of the Government to keep a person still there who has miserably failed to perform his administrative duties efficiently and who has incurred the odium and displeasure of the whole population of the Lahore city. Each and every line of this Bill is in fact a true index of his Hitlerian mentality, if I may say so (*Hear, hear*). In fact under this Bill most of the powers have been either retained to itself by the Provincial Government or delegated to the Chief Executive Officer. Very limited powers have been vested in the proposed Corporation. I cannot be expected to make a comparison between this Bill and the Corporation Acts of cities like Karachi, Calcutta, Madras and Rangoon. Any way I would like to make a few observations in this respect and I am sure the House would be in a position to judge as to how fundamentally this Bill of ours differs from those Acts. On the Bombay Corporation there are 117 councillors in all, and only three of them are nominated ones. But they too are *ex officio*. Otherwise there is not a single nominated member on the Bombay Corporation. Similarly in Calcutta there are 99 corporators and only eight of them are nominated. On the Karachi Corporation, which has been particularly referred to by the Honourable Minister, there are only 64 members. Formerly there were 9 nominated members, but recently they have abolished the nomination system. In support of my statement I can safely refer to the letter I have received from Dr. Shroff who is at present the

Executive Officer of the Karachi Corporation. He says that the Corporation has now discontinued the nomination system. It is the Corporation that appoints the Executive Officer in Karachi. It is also empowered to remove or suspend him on a decision made by its two-thirds majority. The Karachi Act provides that the salary of the Executive Officer should in no case be less than Rs. 1,200 and more than Rs. 1,500. The number of the councillors of the Lahore Corporation will be 68. Out of them only 45 would be returned by popular votes. No less than 17 members would be nominated by the local government. Besides this official bloc six members would be sent by various institutions to work on the Corporation. It goes without saying that the latter number would comprise of official as well as non-official members.

Besides, powers have been invested in the provincial Government to appoint the Chief Executive Officer, and not in the Corporation. As far as his removal and suspension is concerned it has been provided in the Bill that the Chief Executive Officer will be removed if 51 members out of 68 are of the opinion that he should be removed. When there are only 45 representatives of the public how can the opinion of 51 be the same? Moreover the Corporation has not been authorised to grant him leave or to appoint any person temporarily in his place. It is evident from the Bill that the maximum limit of the salary of the Chief Executive Officer will be three thousand rupees. This will be the least figure as far as his salary is concerned. But an addition of Rs. 250 is likely to be made in his salary and he will get an Improvement Trust allowance as well. This is exactly the amount being paid to the present Administrator. There is no member, male or female, in this House who has not been elected; where is the necessity for nominations to the Corporation? I would, therefore, request the Government to give up this practice of nomination. For instance, if I am supposed to get into the Corporation as a nominee, I would at least refuse to be included in it as a nominated member, I do not like to have the yoke of nomination round my neck (*Cheers from the Opposition*), as the nominated members always keep in view the interests of the Government and they, having the seal of nomination on their lips, cannot do anything substantial for the good of the people. They go on praising the Government like a parrot which is taught to sing "G. o j goo j ji, goo j goo j ji". (*Cheers from the Opposition*). If these seats are for those weak candidates who are unable to seek election, then I do not think there is any need for such weak and uninfluential candidates who are prepared to sell their heart and soul to the Government for this favour and obligation. It would be much better if seats are now fixed according to communal proportion, including a certain number of seats for women candidates so that they may occupy them by election when the time comes.

Sir, at the present stage of democracy when almost every country is involved in the present war for the sake of democracy, and when the Punjab and other provinces have promised to supply men and material and when the youths of this province are going to be sacrificed at the altar of democracy, in reality the dead body of democracy is being buried in the Town Hall to-day. (*Opposition cheers*).

I may also point out that the citizens of Lahore are quite tired of the atrocities and misbehaviour of the present Administrator. But

[Begum Rasbida Latif Baji.]

woe betide us, the Bill that is under discussion shows that the Government still want to keep Mr. Maenabb the despot over our heads, so that he may go on annoying the five lakhs of people of Lahore. I am at a loss to understand the policy of the Government. On the one hand, they are leaving no stone unturned for the sake of democracy, on the other it is obvious from their attitude that they are planning to introduce despotism in Lahore.

Sir, now I should like to submit a few words about the house-tax in this connection. This tax has been levied against the wishes of the people, and in spite of the fact that they raised much hue and cry against it. Despite the agitation the Government has included it in the Bill. Is it not injustice? The Bill provides that the Corporation will impose this tax according to its sweet will. It means that the public has no voice at all. As regards the assessment of the house-tax, I would point out to you how this assessment has been made. Some young men tired of unemployment were appointed on Rs. 30 or Rs. 25 per mensem and asked to make an assessment of houses in the city. They used to parade the streets and *muhallahs* like soldiers and before starting they used to decide amongst themselves as to how many houses each of them was going to assess. If they met any child playing in the street they would ask him, "Kaka, do you know how many rooms there are in this House?" After getting a reply to such questions they made an entry in the papers. Sometimes they had a look at the outside of a house and estimated its height and length and made an entry. In this way, Sir, assessment was made here and after sometime bills to this effect were struck on the walls of the houses. The defective assessment brought dire consequences in its way as was expected, that is to say, the rent of the house whose rent is less than Rs. 10 was estimated at Rs. 40. Consequently this sort of assessment caused resentment and great agitation amongst people. Women called on me, crying and weeping, with the bills which had been stuck to their walls tied up in their handkerchief, and said, "Baji ji, we have not enough money even to buy our ordinary necessities, sometimes it so happens that we have not money to pay our sweeper and water carrier, how will we pay the house tax?"

Sir, you might be well aware that in every *muhallah* and street of Lahore meetings were held and resolutions were passed against the house-tax and after that a deputation went to Simla to wait upon the Minister in charge. I think the Honourable Major Khizar Hayat Khan might remember when I made entreaties to him in a very pathetic tone that he should take pity on widows and poor people of Lahore and withdraw the tax proposal. But he replied that there was no such agitation in Lahore against it, though he came to realize it later on that there was actually a great agitation against it and that I did not tell a lie to a him while representing the grievances of women-folk. Then the Administrator who charges Rs. 50 or Rs. 60 thousand from the public of Lahore for nothing sent an order from the pleasant hills of Simla that all the house owners should come in person to the Town Hall on the 20th. Almost 50 thousand house owners gathered round the Town Hall, including house tenants. They went there according to the order of the Administrator on the fixed date, and loud-speaker arrangements had been made there by the leaders in order to control the mob before the procession actually reached there. (Interruptions). Sir, it is not fiction, but I am telling

you the truth. As there were almost one lakh of people at that place it was necessary to fix a loud-speaker there in order to control them.

Khan Bahadur Nawab Muzaffar Khan : On a point of order. What the honourable member says is all very interesting but it is hardly relevant and it is high time that we come to the motion under discussion.

Mr. Speaker : Yes. It is irrelevant.

Begum Rashida Latif Baji : Sir, please let me have my say.

Mr. Speaker : If it is not irrelevant.

Begum Rashida Latif Baji : I draw your attention to the section in which it has been provided that house-tax will be imposed on the citizens and when this Bill is enacted into law even the Corporation will not be able to remove it.

Mr. Speaker : Is the matter referred to by the honourable lady member, *sub-judice*? Is the case not pending in a court of law?

Begum Rashida Latif Baji : There was a very large number of police officials who had blocked the way on all sides. There we came to know that the officer, who has been thrust on us by the Government and who, we know, is going to continue to rule us, was out of the station. It was a direct insult offered to us.

Khan Bahadur Nawab Muzaffar Khan : I rise to a point of order. All this is most interesting but—

Mr. Speaker : I agree.

Begum Rashida Latif Baji : That day we came back. The next day, i.e. the 21st, was allotted to women. You know, Sir, how hot it is in Lahore in the month of August. In this intense heat the women house-owners of Lahore, many of whom were poor widows, started for the Town Hall to make representations. They were accompanied by no male persons. Some of them had small babies with them. In that heat they reached the Town Hall. Muslim women had their *burqas* on, and my Hindu sisters were wearing khaddar sheets. At that time almost the whole of the Lahore police was there armed with pistols, revolvers and bayonets. It was blocking our way like a veritable solid wall. Jail lorries were standing nearby. We tried our best to reach the Town Hall, but there was no way and we could not proceed further. Even some of the officers standing there would be honest enough to bear me out when I say that the women were very much distressed and said with tears in their eyes that they were not able to bear this burden. When it was found that Mr. Macnabb was not at Lahore and the way was blocked by the police which was standing on both sides all the women had to return sadly disappointed.

This much about the assessment of house-tax. Now I want to say something about the properties. The Bill says that mosques, temples, churches, holy places, dharmshalas and gurdwaras will be exempt from the levy of this tax, but there is nothing to indicate whether the properties attached to these places, on the income from which they have to depend for their maintenance and repairs, etc., will or will not be exempted. Then we find in the Bill that the houses which bring rent up to Rs. 5 per mensem only will also be exempt. But may I ask you, Sir, whether there is any house in Lahore

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which fetches Rs. 5 per mensem as rent? This provision is put in there only to hoodwink the rural members, but the urban members know it fully well that no exemption is being granted to the poor house-owners. Then we are told that cremation grounds, burial places and cemeteries have been exempted. But this is a matter between the Government and the departed souls. If the people who are dead are anxious to thank the Government for this kindness they are welcome to do so. (Laughter).

Then it is provided in the Bill that if any person fails to pay the house-tax the Chief Executive Officer can obtain distress warrants against him and entry can be effected into his house by breaking the locks, windows, etc. But if the house be occupied by women only then they are to be informed of the fact two or three hours in advance. It is laid down that everything excepting the necessary dress and beddings of the defaulter can be attached. But if the defaulter is an artisan his instruments will be exempted and if he be an agriculturist his cattle and grain will not be touched. But there is no mention of the bullocks of washermen, horses of tongawalas, and similar belongings of other labouring classes. This shows that no leniency has been shown to the poor. If the sofas and other furniture of the rich defaulters were attached one could understand it. But here we find that excepting necessary clothes and beddings everything will be attached. Even old durries and utensils are not to be exempted. We do not know whether all these things are required in connection with some battle going on with Afridis. The Government always professes great sympathy for the poor, but here we find that practically the poor are told that they have no right to live in Lahore and, therefore, they should remove themselves from the city. May I know whether this is the sympathy which the Government has for the poor?

Then, Sir, our ministers and parliamentary secretaries are in the habit of asking us to go to them with our grievances and complaints. But about the administration of Lahore so many complaints have been made and so many deputations have waited on them without any result. All the vernacular papers ventilated our grievances in their columns. The English newspapers like *The Tribune* and even *The Civil and Military Gazette* wrote so much against the maladministration of the Administrator. But all in vain.

So far as the administration of the Lahore Municipal Committee is concerned I am at a loss as to what charges I should level at it because the number of charges is legion. Out of them I will only place before you the question of the reduction of the salaries of the Municipal teachers. There are something like 300 or 350 teachers working in the schools run by the Lahore Municipal Committee. Now a uniform reduction has been made in their salaries, i.e., the salaries of all the teachers whether they receive Rs. 80, Rs. 40 or Rs. 50, will be reduced by five rupees. To crown it all, the teachers were made to agree to this decision of the Administrator at odd hours of the night and they were not allowed any choice but to sign, even if they were not willing to get their salaries reduced. Amongst these teachers there are many who have 12 to 16 years' service at their back. And now when they have spent their youth in the service of the municipality it is very difficult for them to go and seek employment elsewhere.

Besides, I may point out that the teachers were in a way compelled to append their signatures to the decision of the Administrator because

if they had refused to append their signatures they would have certainly been cashiered before the setting of the sun. In the circumstances the only course open to them was to append their signatures to the decision of the Administrator. In addition I may submit that if I had in my possession the representations which they made to Mr. Macnabb I would have certainly quoted them on the floor of the House. For instance, I may point out that one of the teachers wrote to him that he had five children, a widowed sister and a wife and that he was making his both ends meet with great difficulty on his present pay. In the circumstances he had no other course open to him but to agree to the decision of the Administrator. Another teacher wrote to him that he was paying Rs. 8 by way of rent and that it was very difficult for his large family even to get a bare living with his present pay. Moreover it was very difficult for him to go somewhere else and search for employment for himself, when people are already going from pillar to post in search of employment. Consequently he had to be contented with his lot and could do nothing but to agree to this decision of the Administrator. In short, every teacher appended his signature to the decision of the Administrator with such dissenting notes. In this connection I am reminded of a custom which was prevalent in China in days gone by. It is said that when any body was to be put to death, he was generally given a dagger to end his life. Similarly, the teachers working in the schools of the Lahore Municipal Committee were asked to append their signatures to the decision of the Administrator which was no less than a death warrant for them. I know that in reply to this criticism it may be asked by the Government as to what was the way in which the income of the Lahore Municipal Committee could be increased. But I wish to make it clear to them that this is not a correct method of increasing the income of the Committee that the teachers who receive Rs. 20 should be paid only Rs. 15, but if any reduction is to be made it should be effected in the salaries of those who receive thousands of rupees per month. If the salaries of such high paid employees are reduced by a few hundreds a lot of money can be saved. This is real reduction, otherwise the reducing of the salaries of low paid employees is a sheer injustice. I may also point out that since the Administrator has been appointed he has steadily increased the pay of those employees of the Committee who already draw very fat salaries, on the other hand he has been making reductions in the salaries of the low paid employees. Is this the achievement which the Government is praising so much and on account of which it is trying to keep him here for all times to come?

In addition I may point out that Lord Ripon started the scheme of local self-government in India in 1882 and his main object for doing so was that by the introduction of such a scheme the people of India would get training in local self-government and then slowly they would become fit to govern their provinces when self-government or *swaraj* was given to them. Moreover it was the intention of that soft-hearted Englishman that Indians should know how to manage the affairs of their own towns. But to-day after the passing of so much time the object of that very principle is being defeated inasmuch as the Corporation shall have to take the sanction of the provincial Government in each and every matter. Instead of re-constituting the Lahore Municipal Committee so that new members should have been elected who would have put forward a new scheme, the Government

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has brought forward a Corporation Bill, wherein all the powers have been entrusted to one single person. This is the reason why I am suggesting that this Bill should be circulated for eliciting public opinion thereon so that people should express their opinions about it. In this connection I may point out that a meeting was held on the 24th instant by the Rate-payers Association and many resolutions were passed in it that the Bill as it stood was not acceptable to the people and that it should be circulated for eliciting public opinion thereon.

In conclusion I may point out that although Malik Barkat Ali's motion had precedence over mine, yet on my rising up to make a speech he gave way and allowed me to have my say and I am grateful to him for that. Now Sir, through you I wish to convey to him that whatever I wanted to say, I have stated on the floor of the House. I have every hope that now he would put forward sound arguments in support of his motion. (*Minister: He is supporting us.*) How can it be possible? He is an urban member and he must side with the urban members. I am confident that he will not do any injustice to the urban people. The urban people are literate and they know what is good and what is harmful for them and they also know that the Bill as it stands is going to bring many evils and I am sure they will not accept it. In the circumstances I support the motion now before the House that the Corporation Bill should be circulated for eliciting public opinion thereon.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): When it was first announced that the Punjab Government had decided to raise the town of Lahore to the status of a corporation, I received the announcement with a great deal of satisfaction. My satisfaction was natural. The town of Lahore, of which I claim to be a citizen and inhabitant for generations, and its people had been deprived most unjustifiably of their undoubted right to manage and control their affairs through representatives of their own choice on the 28th of October 1936. Since that date, notwithstanding the general wish of the citizens of Lahore that the Lahore Municipal Committee should be resuscitated, the Committee has stood superseded and the people of Lahore have remained deprived of their ancient right. When, therefore, it was stated that this terrible and grave injustice to the town and people of Lahore would be rectified, I received the news with a great sigh of relief. Therefore, with this knowledge, if I rise to speak in favour of the circulation motion, my object is not in any way to obstruct the passage of this Bill or to take advantage of a dilatory motion, but my object is that this Bill, which is undoubtedly a most important Bill, should receive all the care and attention which can be given to it not only by the members of this House but also by those citizens outside who are going to be most vitally affected by this measure. Out of all those salutary processes through which important legislation passes, the first salutary process is that of circulation which should be gone through and not dispensed with. When I go through the provisions of this Bill, I find that the Bill is not only open to grave objections on principle, but that many of its provisions are radically incompatible with that status which the Government says it is going to confer on the citizens of the town of Lahore. I shall state my reasons very briefly.

My first reason is that the Bill is a very important Bill. Even ordinary municipal institutions are described as nurseries of citizenship and as training grounds for the development of that attitude of mind and that citizen spirit which is necessary for democracy. Gladstone describes municipal institutions as follows :—

Municipal institutions are the seedplots upon which and around which are cultivated those habits of thought and that temper of the mind which constitute the noblest heritage of any nation.

A great master-mind and a great constitutional thinker, namely, De Tocqueville, has described municipal institutions as follows :—

Municipal institutions are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a system of free government but without the spirit of municipal institutions it cannot have the spirit of liberty.

A very distinguished judge, Mr. Justice Brown, in the case reported as *People versus Draper* says as follows, and this I quote with particular reference to what the Honourable Minister in charge of the Bill gave as the gist of his Bill to this House, namely, that the fundamental principle of this Bill is the separation of legislative and executive functions,—I may remind him in passing that this is not the British practice. The honourable judge says as follows :—

Wherever the Anglo-Saxon race have gone, wherever they carried their language and laws, there communities, each with a local administration of its own selection, have gone with them. It is here that they have acquired the habits of subordination and obedience to the laws, of patient endurance, resolute purpose and knowledge of civil government which distinguish them from every other people. Here have been the seats of modern civilisation, the nurseries of public spirit and the centres of constitutional liberty.

And the next sentence is the most important one :—

They are the opposites of those systems which collect all power at a common centre, to be wielded by a common will and to effect a given purpose, which absorb all political authority, exercise all its functions, distribute all its patronage, repress the public activity, stifle the public voice, and crush out the public liberty.

A Corporation is the highest form of local self-government and it, therefore, stands to reason that if the Government has decided to give the town of Lahore the status of a corporation, it should really give the town of Lahore a corporation with all its accepted attributes and trappings and not the mere mockery of a corporation.

My second reason for supporting this motion is that the citizens should be given an opportunity of knowing the provisions of this draft Bill and to this end this draft Bill should be given the widest publicity so as to elicit public opinion. The present Bill was published in the *Punjab Government Gazette* (Extraordinary), dated the 2nd October, 1939 and to-day, on the 27th November—hardly within two months—there is a motion for reference of this Bill to a select committee. May I remind the Honourable Minister in charge of the Bill that when a similar situation arose in another province, how the Minister in charge of the same portfolio dealt with it? I want to refer the honourable members to what happened during the course of the passage of the Calcutta Municipal Amendment Act of 1928. The Calcutta Corporation, though originally constituted in 1876 was in 1899 radically altered, and its composition was then fixed at half nominated and half elected. Another most important feature of the Act of 1899 was that whereas under the previous Act all civic authority was centred in the

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Corporation, the bureaucratic Government, in charge of the affairs of Calcutta, in the year 1899 broke up that supreme authority by creating three independent bodies and thus the paramountcy of the Corporation in civic affairs was considerably cut down and materially affected. When this action was taken by the bureaucratic Government of those days, all the leading members of the Corporation resigned and an agitation of considerable dimensions began. It continued till 1918. Then came the War and a promise was made by the Government that they would reconsider the question. In the year 1921, when that great nationalist leader of Bengal, the late Sir Surendra Nath Banerjee, took charge of the portfolio of Local Self-Government, he at once proceeded to take in hand the task of amending the Calcutta Municipal Act. How did he begin? He first called a representative conference of Europeans and Indians to consider the whole matter. That conference thrashed out all the details of the proposed legislation and after several months submitted certain recommendations. Those recommendations were then incorporated in a draft Bill and the draft Bill was then introduced in the Bengal Legislature. I should like the honourable members to note the various relevant dates; It was in March 1921 that the conference was called. The conference made its recommendations in due course, and it was on the 22nd November, 1921, that a Bill embodying these recommendations was introduced in the Bengal Legislative Council. On the 29th November, 1921, within a week of the introduction of the Bill, the Honourable Sir Surendra Nath Banerjee himself moved a motion, not for reference to a select committee, but for circulation of the Bill which was the result of the recommendations of the joint committee of officials and non-officials. It was after the Bill had been before the public until 3rd July, 1922, that a motion was made by the Honourable Minister in charge of public affairs for reference to a select committee. I may here point out that even the Bill of 1899, the product of the bureaucratic Government of those days, was before the public for 18 long months. I submit that within the space of hardly two months, it is absolutely impossible for even honourable members of this House to acquaint themselves with the detailed provisions of this Bill. I put it to the House, how many of us have gone through this full Bill? I put it to the honourable members occupying the Treasury Benches, how many of them have gone through the entire provisions of this Bill? I respectfully submit that it is impossible within the space of two months to do full justice to the detailed provisions of this Bill.

Now, Sir, my third reason, and my most important reason is that this Bill proceeds on principles which it is impossible to accept. My learned friends have already drawn the attention of the House to the nominated block provided in this Bill. So, I will not deal with it in detail. I accept their arguments. If I may be permitted, I may just point out that so far as the Calcutta Municipal Corporation is concerned, that Corporation started with 50 per cent nominated element in the year 1899. Sir Surendra Nath Banerjee by his Act of 1923 reduced it from 50 per cent to 10 per cent and then it was left for Mr. Fazl-ul-Haq, in the year of grace, 1939, to reduce this nominated strength further to 8 per cent and out of these 8 members, in a House of 99, 3 were set apart for scheduled castes. So, you will be

pleased to see that the power of nomination kept in its hands by the Bengal Government applies only to 5 seats. Now, I come to the Madras City Municipal Act. In 1904, the Madras Corporation began with a nominated strength of 22 per cent. In the year 1919, after the introduction of the Montagu-Chelmsford Reform scheme, the nominated strength was reduced to 18 per cent, i.e., 9 nominated members against 50 elected members. Then, in the year of grace, 1936, the Municipal Act of the City of Madras was so amended as to completely do away with the nominated element. The present position in the Corporation of Madras is this that the whole House consists of 60 elected members and there is not a single nominated member. The only nominated members are three commissioners having expert knowledge but without the right of vote in the Corporation. Coming to Rangoon, the City of Rangoon Municipal Corporation Act, which is relied on as a model, was enacted in the year 1922. It enacted that at least $\frac{3}{4}$ ths of the members shall be elected, i.e., at least 75 per cent, in our case it is 75 per cent as maximum. What that Act further enacted, was that the remaining members shall be nominated by the Government or elected by certain local authorities. That is the position under the Rangoon Corporation Act. Coming to the Karachi Corporation Act, which was enacted in the year 1933, the nominated element is $12\frac{1}{2}$ per cent, i.e., 8 out of 64. I will now come to the Bombay Municipal Act which is said to be the foundation of this precious draft Bill. Bombay began with a corporation in 1888, with a nominated strength of 22 per cent. In 1922 the nominated strength was reduced to 15 per cent and to-day it has been completely done away with, except to this extent that three experts are nominated, and the Act itself specifies and designates these special experts, namely, the Commissioner of Police, the Executive Engineer in charge of the Public Works Department, and the Chairman of the Board of Trustees of the Port of Bombay—three special experts designated ex-officio without any power of nomination left to Government. I leave now this part of the matter and come to the powers of the Corporation. So far as this draft Bill is concerned, what is its fundamental principle in this respect. The principle is this that the Corporation with all its status is really to be obliterated and everything passed over to the Chief Executive Officer who will be appointed by the local government but the Corporation has been given the right to remove him with a three-fourth majority which is impossible. Well, Sir, I will draw the attention of the Honourable Minister to the Karachi Corporation Act. In that Act the Chief Executive Officer is appointed by the Corporation and not by the local government. Under the Rangoon Act of 1922 the Chief Executive Officer is appointed by the Corporation and not by the local government of the province. In Calcutta he is also appointed by the Corporation. In all these cases the appointment is subject to the sanction of the local government. Coming to Madras and Bombay. In these provinces you will be pleased to see that the Chief Executive Officer is appointed by the local government subject to the right of a certain fixed number of members to remove him. My learned and talented friend in charge of local self-government cannot forget that Bombay started in 1888 with this reactionary experiment. Although it started with this reactionary proposal and it has continued in operation, to-day the entire corporation is an elected house. If you could give me an entirely elected Corporation I am ready to accept the proposal. Here you are to have a

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nominated strength of 17 in a total of 68 members. Further, three members are to be elected by certain bodies but they will be virtually nominated members. They are to be elected by the Lahore Improvement Trust, which is your own creation, the Punjab University and the North-Western Railway. In a constitution of this kind it is impossible to be a party to an arrangement under which the Chief Executive Officer will be appointed by the Punjab Government and though liable to be removed by a majority of three-fourths, is to all intents and purposes irremovable. Let us turn to Madras. There you have a whole elected House. After all, either follow Karachi or follow Rangoon or Calcutta or Bombay or Madras. You are following no example but culling the most reactionary and obnoxious provisions from all over, culling them from here, from there and from everywhere and then making a jumble of them all and presenting them to the House. Let me mention one other provision—not that I am discussing all these provisions, but I am only drawing the attention of the House to something which is most startling and which is almost unheard of so far as legislation is concerned. Here is a Corporation which has not been given the absolute and unfettered right as it must be given—it is impossible to conceive of a Corporation which has no such right—of calling for any record or any correspondence from the Chief Executive Officer. Look to section 55. It says that the Corporation shall have the right to call for reports, returns, statements and so on and so forth but the proviso following virtually takes away this right. What does the proviso enact? The proviso enacts that if the Corporation decides to call for any record or any report it is open to the Chief Executive Officer to say no. The Corporation requisitions but the Chief Executive Officer says “No, I shall not give you the report and shall not give you the record you call for.” What is the solution provided? The solution provided is that the matter is to be placed before the next meeting of the Corporation that might probably meet after a month. At the next meeting the Corporation may decide that it must have the record and must have the return and must have the report. After the second decision again, the Chief Executive Officer can say, “No, I refuse to give you the report and I refuse to give you the record and the correspondence you want.” We have got two meetings. The matter has to be considered in a third meeting. When the matter is considered in the third meeting, what is this poor Corporation to do? This poor Corporation has to appoint a committee, a tribunal of three members. The members of the tribunal are first to take an oath and swear that the documents and information imparted to them by the Chief Executive Officer shall be kept secret and it is after they have taken the oath that they become a tribunal and have power to sit as judges to receive the documents and other information that may be disclosed to them by the Chief Executive Officer. The Chief Executive Officer is to place all documents and other matters before the committee. It is this committee then which is to decide whether the requisition of the Corporation is to be complied with and the matter to be disclosed to the Corporation or whether the matter should not be disclosed and shall still lie with the Chief Executive Officer in his bosom. The Committee, a part of the Corporation, decides whether the Corporation, which is the main body, is to get the record, the returns or the report or not. Have you ever heard of such a provision?

May I ask the Honourable Minister whether he is aware of this provision and whether with this knowledge he has come to the House with this proposal. It is an insult to the House: it is an insult to the government of which he is a member. I am sure honourable members will be startled by the disclosure which I have made. Reference was made in the course of the debate to the Honourable Sir Chhotu Ram. On another occasion when the Executive Officers' Act was being debated on the floor of the House, he expressed himself very strongly, being a strong and conscientious man,—he said that by the Executive Officers' Act you are "putting the whole Committee, the President, the Deputy President and all on the shelf" as it were and by the Board. I submit that the present Bill is even worse and that it is impossible to accept the many obnoxious provisions with which it teems. In the case of the Executive Officers' Act, the committees have at least the initial right of appointing executive officers. Under the present Bill the right of appointing the Chief Executive Officer vests perpetually with the Government.

I now come to another matter. We are told that Lahore will have a corporation and that there shall be a Lord Mayor. What will be the powers of this Lord Mayor? I do not know whether the Minister in charge of Local Self-Government cared to study the provisions of the Madras Act. That Act provides that the Chief Executive Officer shall work under the orders of the Mayor, shall be an *ex-officio* member of every standing committee and that official correspondence between the Corporation and other authorities shall pass through the hands of the Mayor. Where is that provision in this Bill, or is the Mayor merely going to be more of an ornament, more of an unnecessary decoration than anything useful? The Madras Act further provides that the Mayor—these are the words—the Mayor shall have access to all records and no officer, not even the Chief Executive Officer, shall dare say No to the requisition or the demand of the Mayor for records or other papers of the Corporation.

I will now come to my next reason for supporting this amendment. My fourth reason is that this Bill is a most ill-conceived and ill-considered piece of legislation, a measure that has been conceived in great haste. The House will agree with me that a Corporation is the creation of a single statute. That statute or Act, constituting the Corporation, must be a self-contained Act. I have studied the various Corporation Acts and I find that there are provisions in those Acts for the qualifications of voters, for the qualifications of candidates, for the disqualifications of electors, for the disqualification of candidates, provisions for the conduct of elections, provisions for the disposal of election petitions, distribution of the Corporation area into constituencies, etc. etc. What is there in this Bill relating to these matters? Nothing. I may be told in reply that as in the case of Municipal Acts all these matters are dealt with by rules, so we shall also deal with them by rules. But in saying this you forget the difference between a Corporation Act and a Municipal Act. A Municipal Act is a general Act which is intended to cover and apply to various cities, and as the conditions relating to franchise qualifications, constituencies, etc., vary with each locality, the statute cannot crystallise them and must leave these matters to be dealt with by the rules. But a Corporation belongs to a different

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category. It is the creation of a single statute. You have not a Corporation Act applying to many Corporations. You will be amused to hear from me that in this Bill there is no provision as to who shall be the voters of the Corporation. During my practice at the Bar I have done various cases and argued several suits which had for their object the setting aside of elections. One of the most important rules laid down in the judgments dealing with such cases is that as the right to vote is the creation of a statute, so it is in that very statute which creates the right to vote, that you must look for the remedy applicable. The right to vote is not a general right belonging to any individual. If there is no Municipal Act, there is no right to vote possessed by any individual. Therefore, you must provide for the right to vote within the four corners of the statute. In every Municipal Act, accordingly, there is a provision that persons shall be entitled to vote, provided they possess the prescribed qualifications. The prescribed qualifications are left to be laid down by the rules, because the conditions of each municipal area vary. But it is this provision in the Act itself which is held by High Courts to be the source of the voter's right to vote. If there is no such provision in the Act, the voter cannot vote. If you go through this Bill which is said to consist of 410 clauses, from clause 1 to clause 410, you will find not a single clause dealing with the right to vote, and if the right of vote is not given by the statute, how can the right be given by the rules? If the Act does not give the right to vote, how will your rules work? Therefore I submit that the present Bill is not a complete and self-contained code.

Again, where are the provisions for the constituencies? We are dealing only with the town of Lahore. We do not want this question of constituencies to be dealt with by Government in the shape of rules, but in every Corporation Act, take the Calcutta Corporation Act, the legislature has very carefully added a schedule or table in which the constituencies are settled, so that it may not be open to Government at any future date to tamper with them, and so disturb the representation sanctioned by the Legislature. In the Government of India Act, you are aware, our constituencies are set out in a schedule. There are so many flaws in this Bill that it is really impossible to accept it. I am sure every thinking member of the House will agree with me that the matter of constituencies cannot be left to the sweet will of any government, whatever that government may be.

The next matter to which I propose to come is this. In the Lahore Municipality the Muhammadans have been enjoying for the last more than fifty years the right to return their representatives by means of separate electorates. What is the provision in this Bill? Clause 8 of this Bill deals with this matter. It reads as follows ;

The elected Councillors shall be elected by such constituencies as the Provincial Government may by notification in the Official Gazette prescribe in this behalf and the number of Councillors to be elected by each constituency and the number of seats to be reserved for the communities in any constituency shall be as stated therein against that constituency.

I have compared the language of this clause 8 with the language of the Calcutta Corporation Act as it was enacted at the instance of the late Sir Surendra Nath Bannerji. This provision "and the number of Councillors to be elected by each constituency and the number of seats to be reserved for the communities in any constituency shall be as stated therein against that constituency" is taken word for word from the Calcutta Corporation Act of 1923. In 1923 the late Sir Surendra Nath Bannerji introduced in the Calcutta Corporation the rule of reserving seats for the Muslims, but the seats were to be filled by joint electorates. Let me put the exact position before the House. Separate electorates were as a matter of compromise introduced in 1923 for nine years, and it was enacted that in 1933 separate electorates shall go and be replaced by joint electorates with reservation of 18 seats for the Muslims. In 1933 the Muslims refused to accept this position and the result was that in the teeth of opposition that clause continued to operate. Left with no alternative the Muslims on one occasion actually boycotted the elections of the Calcutta Corporation. Later on, the matter was reconsidered and in the year 1939 Mr. Fazl-ul-Haq as Minister amended the Corporation Act of Calcutta and provided that the Muslims shall in future be represented through separate electorates. I desire to read out to this House what the Honourable Minister Fazl-ul-Haq said on that occasion. Speaking in the Bengal Legislative Assembly on the 11th of May 1939, the Honourable Mr. Fazl-ul-Haq said—

I think the time has come for a declaration that the system of reservation of seats by joint electorates must go. Their days are gone and there should be either separate electorates or voting on a common register without any reservation at all. The system of reservation on joint electorates seems to be an unmitigated and an unmixed evil. It seems to give the minority community some amount of representation but in reality there is no representation at all.

Then on page 469 of the Bengal Assembly Debates he said, I quote his very words—

At the present moment not merely in Bengal but all over India 99 per cent of the Muslim community want separate electorates. I represent 30 millions of Muslims, and I am in favour of separate electorates.

I was submitting that as a Muslim I do ask the Government to embody in this statute the provision that Muslims shall continue to be represented on the Corporation by means of separate electorates. It may be that the present Government has no intention of departing from that principle. I was considerably relieved the other day—

Lala Duni Chand : You are an advocate of complete independence. Is this demand of yours consistent with that demand?

Malik Barkat Ali : Perfectly. We can discuss it outside. I was saying that I was considerably relieved the other day when reading the press-statement of the Honourable the Premier to the effect that whatever his individual opinion might be,—and his individual opinions are known to all—he is in favour of joint electorates—he realises that the bulk of the Muslim community want separate electorates and he is not therefore prepared, in the present condition of things to give them up. Perhaps I would be told that in view of that statement there is really no necessity for inserting

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a definite provision for the introduction of separate electorates for Muslims. But my submission is this. Who knows whether you will continue in power to-morrow? My honourable friends who are sitting on my right, the representatives of the Congress, may be in power to-morrow and it is very well known that one of the accepted principles of the Congress governments, wherever they have been in operation, and wherever they have been functioning or might function in the near future, is that separate electorates must go. They cannot reconcile their nationalism with the existence of separate electorates. I am not criticising them. I am only stating the position, a fact. If to-morrow the Congress government is in power and if the matter is left to rules to be framed by the Government without the consultation of this House at all, this House having no hand in the rules that may be framed by the Government from time to time the separation is full of peril for the Mussalmans. If the Congress Government to-morrow, when they come into power, scrap separate electorates and introduce joint electorates, with or without reservation, it does not matter, surely there will be an upheaval in this province. I, therefore, submit that this matter is vital and cannot be left to be handled in this manner. It may be that the Government has not bestowed the fullest thought on this part of the Bill. (*An honourable member*: What about the Sind Premier?). The Sind Premier does not count in the counsels of the Muslim community. (*Laughter*). You should know that. Therefore my submission is that this is a most vital matter and it is really impossible for me or for my community to even agree to a reference to select committee of a Bill which besides being full of so many flaws and so many defects, does not embody the principle of separate electorates for Muslims amongst provinces. I feel that it would be better if the Government would really withdraw this Bill and call a representative conference. Not that I am not aware of the stress under which Government feels itself compelled to introduce this Bill. There was any amount of agitation, I know, in the town of Lahore. People were not reconciled to the rule of any administrator. They wanted to regain their ancient liberty. They wanted to be the masters of their civic affairs. They had gone even to the length of disobeying the law. I am perfectly aware of this stress. But surely this stress is no reason for departing from those salutary principles through which every important legislative measure must pass. I therefore, support this motion for the circulation of the Bill for eliciting public opinion thereon. (*Cheers*.)

Dr. Gopi Chand Bhargava: I want to say one or two things. One is that I never agreed that the discussion on this Bill should finish to-day. The Honourable Premier told me that one day would be sufficient, but I said that more time was necessary and the Honourable Premier has agreed that the debate shall go on to-morrow also.

The other point is this. I am told that it was said that the members who have been taken on this select committee have been taken according to my satisfaction. I want to clear that point. No doubt in the past we were given less number of members on the select committees than we

had a right. Now you will observe that out of 174 members in the House excluding the Honourable Speaker we are 61 in the Opposition. This means that the Opposition should have at least 8 members out of a total of 24. But we have now got only 6 and we are entitled to at least two more. I have talked to the Honourable the Premier and told him that we should get a larger share on this select committee and he has told the Honourable Minister in charge that he should take more members. I had pressed for at least one more so that the Opposition might have 7 if not 8. But we have been given only 6. That is the position and it should not be understood that I am satisfied.

Lala Sita Ram (Trade Union, Labour) (Urdu): Sir, I am not here to deny the importance of the Bill under consideration. But before I proceed with my speech in support of the amendment that I have given notice of, I would like to make it clear in the very beginning that by this motion I do not at all intend to effect any unnecessary delay in the enactment of the present Bill, especially in view of the hard lot, the Lahore public is having these days in the hellish regime of the Administrator. It is far from my intention to have recourse to dilatory tactics in this connection. On the other hand, by giving notice of this motion I intended to seek an opportunity for giving an expression to my opinion as to why it is absolutely essential to circulate the Bill for eliciting public opinion thereon, because I hold definite views and a firm belief that the Bill in the present form will be a source of great troubles instead of a panacea for public ills. I would like to submit that unless the honourable members of the House are aware of the history of the circumstances that led to the framing of the Bill in the present form, it would be too hasty on their part to give their votes in support of or against it. Thus in order to acquaint them with the background of the question, I feel it incumbent on me to briefly relate to them the history of Lahore Municipal Committee for the last few years.

Sometime back, Sir, the Committee consisted of 18 members—9 Hindus and 9 Muslims—with the Deputy Commissioner of Lahore as an ex-officio President. Then, due to public agitation, the members were allowed to elect their own president from amongst themselves, and since then this practice (only in theory nowadays) is in vogue. The next phase brought the Congress and the Khilafat on the scene. They had had their day, but it was a short-lived interval. Communal thermometer then recorded an abnormal rise. Interests clashed, differences came into prominence and things moved to a crisis, as a result of which one community resigned *en bloc*. Unhappy was the day when this came to pass, and still more cursed the long time of 6 years during which the Municipal Committee remained boycotted by one community. It was during this interval of six years, Sir, that vicious seeds were sown and a harvest of thorns was cut afterwards. During this long interval the only community then in the Committee was all powerful. It turned the absence of the other community to its own account. Making the most of this absence they passed the ratio formula on the basis of population and voting strength, and, then with a view to having majority of seats, they extended the area of the Committee. This ground-work being over, efforts were now directed to bring back the Hindus. On their return it was found that the situation

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had worsened. Many an attempt was made for a smooth-sailing, but owing to the majority party in power nothing came out of it.

The Government was approached and the Dobson Enquiry Committee was appointed to go into the matter. The evils still clung, and no useful purpose was served. With the coming of the Executive Officer came fresh troubles. On the question of certain powers delegated to him, controversy began and friction between the President and the Executive Officer became acute.

At this stage some of the members gave deep and serious thought to the question. They rose above petty communal considerations and devised and chalked out a certain programme of progress. Though only a few in the beginning, their strength increased and they formed the majority which in its last stage included 84 out of the total strength of 47 members. They brought about some solution for the smooth-working of the committee on definite lines. As they had made the diagnosis they had found out the cure. It will not be out of place to say that these members represented the different communities and different interests, and were really of one mind to pull together. They approached the Government with their formula, acquainting the then Minister for Self-Government with the real causes and their remedies, but the Government instead of taking action against the president as desired by these 84 members, took the most drastic action of superseding the committee in its entirety. We had asked for bread and were given stone. The reins of the municipality were made over to one man in the person of an Administrator and the public, to its own heavy cost, is now fully aware of the "improvements" made by him in the municipal affairs.

This is the end we have been drawn to and it clearly shows how our preliminary rights of self-government, which we had got by constant endeavours and strenuous efforts, were being snatched away bit by bit, leaving us in the end like rusties having no civic rights. And the fact which pains one the most is that all this is done not by the foreigners, but by our own brethren who used their power in our destruction. The Government instead of acceding to the request of the Lahore public for reviving the committee have introduced the Bill in the present form. This is a short history and now let us see how far the Bill has the scope to remedy the various evils.

This Bill, one must suppose, aims at remedying maladministration, uprooting corruption, curtailing heavy expenditure and removing communal tension. It was made clear to the Government through petitions at that time, that supersession was not the remedy and therefore the defects should be removed by some other methods which we were not unwilling but were rather anxious to suggest. We were told that the members of the municipal committee were inefficient and therefore supersession was the only remedy. My contention was, and I have not given up my conviction as yet, that supersession was not the remedy and the day-to-day situation is the best proof in support of this contention. To-day I can say that the inhabitants of Lahore have seen that although the income amounting to 26 or 27 lakhs of rupees has been placed under the control of the Administrator, yet he

has not proved himself competent enough to improve the conditions of the committee as a whole. I may be allowed to say, Sir, that the fault did not lie with persons. It lay with basic principles and I am sorry to point out that the present Bill is no useful attempt to improve upon them. I may submit, Sir, that there are many defects in this Bill. To enumerate some of them, the first one is that of the very constitution of the Bill and I am sure that even a hundred such Corporation Bills cannot improve the condition of Lahore unless one such Bill is founded on healthy basic principles.

Then the question of limits arises and I can say with my previous experience that people would make complaints against this point. On a previous occasion also these tactics of extending the limits was resorted to in order to ensure the permanent majority of one community over the others and I smell the rat again. If you take the practical side of this matter you will find that suburbs are increasing by leaps and bounds around Lahore and I doubt very much whether the management of these suburbs will be efficiently done with the income received from the municipal areas. Besides, the *ilaga* of Lahore has now been extended by the Punjab Government. May I, in this connection, ask the government where the money would come from for these additional expenses? My submission is that this blunder which the sponsors of the Corporation Bill have committed, is one of the main defects.

Another thing that I object to is the establishment charges. In the days of the superseded committee it was often complained that the establishment charges of the committee were very high, but instead of decreasing these charges after the supersession of the Municipal Committee the Government has increased them. It cannot be denied, Sir, that the expenditure ratio to the total rates to-day has risen abnormally high.

One more drawback in this Bill is the mode of communal representation. The Government used to complain in the days of Municipal Committee that representatives of different communities often quarrelled in the meetings of the committee. What provision has the Government made in this Bill to ensure against its repetition? The whole defect, Sir, lies with the mode of electorate. So long as members were returned on communal tickets, they must fight tooth and nail for their communities. This pulling in the different directions was but natural.

I would like to state again that we 84 out of 47 members tried our utmost to form a party on non-communal lines, but the Government did not allow us to continue and function. Well, if this is their wish, to see and enjoy this fighting, there is no help. But I must say that municipal administration would not improve a bit unless joint electorate is introduced.

Nawab Sir Shah Nawaz Khan : What is being done where this system has been introduced?

Lala Sita Ram : I wish it were introduced in this province to save us from ills of communalism. Sir, my submission is that under the present Bill the privileges enjoyed by us in the past are sought to be taken away from us. The misfortune is that this is happening under provincial autonomy which is entirely based on democratic principles. We had high hopes of

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provincial autonomy, but it has borne two fruits so far, namely, the black Bills and the total denial of all civic rights to the citizens of Lahore in the shape of this continuous supersession of the committee. If to lose what we have already got is *swaraj* or provincial autonomy, then I would say that the good old days of slavery were better than this sham independence of to-day. In this connection I would like to cite an instance, which is aptly applicable to this matter, i.e., of this kind of provincial autonomy. There was a man childless in the old days of foot travelling when railways were not introduced. A friend of his suggested to him to consult a *faqir* in this connection, but unfortunately that *faqir* lived at a far away distance from his village. When his brother came to know that he intended to see the *faqir* he also accompanied him out of sympathy. They started on foot. As it was winter, his brother caught a cold and died in the way. The man who had no child left the idea of continuing the journey and sad-hearted came back to his village. People asked him, "you had gone to get a child. We hope you will be blessed with one now." He characteristically replied "ہاں لیکن بے اولاد آیا، جان پر حال یو دی گنوا بیٹھا"

(Well, I had gone to have an issue, but for the time being I have lost one of my father's). Similar is the case with us. We wanted to have *swaraj* and we were of the opinion that after provincial autonomy more powers would be granted to us, but it is a pity that we have lost what we had achieved after much effort and no less patience and waiting. We had expected that with the advent of provincial autonomy our powers and rights in the sphere of local self-government would be enhanced. But

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what has actually happened? We have been deprived of even those limited powers that we already enjoyed. Now let us come to the question of the appointment of the Chief Executive Officer provided in this Bill. I would refer to a speech delivered by Sir Chhotu Ram during the discussion on the Executive Officer Bill in the not very distant past. At that time he was pleased to say that the Bill, if passed, would turn self-government into slavery. He did not like, at that time, that an executive officer should be installed over and above the heads of the elected members. But it is a pity to see that now when he is in power the citizens of Lahore are left at the tender mercy of a single white elephant. May one ask what has brought about such a radical change in his notions of self-government?

It has been said times without number that the cause of the supersession of the municipal committee was the inefficiency of its members. If I were to read out to you the names of the members of the committee, you would find that many of them were entrusted with duties which call for a very high standard of efficiency, honesty and responsibility. At some opportune time I shall let you know the names of all the members who, then, composed the Lahore Municipal Committee and leave it to you to judge for yourself whether they were efficient or otherwise. What I now contend is that the real cause of supersession was not inefficiency of the members but something else. Let me tell you fairly loudly that so long as certain conditions in the municipal administration remain what they are, you cannot expect any improvement, no matter who is carrying on the administration.

Now let us pass on to the nominated element. The proportion proposed by the Government is so high that it should be clear to the meanest imagination that the Corporation will be a mere puppet in the hands of the Government of the day. I am of the opinion that there should be no nominated member in the Corporation. The object of nominations in the past was that certain persons were appointed by the Government to offer some technical advice or to safeguard the Government interests in case they were trampled upon by the representatives of the people. But now that the Government itself entirely consists of the representatives of the people there is no need to continue the system of nomination. We have no nominated member in this House. Then, why should we not act on that adage that what is sauce for the goose is also sauce for the gander? Again, Sir, this Bill does not give any representation to the following:—The labouring class, the Merchants' Association and the Rate-payers' Association. These bodies have been doing useful work and we should be fair to pay some regard to their wishes.

Now a word about house tax. The condition of the city under the Administrator has been described in this House more than once, and, therefore, I need not dilate upon it. As regards the house tax, I have always maintained that it will benefit only the rich people. By questions asked and answers given on the very floor of this House I have clearly proved without a shadow of doubt that so far as the city proper is concerned the proposed drainage scheme is absolutely impracticable. Even the Honourable Minister has admitted this fact. Now, Sir, when it is said in the Dobson Report, by the Government and by you and me, that the sanitary condition of the city is highly unsatisfactory, do you suppose that it refers to the sanitary condition on the Mall or the Lawrence Road? Certainly not. The reference is always to the sanitary condition of the city proper. If you can effect any improvement in the city with your drainage and other schemes, then do impose the house tax on the city proper. I am with you. But your scheme is useless for the city proper, you too have enough reason left in you to admit that it is impracticable. Then why tax the city?

Thus it is clear that whatever you are going to do with the income from house tax will be for the benefit of the civil station, and its rich inhabitants. That is what you want to do and that was the intention when you suspended the committee and threw us at the mercy of the Administrator. You could not achieve that object so long as the city fathers were the custodians of the interests of the city. Even now you have no desire to free us from the clutches of the Administrator. No doubt you have brought forward this Corporation Bill in order to remove the stigma from your fair name, but I know that even if it is committed to the select committee and that committee submits its report at its earliest, you are not going to hurry through it. By the time this Bill comes out of the Unionist furnace and the Corporation area is divided into wards and elections take place with other hundred and one preliminary things, more three years will be gone and during this time the Administrator would have squeezed the last drop of blood out of the already starving population of the city proper. Let me point out that this period of two or three years is not a trifling thing, it would be deplorable if this state of affairs should be allowed to go on as it is at

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present. It is a matter of great regret and shame that the Government have kept the administration of the city in its own hand since the supersession of the Lahore Municipal Committee and even ordinary rights of self-government have been denied to the people. In the circumstances how can one expect that the matters will not go from bad to worse day by day? At least this much I can say, that so far as the question of self-government is concerned it has received a severe blow in the Punjab. However, at this stage I do not wish to go into the merits of the Bill. When that time comes I shall express my view-point by moving amendments to the original Bill. So to-day I have only confined myself to the general aspects of the question.

In conclusion, I wish to lay stress on the point that this measure is a highly important one and so long as it is not circulated for eliciting public opinion it will, instead of curing the ills which it is expected to root out, go a long way in increasing them. As you are aware five or six honourable members of this House have tabled amendments to the effect that the Bill should be circulated for eliciting public opinion, so that whatever defects there are in it should be brought to our notice by the different classes of people concerned and when it again comes up before the House it should not only be an improved measure but should also be acceptable to all. I hope that in deference to the wishes of so many honourable members scattered over all the parties and representing various shades of opinion, the Government will accede to this ordinary request. With these words I move this circulation motion.

Mrs. Duni Chand (Lahore City, Women, General) (*Urdu*): Sir, I rise to support the amendment that has been moved by Chaudhri Krishna Gopal Dutt. When I first came to know that a Corporation Bill was going to be introduced I was very much pleased that to-day when corporations were to be found only in a few places in India, Lahore was being given this honour that it would be converted into a corporation. Along with this I was afraid lest there should be something dangerous in store for the citizens of Lahore in the guise of this Bill, because whenever anything is done in the name of goodness in this unfortunate country of the Punjab, generally something else turns out to be the real cause of it. Similarly, I was afraid lest there should be something else at the back of this measure. The honourable member who has preceded me has pointed out in his speech that on the supersession of the Lahore Municipal Committee the Administrator was appointed and within two or three years he has committed so many mistakes which deserve all condemnation. Only recently some such events have taken place which go to show how far the people have suffered in the time of the Administrator. It is a matter of great regret that in these days of enlightenment when other countries and nations are progressing our Government instead of progressing is retrogressing.

Besides, I may point out that the Honourable Premier and other Honourable Ministers are always in the habit of declaring in their speeches that they are the well wishers of the poor and that they are carrying on the administration of the country for the sake of the poor and labourers, and that whatever they do they do for their benefit. But may I know when recently

the sweepers of Lahore went on strike whether any sympathy was shown to them? The fact of the matter is that the Administrator made a reduction in their meagre salaries on which they lived with great difficulty, and when they made a representation to him he did not pay any attention to it and consequently they were forced to go on strike. And the dirty conditions that prevailed in the city as a result of their strike are known to every one. On account of these dirty conditions many people fell ill and many died. I think this mistake on the part of the Administrator was such for which no compensation could be made. Then the Administrator forced the low-paid teachers who were making both ends meet with great difficulty on their present pay, either to agree to the reduction of Rs. 5 in their salaries or to get out of service. In the circumstances, the poor teachers had no alternative but to agree to this order of the Administrator. Such things happened under the very eyes of the Ministers. But no one showed any sympathy with them. May I ask the honourable members over there whether that was the sympathy which they showed to the poor people? In this connection I am reminded of a Punjabi adage which aptly applies to the honourable members over there :—

وہ نفع بہادری اور بقتہر دیوے

Now there is yet another thing which I wish to bring to your notice, that is, that the sanitary condition of the city is so very unsatisfactory that heaps of nightsoil are to be seen everywhere. Besides, carts full of dirt and refuse are carried without any cover through the bazaars and if anyone brings these matters to the notice of the Government he is generally told that funds are not forthcoming for the buying of closed carts and therefore nothing can be done. But may I know whether the Government cannot get money for things which are useful for the city, when they can get money for buying water meters and thus benefit the British manufacturers? After all wherefrom has money come for the purchase of water meters? In my opinion the fixing up of water meters in private houses is unnecessary. Do not the Government think that there is a shortage of water in Lahore? To my mind the fixing up of water meters will result in one thing only and that is that previously the public at large washed their drains clean by water from their taps and now on account of the fixing up of these water meters they will not do it. Consequently the drains will become all the more dirty.

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

Mrs. Duni Chand : Besides, when any complaint was made in the time of the Lahore Municipal Committee, the complainant did generally get some sort of a reply after two or three months, but now if anybody makes a complaint it remains unattended and unanswered. Not to speak of the city proper, if you visit that part of the civil lines where I live, you will find heaps of nightsoil everywhere. Therefore my submission is that just as Government, without much thought, superseded the Lahore Municipal Committee and entrusted its administration to one person who has failed to carry it on satisfactorily nor can he administer it in a better way in future, similarly you may not pass the Corporation Bill without giving due consideration to it. If the Bill as it stands, is passed into law, I think the condition of Lahore will not improve, but it will deteriorate. So far as I have studied this Bill

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I find that all the powers have been vested in the Chief Executive Officer and the members of the corporation will only have to pass the budget. In my opinion such a Bill cannot prove useful for Lahore.

Again, I may point out that if there is any defect in a Bill which is passed into law and enforced, it can be removed by moving amendments later on, but this Bill which is now before the House is good for nothing and is altogether defective. The honourable member who preceded me also remarked that if the Government had provided joint electorates it would have been much better. I support his contention with all the emphasis at my command. But I think that the honourable members opposite regard joint electorates as a bugbear, and are afraid of it. I may point out that it appears as if the honourable members over there have become accustomed to make a fuss over small matters. To-day I make an offer to them and that is : let them introduce joint electorates for women members and then they will see how the Hindu and Muslim candidates will be elected. I assure them that neither the Muslim nor the Hindu women will find any difficulty in the elections. In fact better qualified members will be elected. Along with this I may point out that every woman should be given the right to vote, so that women may get sufficient representation on the Corporation in order to protect their own interests. My submission is that the misfortunes that daily befall people affect women more than men. Men somehow or other get on, but women on account of being illiterate and being always shut up in their houses, can do nothing. I may also point out that women have made numerous complaints to me about the house-tax which has recently been enforced. They daily send some such complaints to me that they have one house, the rent of which provides livelihood for their children and if a tax is to be imposed on it, wherefrom will they bring money to provide bread for their children ? In the circumstances I request the Government to reserve some seats for women on the Lahore Corporation.

When women go to present their grievances, Mr. Macnabb is not available. He is at Simla. He can, therefore, not listen to them. In view of these things I wish that women should not be placed in the position in which this Bill aims at placing them. I feel that women should be given adequate representation in all the local bodies, municipal committees and district boards. I would go so far as to say that women should be given representation equal to men. If women are given greater representation on these bodies, they will be able to look after sanitation and peace better than men. If it is not possible to give more representation to women, at least they should be given equal representation with men. As I have already said, women are by nature more peaceful and just.

Now, I would submit that the idea of corporation is absolutely a new thing. We have already an Act under which municipal bodies have been established. The corporation will have to be established with due regard to the peculiar conditions obtaining here. We have, therefore, to consider what form of a corporation will be most suitable for Lahore. If something is imposed on the inhabitants of Lahore against their will, that will be anything but a blessing for them. If this Bill is rushed through, it will create many difficulties. You should not lose sight of the fact that a very large number of people are interested in the proposed corporation. We should

take advantage of the valuable suggestions which may be put forward by the people. I would, therefore, submit that this Bill should not be straight away referred to a select committee but it should be circulated to elicit public opinion. If public opinion is not consulted, people will not like this Bill. My learned sister, Bajiji too has strongly supported the circulation motion.

Another thing to which I wish to draw your attention is this. About fifty or sixty villages are proposed to be incorporated in the new Corporation. I think when we cannot properly manage the affairs of the present body, it will not be wise to increase its area. However, if joint electorates are accepted for the proposed corporation, we may be able to find the right sort of representatives of people to manage the affairs of the Corporation properly. Furthermore, the fact is not unknown to honourable members of this House that the living conditions in the rural areas are much different from those in cities. This will be a great obstacle in the way of the Corporation. May be our brethren on Government benches have incorporated these villages in the Corporation with a view to getting more votes for themselves. They may be entertaining the fear that if only the city area is included in the Corporation, it will not be possible for them to achieve their object. I am of the opinion that the boundaries of the present City of Lahore should be the boundaries of the Corporation. If you are better able to manage the affairs of the Corporation and you find that you are standing on your own legs, you may decide to incorporate some villages also in the Corporation. I do not propose to obstruct your business. I do realize that sooner or later such institutions must come. You may gladly establish a Corporation, but it should be established in such a way that nobody has any grievance. I suspect that the present Bill has been brought forward with ulterior motives. Much stress seems to have been laid on making propaganda for Government and securing seats for supporters of Government. I am, further of the opinion that Harijans should be given special representation. I am sure that if right sort of representatives are returned by joint electorates, they will make the Corporation a real blessing. I will again submit, therefore, that this Bill should be circulated to elicit the valuable opinions of learned people. We should never commit the mistake of rushing through an important measure with hastily suggested amendments. Rushing through with such a measure would be acting just like Hitler. We should never ignore public opinion in the matter of establishing a Corporation. I have again to remind this honourable House that real progress is possible only in those countries where equal rights of women with men are recognised. If the legitimate rights of women are ignored with respect to this Corporation, I would say that honourable members of this House have not realized their responsibility.

Now, I will say something about nominations. We find that nowadays wherever democratic institutions are introduced, nominations are abolished. Just look at this Assembly and the provincial legislatures elsewhere: the nominated element has been banished from them.

Mr. Speaker : The honourable lady member is repeating her arguments.

Mrs. Duni Chand : Sir, I wish to point out that the Congress Ministries have abolished the system of nominations in the local bodies. They have also done away with the honorary magistrates. (*Hear, hear*). But what do we find in the Punjab? Not only have the nominations not been abolished, they have been retained for the proposed Corporation. This is an affront to the representatives of Lahore. This is a positive insult to them. I would submit that nominated members do not feel their responsibility. They know that the people can do no harm to them. They are sure to get into a body through the back-door by indulging in some flattery of Government. It can never be expected that they would work for the commonweal. If they know that they will have to seek election on popular vote, they will certainly do their best to work for people's benefit. I want also to refer to the fact that the Honourable Premier has been saying in this House as well as outside it that the protection of the rights of minorities is his first concern. He should also know that even the Muslim League has passed a resolution saying that they wish to see India free.

Mr. Speaker : The honourable lady member is again irrelevant.

Mrs. Duni Chand : I want to point out that steps should be taken to remove the evil of communalism in the interest of the country's freedom. The Corporation is offering us a golden opportunity of doing something in this respect. I will strongly urge upon the Government not to introduce the virus of communalism in the proposed Corporation. We all know that the present Administrator of the Lahore Municipal Committee has turned the Hindu officers out of the committee's service one by one. May I ask if such actions do not fan the fire of communalism which is so dangerous for the country's freedom?

Mr. Speaker : That matter is not before the House. The honourable lady member should speak to the motion.

Mrs. Duni Chand : The Administrator knows full well that the protests on behalf of the people can do him no harm. He is not in the least perturbed. He is the master of all he surveys.

I am submitting this with no other object in view except the common good of all communities—

Mr. Speaker : The honourable lady member is irrelevant.

Mrs. Duni Chand : We all wish to wipe off the evil of communalism from this province, and to introduce joint electorate. The main object is that whether a candidate is Hindu or Muslim he should be jointly elected by both the communities.

Mr. Speaker : The honourable lady member's remarks are irrelevant.

Mrs. Duni Chand : Shall I continue my speech to-morrow?

Mr. Speaker : Yes. The House will now take up the discussion on the adjournment motion.

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

ADJOURNMENT MOTION.

BAN ON THE ENTRY OF MR. M. N. ROY INTO THE PUNJAB.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (*Urdu*): I beg to move—

That the Assembly do now adjourn.

Sir, when I learnt last evening that Mr. M. N. Roy's entry into the Punjab had been banned for one year by the Unionist Ministry, the news really left me aghast. But my surprise was not due to the fact that I did not expect such a thing from the so-called popular Government of the Punjab. Far from it. The Unionist Ministry has so often committed such atrocities that we need never cherish an illusion like that. On the other hand we can expect any amount of nonsense from this Ministry. The real cause of my surprise was that our Government should have thought it fit to commit this act of repression at a juncture that has caused a great deal of inconvenience to the public as well as to Mr. Roy. Before I proceed to express my own sentiments and feelings on the subject, I would like to draw the attention of the House to Mr. Roy's qualities of head and heart, his education, his talents and above all his towering personality. He is not a person known merely in one province or merely in this country but he is a man of international fame.

There could not be two opinions about his ability. If you study his writings and articles or confer with him on any subject or enter into correspondence with him, you will find him one of the most capable persons living in this country. One may not agree with him in his ideologies and political proclivities but the question is whether it is proper to ban the entry of a leader of outstanding ability into this province. As regards his intellectual attainments, Mr. M. N. Roy has not many equals. His interests are not confined to politics alone. He is a great scientist too, and the House may perhaps be surprised to know that he is a pupil of Einstein—the well known scientist of the modern age. The latter had sent a cablegram to the Government of India when Mr. Roy was imprisoned after his arrival from Europe, saying that Mr. Roy was a peaceful and peace-loving citizen and even if the Government of India had thrown him behind the bars, they should see to it that he was not subjected to any inhuman or uncivilised treatment in jail.

I may also point out that recently a controversy took place about Einstein's Theory of Relativity between Mr. Justice Suleiman and Mr. M. N. Roy. Mr. Justice Suleiman brought forward certain objections against the soundness of the theory. But Mr. Roy published a reply to that and marshalled his arguments in such an able way as to elicit tribute from all those who read it. It passes my imagination, therefore, that anyone should see in this great scholar a danger to law and order in the Punjab. I for one cannot believe in such a myth. There was no need to raise the bogey of disorder on his arrival in this province.

I have dealt so far with the intellectual qualities of this great man. He is, in fact, a versatile genius. It is a pity that the time at my disposal was very short and when I gave notice of this adjournment motion I had not collected the necessary material concerning him. I rushed to the Library of the Assembly Chamber, but could not find any literature about him. I

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can, however, anticipate what the Treasury benches would say of him. I know that when the Honourable Premier stands up to make his speech, he will say many nice things. For instance, he will say: "Yes, Mr. M. N. Roy is a very able man but the trouble is that he is a communist and a terrorist. He did this in Germany and did that in Russia. He is a member of the Third International. He is a believer in an international revolution." But the question is this. Does my honourable friend the Premier wish to condemn Mr. Roy for the opinions he held and views he expressed in days gone by? If that is my honourable friend's intention, it is most unfair. But if Mr. M. N. Roy believed in violence while he was in Europe that was due to the peculiar environments in which he was placed. In Europe politics is based on a diplomacy which is Machiavelian in its essence. He saw violence everywhere. There was war in which Russia, Germany and Great Britain were all involved. Naturally in those circumstances and in those environments Mr. M. N. Roy could not shake off his belief in violence. But the question before this House should be: can his past convictions be put forward as sufficient reason to ban his entry in the Punjab?

We have to consider this question from another point of view. Mr. M. N. Roy came to India. The bureaucratic Government at the centre did not think it proper to ban his entry in this country. That reactionary Government has nothing in common with us. Our interests are not common. But even that Government did not consider worth its while to ban the entry of Mr. Roy in this country. In these circumstances I cannot understand why his entry has been banned by the Punjab Government. He may have had any views in the past. What we are concerned with is his present political, social and economic views. We have to see if he is a member of any secret society accepting violence as an article of faith. We have to see whether he is coming to the Punjab with a view to creating anarchy here. So far as the views at present held by Mr. M. N. Roy are concerned, they are very well-known to the world. They are expressed in his own paper and in the other leading papers of this country. I have studied his views and I am of the opinion that Mr. Roy is neither a member of any secret society nor is he in favour of bringing about a revolution by violent means. So far as his views on the present war are concerned the Honourable Premier ought to have paid attention to them. Some people in the Punjab and particularly in Lahore desire us to put this question to the Honourable Premier and through him to the British Government: is this the reward to Mr. Roy for holding the views on war which are so well-known to the world? Why has his entry in this province been banned in spite of his views on the present war? The other day I spoke on the present international situation. I am not in the habit of saying harsh things. But in my speech I said some very harsh things. I am sure Mr. Roy's views in this matter are of a moderate character even when compared with my own views. Does this Government mean that Krishna Gopal Dutt has the liberty of saying things in the Punjab which Mr. Roy has not?

Lala Bhim Sen Sachar: Wait and see, Sir.

Chaudhri Krishna Gopal Dutt: I would particularly draw the attention of this honourable House to Mr. Roy's views on the present war.

Does the Honourable Premier wish that no prominent person who may be opposed to the creed of the Unionist Party should be allowed to visit the Punjab? All this House needs to consider is, whether Mr. Roy wanted to come to the province to bring about a revolution by violent means? If that was not the case, as indeed it was not, there was no justification in banning his entry in the province. At present there is no question of an impending revolution before us. If there can be any danger at this moment it can be from those people who make anti-recruitment propaganda. I quite understand that the Government wants recruitment for Great Britain and for larger interests of the world. But why should it stand in the way of a gentleman who wishes to come here in order to place his academic views on socialism before the people? I know the young men of Lahore were anxiously waiting for him. They had completed all arrangements to accord a befitting reception to him. Then, they had made arrangements for a debate, a veritable intellectual feast, to be held between Mr. Roy and Professor Brij Narain. Naturally the ban on Mr. Roy's entry must have caused great disappointment to the organisers of all the functions to be held in honour of the great thinker. Mr. Deputy Speaker, I understand that the decision of banning the entry of Mr. Roy had been reached by the Punjab Government several days ago. I am told that the notice which was served on him was dated the 7th while it was actually served on the 26th. In these circumstances, was it too much to expect even from the Punjab Government that it would have the courtesy of sparing Mr. Roy and the organisers of functions in his honour all the inconvenience which the notice caused? What the Government did was to let the organisers make arrangements of the functions which were to be held in Mr. Roy's honour and to let Mr. Roy get ready for his departure to Lahore and then to serve a notice on him suddenly when he was at Dehra Dun, Mr. Deputy Speaker, I do not like to use harsh words about the Premier but sometimes, in the interest of truth, one has to use words which are not soft. My personal opinion about the Honourable Premier is this that he is a puppet playing in the hands of his officers who are so many beasts in the King's uniform. He does not think for a minute that by his actions he is bringing disgrace to the fair name of the province. He has been guilty of making an end to all liberty in the Punjab. He has paid no attention to the honour of this province and of the Government of this province.

Now, Sir, I would like to read out certain sentences from the speech made by Mr. D. J. Boyd while introducing the Punjab Criminal Law (Amendment) Bill in the Punjab Legislative Council. My object in doing so is to acquaint the honourable members of the House with the circumstances which, according to Mr. Boyd, made its enactment imperative. It should be remembered that civil disobedience movement was in full blast at that time. Mr. Boyd declared that since the movement had assumed alarming proportions it was absolutely essential to ask for an effective weapon to cope with such a critical situation. He was of the opinion that extraordinary situation called for an extraordinary weapon. At the same time he expressed his intention of bringing that measure into operation only to suppress the civil disobedience movement. He assured the House that the Government would not allow any of the provisions of the measure to interfere with the civil liberties of the people of the Punjab. It would deal only with those who

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were carrying on the movement themselves and also against those who were instigating others to take part therein. Mr. D. J. Boyd, the then Home Member, said—

Members will remember that that movement began in an active form in the beginning of April, 1930, and it flourished exceedingly for most of the summer months or all the summer months of that year. The Government fought it naturally with all the forces at its disposal at that time but those forces were proved very clearly by the experience of the time to be insufficient. Government had not sufficient powers and it was only when the various ordinances were brought into force towards the autumn of 1930 that the movement began to wane and about September or October, 1930, its defeat became quite certain. What I would like to emphasize at the present moment is that the ordinary powers contained in the Criminal Procedure Code and other criminal legislation were insufficient to fight the civil disobedience movement. Whatever our politics are, whatever our views of that movement may be, we must all of us if we are honest, admit that civil disobedience means anarchy. The term really spells anarchy and anarchy cannot possibly be allowed to continue.

The Punjab Criminal Law Amendment Bill was introduced in 1933 and was passed into law in 1934. Ever since its passage the Government has been resorting to it in a very objectionable and brazen-faced manner. It seems as if in the opinion of the Government there exists a perpetual emergency which necessitates its permanent operation. I know the Honourable Premier will say that circumstances had compelled him to take such a drastic action. I also know that he will advance a plea to the effect that the political thoughts and ideas of Mr. Roy are such as are sure to create mischief in the Punjab. But let me assure him that he need not be afraid of any such thing. He will be mistaken if he thinks that by addressing a meeting of young students Mr. Roy would lead several of them astray. By merely hearing speeches one cannot be necessarily convinced. Although I have several political differences with Mr. Roy and I have many a time read his articles, but I am free to admit that on those points of difference he has never been able to convert me. Then how does it follow that his speeches are likely to be prejudicial to peace and tranquillity of the province in any way? This Government banned the entry of Acharya Narendra Dev in the Punjab. It prohibited Shrimati Satyawati from entering the province. It served similar notices on Mr. Ghose and Professor Ranga. All of them intended to visit the Punjab with a view to serve the kisans of the province. It is a matter of surprise that this Government which claims to be a friend of the kisans bans the entry of gentlemen in the Punjab who want to come here simply to further its oft-quoted policy. Government says it is afraid of their subversive activities. Let me inform these law-abiding gentlemen that even in their own cabinet there are persons who themselves openly preach the cult of violence and threaten to bring about a revolution in the country. The Honourable Premier can put up with such mischievous and inflammatory utterances because they come from an honourable member of his own cabinet, but he cannot allow the leaders of political thought to come here and favour us with their observations. Now, Sir, I would like to draw your attention to an immensely grave matter. Had it taken place in any other constitutional country it would have been a sufficient reason for the downfall of its Ministry. Recently the Honourable Minister of Development while addressing a conference here in Lahore had remarked that if ever any attempt were made to amend or modify the Land Alienation Act the zamindars of the Punjab would rise in a rebellion. On

the following day the report of the meeting was published in the *Civil and Military Gazette* as well as in the *Tribune*. It was rather a strange coincidence that in the former newspaper while on one page we found that the Honourable Sir Chaudhri Chhotu Ram had preached the cult of revolution in the meeting; on another page we read a statement issued by the Inspector-General of Police complaining that certain persons were giving incitement to revolution. I am really surprised to see that the Honourable Premier has not taken any action against his colleague. We did not expect him to pass over this sheer incitement to violence and instigation to revolution. Then is it not strange that when Mr. M. N. Roy intends to pay a visit to the Punjab only to acquaint us with his political ideas he is served with a prohibitory order? In fact the notice served on him is unjust, iniquitous and uncalled for. In the end, Sir, I am sure, when the Honourable Premier would dispassionately think over the matter he would bear me out that practically a reign of terror is prevailing in the Punjab. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjab*) : Sir, my honourable friend Chaudhri Krishna Gopal Dutt has put this case before you in a very befitting manner. Before I proceed with my speech, I should like to request the honourable members of the House to vote on this matter without party feelings and I hope they will not indulge in party politics as far as this matter is concerned. I may add that American constitutionalists are of the opinion that there is only one sure test of people's liberty of a country and that is to see whether they have liberty of speech. If freedom of speech is below par in a country and that country has achieved its object of full independence, even then it will go on deteriorating towards slavery. It is a matter of great regret that the attitude of the Honourable Premier is very objectionable towards the entry of the most distinguished leaders of India in this province. What opinion will the rest of India form about the Premier who misses no occasion to boast on the floor of this House that he can help British Government by giving 10 lakhs of recruits for the army? If he is so powerful and popular in this province and most of the population of the province have the fullest confidence in him, then why is he so afraid of Mr. M. N. Roy's entry in the Punjab? This fact speaks of his weakness and nervousness. His action has brought disgrace and dishonour upon this province. May I ask the Honourable Premier why he is so nervous as to impose a ban on the entry of distinguished leaders in the Punjab whenever they wish to come to this province in order to give us enlightened discourses on the present political situation in India? Strictly speaking the present Government do not command the confidence of the masses and so they do not want that anybody from outside should come here and know their weakness and that is why they are acting in this undignified manner. I may also add that the unconditional help which the Honourable Premier boasts of giving the British, in these circumstances, is nothing but a colossal hoax. When the Honourable Premier can, as he says, force 10 lakhs of people to take up arms in the name of democracy, why does he ignore the principles of democracy when a leader who is known all over the world, intends to come here? Why does

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he forget that liberty can be achieved through democracy alone? Does the principle of democracy in which the Honourable Premier believes demand that a notice should be served on anybody who wants to enter the Punjab, howsoever high he is in public estimation? My submission is that the action of the Premier in banning the entry of Mr. Roy in the Punjab is thoroughly anti-democratic and still the Honourable Premier has the boldness to say that the Punjab is being ruled on democratic principles. The Premier does not care a fig for democratic ideals. Nevertheless I say that whenever nationalism and democracy come in the ascendance in our country the land of five rivers will be the leader in heralding such an era. It is a pity that the Premier has strained every nerve to deprive us of an opportunity to listen to the views of one of the greatest scholars of the times. We are fully aware that he wants to reduce us to the state of a frog in the well. Sir, I pity the mentality of the Honourable Premier and his colleagues who were at one with him in serving a notice on Mr. Roy at Dehra Dun. This narrowmindedness of the Punjab Government has been the cause of another doubt in my mind. As you are aware, Sir, it has been stated clearly in the resolutions moved by the Muslim League opposition in the Congress provinces and the speeches made by Mr. Jinnah clearly indicate that the experience of democratic Government has utterly failed in India. May I tell the Honourable Premier who has been trying his best to conceal this fact as far as this province is concerned that truth has revealed itself despite his attempts to conceal it. Does not his attitude show that in the Punjab also democracy has failed? What else does he mean? He does not want Mr. Roy to enter into the Punjab because he is sure that if he comes here his weak points will be exposed and that is why he wants to keep people like Acharya Narendra Deo, Shrimati Satyawati and Professor Ranga away from this province. I am afraid that there must be something wrong with the Punjab if an outsider by merely setting foot on it can endanger the peace of the province that boasts of being the sword-arm of India. Those who have studied the nature and mentality of Sir Sikander are fully aware that he always plays a double game. The other day when the War resolution was being discussed, no mention was made directly or indirectly by the Premier that democracy had failed, but in the amendment to the War resolution moved by Malik Barkat Ali the members of the Muslim League, which Sir Sikander has also joined, a reference was made though in a passing manner. As far as our Premier is concerned he kept mum over that point for he wanted to hide his real feelings. As regards Mr Jinnah, I would say that he is a great stalwart and he is a man who never departs from his principles. I see that the Honourable Premier is making antics to the Press Gallery suggesting that they should not publish my speech. Will he please stop it? On occasions he becomes very nervous and I think that is his second nature. If you study his movements from a psychological point of view, while he is delivering a speech in this House you will see that sometimes he puts his glasses right and then removes them, sometimes he twists the buttons of his coat and sometimes he takes out his handkerchief and puts it again into his pocket. These movements are indeed symptoms of nervousness. If the Honourable Premier and his colleagues want to lead this province and if they are to exhibit the true and correct picture of what is happening in the Punjab they should be much more careful and

vigilant and I would suggest to the Honourable Premier that he cannot succeed with nervousness. May I ask him what is the danger which he wishes to avert and for which he has prohibited the entry of Mr. Roy into the Punjab? If he had come here he would have enlightened the people of the province with his advanced views and we would have gained much by listening to the debate between him and Professor Brij Narain on Marxism and Russia. But it is regrettable that we have been deprived of this opportunity on account of the misapprehension of the Punjab Government. It is a pity that a ban should be imposed on a man of Mr. Roy's scholarly attainments and experience. I should like to refer to an instance that shows the farsightedness of Mr. Roy. When I was in America Mr. Roy brought out a paper from Switzerland in which he wrote at that time that here was only one method to solve the political problems of India and that was constituent Assembly. And it is that very demand which has been recently presented by the Indian National Congress to the British Government. What I want to submit is that if Mr. Roy had been permitted to enter the Punjab it would have been advantageous for the province. The Premier could have seen him personally and gained something from his latest experiences. Besides, if Mr. Roy had spoken something not very palatable to the Premier, he could have refuted his arguments in a reply. But I am afraid the Honourable Premier is unable to speak in a mass gathering because unfortunately he has got into the habit of speaking to the audiences who are obliged to hear him in police custody. I think, perhaps the Premier therefore does not like that Mr. Roy should become popular with the masses in the Punjab as he is popular in other parts of India. You might be aware, Sir, that the Honourable Premier knows how to play with words like a juggler and he can very easily please others with soft words and we have seen, that at certain times, he puts aside even his cardinal principles and takes everything lightly. It is therefore just possible that he might have taken the speeches of Mr. Roy very lightly.

His action is not the action of the Unionist Party alone. It is the action of the Punjab Government and therefore the whole province will be held responsible for it. That is why I request him to desist from such acts as are sure to get a bad name for the province. My province is the province of brave, upright and honourable people. Do not indulge in such irresponsible actions. They will soil the fair name of the Punjab. Let me tell him frankly that this action of his will be condemned by the future generations. No true Punjabi can approve of it.

He has miserably failed in the proper performance of his duties by serving this notice on Mr. M. N. Roy. Even men like the Honourable Minister of Revenue do not know what a Constituent Assembly is. Mr. Roy was coming here to enlighten him and others on such questions, and, therefore, you ought to have allowed the people to enjoy the benefit of his vast knowledge. With these words I support the motion under consideration.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din (Sheikhupura, Muhammadan, Rural) (Urdu): Sir, unfortunately the motions for adjournment have been made so cheap that I am—

Chaudhri Krishna Gopal Dutt: The honourable member remarks that the adjournment motions are becoming cheap. Is it not a reflection

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on the ruling of the Chair? The Chair has decided that the matter is definite and of urgent public importance. In view of this ruling of the Chair, can the honourable member make the remark that he has made? It amounts to an insult to the House.

Mr. Deputy Speaker : The honourable member was not serious in his remarks.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I repeat that in my humble opinion to deserve a motion for adjournment a matter should be so important and sensational as would create a veritable conflagration in the House.

Chaudhri Krishna Gopal Dutt : Is the honourable member speaking on the admissibility of the motion?

Mr. Deputy Speaker : Order, order.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : My honourable friend is feeling uneasy even without hearing me. He ought to exercise a little patience. I had expected that some honourable member would put a short notice question regarding the matter and the Honourable Premier would give a satisfactory reply and the matter would end at that. I wish they had adopted this course and had not at once come forward with a motion for adjournment. They should remember that these motions are the cause of much waste of time and money. But they knew that if they put a question the reply would be so satisfactory and effective as to silence them completely. That is why they did not adopt the proper course.

Now, Sir, my honourable friend Chaudhri Krishna Gopal Dutt has poured a flood of invectives on the Unionist Party and the Cabinet. All that I can say in reply is—

بدم گفتی و خورسدم عفاک الله نگو گفتی۔ جواب تلخ می زید

Chaudhri Krishna Gopal Dutt لب لعل شکر خارا

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I am glad that the honourable member has completed the couplet for me but I must say at the same time that **Now, Sir, it has been** said that Mr. M. N. Roy is a very able and erudite leader. But who has questioned his ability? We are glad he is such an able person. But the service of the notice on him has nothing to do with his ability. We have been told that Mr. Roy was a favourite pupil of the world renowned Einstein. Again, I am happy that such a great personality has so much affection and regard for one of my compatriots. I know that when Mr. Roy was imprisoned Einstein's love for him came into display and he expressed the hope that Mr. Roy would be well treated in the jail. My honourable friends have not told us what sort of treatment was meted out to Mr. Roy in the jail. It must have been good because otherwise they would not have forgotten to mention it.

My honourable friend in support of, or by way of introduction of his adjournment motion, remarked that Sir Shah Muhammad Suleiman does not agree with the point of view of Einstein and has even published a lengthy

article to that effect, and a reply to the article referred to above was given by Mr. M. N. Roy which was greatly appreciated in India. I also admire his intellectual attainments but at the same time I may tell him that that question is not before the House. The motion under consideration is whether or not the Government was justified in banning the entry of Mr. M. N. Roy in the Punjab. I waited and waited in vain that my learned friend would tell us some facts which would convince us that the opinions of Mr. Roy, who according to him and 'the Tribune' regard it his first and foremost duty to foment revolutions in every country, have undergone a great change. My honourable friend should know and I hope that he knows already, that extremist movements and revolutions have generally been started by geniuses and learned people. An idiotic nin-compoop cannot do anything in this world. Only geniuses can bring about any change in this world whether that change may be for the betterment of the people or otherwise. In view of this it was but advisable that the entry of Mr. M. N. Roy should be banned in the Punjab.

Besides, my learned friends have laid great stress on the point that we should not tarnish the fair name of the Punjab and that we should not do anything which should give us a bad name among other Governments. My honourable friends should know that where there are so many good and peace loving inhabitants in the Punjab there are certain other sections of the people who if they are permitted to carry on their nefarious activities, would convert the Punjab into another battle ground for warring sections. Does not the experience of the past two years amply prove this statement that in spite of the best efforts of the Honourable Premier to solve the communal problem it is still unsolved? So far communal riots have not been rooted out of this province and people are still prone to jump at each others throats at the slightest provocation. In the circumstances it is very difficult to allow people the same kind of liberty of press and platform which we certainly like to be allowed in every country. Now may I ask if there is any honourable member who can dare say that he does not enjoy any freedom of speech here and whether there is any other province where such liberty of press and platform is allowed? (A voice: United Provinces). My learned friend says United Provinces. But I wish to draw his attention to the treatment which has been meted out to the Khaksars and I would also request him to direct his attention to other Congress provinces as well. Does he mean that when those Governments stopped and prohibited any movement they were perpetrating cruelties on the people or does he mean that they have not meted out justice to them? My honourable friends should know that lakhs of Khaksars have been carrying on their activities in the broad day light in the Punjab, but when only 200 of them went to the United Provinces they were treated very harshly. I am not casting any aspersions on the United Provinces Government but what I mean is that sometimes Governments are compelled to take such serious steps.

Lala Duni Chand : On a point of order, Sir. You are a great authority on the law of relevancy. I want to know if mentioning of Khaksars is relevant. (Laughter).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : It is an admitted fact that truth is always bitter. I think my remarks have gone home and that is why my honourable friend is feeling so very restive. I was absolutely

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relevant in making mention of the Khaksars. I was submitting that sometimes Governments are compelled to take action against certain people which in their opinion are acting or are about to act in a way prejudicial to the peace and safety of the province.

Lala Duni Chand : Sir, I wish to put a question through you.

Mr. Deputy Speaker : But the honourable member has not given way.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Sir, I was submitting that according to my honourable friend Mr. Roy has a dual personality. One part of his personality consists of his intellectual attainments. There cannot be two opinions about it. We do admit that he is a very accomplished gentleman. But I am of the opinion that the second part of his personality to which pointed reference has been made by my honourable friend will be somewhat interesting for the whole House. That is, that there is not a single country on the surface of the globe wherein he has not tried to create or foment some sort of revolution. (*Interruptions*). May I know why my honourable friend is feeling so very restive? Why is he afraid of facing the true facts? Let me point out that Government is duty bound to maintain law and order in the country. In view of this if they see that anybody is acting or is about to act in a manner prejudicial to the public safety, it is their duty to take effective steps to control the situation. In the circumstances if the Government or for the matter of that the Honourable Premier served any notice on Mr. Roy banning his entry into the Punjab, I think there was no harm in it and there was nothing in it which could be of any shame for the Government.

Besides, my honourable friend Sardar Partab Singh remarked that it was the duty of the Honourable Premier to give a reply. He also pointed out that the Honourable Premier was accustomed to deliver his speeches with a cordon of police around him. I think he has conveniently forgotten that when a meeting was being held at Amritsar under the management of the Unionist Party my honourable friend set up another stage on the opposite—

Mr. Deputy Speaker : The honourable member's time is up.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, if I have correctly understood my honourable friend who preceded me, he remarked that the main reason for banning Comrade M. N. Roy's entry into the Punjab was that he, as his previous political record showed, had tried to create violent revolutions in every country he visited. It is, therefore, possible that if he had been permitted to enter this province, he might have let loose the forces of violent revolution. Besides, there are two or three other reasons which, I think, could be adduced by Government to defend their action. The first is Comrade Roy's attitude towards war. The Government were seriously apprehensive lest his speeches on this subject should adversely affect the pledges and assurances held out by the Honourable Premier to the British Government. The second reason could be this, The Government apprehended the breach of the peace and communal riots were likely to occur as a result of his speeches. The last but not the least reason could be, that his exchange of views with the people of the Punjab might

prove detrimental to the interests of the Unionist Party. But so far as violent revolution is concerned, I am fully aware that Comrade M. N. Roy has many a time announced that he has nothing to do with it. But as regards revolution I am prepared to say that there are persons in India as well as in the Punjab who want to revolutionise the present system of Government. As a matter of fact every Indian would like to bring about a change in the form of Government according to his own ideas. Now Comrade M. N. Roy is a member of the All-India Congress Working Committee. He has signed the creed of non-violence. I may, therefore, add that so long as he is a member of that premier political body, I mean the Congress, it is inconceivable to me that he should utter a word which may smack of violence. He wants to win freedom for India by peaceful and non-violent means. But my honourable friend the Premier differs from this view. He thinks that revolution is inconceivable without resorting to force. But this much I am sure that he, too, wants a revolution in the country, although in a different manner. It would not be out of place to mention here that Comrade Roy wrote a letter to Mahatma Gandhi expressing his views about the war. This letter was published in the newspapers. But for facility of reference I would like to read out an extract from it: It runs as follows:—

I was of the opinion that it would have been not only honourable and dignified, but politically useful, for the Congress to adopt the policy originally recommended by you, the policy which had been called "unconditional co-operation." You have clearly defined that it would be moral support for the professed war aims of England, while there would be no active co-operation nor active resistance. The attitude could be more correctly defined as benevolent neutrality. I recommend neutrality on the part of the Congress, should the useless armed hostilities continue in Europe, disregarding an Appeal for Peace to be issued in behalf of the Congress and personally by yourself.

This makes his attitude towards war very clear. Now my submission is that the Honourable Premier had nothing to fear about Comrade M. N. Roy if he had been permitted to enter the Punjab. If he indulged in making speeches against war, he would have got himself entangled into the meshes of the Defence of India Act. The Government could easily take action against him under this Act. I may tell the honourable members that the All-India Working Committee of the Congress has issued instructions that civil disobedience is not to be resorted to without its permission. Hence Mr. Roy could not violate them. Had he liked it he could disobey the order banning his entry into the Punjab and court arrest. But he could not go against the instructions of a body of which he is a prominent member.

Now I come to the charge that if he had been allowed to make speeches there would have been serious communal riots. In this connection I may point out that when the Viceroy made a declaration regarding the war, negotiations about the communal settlement were being carried on between Mr. M. N. Roy and a member of the Executive Committee of the Muslim League. He announced that he and all those who belonged to the Forward Bloc in the Congress would arrive at a settlement with the Muslim League about the communal problem, so that India might be able to offer a united front to the British Imperialism. As a matter of fact he cannot discriminate between Hindus, Sikhs or Muslims. To him all are alike. In view of this it is inconceivable to me that he would have provoked communal riots by his utterances. In this connection I might make mention of the Criminal

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Law Amendment Act which was enacted to combat the civil disobedience movement. Section 2 of this Act reads as follows :—

2. (1) The Provincial Government, if satisfied that there are reasonable grounds for believing that any person is terrorist or communist and that he has acted, is acting or is about to act as such in a manner prejudicial to the public safety or peace, may, by special order in each case, authorise any gazetted servant of the Crown to arrest such person without warrant or to direct the arrest without warrant of such person.

Two things have been mentioned in it, i.e., if any person is a communist or a terrorist he can be arrested, because the underlying principle of these creeds is violence. I admit that no Government can tolerate violence. Besides, it is more than two years since Comrade M. N. Roy has been in India. During this period he has done nothing which would savour of terrorism or violence. I may point out that violence or terrorism is now a thing of the past. It has had its day. Now it no longer exists. The honourable members over there can only say this much that this is a school of thought which subscribes to violence for the achievement of freedom of one's country. But so far as Comrade M. N. Roy is concerned he has signed the Congress creed of peaceful non-violence and he sincerely believes in it. I may add for the information of the honourable members that previously he was a communist. But now he is neither a communist nor a terrorist, at best he is a socialist. As political creeds always change, he too, has renounced the creed of communalism. He is no longer the member of the official Communist Party. I am sure the Honourable Premier must be aware of it, as he, too, had been connected with that party. It is a different matter that previously he used to receive reports of that party in the capacity of a member and now he receives them in the capacity of a Premier of the province in order to curb the activities of those who take part in it (*Laughter*). All the same the Honourable Premier is in a better position to know that Comrade M. N. Roy has nothing to do with the Communist Party. He might have been a member of the Communist Party in the past, but at present he is not. I wonder if my honourable friends opposite need be told that one's political ideas undergo a change with the march of time. It is a matter of every day experience that political views do change according to the changing circumstances. An example is not far to seek. We see before our own eyes that Honourable Chaudhri Sir Chhotu Ram is acting against the views that he held some three years ago. I may be allowed, Sir, to assure the Honourable Minister of Revenue that I am not afraid of what he is showing to me at present. (*Laughter*). (*Minister for Revenue* : What am I showing to the honourable member ?) As I am standing quite in front of him, I can easily see what he is signifying to me. Only that person would be afraid of the suggested consequences who would commit the suggested crime. (*Minister of Revenue* : Please consult your colleagues. Perhaps they may be able to read the writing on the wall). You may kill your humble subjects, if you so desire. (*Minister of Revenue* : I was making the sign to my honourable friend Chaudhri Kartar Singh). You may address anybody but my submission is that neither Chaudhri Kartar Singh nor I am going to commit any such thing. It is for you to see whether it would be proper on your part to act in the manner suggested by you. I would, however, remind the Honourable Minister that previously the statue of Lord Lawrence used to show a

pen and a sword in his hands. Now that pen and that sword are in your hands. You may use them in any manner that you deem fit. But let me make it clear that you will not be able to do so with our consent. (*Cheers*). It is up to you to interfere with the civil liberty of any person by saying that he was acting or was going to act in a manner that was prejudicial to the public safety. It is high time that the Unionist Ministry realized that that Government cannot be said to be a popular Government which acts in the interests of its own party and proceeds to destroy the civil liberty of its own masters. Is our Ministry cherishing the illusion that acts like these enhance the prestige of the Unionists? No, they reveal their nervousness.

That is the old imperialistic way of handling things. This is Fascism and Hitlerism. But surely a popular government should not follow in the foot prints of the old foreign bureaucracy. Party differences should not be the mainspring of their actions. No one should be punished for his views simply because they do not tally with those of the party in power.

Adverting to the subject matter of the adjournment motion, I may be allowed to say at the very outset that I refuse to admit that the Unionist Ministry knows more about Mr. M. N. Roy than we know about him. He is one of us, and we are in a better position to say what kind of man he is.

Mr. Deputy Speaker : The honourable member's time is up.

Sardar Sohan Singh Josh (Amritsar North, Sikh, Rural) (*Punjabi*): Sir, I had also given notice of this adjournment motion. Before proceeding to criticise the action of the Government in banning the entry of Mr. M. N. Roy into the Punjab for one year, I would like to give here a brief account of his life so that this House may be able to form an idea of the great personality whose entry has been banned by the Unionist Ministry. More than two and-a-half decades ago Mr. M. N. Roy worked in Bengal what is known as the "Yugantar" movement. I do not know what the blue books of the Premier will say on this point but I will detail my own information about it. Mr. M. N. Roy was subsequently imprisoned. After his release, he started other activities, the most notable being his search after knowledge. In the pursuit of knowledge he had to go out of this country. In this connection he visited various European countries. Thus he became rich in experience. During this period he had had the privilege of meeting some of the foremost leaders of various thoughts. It was his predominant passion to know how best to liberate his country from the bondage. In fact he is a great lover of liberty for all nations of the world, and to that end he has dedicated his entire life. He is out to win freedom for his country. In France he started a paper known as "The Masses" the object of which was to quicken feelings about the freedom and liberty of India. His main purpose was to throw out the foreign yoke in India, by working in conjunction with the labouring classes of the country. During this period he came into close contact with Lenin who had laid the foundation stone of the Third International of which Mr. M. N. Roy was also a member. I may mention here in passing that Stalin is the head of that movement now in Russia and he holds the office of the General Secretary of the Communist Party. After this, Mr. M. N. Roy remained busy working in revolutionary movements in different countries like China, Russia, and others. All this goes to show

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that he has a burning desire to see that all the countries are freed from slavery. His name was prominently mentioned in what is known as the Meerut Conspiracy case. I too had the privilege of being an accused in that case. We were tried for having conspired to overthrow the British Government in India and establish a new order here like the U. S. S. R.

In the days when we were being tried, Mr. M. N. Roy returned from Europe and began his work here. But the Government placed him under arrest. He was prosecuted in connection with the old communist conspiracy case of Cawnpore and sentenced to 12 years' imprisonment. On appeal his sentence was reduced to 6 years. It is on the expiry of this term that he has started work in India. Since his release he has been a humble worker of the Congress. Being an intellectual head of international fame, he has naturally his differences with Congress luminaries. He has had his differences even with Mahatmaji. He thinks that Mahatmaji should not lay so much stress on non-violence. He believes that consistent with democracy, every body should be allowed to be a member of the Congress even if he does not believe in non-violence as much as Mahatmaji does. The other day Mr. Roy contributed an article to the press in which he wrote that he and his followers would bow to the Congress discipline but nevertheless exercise their democratic right of giving expression to their differences of opinion. You will see, therefore, Sir, that ever since his arrival in India Mr. Roy has been a member of no organisation other than the Congress. He had to give a battle royal to the Congress Socialist party and other similar organisations whom he urged to join the Congress. Recently he has organised a party known by the name of the League of Radical Congressmen. But all the members of this party must first join the Congress. Then, and only then will they be admitted into the League. But being a man of great intellectual attainments, Mr. Roy does not hesitate to exercise his democratic right of criticising even the High Command of the Congress. For instance, he differed with the Congress High Command on the question of recent resignation of the Congress ministries. He was of the opinion that the ministries ought to carry on with the work of preparing the country for the next fight unless and until the Governors are obliged to demand their resignations. But that does not show that he is not a Congressman.

May I ask one question of the Government? How long will they successfully keep the Punjab cut off from the outside world by means of artificial barriers? For how long will they continue to shut off the spirit of revolution by means of barriers raised round the province? Modern inventions, for instance, the radio has annihilated all obstacles of time and space. People can listen in to what great men of other nations have to say without any difficulty. How long will our Government successfully keep prominent men out of this land? Our Government takes pride in fighting to avoid the havoc which Hitler intends to work with the world. But I want to submit that our Premier is even more tyrannical than Hitler. I want to tell the Premier that the Siegfried or Maginot lines which he has raised to shut off new thought from this province will crumble to pieces sooner or later. The spirit of democracy will survive all his tyrannies.

Why was Mr. Roy coming to the province? His visit had nothing to do with the Punjab Government. Professor Brij Narain is making propaganda that Marxism is dead. Mr. Roy wanted to come here in order to tell him and the people of this province that Marxism was not dead: it was alive and kicking, but it is a pity that he was not allowed by the Government to enter the province. It was not creditable on its part to take such a drastic measure against an accredited leader of political thought. This Government is in fact degrading us in the eyes of others. The honourable friend on my left has said certain things with regard to the Congress ministries in other provinces, I challenge him in all seriousness to prove that those governments had ever attempted to interfere with the civil liberties of their people. They might have taken some action against those who were fanning the flames of communalism in those provinces, but such measures we do not object to. It is the first and the foremost duty of a Congress government to eradicate communalism. It is only the Punjab Government which is guilty of supporting and encouraging those newspapers which are in fact responsible for creating communal bitterness and enmity in the province. We have in our possession several cuttings of those newspapers in which incitement to violence and murder has been openly preached, but no action is being taken against them. Let me inform the Government that vigilance is the price of freedom. The lovers of freedom and the students of history know it full well that it has cost so many lives everywhere to get civil liberties assured. With these words, Sir, I support the motion moved by my honourable friend Chaudhri Krishna Gopal Dutt.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, My honourable friend Sardar Sohan Singh Josh has likened me to Hitler. For me it is not a complement, but I may remind him that Hitler and Stalin are at peace with each other nowadays. Do I take it that he is going to make peace with me too? Now, Sir, my difficulty is that whenever such a motion is moved I am placed at a disadvantage. My honourable friends opposite have freedom, or shall I say licence, to indulge in the wildest possible talk and say what they please. That is not the case with me. There are certain things which are strictly confidential. There are others which, if explained on the floor of this House, would adversely affect smooth sailing so far as the administration of the province is concerned. However, keeping all these things in view I shall try to convince the honourable members that the action taken was necessary and justified.

My honourable friend Chaudhri Krishna Gopal Dutt has made a speech which may be considered the last word in respect of verbosity. He told us that Mr. M. N. Roy offered valuable criticism of Einstein's theory of relativity. May I remind him that such a criticism was offered by Sir Shah Muhammad Suleiman and Sir Zia-ud-Din too? Again; he was pleased to remark that we should leave aside Mr. Roy's antecedents. It was really amusing to see him skip over the question of Mr. Roy's antecedents with an agility which must be described as extraordinary even in him.

Let me add that Sardar Sohan Singh Josh has made amends for what has been said by my honourable friend Chaudhri Krishna Gopal Dutt. Sardar Sohan Singh Josh has laid bare all the facts and has clearly stated the

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objects of Mr. Roy's visit. He has also narrated the past adventures of Mr. Roy. May I also in this connection say something which Sardar Sohan Singh Josh has perhaps forgotten to mention? I would like to expose the hollowness of Mr. Roy's patriotism. My information is that Mr. Roy has been working under twelve different names. The press should exercise due care in this matter. My honourable friend does not remember or the thing has slipped out of his memory that Mr. Roy was mentioned in the terrorist outrages of Calcutta. (*Interruptions*). I am being interrupted by the opposite side. This is not fair. I listened patiently when my friends opposite were speaking. Sir, it appears from the facts which have come to my notice and the information which I have received that Mr. Roy had a hand in the terrorist outrages of Calcutta. I may also point out that Mr. Roy was arrested in the Garden Reach Factory case and was released on bail. During the time he was on bail he absconded, putting the man who had stood surety for him in difficulty. (*An Honourable Member* : When did that happen?) Please do not ask me an absurd question. Mr. Roy was a prominent member of the Third International. He went to the Phillipines and Mexico and wrote articles frequently on communism and sovietism. My honourable friends sitting on the opposite benches are fully conscious of all these facts. I need not give a detailed account of them. I may only say this much that he was sentenced to 10 years' imprisonment in the case to which I have already made a reference. He was released in 1921 and went out of India. During the last war he had connections with the Indo-German Party. When he came out of prison after completing his term of sentence he worked in the Congress under different names and the various facts brought to my notice prove that he has even now not changed his attitude or his creed. Sir, in this connection, another point is also worth serious consideration. We have to take into consideration the party which invited Mr. Roy to the Punjab. Mr. Roy came here on the invitation of the Radical League. What does this Radical League stand for? This League stands for mass revolution, which is another name for violence. This League denounces the Congress for its creed of non-violence and proclaims that independence will never be achieved by non-violent methods. My submission is that the policy of the Radical League is not wholesome. India can never solve its problem of attaining independence by this policy. It does not behove my honourable friends Chaudhri Krishna Gopal Dutt and Dr. Gopi Chand Bhargava to refute the policy of non-violence and then demand a charter of complete independence from the British Government. Supposing Britain is defeated in this war and India is conquered by the enemy, will my friends in that case show that charter of complete independence to the enemy and ask him to go away because Britain had given them complete independence? Let me ask my honourable friends to change their minds. This is not true patriotism and this policy is not wise. Facts are more concrete and real than imaginary views of things. Is it not a fact known to every one of us that a section of the Congress is in favour of direct action and the other section favours the policy of non-violence? My friends must know that violence will not help India and they ought to relinquish the policy tainted with violence. They should not try to embarrass the Government. It is no use creating obstacles

in the way of administration. If the Congress itself is heading for violence then there is every justification for the present attitude of the Government. If my honourable friends on the opposite side sincerely believe in non-violence and if they do not doubt the correctness of the events I have mentioned in the early part of my speech, which I have every reason to believe to be true, then they must co-operate with me in maintaining peace and order in the province. I think my friend Chaudhri Krishna Gopal Dutt is not aware of the fact that Dr. Satya Pal is gradually losing faith in non-violence and he is now drifting towards violence.

I had thought that the motion for adjournment would be brought forward by my honourable friend Dr. Satyapal who is nowadays leaning towards the group which believes in violence. I do not know whether the reason for this change in him is personal or political but I do know that if he had sponsored this motion I would have opened my mind to him. It is a pity that the motion has been moved by one who professes a thorough belief in non-violence. I am sorry that I cannot divulge all the information at my disposal, because then those of my honourable friends opposite who really believe in non-violence would have felt obliged to support me.

Chaudhri Krishna Gopal Dutt : What about the Governor of the United Provinces? Does he not know the antecedents of Mr. Roy?

Premier : The Governor of the United Provinces must have his own reasons for acting as he does. But I am responsible for the maintenance of law and order in the Punjab and, as I have stated, I had good reasons to act as I did.

Dr. Gopi Chand Bhargava : This morning the Honourable Speaker was pleased to remark that Government truth is something different from abstract truth. Does that apply to what is being stated here?

Premier : The Honourable Speaker is not here just at present. Otherwise he would have been able to tell you what he meant by that remark. Anyway my honourable friend can settle that with Mr. Speaker.

Lala Duni Chand : May I put one question? I shall be obliged if the Honourable Premier gives way.

Premier : I do not give way.

Mr. Deputy Speaker : Order, order. The Honourable Premier does not give way.

Premier : As I have said I am not responsible for the administration of the United Provinces. I have told you something about this province. I did not want to go beyond that, but since this question has been put to me, let me inform my honourable friends that there exists a certain group of people which is engaged in under ground activities. I have given them a sufficiently long rope. Far be it from me to interfere with *bona fide* activities of any party or group but it should be borne in mind that I am not prepared to overlook the underground activities.

Chaudhri Krishna Gopal Dutt : Any evidence of their existence?

Premier : My honourable friend wants evidence of the existence of such activities. Let me tell him only this much that if an eye were not kept

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on those people my friend would have been the first to be abducted. (*Hear, hear*). If I am giving these people a long rope it is to afford them a chance to realize their mistake and mend their ways. My desire for independence is as ardent as theirs. So long as I find that they keep within bounds and there is a sincerity of purpose I shall be prepared to make the rope still longer. But let them remember that so long as I am responsible for the peace and safety of the province, the cult of bomb and violence shall not be brooked.

Now, Sir, I have stated more than once on the floor of the House that I prefer prevention to cure. My honourable friends want that I should have allowed Mr. Roy to come to the Punjab and make speeches and then arrested and prosecuted him. I wanted to save him all this trouble.

Chaudhri Krishna Gopal Dutt : Operation performed successfully and the patient died peacefully !

Premier : I have left this political surgeon to perform operations in other provinces.

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Let him go wherever he likes but the Punjab should be left alone.

If he had been allowed to come to Lahore he would have certainly said something in the course of his lectures which would have compelled the Punjab Government to prosecute him. In that case also my honourable friend would surely have moved an adjournment motion. So I thought it advisable to calmly put up with the adjournment motion now rather than worry Mr. Roy later on.

My honourable friend stated in the course of his speech that now Mr. Roy does not believe in terrorism and violence as he did previously. According to him he has become a convert to the creed of non-violence. Granted, but what was the object of my friend in inviting him to the Punjab ? Did he want him to come here and walk straight into a trap ? If that was the object of my friend, I may tell him, that it was my first and foremost duty to see that he was not entrapped. As a matter of fact, there was absolutely no need of Mr. Roy visiting the Punjab at this time. There are ten other provinces where he can go about and do as much good as he desires to do. If he can prove by his conduct in other provinces that he is doing good, in that case we will have no objection to his coming to the Punjab. But at this time we cannot allow him to come here and preach Marxism to the people. Then, my friends have asked as to what was the harm in allowing Mr. Roy to come to the Punjab, when as a matter of fact they daily made speeches freely against Government and no body objected to them ? In a way my friend has given proof of our large heartedness in allowing so much freedom of speech to the people, the practical example of which we have set in the Punjab. My friend Chaudhri Krishna Gopal Dutt daily expresses his views vehemently without any let or hindrance. We have given him perfect liberty of speech. But if on any occasion he abuses his freedom of speech, he will surely require some sort of politico-medical treatment for curing him of his disease. So long as he remains within limits, I do not propose to take any action against him. In short, I have given perfect freedom of speech to my

honourable friends to express their political views, but it behoves them that in times of stress like the present they should remain within proper limits. Now on account of the breaking out of war we are passing through a critical period and if anybody does anything which is likely to assist the enemy, there will be no greater traitor and enemy of his country than that person. When this is my opinion how could I have allowed Mr. Roy to come here? However, I assure my friends that they have full liberty to express their view points about democracy, politics, psychology and economics, but I, may strike a note of warning to them that if they do anything as I have already warned them through the press and on the floor of this House, against the interests of this country, I will not wait for a moment to see whether the offender is Chaudhri Krishna Gopal Dutt or Dr. Gopi Chand Bhargava. I would not even spare myself. Action will be taken instantaneously. I would like to make it clear that my friends can very well enjoy freedom of speech, but they cannot be permitted to go beyond the proper limits and convert that liberty into a licence. I have been very lenient to them so much so that they while enjoying liberty have actually begun to indulge in licence. It is now high time that they should refrain from it. I may tell them that henceforward I am not prepared to show any leniency in this respect.

Then again my honourable friend, probably Chaudhri Krishna Gopal Dutt, was pleased to remark that wherever Chaudhri Sir Chhotu Ram went, he preached that in case the Land Alienation Act was touched there would be revolution. Let me point out that my colleague is following in the footsteps of the Congress and like that body he says that if this thing or that thing is not done it will bring about a revolution in the country. It was the Congress party who began this game and it is now the Unionist Party which makes you beware of the terrors of a revolution in case an attempt is made to infringe the Land Alienation Act in any way. I may therefore say, in the words of the old proverb that :—

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Again my friends said many things even to the extent of contradicting one another. One of them suggested that Hitlerism had been ushered into their province and the other remarked that Government was composed of fools and was expected to commit follies like that. Still another honourable member harped on the same tune and said that this Government was nothing short of Nazi-ism and Fascism and was bent upon depriving the people of their civil liberties, that even men like Mr. M. N. Roy of international fame are not spared. My honourable friend, Maulvi Ghulam Mohy-ud-Din, whom the honourable member from Ambala tried to put off the track, stated that governments are sometimes forced by circumstances to take strong action. For instances, the United Provinces Government had to deal with the Khaksar agitation with a firm hand. They had to arrest four thousand Khaksars in order to maintain peace in the province, but matters came to such a pass that they had to resort to firing. My honourable friends opposite have never said a word about civil liberties in the United Provinces being trampled upon by the Government of that province. Do my friends want to create the same state of affairs here also? Do they wish that we should also resort to force? I believe in the wholesome maxim "Prevention is

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better that cure." That is why I have banned the entry of Mr. Roy into this province. As a matter of fact I have taken this course to bring the disease well under control just in the same spirit in which my honourable friend Dr. Gopi Chand Bhargava in a serious case of consumption would have administered calcium in order to heal up the patches. My friends over there perhaps want that this disease should run its course without let or hinderance. So long as I am here, I cannot put up with this state of affairs. If ever my honourable friends opposite occupy these benches, they may have their own way.

Again, one of my honourable friends over there remarked that whenever we adopt precautionary measures or take steps to meet an emergency, we do so in a state of nervousness and that on such occasions, more often than not, we are off the rails and find ourselves in a fix and consequently resort to force. I assure my honourable friends that we never feel nervous. We rather act most democratically, as every democratic government, is expected to do. My honourable friend, the Leader of the Opposition, was pleased to remark that my action was drastic and absolutely uncalled for. Other honourable members dubbed me as Hitler, political adventurer and so on. The views of my friends are so conflicting that I cannot decide whose point of view is correct. It is said that when there is disagreement between two persons the third person is always considered to be the wisest. (*Laughter*). However, I would ask my honourable friends to state for once as to what they really want to see in the Punjab. Do they want to see violence as the order of the day in this province? Do they want a terrible revolution in this land of five rivers? I can say with the fullest confidence that my friends like Dr. Gopi Chand Bhargava would never support any such idea. I am sure they do not want Fascism, nor do they want Nazi-ism. (*A voice: Nor do we want Sikandarism*). (*Laughter*).

My honourable friends do not want Sikandarism either. But they are helpless! (*Renewed laughter*). One thing is sure and that is that the honourable members opposite want democracy in the true sense of the word. If that is so, I may assure them that I am making all efforts to establish and preserve real democracy in the Punjab. In fact, I have not been doing things in a bureaucratic manner but have been acting democratically for I have got the support of 90 per cent of population of the province in what I have done so far.

Whenever the population of the province is of the opinion that we are going astray and that we no longer look to their safety, we will make room for my friend, Sardar Sohan Singh Josh. We want that democracy should remain and if my friend, Sardar Sohan Singh Josh, says goodbye to democracy and wishes to carry on Government on the lines of Stalin and Hitler, he must come in for trouble in this country, sooner or later. We, on these benches, were returned to this House on the ticket of democracy. It was with a view to upholding the principles of democracy that we joined the present war. Now we have taken this step in the interest of democracy. My friends, however, seem to take exception to our upholding the principles of democracy. They do not like that we should be taking steps in the interest of the safety of the province and its population. I assure you, Sir, that

if my honourable friends had not brought forward this adjournment motion and had asked me to explain the position in my room, I would have made it still more clear to them. I quite understand the disappointment of my friend, Chaudhri Krishna Gopal Dutt. He had to participate in the debate and had to deliver a learned discourse. But I would request him now to forego the days of his boyhood. Now, he should think of his responsibility. (*Laughter*). I am, after all, taking these steps in the interest of your safety, not only your safety but the safety of your home and hearth, of your children and of your womenfolk.

I am not in a position to gamble with the lives of the peaceful citizens of the Punjab. On the other hand, I would like to strike a note of warning to those who are working underground for a violent revolution. I have already given them, as the House is well aware, a long rope but if occasion arises I know how to cut it short. My first and foremost concern is to bring them to the right path by persuasion, and if they are prepared to adopt the same course, I would be glad to embrace them; but if they fail to come to the right path, they should remember that I shall not fail to do my duty.

In view of these hard facts, I hope that my honourable friend, the mover of this adjournment motion will withdraw it forthwith, unless, of course, the Opposition decides merely to create a scene by pressing this motion to the vote of the House.

Deputy Speaker : The question is—

That the assembly do now adjourn.

The Assembly divided : Ayes 28, Noes 62.

AYES.

Ajit Singh, Sardar.
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.
Gauga, Mr. K. L.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Krishna Gopal Dutt, Chaudhri.

Mohy-ud-Din Lal Badhshah, Sayed.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hasan, Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Ittikhar-ud-Din, Mian.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Satya Pal, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan Daulatana, Khan
Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.

Ashiq Hussain, Captain.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Muhammad, Mian.
 Fateh Sher Khan, Malik.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Fayaz Ali Khan,
 Nawabzada.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Qasim, Chaudhri.

Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri..
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Sikandar Hyat-Khan, The Honour-
 able 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.

The Assembly then adjourned till 12 noon on Tuesday, 28th November, 1939.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 28th November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

KANGRA DISTRICT BOARD ELECTION.

***5018. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that Kangra District Board election was due in the month of June 1939 ; if so, the dates on which the Government propose to hold the said elections and the steps, if any, so far taken in this direction ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The general elections of the district board of Kangra which should ordinarily have been held in the summer this year, have been postponed to November 1940.

Pandit Bhagat Ram Sharma : May I know the reason why they have been postponed ?

Parliamentary Secretary : This has been ordered at the request of the district board.

Pandit Shri Ram Sharma : When did the district board make this request ?

Parliamentary Secretary : I cannot give the exact date.

Pandit Shri Ram Sharma : Did the district board give any reasons ?

Parliamentary Secretary : Naturally.

Pandit Shri Ram Sharma : What were the reasons given ?

Parliamentary Secretary : The Government fully considered the reasons advanced by the district board for the postponement of elections and after fully considering the matter the Government decided to accede to the request of the district board.

Pandit Shri Ram Sharma : I want to know the reasons given for that action on the basis of which the Government arrived at a certain conclusion.

Parliamentary Secretary : I have stated just now that I have not got the reasons with me. If my honourable friend wants detailed reasons, he can give me a notice and I will reply.

Pandit Shri Ram Sharma : Has the Parliamentary Secretary any idea of the reasons ? Was it due to the fact that War is going on ?

Mr. Speaker : Disallowed. When the Parliamentary Secretary says that he requires notice of a question, the same question cannot be asked again.

Chaudhri Muhammad Hasan : When did the Parliamentary Secretary examine the reasons for the postponement of the elections ?

Parliamentary Secretary : It is very difficult for me to give the honourable member the exact date. I went through the file some time back and satisfied myself that the answer proposed to be given was according to the facts given on the file.

Pandit Bhagat Ram Sharma : Is the Parliamentary Secretary aware that the dates for elections were fixed and most of the expenditure which was to be incurred by the Government in this connection was actually incurred and it was only about two weeks or so before the fixed date that the elections were postponed ?

Parliamentary Secretary : I have no information on the subject and I am prepared to accept the information which my honourable friend gives me.

Pandit Bhagat Ram Sharma : May I know whether it was at the instance of the Chief Secretary of the Unionist Party that the elections were postponed because he had gone there to study the political situation ?

Parliamentary Secretary : I repudiate the insinuation very strongly.

Pandit Bhagat Ram Sharma : Is the Parliamentary Secretary aware that the Chief Secretary of the Unionist Party went to that district to study the situation ? Is he aware of it or does he deny it ?

Parliamentary Secretary : The Chief Secretary of the Unionist Party as such has nothing to do with the elections of a district board.

Pandit Bhagat Ram Sharma : May I know the purpose for which he went there ?

Parliamentary Secretary : There may be hundred and one purposes which it is very difficult for me to specify.

Lala Deshbandhu Gupta : Did the Chief Secretary make any suggestion of that nature ? Did he make a verbal or written suggestion that the elections should be postponed ?

Parliamentary Secretary : So far as I am aware, when the Chief Secretary visited that particular district, no such suggestion was made.

Pandit Bhagat Ram Sharma : Had he gone there simply to give a tea party to the Nawab of Bahawalpur ?

Mr. Speaker : Disallowed.

ADMINISTRATOR, LAHORE MUNICIPALITY'S REPLY TO A LETTER FROM
THE HONORARY SECRETARY, INDIAN CHAMBER OF
COMMERCE.

*5050. **Rai Bahadur Lala Binda Saran** : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Punjab Government received a letter from the Honorary Secretary of the Indian Chamber of Commerce in February, 1938 (letter No. I. C.-145/2/90, dated 15th February, 1938) ;
- (b) whether it is a fact that no reply was sent by the Government to that letter ; if so, the reasons therefor ;
- (c) whether it is a fact that the Administrator, Lahore Municipality, sent a reply to this letter (*vide* his letter No. 1048-G., dated 19th February, 1938) ;
- (d) whether the Administrator sent the reply referred to in (c) above at the instance of the Punjab Government or on his own initiative ;
- (e) whether Government consulted the Department of Industries and have given careful consideration to the suggestions made in letter No. I.C.-145/2/116, dated February 21, 1939, sent by the Indian Chamber of Commerce ; if not, the reasons therefor ?

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

(b) Yes, because the Administrator, Lahore Municipality, who is closely concerned with the Lahore drainage and water supply schemes, had already replied to the points raised in that letter with reference to the extracts thereof published in the *Civil and Military Gazette* of the 17th February, 1938. Government considered his reply adequate.

(c) No.

(d) Does not arise.

(e) No because (i) the letter under reference had been endorsed to the Secretary, Electricity and Industries Departments, who was taking adequate action on it, and (ii) the Indian Chamber of Commerce did not show any inclination to co-operate with the Administrator, Lahore Municipality, in the matter.

MUNICIPAL LIMITS OF LAHORE.

*5071. **Sardar Hari Singh** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the details of the proposal to extend the municipal limits of Lahore ;
- (b) whether Government are aware of the state of public feeling in the matter ;
- (c) whether Government propose to proceed to execute the said proposal in spite of the opposition of the public to that proposal ?

Parliamentary Secretary (Shaikh Faiz Muhammad): For details of the area recently included within the municipality of Lahore the honourable member is referred to Punjab Government notification No. 3935-C-39/27667, dated the 24th August, 1939, which was published in *Punjab Government Gazette* (Extraordinary) of the same date. The notification was issued after giving full consideration to the objections which had been received.

ADMINISTRATOR OF LAHORE MUNICIPAL COMMITTEE.

***5075 Sardar Hari Singh:** Will the Honourable Minister for Public Works be pleased to state the action Government has taken or proposes to take in response to the insistent and widespread public demand for the removal of the present Administrator of Lahore Municipality?

Parliamentary Secretary (Shaikh Faiz Muhammad): No action is contemplated.

HILL ALLOWANCE ALLOWED TO PUBLIC WORKS DEPARTMENT EMPLOYEES.

***5084. Sardar Hari Singh:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether hill allowance is allowed to Public Works Department employees working in the Simla Hills; if so, the category to which such employees belong;
- (b) whether it is also a fact that no hill allowance is allowed to the Public Works Department Road Inspectors, working in the said hills; if so, the reasons therefor;
- (c) whether Government has recently received a representation from the said inspectors for being given the hill allowance like other employees; if so, the action taken thereon?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes; both permanent and temporary employees stationed at Simla are allowed compensatory hill allowance.

(b) Road Inspectors being work charged employees are not entitled to the compensatory hill allowance.

(c) No representation has so far been received by Government from the Road Inspectors for being given the hill allowance like other employees.

RESOLUTION PASSED BY MUNICIPAL COMMITTEE, BHIWANI.

***5139. Pandit Shri Ram Sharma:** Will the Honourable Minister for Public Works be pleased to state whether Government has recently received a copy of a resolution passed by the Municipal Committee, Bhiwani, and also a copy of a representation made by the public of Bhiwani, requesting the Government to remit the unpaid portion of the loan advanced by it for the water works scheme undertaken by the said committee owing to its weak financial position; if so, the action taken or intended to be taken by the Government thereon?

Parliamentary Secretary (Shaikh Faiz Muhammad): No such request has been received by Government.

Pandit Shri Ram Sharma: May I know if the Government is aware of the fact that the Municipal Committee of Bhiwani had borrowed from the Government a certain amount of money for the construction of its water works, and now the Government is demanding recovery of the debt?

Parliamentary Secretary: Naturally if the Government had given some loan to the Municipality, it must be payable by the Municipality. There is no reason to ask this question. I fail to understand its significance.

Pandit Shri Ram Sharma: I mean to ask as to whether the Government is considering the question of writing off of the debt which was given to the Municipality for the construction of the water works.

Parliamentary Secretary: Such complaints are often made. But the debt is a debt and must be paid.

Pandit Shri Ram Sharma: But is not the financial position of Bhiwani Municipality weak?

Parliamentary Secretary: The financial position of almost every Municipality in the Punjab is weak?

Pandit Shri Ram Sharma: But I want to know if the financial position of Bhiwani Municipality is comparatively very bad?

Parliamentary Secretary: I have said that the financial position of almost every Municipality in the Punjab is weak. Some of them are of course, more poor than others.

Lala Deshbandhu Gupta: Is that the index of the prosperity of the province?

Mr. Speaker: Disallowed.

Pandit Shri Ram Sharma: May I know what was the total expenditure on the construction of the water works of Bhiwani?

Mr. Speaker: Disallowed. It does not arise out of the reply given.

Khan Sahib Khawaja Ghulam Samad: Has the Government ever taken into consideration the reasons why the financial position of nearly all municipalities in the province is bad?

Mr. Speaker: That is a request for action.

Khan Sahib Khawaja Ghulam Samad: This is not a request but a supplementary question which arises from the reply given by the Parliamentary Secretary. Is it not the duty of the Government, Sir, to take into consideration the reasons why the financial position of every municipal committee is bad? The reason should be found out and the defect remedied.

Mr. Speaker: The honourable member may answer the question.

Parliamentary Secretary: It is very difficult for me to specify the reasons for the financial backwardness of these municipal committees. I happen to belong to one of the municipal committees and it is my opinion that the real reason for the financial weakness of these municipal committees

[Sh. Faiz Muhammad.]

is the fusion of deliberative and executive functions of the committees. That is one reason and there are certain other reasons but it is very difficult for me to go into those details at this stage.

Lala Deshbandhu Gupta : Have Government gone into those reasons or not?

Parliamentary Secretary : The Government has gone into those reasons and is attempting to separate deliberative functions of the committees from executive functions wherever it is possible.

Lala Deshbandhu Gupta : Have Government ever considered the desirability of appointing a sub-committee to enquire into this matter?

Mr. Speaker : I refuse to allow that question.

LAHORE MUNICIPALITY.

*5143. **Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state —

- (a) the total income of the 71 villages proposed to be included in Lahore Municipality, from land revenue and local rate and their total population community-wise ;
- (b) whether it is the intention of the Government to credit the land revenue and local rate of these villages to the income of the Lahore Municipality ;
- (c) the approximate loss of income from octroi and terminal taxes to the Lahore Municipality as a result of the inclusion of the above villages within Lahore Municipal limits?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a)

				Rs.
(i) Land Revenue	..	..	..	88,419
(ii) Local Rate	..	..	..	12,948
(iii) Population—				
Muslims	..	..	..	56,269
Sikhs	..	..	..	9,928
Hindus and others	..	..	..	16,121

(b) Orders have already issued for crediting to the Lahore municipal funds the local rate levied in these villages. Land revenue will not be so credited.

(c) The only principal articles grown in these villages on which a tax was levied on import into the municipal area were fodder and fruit. It is impossible to say what income accrued to the municipality on this account. But there is no doubt that the loss of this income will be more than made up by the increase from other sources.

LAHORE MUNICIPALITY.

***5144. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister of Public Works be pleased to state —

- (a) whether the residents of the villages and revenue estates proposed to be brought within the limits of the Lahore Municipality under Government notification No. 1529-G-39/15485, dated the 22nd April, 1939, will be required to pay all the taxes which are levied on the residents of Lahore town ;
- (b) if the answer to (a) above be in the negative, whether it is the intention of Government to provide the same facilities regarding lighting, drainage, water supply, roads and public health as are provided to the residents of Lahore to the residents of these 71 villages proposed to be included in Lahore ;
- (c) if it is the intention of Government to improve the conditions in the above-mentioned 71 villages, whether there will be sufficient funds available for the purpose out of the income of the Lahore Municipality ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes; subject to such exemptions as may be considered necessary under sections 70 and 71 of the Punjab Municipal Act.

(b) and (c) It is proposed to improve conditions in the extended area. Generally speaking the nature and extent of the improvements will depend on the proceeds of taxes levied within the extensions.

**RESOLUTION CONDEMNING THE INEFFICIENCY OF POLICE ADMINISTRATION
IN DISTRICT ROHTAK.**

***5151. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether he and the local district authorities have received a copy of the resolution condemning the inefficiency of police administration in dealing with the ever increasing number of crimes in Rohtak district, passed in a public meeting held on 18th July, 1939, last at Rohtak ;
- (b) the number of murders, dacoities and other serious crimes committed during the months of May, June and July, 1939, in the district of Rohtak ;
- (c) the action taken or intended to be taken in this matter to allay the feelings of the public of Rohtak due to the panic created by the ever-increasing number of crimes in the locality ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
 (a) No copy of the resolution appears to have been sent to the Secretariat, but Government understand that one was received by the Deputy Commissioner.

(b)		<i>Murders.</i>	<i>Dacoities.</i>	<i>Other serious offences.</i>
May, 1939	..	7	..	74
June, 1939	..	8	3	58
July, 1939	..	4	1	56

(c) The figures do not indicate any remarkable increase in crime in the district. There was recently a certain amount of alarm as a result of one particular dacoity case of unusual type, but vigorous action by the police has restored confidence.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state whether the resolution which was forwarded to the Deputy Commissioner was also sent to the Government?

Parliamentary Secretary : I have stated that the representation has not been received in the Secretariat, but Government have received information that the Deputy Commissioner had received that representation.

Lala Duni Chand : Does the Government consider the existing state of crime as normal?

Parliamentary Secretary : I have said that the Government does not think that the state of crime is abnormal.

Lala Duni Chand : How many crimes would the Government expect to be committed in the Rohtak district before it takes any steps?
 (Laughter.)

Mr. Speaker : Disallowed.

Diwan Chaman Lall : May I ask my honourable friend, the Parliamentary Secretary, to define the expression, 'abnormal' in connection with the answer that he has given?

Parliamentary Secretary : The number of murders in the whole province was about 1,041 in 1938 and of other serious offences including dacoities was nearly 16,000. The figures for Rohtak district during the whole year do not show any abnormal rise apart from the general rise of figures for crime throughout the province.

Diwan Chaman Lall : What is the number worked out per district?

Mr. Speaker : That can be easily calculated.

Diwan Chaman Lall : Is it a fact that the number of murders committed in the Rohtak district is in excess of the average worked out per district? May I know whether my honourable friend is giving his own figures?

Parliamentary Secretary : I am taking into consideration the crime as a whole and not murders only.

Diwan Chaman Lall : So in relation to murders, do I take it that my honourable friend does not stick to his statement but concedes that it shows an abnormal state of affairs?

Parliamentary Secretary : Since June even the figure for murders has dropped.

Diwan Chaman Lall : How many murders were committed in the Rohtak district during the last month?

Parliamentary Secretary : I want notice for that question.

Diwan Chaman Lall : The question relates to the months of May, June and July. How many murders were committed during the months of May, June and July?

Parliamentary Secretary : I have already said that the number of murders in May was 7, in June 8 and in July 4. If the honourable member wants to know the number of murders committed in that district during last month he should give me notice.

Lala Deshbandhu Gupta : What was the number of murders committed during the corresponding period last year?

Parliamentary Secretary : I require notice for that question also.

Pandit Shri Ram Sharma : What action does he propose to take in connection with the resolution which was forwarded to the Deputy Commissioner?

Parliamentary Secretary : No special action is considered necessary.

Pandit Shri Ram Sharma : Is it a fact that in the resolution which was passed in a largely attended public meeting the details were given about the Bilochpur dacoity and it was urged that subordinate officials were unable to do anything so long as impartial officers were not appointed above their heads and it was also urged that the people should be given arms licences to defend themselves?

Minister : Is it a speech or a supplementary question?

Diwan Chaman Lall : My honourable friend has said that the total number of murders committed in the Punjab in the course of one year was 1,041. Is it therefore correct that the average per district comes to about 85 murders in the course of a year? Is it correct that the figure given by him as worked out on an annual basis is practically twice as much in Rohtak as the average in a district?

Parliamentary Secretary : My honourable friend should not generalise from the figures of one or two months. There may be no crime and no murder for a long period.

Diwan Chaman Lall : Has my honourable friend any figures to show that in the past that state of affairs has prevailed in the Rohtak district?

Parliamentary Secretary : Certainly. In 1938, whereas some other districts like Ferozepore and Sheikhpura showed an increase in crime, there was no such increase in the Rohtak district.

Diwan Chaman Lall : The question put to the honourable member was not whether there was an increase in the Rohtak district. I want to know whether this state of abnormality compared with other districts prevails in the Rohtak district or not.

Parliamentary Secretary : These figures for the month of May, June and July are worked out for the Rohtak district only and they include murders, dacoities and other serious offences. I have already said that although the figures for murders were certainly high in these three months, the crime in other respects was not so abnormal as to require special action.

Diwan Chaman Lall : What was the figure for the previous years ?

Parliamentary Secretary : I will request the honourable member to give me notice for that question. But I may inform the honourable member that some figures are given in the police report and he will find there that the Rohtak district is not mentioned as one of those districts that have shown an increase in crime.

Diwan Chaman Lall : We are not now concerned about the increase in crime generally in the Rohtak district but relating to murder. What I ask is this whether he is aware that the number of murders in the Rohtak district is abnormal.

Parliamentary Secretary : I have already stated that although in those three months the figure of murders was high and cannot be stated as normal, yet on the whole the crime including other offences was not abnormal in the Rohtak district. The question related to the crime as a whole and not to murders only.

Lala Duni Chand : Does the Government consider that the number of murders, i.e. 1,041, in the whole province represents a normal state of things ?

Parliamentary Secretary : Not at all. The Government is taking action in this matter.

Lala Duni Chand : Is the Government aware of the fact that in the whole of Great Britain, the population of which is twice the population of the Punjab, the number of murders is only 100 or 125 a year ?

Mr. Speaker : Disallowed.

Lala Duni Chand : May I know what is the state of crime in England ?

Mr. Speaker : Is that within the official cognisance of a Punjab Minister ?

(Lala Duni Chand stood up.)

No more discussion please : the honourable member should resume his seat.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary be pleased to state as to whether the number of crimes at present in the Punjab is on the increase as compared with the last year ?

Parliamentary Secretary : Figures for 1939 are not yet available.

Mian Sultan Mahmud Hotiana : Is it a fact that the figures for 1938 show that the crimes are on the increase as compared with the figures of 1937 ?

Parliamentary Secretary : Yes, in certain respects.

Mian Sultan Mahmud Hotiana : Has the Government taken any steps to stem the increasing tide of crimes ?

Parliamentary Secretary : I would request the honourable member to read the police report for 1938. Reasons are given and the steps taken by the Government are also given.

Khan Sahib Khawaja Ghulam Samad : Is the Parliamentary Secretary in a position to state on the floor of the House the number of murderers and those murdered castewise ? (*Laughter.*)

Parliamentary Secretary : I do not know whether my honourable friend is serious in asking that question.

ROHTAK DISTRICT BOARD ELECTIONS.

***5153. Pandit Shri Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state when the fresh elections which are now being overdue to the District Board Rohtak, may be expected to take place ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The next general elections of this Board are expected to be held by the middle of 1940.

Pandit Shri Ram Sharma : Last time in reply to a question of mine I was told that the elections of the District Board, Rohtak, would be held in September 1939. Now may I ask why they are still being postponed for another year ?

Parliamentary Secretary : I have not before me the reply referred to, and therefore, I am not in a position to say what was stated therein.

Pandit Shri Ram Sharma : Take it from me that I am speaking the truth.

Parliamentary Secretary : I have never doubted the veracity of my honourable friend.

Pandit Shri Ram Sharma : Then, may I ask the Honourable Minister the reasons for this delay ?

Minister : Expectations of the Government are not sometimes fulfilled. Delay has taken place regarding the distribution of circles which is a very complicated affair.

Pandit Shri Ram Sharma : Is it a fact that the delimitation of wards is not a very lengthy affair and that delay is being caused in spite of the fact that the delimitation has been completed ?

Parliamentary Secretary : No doubt the provisional delimitation of wards has been completed but there were large number of objections and therefore the whole thing has to be revised in order to eliminate all chances of injustice to anybody.

Diwan Chaman Lall : How many years is my honourable friend going to take to find out whether there has been any injustice or not ?

Parliamentary Secretary : Now it is only a question of months.

Lala Deshbandhu Gupta : Is it a fact that it has become a matter of routine for Government to postpone elections of district boards in any place on the slightest pretext ?

Minister for Public Works : I am afraid not as a matter of routine. Sometimes there is delay due to unavoidable circumstances and they have to postpone elections.

Mr. Speaker : I would request honourable members to ask questions only about Rohtak and not bring in the whole province.

Diwan Chaman Lall : May I ask how long have these elections been overdue ?

Parliamentary Secretary : I cannot say off-hand. If notice is given I will be in a position to say how long they have been overdue.

Diwan Chaman Lall : May I take it that my honourable friend has merely got the reply and not the file regarding this particular matter ?

Parliamentary Secretary : I have not got the file with regard to the question before the House. As to answer how long these elections have been overdue I should like to have notice.

Diwan Chaman Lall : May I know if it is not a question relating to overdue elections ? Is it not within the knowledge of my honourable friend ?

Parliamentary Secretary : The question does not relate to overdue elections : it merely seeks information as to when elections are to take place.

Diwan Chaman Lall : May I know if it is not correct that these elections have been due since June 1988 ? Is it a fact that Government requires two solid years to get at the facts relating to what my honourable friend calls 'circles' ?

Minister : Government was not responsible for the delay. The district board was in the first instance asked to make suggestions for the formation of the circles and delay took place there.

Diwan Chaman Lall : Do I take it that if a district board wants to prolong its own life they have merely to delay the reply to my honourable friend ?

Minister : I have warned the district board for this delay.

Lala Duni Chand : Can the Minister for Public Works state that the postponement is not caused by the fact that the Congress is going to fight the elections ?

(Voices from Ministerial benches : No, no.)

Pandit Shri Ram Sharma : Is it or is it not a fact that the Honourable Minister for Public Works advised the Junior Vice-Chairman of the Rohtak District Board to get a resolution passed to the effect that the elections be postponed ?

Minister : I am sorry it is an entirely wrong and baseless statement and the honourable member should not have made it. That is all I can say.

Pandit Shri Ram Sharma : Sir, I can prove that my statement is correct.

Mr. Speaker : Please withdraw.

Pandit Shri Ram Sharma : Very well, Sir. I withdraw it.

Khan Sahib Chaudhri Sahib Dad Khan : Is it not within the competence of the Government to compel a district board to proceed according to rules and the law ?

Minister : Certainly it is. When consulting a board they can delay matters. That is why I warned the board that they should not have done so.

Pandit Shri Ram Sharma : Is it a fact that the Government has spent full four years only on delimiting these wards ?

Minister : No.

NON-MUSLIM WARDS IN THE JAGADHRI MUNICIPALITY.

***5263. Chaudhri Jugal Kishore :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of non-Muslim wards in the Jagadhri Municipality and the total number of voters in each of these wards ;
- (b) the action Government intend to take in the matter in order to remove the disparity in the voting strength of each ward in the said Municipality ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) There are four non-Muslim wards in the Jagadhri Municipality ; the number of voters in these wards is as follows :—

Ward No. 1	..	..	..	..	928
Ward No. 2	..	..	..	..	991
Ward No. 3	..	..	..	..	504
Ward No. 4	..	..	..	..	1,057
Total					2,880

(b) The question of taking steps to remove the disparity will be considered.

Chaudhri Jugal Kishore : Is the Government prepared to improve the conditions of present wards of Jagadhri Municipality ?

Parliamentary Secretary : That is a request for action.

Chaudhri Jugal Kishore : Is it a fact that the wards already constituted in Jagadhri Municipality are in the interest of Raja Joti Parshad, Rais-e-Azam ?

Parliamentary Secretary : They have been constituted in the interest of the public.

Chaudhri Jugal Kishore : Is not the Parliamentary Secretary aware that the man concerned is also a municipal commissioner ?

Minister : If he has the confidence of people, he would continue his membership.

Khan Sahib Khawaja Ghulam Samad : The voting strength of every ward given by the Honourable Minister shows that the number of voters

[K. S. Khawaja Ghulam Samad.]

is disproportionate in every ward. Have the Government ever made an effort to distribute the wards in such a way as to make the voting strength of each ward more or less equal?

Minister : Every effort is made.

Khan Sahib Khawaja Ghulam Samad : Have Government ever tried to remove the disparity of the strength of voting throughout the province and to mould the wards in such a way that the number of voters in each ward is nearly equal?

Minister : The guiding principle underlying the formation of wards and circles is to bring about equilibrium of voting strength as far as possible. But representation has to be given to various communities according to their due share and it is there that the trouble arises. We have to adjust the claims according to the agreed formula, and it is there that a certain amount of disparity is bound to come. However, every effort is made to minimise it as far as possible.

Lala Duni Chand : Has the Government made any enquiries into the manœuvres adopted and resorted to in order to give an easy seat to a particular individual?

Mr. Speaker : Disallowed. That does not arise out of the answer given.

Khan Sahib Khawaja Ghulam Samad : The reply to my question given by the Honourable Minister is that every effort is made by Government to restore equilibrium of voters in every ward throughout the whole province. In answer to the original question the Parliamentary Secretary gave the following figures as the number of voters in the four wards. In one ward, he said, there were 328 voters, in the second ward 991, in the third 504 and in the fourth 1,057 voters. Has the Honourable Minister made any attempt to restore equilibrium in the municipality of Jagadhri?

Minister : People do not live according to communities. They live mixed up in *mohallas*. In certain cases, therefore, disparity is inevitable.

Sardar Sohan Singh Josh : What is the formula according to which due share is given to all the communities?

Minister : The mean of the population and voting strength of a particular local body is the due share of representation of each community concerned. That is the formula that applies to all.

HARIJAN VOTERS IN NON-MUSLIM WARDS OF JAGADHRI MUNICIPALITY.

***5264. Chaudhri Jugal Kishore :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of voters in non-Muslim wards Nos. 2, 3 and 4, in Jagadhri and the number of Harijan voters in each of these wards;
- (b) reasons why no Harijan has ever been elected as a member of the said Committee and the action the Government intends to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a)

Wards.	Number of voters.	Number of Scheduled Caste voters.
Non-Muslim ward No. 2	991	2
Non-Muslim ward No. 3	504	58
Non-Muslim ward No. 4	1,057	233
Total	2,552	293

(b) No person belonging to Scheduled Castes has ever stood for election. The claims of such persons for representation on a municipal committee are considered when appointments are made to nominated seats.

Chaudhri Jugal Kishore : Why are the voters from other wards not placed in one ward to facilitate the election of Harijans?

Parliamentary Secretary : That is a request for action.

LARGER POPULAR REPRESENTATION ON SIMLA MUNICIPALITY.

***5273. Lala Duni Chand** : Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is true that a fresh election of the Municipal Committee of Simla will take place shortly ;

(b) whether the Government has increased or intends to increase the number of elected members in the said Municipality ; if so, to what extent ;

(c) whether it is true that there has been, for many years, an insistent demand for larger popular representation on Simla Municipality ; if so, what consideration has been given to it ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a), (b) and (c) The general election of the Municipal Committee of Simla will be held in June 1940. The number of elected members on the committee has been increased from 3 to 5.

Lala Duni Chand : May I know if there are any chances of an elected majority being given to the Simla Municipality ?

Parliamentary Secretary : Always hope for the best.

Lala Duni Chand : Is the Parliamentary Secretary prepared to hold out any hope to that effect ?

Parliamentary Secretary : I cannot hold out any hope. But every one must hope for the best.

Lala Deshbandhu Gupta : What are the reasons for keeping Simla in that backward state ?

Minister : There is no question of keeping it in a backward state. It is a particular constitution found suitable for a particular local body under particular circumstances.

Lala Deshbandhu Gupta : Does the Honourable Minister mean that an elected majority will prejudice the interests of the citizens ?

Minister : The honourable member knows that Simla consists of migratory population. Certain representation has been given to the permanent population. It is not possible to confer rights on a migratory population. They are there this year and are not there next year. Then there is enormous property belonging both to the Punjab Government as well as the Government of India. So they must have their representation.

Lala Duni Chand : Speaking generally, does the Government prefer election to nomination ?

Minister : That does not arise. But as the reply was given just now, the elected element has been increased.

Lala Duni Chand : May I know if the Government consider the case of Simla as an exception to the general rule that prevails in the province ?

Minister : That has already been answered. Simla stands in a different category by itself from other places and so are other hill centres where the population is migratory.

Lala Duni Chand : Will the Honourable Minister be pleased to condescend to give us some idea of those particular reasons which apply to these cases ?

Minister : Every effort is made to increase the elected element in accordance with the circumstances.

Lala Duni Chand : May I know what those particular circumstances are ?

Minister : I have already stated them. They are, the special interests of the Government of India and of the Punjab Government, the migratory population, the number of Government employees who form the bulk of the population. If we have fully elected element, it will mean that a few house-owners will be controlling the entire municipal administration, which is not advisable.

Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister please state whether he received any representations from the Muslim public of Simla to increase the number of seats in the municipal committee of Simla ?

Minister : The question savours of clear communalism. So I am afraid I cannot reply to it here. If the honourable member asks me outside, I shall be able to give him the necessary information.

Khan Sahib Khawaja Ghulam Samad : I am sorry the Honourable Minister has misunderstood my question. There is no communalism. My question is whether he ever received any representation from the Muslims to increase the number of seats. I am not requesting him to increase the number of Muslim seats.

Minister : According to the new constitution effort has been made to give due representation to all interests and communities concerned. Would that satisfy my honourable friend ?

Khan Sahib Khawaja Ghulam Samad : To a certain extent.

EXECUTIVE OFFICERS.

*5277. **Lala Duni Chand:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of executive officers appointed for different Municipalities of the Province since 1st April, 1937, up to the present;
- (b) their names;
- (c) the number of executive officers among them whose term of office have expired or who have otherwise ceased to hold the appointment;
- (d) the names of such executive officers?

Parliamentary Secretary (Shaikh Faiz Muhammad): A statement giving the required information is laid on the table.

Statement.

Serial No.	Name of Municipality.	Name of Executive Officer.	Whether the term of the Executive Officer has expired or he has ceased to hold the appointment otherwise.	Remarks, if any.
1	Ambala ..	Pandit Rachhpal Singh..	No.	
2	Bhiwani ..	Chaudhri Raghu Nath Singh.	No.	
3	Jalalpur Jattan	Chaudhri Muzaffar Khan	No.	
4	Gujrat ..	Sh. Muhammad Akram..	No.	
5	Gujranwala ..	M. Muhammad Said, P.C.S.	No.	
6	Rawalpindi ..	(1) Shaikh Muhammad Yakub, P.C.S. (2) Shaikh Ala-ud-Din Arshad, P.C.S.	He has ceased to hold his appointment under section 3 (7) of the Executive Officers Act. No.	
7	Jhang ..	Mr. Mahbub Ali, Malik..	No.	
8	Campbellpur ..	M. Masud-ud-Hassan ..	No.	
9	Khosa Karan ..	M. Khadim Hussain ..	No.	
10	Multan ..	Mr. E. J. Benjamin, P.C.S.	No.	
11	Kasur ..	Shaikh Shafiq Akram ..	No.	
12	Shikot ..	Shaikh Ghulam Muhammad, P.C.S.	He has recently been reverted to the general line at his own request.	
13	Rupar ..	Subedar Sher Singh ..	No.	Appointment renewed for a further period of 5 years with effect from 17th August, 1938.

Lala Duni Chand : May I know whether, in accordance with the statement, only three belong to the two communities put together and the remaining ten belong to another community ?

Parliamentary Secretary : This question savours of communalism and I regret I have to decline to answer it on the floor of the House.

Lala Duni Chand : It is not from that point of view that I am putting the question. Is the fairness or the efficiency of the Government a matter to be informed about or not ? I want to give credit to the Government for fairness and efficiency. I want to know whether out of 13 posts, 10 went to one particular community and the remaining three to two communities put together ?

Minister : I would like to answer the question leaving the communal portion out. The appointment of executive officers is not made only by the Government. The Executive Officers Act empowers the local body to make the appointment first and only if it fails, the Government steps in. So when the local body is making the appointment, we have no control over it, unless the person employed is a dismissed Government servant or is otherwise undesirable.

Lala Duni Chand : I am not holding you responsible for the appointments made by the local bodies. May I know how many out of these 13 appointments have been made by the municipal committees ?

Minister : If you give notice of an unstarred question you will get the answer as it savours of communalism.

Lala Duni Chand : May I know if the very vigilant and well-informed minister is not aware of the fact as to how many out of these 13 posts of executive officers are appointed by the municipal committees and how many are appointed by the Government ?

Minister : If you give notice of an unstarred question, you will get the reply.

Lala Duni Chand : May I know whether it is a fact that when the Government stepped into office the number was 5 and 5.

Minister : If you put a question in writing you will get the reply.

Lala Duni Chand : May I know if the Government does not consider this state of things most lamentable ?

Minister : What state of things ? I have already stated that if the [honourable member gives notice of an unstarred question then he will know the state of things. After that he can take up this question.

Khan Sahib Khawaja Ghulam Samad : The Honourable Minister has stated that the appointment of the executive officer is made by the majority of members.

Minister : A certain majority.

Khan Sahib Khawaja Ghulam Samad : A certain majority of members of the municipal committee. Is it not a fact that after a person is selected as an executive officer and recommendations are made by the committee to the Minister, the Minister is in a position to interfere and whether he ever

considered the recommendations by keeping the figures of executive officers before him in order to decide that these posts should not go to the members of one and the same caste ?

Parliamentary Secretary : Recommendations are generally made by the committee. If they are complete and carry the requisite majority normally the Government accepts them except in the case of a dismissed Government servant or if the person is otherwise undesirable.

Khan Sahib Khawaja Ghulam Samad : May I know whether the Honourable Minister interfered in the recommendations of the members of the municipal committee of Bhiwani and whether the municipal committee recommended one person and the Honourable Minister appointed somebody else ?

Minister : This is descending from the general to the particular and for that I should like to have notice.

Lala Duni Chand : May I know if the Government approves of the proportion 50—50 as just, equitable and fair and if so, why has this proportion been grossly departed from in this case ?

Sayed Amjad Ali Shah : I think there is a convention that communal questions should not be asked either by this side or by that side. If so, we are now departing from that well-established convention.

Mr. Speaker : That matter is between the honourable members of the various parties and the Honourable Ministers.

Lala Duni Chand : Will the honourable member please answer my question ?

Parliamentary Secretary : The Honourable Minister has already stated that all questions savouring of communalism will not be answered on the floor of this House. If the honourable member gives notice of an unstarred question or if he takes the trouble of walking over to the Minister's room he will get all the information.

Dr. Sir Gokul Chand Narang : On a point of order. To ask whether any proportion has been fixed for appointments in any particular department, in my humble opinion, is not a communal question. Is the Honourable Minister prepared to endorse what his Parliamentary Secretary has said that even this is a communal question ?

Minister : The honourable member wanted information about the gentlemen belonging to the various communities. That is communalism. But we are prepared to give the requisite information to an unstarred question. As regards the other question, my reply is that no proportion can be laid down. I answered that previously. As regards the appointment of executive officers Government is not the sole authority, and my honourable friend being the author of the Executive Officers Act knows it. There are two authorities, one the municipal committee and the other the Government. In some cases the municipal committees make their appointments and in some cases the Government. If my honourable friend wants further details he can give notice of an unstarred question and he will get a reply.

Dr. Sir Gokul Chand Narang : The question was whether any proportions for appointments had been fixed. The Honourable Minister has said no proportions have been fixed so far as appointments to the post of executive officers are concerned. He should know that there is hardly any appointment of an executive officer which has been made by any municipal committee and if all the appointments or nearly all the appointments are made by the Government whether the proportions fixed for other appointments have been observed by the Government in these instances? That was the question of Lala Duni Chand and that is also my question and I would like an answer to this.

Minister : As the honourable member knows the proportions laid down at present apply to Government services and that no proportions have been fixed or apply to services in local bodies. It is a wider issue and still requires solution.

Pandit Shri Ram Sharma : Is it not a fact that where municipal committees have appointed executive officers, the Government has not agreed to those appointments in some cases?

Minister : No.

Pandit Shri Ram Sharma : Is it not so in the case of Bhiwani where the executive officer appointed by Bhiwani Municipal Committee has not been accepted by the Government?

Parliamentary Secretary : The honourable member has now come down to individual cases from a generality. I would like to have notice of the question.

Khan Sahib Chaudhri Sahib Dad Khan : How long will the Government remain indifferent to the working of the local bodies in the Ambala district?

Mr. Speaker : That does not arise.

Khan Sahib Khawaja Ghulam Samad : As the Honourable Minister has said that selection or recommendation is made by the municipal committee and the final orders are passed by the Government, I would ask the Honourable Minister to please state whether he considers those recommendations in view of the fact that many persons of a certain caste have already been working as executive officers and that some persons belonging to other castes may also be appointed. Is it not his duty to consider this aspect of the case?

Minister : I have not followed the question.

Lala Duni Chand : Let alone everything else, does not the Honourable Minister consider it in all honesty as a scandalous state of affairs and if so, whether he is going to put an end to this?

Minister : That might be an uncalled for insinuation, but it is hardly a supplementary question.

PUNITIVE POLICE POSTS IN CERTAIN VILLAGES IN RUPAR TAHSIL.

***5287. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) if a punitive police post has been posted for Nathmalpur, Gopalpur, Oyand and six other villages in Rupar tahsil, Ambala district; if so, since when and for how much period;
- (b) the total amount to be realized from the nine villages for the maintenance of the post and the sum charged from each of the said villages;
- (c) the reasons for the posting of the punitive post;
- (d) whether it is a fact that the reasons which led to the posting of the said punitive post of police have ceased to exist; if so, the reasons why it has not been removed so far?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes, for one year from the 6th July, 1939.

(b) The total estimated cost amounts to Rs. 11,350-4-2. The distribution of the amount between the nine villages has not yet been settled.

(c) The establishment of the post was necessitated by the misconduct of the villagers concerned, who gave shelter and assistance to a notorious gang of dacoits and murderers.

(d) When the orders were issued, the Commissioner was informed that if the inhabitants of the nine villages showed genuine signs of reformation and the absconders were arrested it would be open to him to submit proposals for the early withdrawal of the post. One absconder is still at large and up to the present the Commissioner has not found himself able to make any recommendation.

Lala Duni Chand : May I know whether it is a fact that a very respectful representation had been made by the inhabitants of the villages concerned to the Honourable Premier assuring him of their good behaviour in future and asking him for the abolition of the post or at least the reduction of the period of the post?

Parliamentary Secretary : Representations may have been made, but unless the Commissioner is satisfied with regard to the state of affairs in these villages, the Government cannot take any action.

Lala Duni Chand : May I know if the Parliamentary Secretary is aware of the important fact that a representation to that effect signed by hundreds of people has been made?

Parliamentary Secretary : I have stated that the representation may have been made but the Government cannot take any action unless the Commissioner is satisfied with regard to the state of affairs in these villages.

GUJRAT AND SHADIWAL ROAD.

***5296. Khan Sahib Chaudhri Pir Muhammad :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether Gujrat and Shadiwal road in district Gujrat was taken over by the P. W. D. some years ago, for getting it

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metalled, with a view to connecting Shadiwal town with Gujrat and the Grand Trunk Road passing by Gujrat by means of a *pakka* road ;

(b) whether the Government has taken any action in this respect so far, and, if not, why not ;

(c) whether the Government now intends to have this road made *pakka*, and if so, when ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The Gujrat-Shadiwal road in Gujrat district was taken over by the Public Works Department in 1928 for being improved as an unmetalled road and it is being maintained as such.

(b) and (c) In view of answer to (a) above (b) and (c) do not arise.

RECONSTITUTION OF THE GOHANA MUNICIPAL COMMITTEE.

*5396. **Sardar Sohan Singh Josh** : Will the Honourable Minister of Public Works be pleased to state—

(a) the date on which the Municipal Committee of Gohana, district Rohtak, was superseded and the reasons for its supersession ;

(b) whether the Government has recently considered the question of its reconstitution ; if so, with what result ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The Gohana Municipal Committee was superseded on the 10th November, 1933, for persistent default in the performance of its duties.

(b) Yes. The committee will be reconstituted as soon as its electoral rules, which are under preparation, are ready.

ELECTION TO NORTH-WESTERN RAILWAY LOCAL ADVISORY COMMITTEE.

Mr. Speaker : Regarding the election of two representatives of the Assembly to serve on the North-Western Railway Local Advisory Committee which is to be held to-day, I may inform the honourable members that voting papers containing the names of candidates are available in the lobby between 2 and 4 p.m. to-day. Honourable members will obtain these papers within these hours, mark their preferences on the paper and deposit it in the box kept for the purpose in the lobby.

No voting paper will be issued after 4 p.m. and no marked paper will be allowed to be deposited in the ballot box after 4-15 p.m. The box will be locked and sealed at this time. The papers will be examined and result announced in due course.

APPLICATION OF RAI BAHADUR BINDA SARAN FOR LEAVE OF ABSENCE.

Mr. Speaker : I have to read out to the Assembly the following application received from Rai Bahadur Mr. Binda Saran, Member of the Assembly, for permission to be absent from the Assembly.

The application reads as follows :—

I have been seriously ill for the last four months. I am confined to bed under medical advice. Hence it is not possible for me to attend the meetings of the Punjab Legislative Assembly. I, therefore, seek, through you, the permission of the Assembly under Rule 33 of the Rules of Procedure, to remain absent from its meetings till I have completely recovered from my illness.

Is it the pleasure of the House that the permission asked for be granted ?

The permission was granted.

ADJOURNMENT MOTIONS.

UNSATISFACTORY REPLY OF GOVERNMENT TO A QUESTION.

Lala Deshbandhu Gupta (South-Eastern Towns, General, Urban): 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, unsatisfactory and incomplete reply to starred question No. 5575,¹ given on the floor of the House.

Mr. Speaker : The honourable member has given notices of three such motions. I will read them one by one.

No. 1. “**LALA DESHBANDHU GUPTA**, Member, Legislative Assembly, 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 deliberate withholding of important information by the Government from the members of the House as evidenced by the unsatisfactory and evasive reply given by the honourable Parliamentary Secretary to my starred question No. 5576,¹ and the supplementaries put thereon.”

No. 2. “**LALA DESHBANDHU GUPTA**, Member, Legislative Assembly, 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 deliberate withholding of important information from members of the House as evidenced by the unsatisfactory and evasive replies given on the floor of the House.”

The number of the question from which this motion arises is not given.

I may mention by the way that notices of these motions were never withdrawn formally. I ruled these out of order yesterday. Now, the 3rd motion of which the honourable member has given notice reads as follows :—

No. 3. “**LALA DESHBANDHU GUPTA**, Member, Legislative Assembly, 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, unsatisfactory and incomplete reply to starred question No. 5576, given on the floor of the House.”

Lala Deshbandhu Gupta : Before you give your ruling I want to bring this fact to your notice that the notices of other motions have been withdrawn.

Mr. Speaker : I accept the honourable member's word.

The question is, what does the honourable member wish to discuss under this adjournment motion? From the motion, which I have just read, it is as clear as anything that the object of the honourable member is to criticise the action and conduct of the Parliamentary Secretary, who answered his questions. But while discussing the unsatisfactory and incomplete answers, the conduct and action of the giver of those answers cannot be left untouched. It is perfectly clear from the wording of the motion that the intention of the honourable member is to criticise and discuss the conduct of the Parliamentary Secretary. The honourable member has not stated in what respect the answer is incomplete and unsatisfactory. So, the question is whether under these circumstances the adjournment motion is admissible. I am inclined to hold that it is not in order.

Lala Deshbandhu Gupta : As far as the question of my intention is concerned, there is no doubt, I gave notice of two adjournment motions earlier and also gave a verbal notice at the very time when the questions were being unsatisfactorily answered. Sir, I would request you to confine your attention to the motion as it is worded—I mean the last adjournment motion. I do not propose to go beyond what this motion seeks to discuss. The question is a very simple one. The question I had asked was :—

Will the Honourable Minister for Finance be pleased to lay on the table of the House a statement giving the following information :—

- (a) the total amount drawn as pay by each Minister and Parliamentary Secretary since April, 1937, to 30th of September, 1939, respectively ;
- (b) the total amount of travelling allowance drawn by each Minister and Parliamentary Secretary for the same period, respectively ;
- (c) the total amount of other allowances including allowances for attending the sittings of the Assembly and Select Committees, drawn by each Minister and Parliamentary Secretary, respectively ;
- (d) the total amount of travelling allowance and other allowances drawn by each Minister and Parliamentary Secretary respectively for visits paid to places outside the province ?

The answer given by the Parliamentary Secretary was—

- (a)—(d) Such salaries and allowances as were due under the rules and within the vote of the Assembly have been paid.

The answer is so manifestly incomplete that it needs no further comment. What I wanted was definite figures on four definite points which could not, by any stretch of imagination, be calculated by the members of the Opposition. For instance, let us take part (d). I wanted definite information as to the amount of allowances paid for visits outside the province. The Parliamentary Secretary rose and said that whatever was due had been paid. Nothing could be more evasive ; I think this is a very typical case for your intervention. They deliberately kept *num* and when we pursued the matter by supplementaries, they withheld every possible information. Another point to be considered is that in the past the practice has been to give information on these points. Therefore, there was nothing objectionable in

my asking for information on these points. Now, coming to the rules, I think you have more than once held that unsatisfactory replies could be discussed through adjournment motions.

Mr. Speaker : Only in rare and exceptional cases the unsatisfactory replies to questions may form the subject of an adjournment motion.

Lala Deshbandhu Gupta : It may be on rare occasions I admit, but the unsatisfactory replies given by the Treasury benches can form the basis of an adjournment motion. I think you do hold that view still and that is the practice of all Parliaments. You will find the same in the House of Commons.

Mr. Speaker : Will the honourable member please quote an instance ?

Lala Deshbandhu Gupta : My honourable friend Diwan Chaman Lall who is better acquainted with the subject will presently deal with that matter, but I can say this much that this is an established parliamentary practice. You have seen that they made every possible effort to withhold important information from us which we were entitled to get, it is a fit case therefore to be discussed, through an adjournment motion. I would also invite your attention to the word "incomplete." The question asked for total amount and they say: "Whatever was due has been paid." The reply is simply scandalous. I could have understood their refusing to answer my question which I admit was an inconvenient one, but I cannot understand their withholding information in that manner.

Mr. Speaker : The honourable member says :—" They were deliberately withheld."

Lala Deshbandhu Gupta : I have deliberately omitted those words.

Mr. Speaker : The honourable member uses them in his speech.

Lala Deshbandhu Gupta : What I said was that they gave an impression that the information was withheld deliberately and I am saying nothing new because it was said in the supplementary answer. The question to-day before the House is whether the reply given was incomplete and unsatisfactory and I do not propose to go beyond that.

Mr. Speaker : What was the honourable member's object in asking that question ?

Lala Deshbandhu Gupta : To get accurate information. I would be perfectly satisfied if the Ministry gives that information to-day. In that case I would not press for the adjournment motion.

Mr. Speaker : Please state your object in asking that question.

Diwan Chaman Lall : The control of this House over the financial dealings of the Ministry.

Mr. Speaker : Had the Budget estimate been exceeded ?

Diwan Chaman Lall : We do not know.

Lala Deshbandhu Gupta : There are all sorts of rumours current about this matter and it being one of the duties of the Opposition members to seek definite information on such points, I put that question.

The question had four definite parts and I wanted to have definite information on those points. The object is to have correct information with a view to use that information at the time of discussing the budget. The other

[L. Deshbandhu Gupta.]

object is to have that information in our possession to enable dispelling any doubts which may have arisen about the Ministry in this respect ; further this would have enabled us to find out whether the amount so paid was correctly paid or not. I do not think, Sir, that you can have any objection as to my right of asking for this information.

Diwan Chaman Lall : Mr. Speaker, I would not have risen ordinarily to say anything on this particular matter but for the fact that it has assumed rather an important aspect because my honourable friend has raised this point by way of an adjournment motion. There are two preliminary things which you must keep in mind in coming to a decision, whether this is a motion within the Rules of Procedure laid down by us or not. The first thing to remember is this. Does it violate the question of urgency? *Prima facie* a case has been made out by my honourable friend of urgency in regard to this matter. The second point to be remembered is this, are we permitted to raise an adjournment motion on the ground that he has failed to give us a satisfactory or any reply at all? That is the question which is before you. I submit that there is nothing whatsoever debarring an honourable member from bringing in an adjournment motion to discuss the fact that the Honourable Minister in charge has failed to give a reply or a satisfactory reply to a question put by him. Why does an adjournment motion arise? An adjournment motion must be a motion which discusses a matter of public importance and a matter which is of great urgency. Is it or is it not a matter of public importance that the financial dealings of my honourable friends in regard to the travelling allowances drawn by them for journeys inside the province and outside the province should be placed before this House or information given regarding those financial dealings to this House? If this information is not given, then honourable members certainly have a right to demand that an adjournment motion should be tabled which should be in the nature of a censure motion on the Ministry for not handing over the information demanded by the Opposition. Your reply would be, ordinarily a substantive motion would lie. I submit a substantive motion would not lie in this matter, only an adjournment motion arising suddenly out of this reply would be the proper motion to be tabled on the floor of this House. Is the administrative responsibility of the Government involved or not involved? If administrative responsibility of the Government is involved in having drawn certain allowances, which my honourable friend wishes to discuss on the floor of this House and regarding which he needs information, then the adjournment motion is permissible. The allegation is that certain allowances have been drawn for travelling outside the province although that is not permitted according to the financial rules by which my honourable friends are governed. Therefore, if my honourable friends refuse to give an answer as to the amounts drawn as travelling allowance for the period for which those allowances are drawn, whether those allowances are drawn for travelling inside the province or outside the province, I submit that it is a matter of public importance and of urgency which can only be discussed by way of an adjournment motion. It might be said that this reply has been refused on the ground of public interest. I submit that reading the reply given by the Parliamentary Secretary, there is not one word, as far as I can recall, of public interest, that he is refusing the reply

on the ground of public interest. According to parliamentary procedure we would be out of order if the reply were to be refused on the ground of public interest and public interest alone. Even then, I submit, the expression "public interest" has to be defined and it is for you to consider whether the particular occasion on which plea of public interest is being applied by the Ministry is actually public interest or not as governed by parliamentary practice. That does not fortunately arise.

Mr. Speaker : The question is whether the Parliamentary Secretary deliberately and purposely did not reply to the question or he could not reply, that is to say, whether he purposely evaded to answer the question or he did not possess the requisite information. In other words, whether his answer was incomplete and unsatisfactory because he did not wish to answer it or because he was unable to answer it.

Diwan Chaman Lall : I cannot say as to what was in his mind, whether he could or could not answer it but the reply is there. In the reply he says that the time and labour that would be spent to collect the information would not be justified.

Mr. Speaker : What view does the mover of the adjournment motion take? Is he of the opinion that the Parliamentary Secretary did not give that reply deliberately or that he was unable to give it?

Diwan Chaman Lall : Well, Mr. Speaker, let us take both the points. Suppose my honourable friend did not deliberately give the reply, even then, it is a matter which is capable of being discussed by way of an adjournment motion. Suppose he withheld deliberately the answer to this question or evaded deliberately to answer this question.

Mr. Speaker : In that case will not the House be discussing his conduct?

Diwan Chaman Lall : No. May I submit that there is a subtle distinction. We are discussing the object with which he did not give the reply. It may be that he deliberately evaded to give the reply, but we are not discussing his deliberate evasion. What we are discussing is the factum of the complaint that we have not received a satisfactory reply in regard to a matter which is within the administrative competence of my honourable friends over there. It is not something outside the administrative competence of my honourable friend. The reply that the Parliamentary Secretary gave was :—

We have nothing to withhold in regard to this matter but after questions of this nature have been answered to some extent in the past it is found that they involve lot of labour and taking into consideration—

These are important words—

"—taking into consideration the purpose for which they have been used it is thought best not to give any answer beyond what is already stated."

It is "the purpose for which they have been used" and this adjournment motion arises out of this.

Mr. Speaker : Perhaps he did not consider it desirable to answer the question.

Diwan Chaman Lall : He says that the reason why he did not give the information is this that it may be utilized for propaganda purposes against them. That is the reason why he refused to give an answer to this question and that, I submit, is a matter which is capable of being discussed by way of an adjournment motion. I may be out of order altogether if I were compelled to move a substantive motion of no confidence in the Ministry. I do not want to table such a motion against the Ministry. I am only concerned with the object of not giving information. That is the only matter that I want to discuss and not the confidence or no confidence this House may have in the Ministry.

Mr. Speaker : Was that excuse tenable or untenable ?

Diwan Chaman Lall : If it had been a tenable excuse I would not have raised this matter. It is untenable.

Mr. Speaker : Does the honourable member wish to discuss that the answer, which the Parliamentary Secretary gave, was not straight and correct and that therefore his conduct should be discussed ?

Diwan Chaman Lall : Again I submit that there is a subtle distinction which may be kept in view. To discuss his conduct is outside my purview at the present moment. I am discussing the particular fact that the answer was refused.

Dr. Sir Gokul Chand Narang : I would not discuss the niceties of law. All I want to say is this. You, as the Speaker of this House, are the custodian and guardian of the rights and privileges of this House. Although you have no power to compel the Ministers and hold them by neck and say, "you must do this or that," yet I think, it is your duty, as I conceive, to see that this House gets a fair and square deal at the hands of the Ministers. So far as the answer to this question is concerned, even the best friend of the Ministry cannot say that the answer given to this particular question was at all satisfactory. I also feel that it does not do any credit to the Ministry to withhold this information, because it creates unnecessary suspicion as if they have stolen something, as if they have misappropriated something and as if they have abused their powers as Ministers and have wrongly utilized moneys which have been placed by the province in their hands, because they were not prepared to give this information. I think, even if the question was with respect to one item, they should have given full information with respect to all the items of expenditure and made a clean breast of it. If they had nothing to conceal, such an evasive answer should not have been given. I recognize that in discussing an adjournment motion of this kind, if you permit it, it would be very difficult for the honourable mover of the motion to steer clear of any discussion of the conduct or mental attitude of the gentleman who was giving this answer. It is really very difficult to keep them in watertight compartments. But it is clear that the answer on the face of it is most unsatisfactory and without meaning any disrespect to anybody, it is really scandalous and disgraceful. It would be unbecoming of even a petty officer, not to speak of the Ministry of a big province like the Punjab. If I am not mistaken, the answer was given by the Parliamentary Secretary to the Honourable Premier. I think, the Honourable Premier, if he was present on that occasion, should have got up and snubbed his Parliamentary Secretary for giving such an unsatisfactory and evasive answer and he should have

taken upon himself to give full information and even more than was asked for by the honourable member who put that question. (*A voice* : There was some *golmal*.) I would not presume that and I am not in any way insinuating that there was any *golmal*. I want the Honourable Premier to be clear on that point. I am not suggesting that there was any *golmal* and I am not insinuating anything at all against the honesty of the gentleman concerned on the occasion. I know personally that it is not against the law or against the rules for an Honourable Minister to go out of his province and charge the province for his travelling expenses provided that he can conscientiously certify that his visit to a place outside the province was necessary in the proper discharge of his duties or was necessary in the interest of the province or was calculated to advance the interest of the province. Of course, if the Ministers go out on some other mission, say on a pleasure trip and then they charge the province, then they would certainly be guilty of dishonesty ; otherwise it is quite permissible for any Minister to go out of his province if he thinks that his visit to a place outside the province is necessary in the interest of the province. Therefore, if everything was fair and square, there was nothing to conceal. The Honourable Premier should have said, " Yes, on such and such occasion such and such Minister went out and he has certified that it was in the interest of the province or it was necessary in the proper discharge of his duties that he went out of the province and charged so much money. " Nobody would have raised any objection at all. But to withhold this information is unfair, and to say the least, it is something suspicious. (*A voice* : Like Caesar's wife.) The Ministers like Caesar's wife to whom my honourable friend is referring should be above suspicion.

Mr. Speaker : That would mean that no answer will be taken to be satisfactory by any honourable member of this House.

Dr. Sir Gokul Chand Narang : No. I would not say a word and would request my honourable friend to drop the matter absolutely if you say that the answer given was satisfactory. I shall leave it there. (*Lala Deshbandhu Gupta* : I agree.) My honourable friend agrees to this.

Mr. Speaker : Assuming the answer to be unsatisfactory, the question is what is to be discussed ?

Dr. Sir Gokul Chand Narang : I was only referring to the remark that you made that no answer would be considered satisfactory by any member of this House. I am glad that my honourable friend, the mover of the motion has agreed to drop the matter, if you declare the answer to be satisfactory.

Dr. Gopi Chand Bhargava : Sir, I will read out to you the question raised in the House of Commons which has got a bearing on this point. It is a point of order with regard to adjournment of the House, and runs as follows :—

MR. BELLOC : I rise to ask your ruling, Sir, upon a point of constitutional importance. I wish to know whether it would be in order for a member to move the adjournment of the House in order to call attention to the following matter, which seems to me of great public importance, namely, the refusal of the Minister responsible to this House to give the ground of his action in a matter in which he acted in his capacity of responsible Minister. Can the adjournment be moved on the refusal of the Minister to state the grounds of his action ?

[Dr. Gopi Chand Bhargava.]

MR. DEPUTY SPEAKER : I should like to thank the honourable member in the first place for having given me such notice as he was able to give of his intention to put this question. My reply to him is that I do not think it is competent to move the adjournment of the House on those grounds. A Minister cannot be forced to give an answer if he declines on the ground of public policy. Under those circumstances I could not accept the motion of the honourable gentleman to move the adjournment under Standing Order 10.

MR. BELLOC : If the refusal is given without any mention of policy, but a mere curt refusal, is that enough ?

MR. DEPUTY SPEAKER : So long as the refusal is made, as I understand it was made in the case to which the honourable member is referring, on the ground of public interest, then my answer holds good.

And not otherwise.

He did not say that on other matters the adjournment motion would not arise. It is only when the reply is refused on the ground of public interest that an adjournment does not arise.

Premier : I am afraid the time of the House is unnecessarily wasted.

Diwan Chaman Lall : I very strongly object to the expression used by my honourable friend the Premier that the time of the House is being wasted.

Mr. Speaker : I am not certain that it is unparliamentary ?

Diwan Chaman Lall : It is unparliamentary to say that.

Mr. Speaker : I am not sure.

Diwan Chaman Lall : It is a matter which affects the privilege of the House. This House has a duty to perform and that duty is to elicit information from my honourable friend. His duty is to give information. If he refuses to give that information it is for the Opposition to extort the information from him. How does my honourable friend then say that the time of the House is wasted ?

Premier : My honourable friend's definition of "waste," to which I will never agree, is different from mine.

Mr. Speaker : The foot note on page 325 of May's Parliamentary Practice reads as follows :—

A charge that a member has obstructed the business of the House or that a speech is an abuse of the rules of the House is not out of order.

The word "waste" is not mentioned.

Diwan Chaman Lall : The reason for these words is that you can take notice of any honourable member under the rules if he is obstructing. That is the reason for that particular statement.

Dr. Sir Gokul Chand Narang : It is incorrect to say that it will lead to waste of time.

Premier : My honourable friend is trying to judge it from his own criterion. Sir, you are aware that in this House several questions were asked with regard to the amount of the travelling allowance drawn by individual Ministers, by the Ministry as a whole and by the Parliamentary Secretaries, and details have been given in the beginning. To my mind the question did not appear to have been put with the object of eliciting information. Members vied with each other in putting the same questions with regard to each individual Minister. Last time we gave the figures. My honourable

friend must know that when the Ministers or the Parliamentary Secretaries draw travelling allowance, the bill goes to the Accountant-General for verification. It is not easy to collect information always. My honourable friends should have been content with the figures that were supplied during the last session. If, however, information was sought at the close of the year, I would have collected the figures. I may assure my honourable friend opposite that members sitting on this side will not do anything which is either immoral or which a gentleman should not do or which the rules do not allow. This Assembly has sanctioned a certain amount for travelling allowance of Ministers and their Parliamentary Secretaries. They are paid out of this amount sanctioned by the House. Individual members, every week try, I would not use the word "frivolously," to put this question merely to pin-prick. I personally think that it is most undesirable. My honourable friend should have stopped the members on the back benches from putting this question. I gave a detailed answer during the last budget session with regard to Parliamentary Secretaries.

Diwan Chaman Lall : A year ago.

Premier : My honourable friend now must know that the financial year is not closed. It would be easier to collect figures at the end of the financial year and give them those figures ; they might do whatever they like. This question is asked every session and every week and not by one member but by many. I think it is sheer waste of the time of the House and is most unnecessary from that point of view. My honourable friend is aware that it was with the sanction of the House that these travelling allowances are being paid to the Ministers.

Diwan Chaman Lall : Why not tell the House ?

Premier : My honourable friend knows that it takes a long time.

Dr. Sir Gokul Chand Narang : No, it does not take a long time. There is an account of every Minister in the office. There is no difficulty.

Premier : There is difficulty.

Dr. Sir Gokul Chand Narang : In ten minutes I can tell you what amount each Minister has drawn in a year.

Premier : It will take ten days and not ten minutes. My honourable friend is thinking of his own time. We are under a democratic form, the bureaucratic form no longer exists.

Dr. Sir Gokul Chand Narang : Accounts are kept in the office.

Premier : These accounts are questioned and challenged by the Auditor-General. Formerly this was not done. Supposing I refuse to answer the question, the proper course for my honourable friend would be to bring a substantive motion of no confidence, because I refuse to give the information, and discuss the matter. On every answer to questions, which from their point of view is not satisfactory, they table an adjournment motion ; and if you allow an adjournment, judging whether the reply to a question is satisfactory or not from the criterion of my honourable friend Dr. Sir Gokul Chand or of the Leader of the Opposition, then we will perpetually sit and discuss nothing but adjournment motions and do no other business. My honourable friends are asking for information which I have given last year. If at the end of the financial year they again ask for this

[Premier.]

information I would be prepared to give it to them ; but I refuse to give when they put such questions every week which are not meant to elicit information of any use to the public or to the honourable members themselves, but merely to cause pin-pricks. You have seen the mentality with which such questions and supplementary questions are put. I know their mentality and they do not put these questions to elicit information but to pinprick individual Ministers.

Lala Deshbandhu Gupta : I challenge the Honourable Premier to point out one similar question put during the last two years, when information was sought regarding allowances paid to Ministers and Parliamentary Secretaries respectively for visits paid to places outside the province.

Premier : This question does not seek that information. If he had put that particular question I would have given the information.

Lala Deshbandhu Gupta : I had asked for that information in parts (c) and (d) and the Parliamentary Secretary said that the reply covered everything. Have you read the supplementary questions put ?

Premier : I have read them ; I have got them before me. This is one of the facts which my honourable friend asked, there are several other things.

Lala Deshbandhu Gupta : There was no reply to (c) and (d).

Premier : If my honourable friend had merely confined his question to part (d) I think it would have been easier for us to come to a decision and give the necessary information. My point is that we have been giving answers and it is not with a view to evade our responsibility or to hide anything that we have been doing. We have been drawing nothing which is not sanctioned by this House. If the honourable members want information to satisfy their curiosity, I would be glad to satisfy their curiosity, but it is no use putting this question in the middle of the financial year, unless their object is quite different.

Mr. Speaker : Has the Honourable Premier any objection to answer the last two parts of the question ?

Premier : They are under a misapprehension if they think that the information can be collected in a day. The information has to go to the Accountant-General and it is not that the Finance Member keeps a ledger wherein he puts down that Rs. 10 has been paid to this Parliamentary Secretary or that. I have known cases where a bill of a Parliamentary Secretary has taken eight months before it was passed, merely because there was a doubt and because an objection was taken by the Accountant-General. On many occasions I myself have been questioned the propriety of certain items.

I would be glad to give information with regard to part (d) and I would give him the information as soon as we can collect it. But what benefit would my friend get out of that information unless he also takes the trouble of writing to other provinces and finding out what allowances Ministers and Parliamentary Secretaries in those provinces have drawn ? There is not a single Minister or Parliamentary Secretary here who has charged for any journey except when he has travelled on official business.

Dr. Gopi Chand Bhargava : I expected that the Honourable Premier would give us a ruling on the point that adjournment motions on such matters cannot be admitted. He has discussed the matter and gone into the merits of the case. He has charged us of putting frivolous questions and at the same time of wasting the time of the House. My submission is that our questions are not frivolous, though it is true that they cause pin-pricks. On the other hand, the replies given by the Government on the floor of this House are frivolous.

The Honourable Premier has stated that we bring in adjournment motions on every question. Over 5,000 questions have been put since this Assembly began and if you look at the number of adjournment motions, you will find that they are not even 100. It is said that we bring forward an adjournment motion on every question. During this session the Honourable Premier has objected to only one adjournment motion. Otherwise he has accepted all, and he has tried to explain the Government point of view. Therefore it means that the points on which we gave notice for adjournment motions were such on which adjournment motions could have been moved. Otherwise the Honourable Premier would have raised objections.

Then it has been stated by the other side that we ask such questions about the allowances drawn by the Parliamentary Secretaries and Ministers every week. The House did not meet for six months and we find that the money of this province was wasted on propaganda tour of the Unionist Party. We are entitled to know what money they have spent on that party propaganda. That information is necessary for us if we are to do our duty in this House, because the Opposition is here to check the Government from doing frivolous things and acting in a way in which a responsible Minister should not do. To ask for that information is our right and as a matter of right we want that information. They could have said that the information was not easy to give, but they did not say so. They said that the labour taken would be too much and that the way in which the answers have been used in the past was not liked by them. Because they did not like the purpose or the way, they did not want to give the information. It is not the public interest but it is this fear of being exposed that is the cause of their refusing to reply.

You will find that if a question is repeated then the reply given to it is : refer to answer to question so and so. If I table a question which has been previously answered and if you permit that question, then the Honourable Minister would be within his right in giving that answer, that is referring to a reply given previously. The answer to present questions shows that the question has not been asked previously ; otherwise the Minister would have referred us to the answer to the previous question.

Then it is said that the travelling allowance bills are sometimes passed eight months after they are submitted, and therefore it is not possible to give the full information. What we want is information about money which has been paid and not about money which has not been paid and the bills for which are still pending. All that we want to know is how much money has been spent out of this fund. We do not want to know whether the bills which have been submitted by the Parliamentary Secretaries or Ministers are correct or not—that is for the department concerned to say. The fact that

[Dr Gopi Chand Bhargava.]

the Accountant-General has raised objections and for eight months bills have not been passed by him shows that there is something wrong to which the Accountant-General objects. We want to know the amount of money which has been paid to the Parliamentary Secretaries and not money which has been objected to. We have a right to all that information and I think that is the only way for us to discuss this question.

Mr. Speaker, this is not the first time. If you look at the answers given in the past, you will find that it has often been said that it is not in your power to elicit information from the Government. When we make a request to Government to supply certain information and you think that the question is not admissible, you do not allow the question; but when you think that the question is within the rules and you allow it, then the answer is "it is not in the public interest to answer the question." It has become a habit of the Treasury benches in charge of the different departments to refuse information to us and therefore the only course open to us is to bring forward adjournment motions and because you are the custodian of our rights, I would request you to allow this motion.

Mr. Speaker : Will the honourable Leader of the Opposition please state what has been left to be discussed if that adjournment motion is moved ?
(Laughter.)

Dr. Gopi Chand Bhargava : There is still much to discuss.

Lala Deshbandhu Gupta : Before you give your ruling, I want to refer to one or two points.

Mr. Speaker : Even if the adjournment motion is admissible, after this discussion, it has become inadmissible, as its purpose is amply served.

Lala Deshbandhu Gupta : We are discussing the question of admissibility or otherwise. The Honourable Premier takes his stand on two points. In one place he says that the questions are frivolous. I do not think you agree with him. The very fact that these questions have provoked them so much shows that they are not frivolous. I admit that they pinch a little too much. The other thing he said was that the collection of information involves a good deal of labour.

May I draw your attention to the reply given by the Parliamentary Secretary and ask the House to compare the same with the statement made by the Premier on the floor of the House ? The reply is :—

Such salaries and allowances as were due under the rules and within the vote of the Assembly have been paid.

Surely this reply could not have been given unless the Honourable Premier had satisfied himself that allowances that were paid were really due under the rules, which means he had all that information before him. Otherwise he could not have given this answer. So the plea that the information was not available and it involved a good deal of labour is obviously absurd and without foundation.

Mr. Speaker : Is not that a criticism of the conduct of the Parliamentary Secretary ?

Lala Deshbandhu Gupta : No, Sir, what I want to say is this. The Honourable Premier has tried to convince you that the information was not deliberately withheld but that there was some difficulty in collecting it. What I want to place before you is that they actually had the information in their possession at the time of answering my question. The plea put forward by them therefore is wrong on the very face of it. How could the reply given by the Parliamentary Secretary that the collection of the information involved a good deal of labour be then true ?

Mr. Speaker : Was it deliberately withheld ?

Lala Deshbandhu Gupta : That is for the House to decide or infer. What I want to suggest is that they had no difficulty in collecting same. If they wanted to supply the information to which we were entitled they could have easily given that.

Then, I also wish to point out that the Honourable Premier is not correct when he says that the Opposition has been putting such questions very frequently. In fact this allegation is wrong. My question as it is worded is perhaps the first of its kind. An identical question was never put before in this House. This question sought for definite information on one point and this was the first time when such information was sought. I may also point out that notice of this question was given long, long ago. It was before the Government for a long time. Perhaps the honourable Minister had this question before him for a month or more. The information could easily have been collected during this period. The information was as a matter of fact, in his possession as disclosed by the wording of the reply given. But even if there was any difficulty in collecting the information, I could have understood if they had asked for more time to collect it. They did not ask for more time. On the other hand, Parliamentary Secretary clearly said that in view of the purpose for which the information is sought Government do not want to give any information more than what is already given. It is definitely established that they did have the information in their possession and their statement that they could not collect the information is wrong. The fact is that they do not want to give the information as they think the purpose behind the question was different and that the information would put them in the wrong. I hope therefore that you will kindly rule this motion in order. I may also at once give you an assurance that I shall try to keep within the latitude which rules of debate permit.

Mr. Speaker : The honourable member has already been personal to a certain extent and if the motion is allowed he cannot possibly avoid criticising the conduct of the Parliamentary Secretary.

Lala Deshbandhu Gupta : I realise the difficulty but if at any time you find me going beyond the limits you can prevent me from speaking.

Rai Bahadur Mr. Mukand Lal Puri : Is it necessary now to discuss this adjournment motion since this matter has been discussed for one hour now ?

Premier : May I draw your attention to your own ruling in regard to a similar question, No. 4407¹ put by Dr. Sant Ram Seth on 4th April, 1939? The question was—

Will the Honourable Premier be pleased to state—

- (a) the number of places in the province visited by each Minister from April, 1938, to 28th February, 1939;
- (b) the number of speeches made by them during their tours;
- (c) the total travelling allowance earned by each Minister from April, 1938, to 28th February, 1939?

The answer also was similar—

- (a) and (b) The collection of this information would require an amount of time and labour out of all proportion to the results likely to be obtained. Information asked for in (a) is, however, usually published in the press and if the honourable member attaches importance to it he should be able to get it from that source.
- (c) Such travelling allowance as was due under the rules and within the vote of the Assembly has been paid.

The same plea was put forward by Diwan Chaman Lall. He said :—

May I ask my honourable friend whether the information regarding the amount of travelling allowance drawn is also published in the press?

The reply was—

It is published in the Budget.

The further questions and answers were as follows :—

PARLIAMENTARY SECRETARY : My honourable friend has obviously not followed my answer. What I said was that the information asked in part (a) was about the number of places visited by each Minister. I am sure that in the light of that answer he would feel that his question is not justified.

DIWAN CHAMAN LALL : May I ask whether the reply that he gave does not cover the two points, namely, the travelling allowance drawn by the Ministers and the dates on which travelling was done and the amount of travelling allowance drawn by them during that period? May I ask whether he will now revise his opinion and give this information on the floor of the House as has been the custom in the past?

PARLIAMENTARY SECRETARY : The question which my honourable friend has referred to is part (c) and the question which has been answered was in these words which I am prepared to read for his benefit. Such travelling allowance as was due under the rules.

DIWAN CHAMAN LALL : May I ask whether he will look into the question first and then answer it. The question is not whether the allowance was according to the rules or not according to the rules, the question was, what is the amount of travelling allowance? May I ask him to give a correct answer?

PARLIAMENTARY SECRETARY : Such amount as was due under the rules.

DIWAN CHAMAN LALL : Why is he feeling so shy in answering this question? Why does he not answer? How much money was drawn?

PREMIER : The question has been answered in the House a dozen times.

DIWAN CHAMAN LALL : It has not been answered in reference to this particular matter. May I draw his attention to the fact that the question relates to the total travelling allowance drawn between the 1st of April, 1938, and 28th February, 1939. This question has not been answered. We want to bring up to date the information on this point. May I ask whether he is prepared to answer it, since we want to bring up to date the information that the public should have regarding the allowance drawn by the Ministers for travelling.

PREMIER : My honourable friend can get all the information from the Budget.

DIWAN CHAMAN LALL : May I ask whether he has read the Budget and whether this information is contained in the Budget ? This specific item is not contained therein.

PREMIER : No.

DIWAN CHAMAN LALL : Why is he then funkng in giving this information ?

PREMIER : It is not a question of funkng. It is a case of answering a question several times over.

DIWAN CHAMAN LALL : Is it that the honourable member's department feels that the public would probably look with ridicule at the amount of money that the Ministers draw as travelling allowance ?

PREMIER : That is an inference which only my honourable friend can draw.

DIWAN CHAMAN LALL : It is very uncharitable, I agree, but true. Will he be good enough to revise his previous decision as to not giving this information to the House particularly in a matter which relates to the finances of the province ?

PREMIER : I have given the information several times and I am not going to repeat that information every week.

DIWAN CHAMAN LALL : May I, on a point of order, draw your attention to the fact that this House has the right to demand full information relating to finance which should be placed before it. Full information is sought by means of an interpellation and my honourable friend denies that information to this House although this information cannot be found in the Budget.

MR. SPEAKER : It is, no doubt, the right and privilege of the honourable members of this House to get as much information as they consider to be in public interest through interpellations, but it is equally the privilege and right of Ministers to refuse to answer questions, if they do not consider it in the public interest to answer them.

DR. SIB GORUL CHAND NARANG : Is it provincial autonomy ?

DIWAN CHAMAN LALL : We cannot get information regarding our own finances. This is provincial autonomy.

Exactly the same question was asked, the same answer was given, exactly the same ruling was given and I hope that that would satisfy my honourable friends.

Dr. Gopi Chand Bhargava : That information has never been supplied. Only the same reply has been repeated but we have not got any information.

Lala Deshbandhu Gupta : The honourable Premier has promised to give an answer to my question.

Mr. Speaker : Only to part (d).

Lala Deshbandhu Gupta : To parts (c) and (d).

(c) The total amount of other allowances including allowances for attending the sittings of the Assembly and select committees, drawn by each Minister and Parliamentary Secretary, respectively ;

(d) The total amount of travelling allowance and other allowances drawn by each Minister and Parliamentary Secretary, respectively, for visits paid to places outside the province ?

Mr. Speaker : Part (d) is important.

Lala Deshbandhu Gupta : I want the total amount.

Premier : No Minister gets any allowances beyond his salary for attending the meetings of the Assembly and the select committee. The parliamentary secretaries also got remuneration which has been given by this House on several occasions. That is the answer to (c).

Lala Deshbandhu Gupta : Then why not give that information ?

Premier : I have given it.

Lala Deshbandhu Gupta : The total figures.

Premier : The parliamentary secretaries do not get anything additional beyond what my honourable friend gets.

Lala Deshbandhu Gupta : Do they not get any extra allowance for attending select committee meetings ?

Premier : No more than any other member.

Lala Deshbandhu Gupta : But they do get their pay as well as allowances. I only want the figures.

Premier : As regards part (d), if my honourable friend gives separate notice, he will get the answer.

Lala Deshbandhu Gupta : He may give it now.

Premier : I have to collect the information.

Lala Deshbandhu Gupta : He must have had it when he gave other information.

Mr. Speaker : After all this discussion, I think, no ruling is needed, as the motion need not be discussed further.

Mian Abdul Aziz : Why no ruling ?

Mr. Speaker : Because it is not necessary.

NOMINATIONS TO ROHTAK MUNICIPAL COMMITTEE.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) : 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 reactionary steps of the Government that are being taken to increase the number of nominated members of the Rohtak Municipal Committee in the over due Gazette of the new members of the Committee.

I know that any adjournment motion which is brought forward by me regarding the Rohtak district will never be admitted.

Mr. Speaker : I request the honourable member to withdraw his remarks.

Pandit Shri Ram Sharma : I withdraw these remarks. I may point out that the Honourable Minister can finish the matter by saying that the Government is not taking any such steps.

Mr. Speaker : Did the honourable member put any question?

Pandit Shri Ram Sharma : Yes, Sir. I put a short notice question but it was not answered.

Mr. Speaker : What is the urgency of the matter ?

Pandit Shri Ram Sharma : The matter is urgent in so far as it is very likely that the Government Gazette will be published within the next ten days and that the Government is going to increase the number of nominated members in view of the Congress having won the majority of the seats.

Mr. Speaker : Has the Honourable Minister any facts in his possession ? If so, he may throw some light.

Minister (The Honourable Nawabzada Major Khizar Hayat Khan Tiwana) : It is for the honourable member to justify his motion, I have only to object.

Mr. Speaker : The honourable member has stated facts in the motion itself.

Minister : I would like to know if the motion is in order.

Mr. Speaker : For deciding the point, I would like the Honourable Minister to read the motion and say what he has to say as to the facts of the case. If the facts on which the motion is based are corroborated and Government information is also available there can be no objection.

Minister : The adjournment motion relates to the alleged reactionary steps of the Government that are being taken to increase the number of nominated members. Apparently the honourable member would see that no decision has been arrived at. There are various matters under consideration. I cannot say what is under consideration and what is not and what will be the decision of the Government. I am not a prophet to anticipate a decision of the Government in a particular case. If any order had been passed and if that were unsatisfactory the honourable member would have been perfectly within his rights to bring this motion. But I am not in a position to say what is going to happen in future.

Pandit Shri Ram Sharma : Sir, I wish to put a question to the Honourable Minister through you. Is it not a fact that the Honourable Minister asked Chaudhri Jan Muhammad, a member of the Municipal Committee, Rohtak, to get a resolution passed by the said committee to the effect that the number of nominated members should be increased ?

Minister : It is totally false and uncalled for.

Mr. Speaker : I have more than once requested the honourable members that conversations held outside the House and even inside the House, should not be relied upon or mentioned in this House, as otherwise they shall be contradicting each other.

Chaudhri Muhammad Hasan : Is it parliamentary to use the word 'false' for a statement made by an honourable member ? Then it is also open to us to call a reply given by an Honourable Minister as false ?

Pandit Shri Ram Sharma : Is the word 'false' parliamentary ? If not, will the Honourable Minister take back his word ?

Mr. Speaker : I think tit for tat has been paid and so the matter ends.

Dr. Sir Gokul Chand Narang : Probably the Honourable Minister meant that the information conveyed to the honourable member was false.

Minister : May I say that all I meant was that I do not know the name of the gentleman and that he never saw me. Therefore if the statement can be described by any other word than 'false' then let him suggest it. I will substitute it.

Mr. Speaker : Has the honourable member any proof of the fact ?

Pandit Shri Ram Sharma : I wish to point out that the Honourable Minister has not given any reply to my query. He could have very conveniently said that the matter was under consideration or not, or whether the number of nominated members will be increased or not. But he has given no reply. This is the proof of my adjournment motion. What other proof can there be ?

Mr. Speaker : I hold the adjournment motion out of order.

CITY OF LAHORE CORPORATION BILL.

Pandit Bhagat Ram Sharma : I understand that all circulation motions are being discussed together. Yesterday the practice was that all the honourable members who gave notices of such motions were called by you to speak. There is a notice standing in my name also. May I now speak ?

Mr. Speaker : I shall gladly call the honourable member, if and when I consider it proper.

Pandit Bhagat Ram Sharma : I am making that request because I have not been able to catch your eye so far. (*Laughter.*)

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*) : Sir, I hope that my observations in regard to the Bill now before the House would not be construed as a fulmination of an Independent member against the Unionist Government. I may make it quite clear that I have absolutely no such intentions. I have been rather cherishing the desire that something must be done to resuscitate the Lahore Municipality. But before I proceed with my observations I would like to state the circumstances and the reasons which led the Government to introduce this measure. I assure you, Mr. Speaker, that I would not repeat the arguments already adduced by other honourable members. But it appears that the honourable members on the ministerial benches have somehow or other anticipated my speech and have therefore left the House, because I find here only the Honourable Minister in charge as their sole representative.

Minister for Public Works : An election is going on and they have gone to give their votes. No disrespect is meant to Mian Sahib.

Mian Abdul Aziz : I accept the statement of the Honourable Minister. Sir, I was going to submit that I fail to see any special reason for which this Bill has been introduced. But the Honourable Minister in charge of the Bill, while introducing it, was pleased to remark that its provisions had been adopted from four Corporation Acts. As a matter of fact he said that this Bill is the quintessence of those Corporation Acts which are in force in the four premier coastal towns of India. I for one fail to see why the Government have brought forward this Bill for the establishment of a corporation in Lahore, while no such corporations exist in the imperial towns of Delhi and Simla which are first class municipalities. However we have to see the motive with which it has been introduced. I am of the opinion that when the Bill which consists of 408 clauses would emerge from the select committee, amendments to every clause would be moved in large

numbers because the underlying idea of the Bill is defective and the provisions, as they stand, are bound to prove very detrimental to the best interests of the citizens of Lahore. I, therefore, submit that Government have introduced this measure with a view to pacify the public and show that they are conferring a boon on them. I think that this Bill cannot be enacted into law within one year or by the middle of the next year. Even if it becomes an Act, it would take sufficiently long before it is enforced. It is obvious that the wards would have to be reconstituted according to the new Act. After the classification of wards objections would be invited. Then three or four months would be taken up in the preparation of electoral rolls. When these are completed, dates would be fixed for the hearing of objections on rolls. In other words, it means that it would take long before the elections take place under the new Act. I can positively say that full one year would elapse before the Act actually comes into force.

Besides, I have some misgivings about the intentions of the Government who have introduced this measure in order to stabilize their position for the next general elections. In this connection I may point out, as you are aware, Sir, that previously the deputy commissioner of the district used to be the president of each district and the big municipal committees. It was in 1923 when the late lamented Sir Fazl-i-Husain thought that the powers of the local bodies should be vested in the representatives of the people. So the principle of electing a non-official president was laid down. It is a matter of gratification, Mr. Speaker, that just as you have now the privilege of being the first Speaker of this autonomous Assembly, similarly you were the first non-official president of the Lahore Municipal Committee. Afterwards when the late Sir Fazl-i-Husain went over to the Government of India, the Punjab Government could not brook the idea that the representatives of the people should have such wide powers in the matter of local self-government. They wanted to introduce official element in the local bodies in order to keep the prestige of bureaucracy intact and to place a brake on the wholesome activities of the local bodies. I regret to say that the first thing done by the Punjab Government to satisfy its ambition was to foist the Municipal Executive Officers Act on them. I cannot help saying, although with much regret, that my honourable friend on my right, who was the Minister for Local Self-Government, sponsored this Act in order to strangle them. I am at a loss to know why those honourable members of the Unionist party who even now adorn those benches and who were opposed to the old Executive Officers' Bill in the past, have now become its supporters. (*Shaiikh Sadiq Hassan* : It is the fault of the benches and not the fault of those who occupy them.) (*Laughter.*)

Mr. Speaker : No interruption please. The honourable member may proceed.

Mian Abdul Aziz : They were so much opposed to that measure and they abhorred it so much that they staged a walk out and the Bill was passed in their absence. At that time the Government wanted to decide that a municipality should be empowered to appoint its own executive officer by a majority of three-fourth or five-eighth or by even a bare majority of one member. The Municipality of Lahore made an effort to appoint its own Executive Officer and declared its verdict in favour of a particular

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person but when the papers reached the Government for approval, they turned down the decision of the Municipality saying that the requisite majority had not agreed to the appointment. Perhaps the deficiency in the majority was only of $\frac{1}{2}$ person, and it is evident that a man cannot be divided into two parts. But the Government insisted on getting the support of a decimal person more which could not be forthcoming—a physical impossibility—and consequently the Municipality was declared to be unable to appoint its Executive Officer. I am afraid the Government had already made up their mind to appoint some P. C. S. man and ultimately they had their way. But things could not be improved even by the Executive Officer. Next the members of the new Municipal Committee of Lahore told the Government that the real hindrance in the way of improvement of the municipal affairs was the then president of the committee and that unless he was removed, things would not be set right. But the Government had chalked out a different programme. They were bent upon suspending the committee somehow or other. At last they suspended the Municipal Committee of Lahore in October, 1936. More than three years have passed now but the committee has not been restored in spite of repeated and forceful demands of citizens. It may also be noted that the Minister in charge had declared that he very much regretted the suspension of the committee and that it would soon be revived. We are still waiting for that time when the Municipal Committee of Lahore is restored.

Furthermore, it is three years ago that the present Government which claims to be a government of the people, for the people and by the people, came into power and yet neither the old committee has been revived nor a new one instituted in its place. In fact the so-called people's government has turned a deaf ear to the voice of the people. At long last the Minister in charge of Local Self-Government has brought forward the City of Lahore Corporation Bill and says in the statement of its objects and reasons that the following is one of the causes of providing an Executive Officer for Lahore :—

Inability of local bodies to realise the necessity and importance of having a competent and well paid official, corresponding to an English Town Clerk for the conduct of executive duties for local administration.

The honourable members of this House will be surprised to note that not only one or two local bodies but all the local bodies in the Punjab have been condemned as incompetent and inefficient by this paragraph. But may I respectfully enquire if these words do not also apply to the Unionist Ministry of this province? There is hardly any department of the Government which is absolutely free from such shortcomings and defects. There may be some departments, of course, which may be more corrupt than others, or which may be a little better than the rest. The question of "more or less" apart, there is hardly any department of the Government where there is no corruption, favouritism or nepotism. The practice of making "recommendations" is another evil which is rampant in the Punjab. Then why was the Municipal Committee of Lahore specially made a target of suspension? Why do the Government take a drastic action against local bodies alone? Section 16 of the Municipal Act was there to meet the occasion. The local Government could remove a member of a local body whom they

considered unfit for the job. But no, the Punjab Government would not do that. They would like to cut the neck of a person where the proper remedy lies in cutting his finger only.

The very first remark made in connection with this Bill by the Honourable Minister in charge of Local Self-Government is unnecessary. Nay, it is entirely incorrect. If he wants to bring the charge of inability, incompetence and corruption against the local bodies, the Honourable Minister will have to condemn all the Government departments as well. Reference is made to English Town Clerk; if so, give all powers to Corporation according to the system prevailing in England.

Further it has been stated :—

Failure of the provincial governments to exercise proper check and supervision over the local bodies.

But are we to blame for this failure of the Provincial Government ? There was no end to the checks which were exercised over the local bodies by Government. They were all provided in the old Act. It was obligatory on the municipal committee to forward the copy of a resolution passed by it within three days of its passage to the Deputy Commissioner. Over him were the Commissioner and the Government. The Deputy Commissioner had the power to suspend or reject a resolution passed by the municipal committee. But if in spite of this strict vigilance on the part of the Deputy Commissioner, the Commissioner and the Government the committee was allowed to pass a resolution which was wrong, it is the Deputy Commissioner or the other two higher authorities who are to blame and not the committee. The third cause has been stated to be—

Failure on the part of the local bodies to appreciate the need of efficient and trained municipal service.

But did the committee refuse to avail itself of the services of any trained and efficient staff provided by Government ? Did the Government so far open a school to train clerical staff or other staff for the municipal committees or is there any such school opened by the Government now ? There was one for a very short period in 1937 or so, the aid for which the Government has stopped. Who is to blame for all this ? Not the committees.

Another reason mentioned was "communal dissensions." I quite agree that India and particularly this province has suffered a great deal on account of this evil of communal dissensions. But do you mean to suggest that the evil is only present in municipal committees. The Dobson Committee made certain remarks in its report. I will not go into the circumstances in which and the reasons for which the Dobson Committee made those remarks. I, however, wrote a reply to that document covering no less than 400 pages or thereabouts. In my reply I met each and every point raised by the Committee and knocked the bottom out of their report. Had the Government courage to answer my reply. No is the answer. Then it has been observed :—

It is admitted that the secret of successful administration in local bodies depends upon a proper separation of legislative from executive functions.

Does the Government intend that within the four walls of a municipal committee there should be one legislative body on the lines of this Legislative Assembly and another body which may be given executive responsibility ?

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I want to make it clear on the floor of this House that such an arrangement will not work successfully in Lahore or other municipal committees and it should not be conceived for this city. The peculiar requirements of the citizens of Lahore are of such a nature that they have to be looked after by their own representatives. For instance, there are the problems of upkeep of roads, of keeping the streets clean and of making arrangements for the lighting of the lanes and so forth. These executive functions can be best performed by the representatives of the people in their respective constituencies. If the people have to make a complaint, they can come straight to their representatives. Can you imagine that an executive officer appointed by Government will be able to do all this work in an area of 92 square miles? Impossible. I want to put a question to the Government. How many times has the present Administrator of the Lahore Municipal Committee visited the streets of inner Lahore, to personally examine the state of cleanliness and light? Leave the inner Lahore alone. How many times has he visited the Civil Station with this purpose? I am of the opinion that not one but if fifteen executive officers are appointed to do this job they will not be able to do it half so successfully as the representatives of the people. I would request the Government not to introduce this distinction in the Lahore Municipal Committee. The Government first of all introduced a distinction between the Hindus and the Muhammadans, then between the Hindus and Muslims and the Sikhs, then between zamindars and non-zamindars, then between urban and rural populations and last but not least between the Unionist and non-Unionist members of the Assembly. The result is that the people of this province are suffering the greatest possible loss in these circumstances. If I were asked as to what was the remedy of our present ills, I could very well suggest a remedy. I can show how the differences between the urban population and the rural population on the one hand and the agriculturists and non-agriculturists on the other may be settled once for all. But the fact is there that these distinctions are proving most harmful to the best interests of the country as a whole. These distinctions are present in every walk of life. They are most acute in services where the question of urban against rural and zamindar against non-zamindar is most often raised. The result is that beginning from one to two and two to four, four to eight and five to ten the community has been divided into hundreds of watertight compartments.

Proceeding further the Statement of Objects and Reasons says :—

The Bill provides that three municipal authorities should be charged with carrying out its provisions :—

- (a) A Corporation,
- (b) A Standing Committee, and
- (c) A Chief Executive Officer.

Now it is a well known fact that even the system of dyarchy is most unsatisfactory. In Persian it is said :—

دو پادشاه در اقلع له کجند

But here in this Bill it is sought to create three authorities to rule over the poor city of Lahore. The Chief Executive Officer is No. 3 in this trinity,

but in reality as my friends Malik Barkat Ali and Chaudhri Krishna Gopal Dutt explained at length yesterday, he will be all in all.

At this stage I do not propose to discuss the Bill clause by clause. However, I would like to support the arguments advanced by my honourable friends Malik Barkat Ali and Chaudhri Krishna Gopal Dutt. The conditions obtaining in the city as well as in the municipal office have sufficiently been dwelt on by my honourable sister opposite, Baji Ji. All of them have criticised the inefficiency and incapability of the Administrator. This officer has been working in the capacity of a sole custodian of our destinies for the last 3 years. But his appointment has worsened the condition instead of improving it. It is in fact getting worse day by day. Now under the new Bill the Government wants to appoint three municipal authorities for the administration of the affairs of the proposed corporation. The Government is awfully mistaken if it thinks that by distributing the municipal duties and functions among these authorities it would be able to run the municipal administration successfully. On the other hand, this arrangement would surely retard the progress of the municipality. The corporation would say one thing, the standing committee another and the Chief Executive Officer yet another. If the Government says that it has provided the appointment of the standing committee and of the Chief Executive Officer simply to place an effective check on the corporation lest it should do anything irresponsibly, I would submit that it was free to enhance the qualifications and abilities requisite for a member. It might provide that only honest and responsible people should stand as candidates for the membership of the corporation. Thus a body consisting of only responsible and honest people could safely be entrusted with the execution of this Act. I still maintain that by distributing the duties among three authorities the condition cannot improve.

Now, Sir, I turn to the question of the appointment of the Chief Executive Officer. It has been provided in the Bill that the said officer should receive a salary not less than Rs. 2,000 and not exceeding Rs. 3,000. This scale of pay shows that only a commissioner of any division would be eligible for the post. And it is not improbable that this very Administrator may be allowed to work as the Chief Executive Officer. I do not propose to question the ability or efficiency of this gentleman as it speaks for itself. Moreover the Honourable Minister himself knows the real worth of this officer as he has been once the deputy commissioner of his district. But his ability and mentality can be judged by the perusal of the case that was recently decided by the High Court in favour of one Taj-ud-Din, or Taj Muhammad in 1928.

Minister of Public Works : Is that relevant to the discussion which is now proceeding ?

Mian Abdul Aziz : I say that their intention is to keep the same man as Chief Executive Officer. I am blaming the Government. That is the point which I am presenting before you and I am submitting that the amount of Rs. 2,000 to Rs. 3,000 has been fixed for the simple reason that he should be retained there. If they want to prevent us from pointing out the defects and demerits of the Bill then I am constrained to say that our presence in the House cannot serve any good purpose, and it is no use introducing such Bills in the Assembly. Does the Government want us not to express the

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doubts and apprehensions that are lurking in our minds? If it is sure that my doubts are unfounded and uncalled for then it is free to contradict my points.

Now, Sir, I take the clause that relates to the removal of the Chief Executive Officer. It has been provided that he shall be removed from office if at a meeting of the corporation not less than three-fourths of the total number of councillors vote in favour of a proposition in this behalf. But in spite of the impossibility of bringing three-fourths majority of the corporation to an agreement in regard to such a proposition the Government has retained to itself the right of making a final decision of his removal. Thus it may set aside the decision of the corporation.

Again, the Government has reserved certain seats to be filled by nominations. Yesterday the honourable lady member had mentioned that from one out of the four corporations that are existing at present in India the nominated bloc has been now removed. But here in the present Bill provision has been made for the nomination of no less than 17 members, i.e., one-fourth of the whole strength. The Punjab Municipal Act, 1911, says that the Government can nominate members to the extent of one-fourth of the whole number, which is the maximum number and may be less than one-fourth, but here in the present Bill it has been definitely provided that the Government would nominate 17 members. Besides this, provision has been made for six other members from special constituencies. Now let me point out that these six members would also be no better than nominated members. One of them would be an elected trustee of the Lahore Improvement Trust. This trust is already a nominated body. Thus electing from among the nominated trustees would surely mean a nomination. The second one would be elected from among the members of the Lahore District Board. But why is this arrangement thought fit to be made? Is the district board prepared to co-opt any councillor of the Lahore Corporation? What business has this board got with the municipal affairs? The electorate may return a gentleman who already happens to be a member of the district board but why should the district board have the right to send any of its members to sit on the corporation? The third and the fourth members would be sent by the Northern India Chamber of Commerce and the Indian Chamber of Commerce, respectively. The position of these institutions is well known to the honourable members of the House. I need not say as to how far the election of these gentlemen would serve the purpose of a nomination. They would be out and out pro-government. Again, the fifth member would be returned by the Punjab University. He would be entirely under the influence of the Government and would not dare do anything against the wishes of the latter. The sixth member would be the nominee of the North-Western Railway. He would be definitely an official. In short out of 68 there would be at least 23 members who would be always at the beck and call of the Government. With such a large official bloc it is practically impossible for the corporation to fulfil the expectations of the citizens of Lahore, and be in a position to secure a majority of three-fourth members to remove the Chief Executive Officer. In this House you have got 175 members all elected and not a single nominated member who should present the public with this Bill as an ideal legislative measure. But how regrettable.

it is that all the privileges of public and the powers of the representatives of rate-payers have been taken away by the Government. For instance, the traders union which is the representative of the citizens has been excluded from the Corporation Bill. No mention has been made about it in the Bill. My submission is that the draft of the Bill is very defective. If there is a majority of elected members in the Corporation I am sure even then they will not be able to do the work independently. The Government may say that by the Corporation Bill they are enhancing the prestige of Lahore. But what I want to submit is that if the Government had to spend about three years in the preparation of the Bill they ought to have done something substantial for the benefit of the city of Lahore long before. Now let us see who has framed this Bill. Apparently the Honourable Minister in charge has moved it but as a matter of fact I see the hand of the same person working in this Bill who has got into the habit of spending four months of summer at Simla where cold and pleasant breeze blows. In spite of the fact that the Administrator is not allowed to go out of the municipal limits, he goes straight off to Simla, about 256 miles from here, at the expense of the Committee, and eventually Rs. 15 or 20 are daily spent on the correspondence done with him. May I ask who is going to check these irregularities? None. The Government is sleeping over it and has indulged in giving him a long rope. Naturally the Administrator goes one step further. He has framed this Bill most probably according to his own views as he wanted to have all the powers in his hand. I should like to submit that I do not want this Bill to be circulated, neither do I want to postpone the re-instatement of the committee nor to leave the citizens of Lahore at the mercy of the Administrator. My submission is that if the Government had to spend about three years in the preparation of this Bill they ought to have revived the municipality during that period by holding elections of new candidates since they came into power as the existing Municipal Act was with them. It might be said from the opposite side that I want to postpone this Bill further. As far as my opinion goes, I am sure that two years must elapse before this Bill comes into force. My submission, therefore, is that the Government should fall back upon the Municipal Act and revive the municipal committee and I am sure the work will go on more smoothly now. But, Sir, the Government do not agree to this proposal. What does it mean? It means that the Government intentionally want to throw the Municipal Act in the waste paper basket and on this excuse the Administrator will be thrust upon us for another one year and a half or two years.

As you are aware, many questions are put to the Government with regard to the excesses of the Administrator and you might have also seen how evasive are the answers given by the Ministers and their Parliamentary Secretaries in order to conceal the facts from this House. In fact they have gone to the length of saying that they are not aware of any agitation amongst the citizens nor is there any. I leave it to the House to judge the truth of such replies. If they do not know of any agitation, then they are asleep. It is given in the Bill that the Chief Executive Officer has got powers not to show files to the members of the corporation. It is quite possible that mistakes may inadvertently creep in files, and how strange it is that the Chief Executive Officer says, "I do not show you the files." What does it

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mean? It is very unreasonable and I wonder that such things have been included in the Bill.

The next thing I object to is the establishment charges. The number of those persons who draw salary less than Rs. 500 is much larger than those who draw more than Rs. 500, which I think would not be more than 6 or 7 persons. It is a pity that even the Corporation has got no independent powers to appoint the essential officers, namely, Chief Engineer, Medical Officer of Health, Secretary and Chief Accountant. Their appointments would require approval of Government and what that approval means is well known and notorious. Clause 3 (c) of Statement of Objects and Reasons is about these appointments and also that of the appointment of the Chief Executive Officer, which is as follows :—

The appointment of the Chief Executive Officer is to be made by the Provincial Government for a renewable period of three years—the Provincial Government has power to remove him..... The approval of Provincial Government is provided in case of.....4 officials named.

Sir, these words are very ambiguous. As you are aware, the Executive Officer of the Municipal Committee, Lahore, was appointed in the first instance for a period of three years and the renewal of the appointment continued indefinitely, though the Committee ought to have power of appointment after the lapse of 3 years. My submission, therefore, is that the words of clause (c) that I have referred to can be misinterpreted as previous experience shows. It is also given in the Bill that :—

The Corporation will have the power to appoint all municipal officers whether temporary or permanent, whose minimum salary is not less than Rs. 500 per mensem.

As the provincial Government has not empowered the corporation to appoint essential officers, I am afraid, there will be no effective check on the doings of those officers and municipal affairs cannot be improved. It has further been provided in clause (c)—

And he can be removed from office by three-fourth majority of the Councillors. The Provincial Government, however, is empowered to remove him at any time if he becomes incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

In case a Chief Executive Officer is proved to be incompetent, the difficulty would be that three-fourth majority of the Councillors might not be of the same opinion and if it is done even then the powers rest with the Provincial Government and they can set aside the decision of the Corporation. Despite this it is being said that our powers are being extended and the supersession of municipal committee will prove advantageous provided the Corporation Bill is passed. It is just like this, "that house is yours but touch it not". It has further been said in clause (c) —

The approval of the Provincial Government has also been provided for in cases of the appointment, salary, allowances and conditions of service of the following officers :—

- (1) Chief Engineer.
- (2) Medical Officer of Health.
- (3) Chief Accountant.
- (4) Secretary.

Which is the controlling authority—Government, Chief Executive Officer, Standing Committee or the Corporation? May I draw your attention to the fact that municipal expenditure is being unnecessarily increased as far as the above-mentioned lines are concerned?

One of them is the Chief Engineer. This is another burden which the citizens will have to shoulder simply because it is so desired by the Government. They have, I think, a European Engineer now-a-days and he will continue to be fed at the expense of the people of Lahore. Then there are the Chief Medical Officer, the Chief Accountant and the Secretary. These are the officers whose salary will be more than five hundred rupees a month. It is provided in the Bill that they will be appointed by the Corporation. But even that is nothing more than a hoax because there are other provisions which leave everything in the hands of the Government. This shows that in actual practice even those four appointments will be made not by the Corporation but by the Government. Diarchy is often described as a very defective and undesirable form of Government, but what about this "unholy trinity" which the Government wants to thrust on the citizens of Lahore? How can you justify this "triarchy" if I may be allowed to use this word? I particularly draw the attention of the Unionist members to this question. They should remember that if this state of affairs is allowed in connection with the municipal administration of Lahore, the day is not far off, when other municipalities are accorded the same treatment. Let them tell the Government that if this Bill is the index of the intentions of the Government about the future of local self-government in the province then there is no need to introduce any Bills at all. Let the Government assume to itself all the powers of the local bodies. (*Hear, hear.*) I hope the Government will allow them to vote according to the dictates of their conscience.

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

This much about the objects and reasons as stated by the Government. Now let us turn to some of the clauses of the Bill. There are various clauses which refer to the powers to be exercised by the corporation. I submit that even a cursory glance at these clauses is enough to show that in reality every power will be in the hands of the Government or the Chief Executive Officer. The citizens may feel proud of having a corporation but they will have no power to shape their own destinies.

As regards the areas which are to constitute the City of Lahore I am reminded of the famous couplet —

تو کارے زمین (نہ) سازگتی۔ اے با آسان نیز : واختی

They have not been able to administer the present area of about 25 square miles properly. Then what can be expected of them with regard to the vast area of nearly 92 square miles which they are going to include in the proposed 'City of Lahore'? May I ask as to what are their achievements after the supersession of the committee? Have they effected any improvement in the condition of roads, foot-paths, lighting, cleanliness, and other such matters? Can anybody deny the fact that the condition of all these things has become much worse? Those honourable members who have had a chance to visit any new *abadi* must be aware of the fact that these *abadis* have neither roads and foot-paths nor any arrangement of water supply, lighting or other amenities of life. When the committee was in existence the people usually brought their grievances to the notice of their respective

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representatives and the latter tried to get them alleviated as best as they could. But now their representations are lying in heaps in the office of the Administrator and no action is being taken on them. Similarly if you give all powers to the Chief Executive Officer the condition will become still worse. The Government is always very ready to condemn the members of the committee but why has it lost its voice in the case of the Administrator who has proved much worse than the members? Not only has he not been able to effect any improvement in the condition of the present area but he has thoroughly failed even to maintain what had been done by the committee. See the remarks of the Accountant-General for the years 1935-36 and 1936-37—the time of the Administrator. Still you propose to extend this area to the extent of 91 or 92 square miles! This extension will include about 71 villages some of which belong to the Sheikhpura district. Just imagine the villages of the Sheikhpura district being included in the 'City' of Lahore. Not only 71 villages but a tahsil of another district has been included in the area of the proposed corporation. It means that the area of the corporation would comprise something like 90 or 94 square miles. Now what would be the result of extending the municipal limits? Naturally there will be mismanagement. The present municipal administration has hopelessly failed to look after the needs of the people. How can we expect that the proposed corporation would be able to satisfy the needs of people living within its far extended limits. In the circumstances I would request my honourable friend, the Minister for Public Works, that instead of making such an experiment here at Lahore, let him propose a corporation for Sargodha and try this experiment there and he can also take away Mr. Macnabb to that place. (*Laughter.*) If that experiment proves successful we will also follow suit. We cannot make this experiment at the expense of Lahore.

Besides, I may point out that if we take into consideration other corporations we would find that their areas are much less than the area of the proposed Lahore Corporation. For instance, the area of Calcutta Corporation is 24 miles and of Bombay 22·77 miles. (*Interruptions.*) My statement is subject to correction. I for one cannot see any reason for including so large an area in the municipal limits. It looks as if some one has bought lands near about Lahore and the municipal limits are being extended in order to increase the price of those lands. After all I wish to know how the municipal administration will look after the needs of such a huge area when it is a fact that the present municipal administration has failed to cater for the needs of people living only in an area of twenty-five miles. It is a matter of great regret that the Government have increased the municipal limits without taking into consideration the financial position of the said administration. I have taken into consideration the income of the area that is going to be included in the municipal limits and I can say without any fear of contradiction that it will not bring in sufficient revenues for improving the means of communications or the sanitary conditions of such outlying areas. Naturally nothing would be done for the people living there. Besides, in the past the Government have never given any grant and I think that in future they will also follow their previous practice. In these circumstances I cannot but conclude that there is nothing in this Bill which can give any substantial relief to the people of Lahore.

Now the Honourable Minister for Public Works wishes me to conclude my speech, because he thinks I have taken sufficient time. In deference to his wishes, although I do not belong to his party, I will conclude my speech. But before doing so I wish to make it clear to all the members of the Unionist Party that all those members who have moved amendments for circulating the Bill for eliciting public opinion have not moved their motions in order to delay the passage of the Bill, but our object is that the people would be allowed to express their opinions with regard to it. If my friends are desirous of restoring the municipal administration to the people let them request the Government to restore the Lahore Municipal Committee. This Act will take at least one and-a-half years before it can be enforced. In the circumstances I would request them to at least agree to the circulation of Bill for 2 or 3 months for eliciting public opinion thereon. With these words I resume my seat.

Dr. Sir Gokul Chand Narang : I wanted to give a personal explanation. You were probably not here when a reference was made to me. I have no intention of making a long speech.

Mr. Deputy Speaker : It is difficult for me to permit it for I do not know the circumstances under which the occasion arose.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (Uda) : Sir, yesterday I was very much pleased to hear the speech of Begum Rashida Latif Baji. In this connection I may point out that sometime ago I read in the papers that while leading the agitation against the imposition of house tax when even a *lathi* charge was made on the agitators by the police, Baji Sahiba declared that she would leave the Unionist party and go over to the Opposition benches. Besides, the speech which she delivered yesterday on the floor of this House leads me to think that she is not at one with the Unionist party.

Begum Rashida Latif Baji : I know how I can best serve the interests of my constituents. The honourable member is not within his rights to insinuate against me.

Pandit Bhagat Ram Sharma : I am not insinuating against her. I am only reminding the honourable lady member of her promise. I may submit that her yesterday's speech also shows that she does not see eye to eye with other members of the Unionist party.

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

Pandit Bhagat Ram Sharma : I am only saying something in connection with a speech which was delivered on the matter now before the House. My submission is that yesterday's speech of the lady member also shows that so far as this Bill is concerned, she does not see eye to eye with the other members of the Unionist party. In view of this I request her to fulfil her promise, which she was pleased to make during the agitation against the imposition of the house-tax.

Now, Sir, I may submit that some days ago while introducing another Bill the Honourable Minister for Public Works was pleased to remark that it was a typical measure conferring self-government on the people. The amount of self-government which that measure confers on us is known to

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most of us. That Bill has been placed before the House and is being discussed in this House. Now this Bill is another typical example of self-government which is especially being introduced for the citizens of Lahore, and is now before the House. My honourable friends can very well understand how far this Bill confers self-government on the people. I am of the opinion that this Bill is a misnomer. It should have been called the Executive Officers Bill because it will legalise the position of the executive officers. I may also point out that there is not a single member in this House, who has some connection with Lahore, and has not raised his voice against the present administration of the municipal committee. Not a single session passes, when at least 20 or 30 questions are not asked about the Lahore municipal administration. Besides, there has been a widespread agitation against the municipal administration and innumerable meetings have been held to protest against the mal-administration of the municipal authorities who utterly disregard the public opinion. All this goes to show that there is something rotten in the state of Denmark. It is a pity that the present Government have all along been sleeping over this state of affairs. They had promised to bring forward a Bill for establishing a corporation at Lahore. But after a period of 2½ years they have given us a thing which is a misnomer for the corporation Bill and is a thoroughly reactionary measure. I may point out that while framing this Bill the principles of democracy have been thrown over board, as the Bill seeks to invest all the powers in the Executive Officer.

Now the object of these circulation motions is to elicit public opinion which is an index of the public mind. We have to see how far this measure brought forward by the Government fulfils the needs and requirements of the people and that is why we want to send this Bill for circulation. I fail to see what makes the Government to oppose this salutary motion. It appears as if they are afraid of the public opinion. They have not the courage to stand public criticism. They are even afraid if a person comes to Punjab from outside.

Minister for Public Works : How is it relevant ?

Pandit Bhagat Ram Sharma : I am only giving an argument to show that the present Government cannot stand public criticism. That is why they are opposing these remarks and saying that these are irrelevant. Sir, I was submitting that whenever we table a motion that a certain Bill be circulated for the purposes of eliciting public opinion, so that we may be able to know whether it would prove beneficial or otherwise to the interests of the public, the Government invariably take objection to this. They cannot tolerate that any honourable member from the opposition should get up and criticise them severely. It is a pity that the Honourable Premier, more often than not, holds out threats to the opposition members that if they said certain things outside the House, they should be prepared to take the consequences. I may point out that it is the statutory right of every honourable member of this august House to serve his constituents by giving free expression to his views.

Mr. Deputy Speaker : That argument has already been advanced. That is repetition.

Pandit Bhagat Ram Sharma : I want to say that such threats held out by the Honourable Premier go to show that the present Government have no principles and that they are afraid of being exposed by others. That is why they invariably oppose circulation motions. Now, Sir, it is proposed to bring 72 villages and a population of one lakh of persons within the jurisdiction of the corporation. I am of the opinion that we should have the views of at least those persons who are going to be affected by this measure.....

Mr. Deputy Speaker : The honourable member is again repeating the arguments advanced by other honourable members. The honourable member should say something new.

Pandit Bhagat Ram Sharma : Sir, I was submitting that a population consisting of one lakh of persons and 72 villages are proposed to be brought in the ambit of the corporation. My point is that we should at least invite the opinion of those persons who would be affected by the operation of the provisions of this Bill. And this object can be achieved only by sending this Bill for circulation. I see no reason why the Government should feel timid to face public opinion. The position of the Government can be compared to that of a poet who steals verses of other poets and passes them on as his own composition but is afraid of reading them in public lest the real author should come to know of his weakness. Similarly the Government have, while framing the Bill under consideration, culled out provisions from the Corporation Acts of Rangoon, Karachi, Bombay and others. They are afraid lest the public should come to know of the lack of originality on the part of the Government. (*Hear, hear.*) But it is a pity that while conglomerating provisions from other Acts, Government did not care to consider whether the same would prove detrimental or otherwise to the best interests of the people. I cannot help saying that copying, too, is an art which requires some amount of common sense. (*Laughter.*)

Besides, I may submit that this Bill has been framed in full conformity with the policy of the Government. So far as the underlying principle is concerned, it differs in no way from the previous enactments. I am sure the honourable members are aware that the foremost object of the Government in enacting legislation has been to somehow or other keep themselves in power. This Bill is also meant to help them in achieving that object. It would not be out of place to mention here that the cream of society of the province lives in Lahore and yet our Government are thrusting upon the citizens a retrograde measure. I may point out that by inflicting this Bill on the sensible citizens of Lahore, Government are not only insulting them but also the people of the whole province. They want to prove that in spite of the fact that the elite of the gentry and the cream of society lives in Lahore, the citizens are unfit to manage the municipal affairs of the city. But I am also of the opinion that the Bill is nothing short of an insult to the Honourable Ministers themselves, as they too reside in Lahore. (*Laughter.*)

I have yet to make a mention of one thing and that is that those very gentlemen who threaten the honourable members to say things outside the House and face the consequences, themselves pay homage to the Executive Officer of Lahore. They have not the courage to differ from him or go against his views.

Mr. Deputy Speaker : The honourable member's remarks are not relevant.

Pandit Bhagat Ram Sharma : Sir, I am perfectly relevant. I am submitting that the Corporation's power to remove the Executive Officer has been hedged round by so many conditions that for practical purposes it would be impossible for the Corporation to remove him. In this connection I would observe that it is a great pity that whereas the public is protesting against the Administrator of Lahore, my honourable friends on the Treasury benches bow before him in humble salutations.

Mr. Deputy Speaker : I would request the honourable member not to persist in irrelevancy.

Pandit Bhagat Ram Sharma : I am quite relevant, Sir. The Corporation Bill contains a provision for Executive Officer and surely I am within my rights to say something about him. The present Administrator of Lahore is nothing but an Executive Officer and I cannot be irrelevant in speaking of him in this connection. With these words, Sir, I strongly support my honourable friend Chaudhri Krishna Gopal Dutt's motion for the circulation of the City of Lahore Corporation Bill to elicit public opinion thereon. I hope that the Treasury benches would not oppose this motion as the Bill in question abounds in serious defects and needs radical changes which can only be effected after the public concerned has thoroughly examined it.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I shall speak for four or five minutes only and that for two reasons. One, because I do not want my silence to be misunderstood. I support the circulation motion brought by my honourable friend. I do not consider the Bill to be such as to be taken into consideration without giving the public concerned an opportunity to express their opinion on it and, therefore, I strongly support this motion. There are some provisions in this Bill which require very serious consideration. As they are, they are most rotten and I think that proper consideration will make the Honourable Minister in charge probably change his mind so far as those provisions are concerned. This is not the time to discuss those provisions and moreover my friends who have preceded me have already discussed some of them. My second reason for getting up was that I wanted to give a little personal explanation. The honourable Mian Abdul Aziz made some references to me—in fact to one or two actions of mine when I was in charge of the Local Self-Government Department of this province. He referred to the supersession of the municipal committee by me and also to the Executive Officers Act which was passed in my time. So far as the supersession of the municipal committee is concerned, I may simply say that the representation, to which Mian Abdul Aziz referred, reached me too late. As I have more than once told Begum Shah Nawaz Sahiba also—she was also one of the persons who drew up that representation—if the representation had reached the Government earlier it is just possible that the committee might not have been superseded and the action suggested by Mian Abdul Aziz and by other members might have been taken. But, unfortunately, as I have said, the representation came too late. The Government had

made up its mind before it arrived. Secondly, I would like to say that the decision was the unanimous decision of the whole Government. Both sides of the Government—the Transferred side as also the Reserved side—agreed. So far as the Executive Officers Act is concerned, perhaps many honourable members of this House do not know that the Bill had been drafted by my friend Malik Sir Feroze Khan Noon. He had introduced it in the House but as it met with some opposition, he changed his mind and I am not disclosing any secret when I say that as soon as I was put in charge of this department, the first thing that Malik Sir Feroze Khan Noon wanted me to take up was this Bill which he had not been able to pilot through the House. I certainly took up the suggestion and had it passed by the Legislative Council and I am not ashamed of having done so. If you compare that Executive Officers Act with the provisions of the present Bill, you will find that apart from any other considerations—if you judge both the measures purely from a democratic point of view—the present Bill from that point of view is much worse than the Executive Officers Act which was passed in my time. Only a few points of contrast might be mentioned. In the Executive Officers Bill although it was originally provided that the Executive Officer would be appointed and dismissed by a majority of not less than three-fourths of members of the committee, I reduced $3/4$ to $5/8$. Now, again, in this Corporation Bill the removal is to be by not less than $3/4$. Whereas under the old Executive Officers Act the appointment was in the first instance to be made by the committees which were given three months' time to make up their minds and the Government was to make the appointment only if the committees failed to make the appointments within three months' time, this Bill now provides that the appointment shall be made by the Government, so that the Lahore Corporation will have no voice in the appointment of the Chief Executive Officer. This is a very important point and in this respect the proposed Bill is much worse, from a purely democratic point of view, than the Executive Officers Act. So far as the powers were concerned, the Executive Officer was supposed to be the servant of the municipal committee and he had to carry out the decisions of the municipal committee. So far as the power of appointment of staff was concerned, he could appoint those municipal servants only who could draw monthly salaries of not more than Rs. 45 so far as Lahore was concerned and so far as other committees were concerned, his power was confined to the appointment only of those employees whose salaries did not exceed Rs. 25. In the present Corporation Bill, the Corporation as such will have no voice in the appointment of officers drawing salaries up to Rs. 500 per mensem and, as was pointed out by my friend here, there are very few appointments which carry a salary of more than five hundred rupees—perhaps three or four appointments only. Then, the Standing Committee, which is to consist of twelve members, will make other appointments which carry a salary of not less than two hundred rupees, so that all appointments which carry salaries up to two hundred rupees will be made by the Executive Officer and as most of the appointments are such as carry salaries below two hundred rupees, it would mean that practically all the appointments will be made by the Executive Officer and the Corporation and the Standing Committee will have hardly any voice in the appointments of their employees. In this respect also the Corporation Bill is anti-democratic as it takes away the power of the corporation. Then again, under the old Act it was only

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the Executive Officer who enjoyed the security or safety or immunity from the so-called rash action with respect to removal or dismissal inasmuch as the Executive Officer could not be removed except by a majority of 5/8. Now four officers will be appointed practically permanently and those who are appointed immediately after the Corporation Bill becomes an Act, will remain permanent. If they belong to one community they will continue, if they belong to different communities, they will continue, if they are Englishmen, they will continue and the corporation will practically have no power to remove them even for misconduct unless a majority of 2/3—which is a very high majority—agrees to remove any particular officer out of these four officers, namely, Chief Engineer, Medical Officer of Health, Chief Accountant and Secretary. In the present Act, there is a section, under which any employee of the municipal committee can be removed on one month's notice. But under the new corporation law, which the Honourable Minister wants to have enacted, the corporation will become almost absolutely powerless, so far as these four principal officers are concerned. These are some of the points in which the old Executive Officers Act was, from the democratic point of view, far superior to the present Corporation Bill. Of course, nothing depends on this Act or that Act. The municipal government can never be a success unless the public co-operates with the corporation or the committee and if this co-operation will not be forthcoming, no amount of legislation would remove the evils which exist in the municipal administration in Lahore.

One word more and I shall sit down. I think that the step taken by the Government in enlarging the limits of the Lahore Municipal Committee has been most unwise, I do not want to use any strong word, but certainly it is a most unwise and thoughtless step which the Government has taken. If they could not carry on proper administration within an area of 24 or 25 miles, then they will find it impossible to carry on good administration within an area of 92 miles and this Corporation Bill, even if it is passed, will practically be a dead letter so far as the whole area of 92 square miles is concerned. As I said that I would not take more than five minutes, I do not want to prolong my speech and with these words I resume my seat.

(Honourable Members : Question may now be put.)

Mr. Deputy Speaker : It is difficult for me to put the question at this stage. Pandit Shri Ram Sharma has moved an amendment, and I have to give him some time. Then there are several honourable members, residents of Lahore, who have already shown their anxiety to speak.

Pandit Shri Ram Sharma (South-Eastern Towns, General, Urban) (Urdu) : Sir, every aspect of the question now before the House has been discussed threadbare. I shall, therefore, be very brief in my criticism of the City of Lahore Corporation Bill. The institution of local self-government was first introduced in this country by Lord Ripon in 1882. In those days there were no legislative councils on the modern lines. They were nominated bodies. In 1909 the elected element was first introduced and in 1919 it was further enlarged. The system has been developed in the form of the present Legislative Assembly in which there is no nominated

element, all members being elected. But the system of local self-government has been made to deteriorate by our Government. Whereas the nominated element has been driven out from the legislative bodies completely, it is being retained in the local bodies which were primarily meant to afford an opportunity to the people to manage their municipal affairs themselves.

Mr. Deputy Speaker : This argument has already been advanced.

Pandit Shri Ram Sharma : If by merely using the words " City of Lahore Corporation Bill " and " local self-government " in my speech I am considered to be guilty of repetition, I shall resume my seat. I was only submitting for the consideration of the House that in the proposed corporation one-fourth of the members are to be nominated and then there will be some elected members who will be practically nominated members. What surprises me most is the fact that we have an autonomous Government and that Government is never tired of saying that it is prepared to make the greatest sacrifice to uphold the principles of democracy. But in practice what has our Government done ? It has brought forward this reactionary measure which is of a unique type so far as its being the embodiment of a reactionary spirit is concerned.

Lahore is after all the premier city of the province. It should be given greater amount of liberty in its affairs. But in actual fact, Lahore has been denied even the small freedom which is enjoyed by small municipal committees like Rohtak and Jhajjar. Jhajjar is a small town and its municipal committee is a second class committee.

Sayed Amjad Ali Shah : The Jhajjar municipal committee is not under discussion at this time.

Pandit Shri Ram Sharma : I am only comparing the proposed Lahore Corporation with the present municipal committee of Jhajjar to show that the latter has more powers and a better constitution although the old municipal constitution was prepared by the old bureaucracy. In our neighbourhood there is the Jind State.

Minister for Public Works : Can the honourable member refer to the affairs of an Indian State ?

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

Pandit Shri Ram Sharma : Sir, I want to show why this Bill should be circulated to elicit public opinion. In this connection I have said that the conditions in small Indian States are better than have been proposed for Lahore under this bulky Bill. There are in all 62 members in the Jind State Assembly but the Ministers and Government members have no right to vote. But the right of voting in the cases of nominated members has been retained in the Corporation Bill. Among the reasons which the Statutory Commission is said to have attributed to fall in the level of efficiency in the sphere of local self-government there is an important reason which is this—

Failures of the Provincial Governments to exercise proper check and supervision over the local bodies.

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This means that the Government is to blame if conditions in municipal committees and district boards are not satisfactory. The remedy is that the Government supervision is done with more strictness. It does not mean that where party interests of Government are involved the local bodies may be allowed to do whatever they wish to do. It is a pity that many times the Government shuts its eyes deliberately to certain misdeeds of the local bodies in the interest of its own party. How can justice be done in these circumstances? I will, therefore, again submit that the Government has not paid attention to the real requirements of the case while drafting this Bill. It has straightaway sought to take more powers in its hands. The Corporation should be given the powers to fix its franchise and adjust other matters connected with representation of various interests. The Government says that it wants to exercise proper check and supervision over the affairs of the Lahore Municipal Committee and that is why it has thought fit to introduce the present Bill. But in fact the powers that were delegated one by one under the system of local self-government are being snatched away from us by means of this very measure. There is no doubt about the fact that this Bill is far worse than the previous measure and deserves to be thrown into the waste paper basket. Ever since its inception the present Government has been announcing that it intends to introduce a Corporation Bill. Now even after the consideration and deliberations of full 3 years the Punjab Government has drafted a Bill which is awfully defective and extremely unsatisfactory. Now it wants to rush through it. It says that it is no use circulating it for eliciting public opinion thereon. The Government takes its stand on the argument that circulation would take time and it would mean delay in its enactment. We have got serious grievances against the Government; it has always neglected the real issue and done what it ought not to have done, and this time too it wants to take a step in the wrong direction. In fact the Government is afraid of the ever increasing popularity of the Congress. It has repeatedly postponed elections of the Rohtak District Board. It fears lest the Congress should seize all the seats on the district board. Here in Lahore also we are sure to return a good number of advanced members to the corporation. Being afraid of our success the Government wishes to have most powers in its hands through this Bill. The present piece of legislation seeks to continue the old nomination system in the proposed corporation. In fact the Government wants to rule over the corporation with the help of the nominated bloc and the Chief Executive Officer. We are perfectly sure that the Government would nominate only those people who would be willing to play in its hands like puppets. In the end I request the Government to accept the amendment regarding the circulation, so that people outside the House may be able to express their opinion in the matter.

Mr. K. L. Gauba (Inner Lahore, Muhammadan, Urban) : Mr. Speaker, I listened very carefully to the speech of the Minister when moving this Bill. The honourable gentleman stated that when he took office he was faced with two problems : (i) to bring order out of chaos in the Lahore municipality and (ii) to constitute a committee where the defects of the previous committee would not occur, that is to say, that his labours and the

labours of the Government over the course of the last 2½ years have been devoted to these two objects, namely, bringing order out of chaos and devising a constitution for the municipality of the city of Lahore. Sir, so far as the second part is concerned we have before us to-day the fruits of the labours not only of the Honourable Minister opposite but also of the Administrator and of the Punjab Government. It is not necessary for me at this late stage of the debate to reiterate the arguments that have been already and so ably advanced by other speakers, nor is it necessary for me to reiterate the epithets cast upon this Bill not only from this side of the House but also from members on that side. But, we have to consider one or two matters here to-day which I think have not been touched upon so far. The first is this that this Bill is a consolidating Bill, if I may say so. This is a Bill which sets up an entire constitution: this is not an amending Bill. Now, the first thing that my friend the Honourable Minister opposite ought to have said was, what was the necessity or what is the necessity for this huge cumbersome measure which has been placed before this House, a measure which runs not to a few clauses but which runs in volumes and which contains 410 clauses? Is there any necessity or has any necessity been shown why a Bill of this magnitude is necessary to be proposed here? I have gone through this Bill. I suppose other members of the House who have gone through the Bill will find two things very clear. This Bill can be divided into two sections as it were. Part I is what is called the constitution of the Corporation and part II is about the duties and the functions of that Corporation. So far as the second part is concerned it is merely a rehash of the Municipal Act. Sections are taken bodily from the Punjab Municipal Act. Personally I do not see the reason for it: there may be intelligence in it, there may be sense in it. But what is the object in saying that the Punjab Municipal Act shall not apply to the Corporation of Lahore and yet you introduce a Bill enacting exactly word for word the provisions which would apply to the Corporation of Lahore? Is it not really waste of public time and money? I have here a number of sections which are absolutely verbatim *mutatis mutandis* the provisions of the Punjab Municipal Act. The Bill sets off by saying that the Punjab Municipal Act shall not apply to the Corporation of Lahore. These very provisions are again enacted in this Bill. This Bill is not going to be passed through this House in a hurry. After all 400 clauses are not going to be disposed of so soon. Even if the members are very considerate with public time and money and even if the amendments are few, nevertheless I think this Bill in the ordinary course must take at least a year for its passage in all its stages. Was it not possible for the Government to do precisely what they intend to do—apart from the question whether what they intend to do is right or wrong—whatever they intend to do could they not have done, one, by amending the Punjab Municipal Act, two, by an amendment of the Executive Officers Act and three, by introducing a new municipal act? I submit and I affirm that it would be possible in this Bill to do precisely the same thing within ten days and that it is not necessary for this huge and cumbersome measure to be placed before the House. One other point was raised by my friend the Honourable Minister. He says that he had two alternatives (i) to revive the old committee and (ii) to establish a corporation. If my learned friend had not the assistance of very eminent lawyers beside him, one might have pardoned his

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enthusiasm for the enactment of a Corporation Act. But is it not a fact that every municipality is a body corporate? Every municipality ever appointed is a body corporate. The difference between the corporation to be established under this Bill so far as the body corporate is concerned and the municipality is merely a difference in name. Instead of calling it the Lahore Municipality, you will now call it the Corporation of the City of Lahore. Instead of having a President of the Municipality, you will have a Lord Mayor. That is the difference, so far as the corporation is concerned. It was a corporation before, it will be a corporation when it is reconstituted.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Mr. K. L. Gauba : I will not detain the House very much longer, but I will just urge one or two things, namely, that so far as this Bill is concerned I think that the Government could have done everything that it wants under the existing law and there is no excuse for not re-constituting the committee forthwith. Now, if the learned gentleman opposite wants to have his Lahore Corporation Bill enacted, there is no reason advanced why he cannot constitute a committee at this stage. After all he could have 68 members if he thinks that that is the right number. He could have 17 nominated members if he considers that that is the right number at this stage. He has not advanced any reason. The statement provides why the committee cannot be re-constituted at this stage, why the government of the City of Lahore cannot be entrusted to the citizens of Lahore at this stage and why they must wait for the passage of this Bill in all its stages in order to have this committee re-constituted.

Minister for Public Works : Do you mean a municipal committee under the Municipal Act?

Mr. K. L. Gauba : Yes, constitute a municipal committee for the transitory period, and when the Corporation Bill comes into force turn that committee into a corporation.

I submit that there is no reason why the present state of affairs should be allowed to continue while this Bill is going on. If the administration of the City of Lahore was in any way better or more efficient or more honest or more straightforward, than it was in the old age, then there might have been some argument for the continuance of what my learned friend described as bringing order out of chaos. I will only give one instance of this order out of chaos. I know other members wish to speak, and I will not take more than two minutes. You have members who have various houses and buildings to be put up in the City of Lahore. You have certain members of the Improvement Trust. One would ordinarily assume that members of the Improvement Trust would be considered to be favoured individuals, persons who might be able to get things done better and more expeditiously than other humble citizens. The case which has been brought to my notice is a most interesting case. The Government sold land in April 1936 on the Ferozepore Road to a member of the Improvement Trust, and the Commissioner of Lahore in September of that year, namely, 1936, asked the Improvement Trust to constitute or draw up a scheme.

Now the Improvement Trust took a year and a half for the drawing up of that scheme, and the scheme was drawn up by the Town Planner himself and at the end of a year and a half, namely, in May 1938 the Improvement Trust passed a resolution unanimously adopting the scheme. That scheme goes up to our friend, the member in charge of Local Self-Government. There it remains for several months and it is returned in January 1939 back to the office of the Improvement Trust, raising certain objections. One does not know yet what the objections are. It is stated that the Honourable Minister for Local Self-Government had certain objections to the scheme. This scheme was received back in the Improvement Trust office in January 1939. Up to May nothing happened. In May 1939 a letter goes to the owners of this land saying that the scheme is still under consideration and that they are unable to state at what time or when they will be able to re-submit the scheme to the Local Self-Government Department. It is November now and though it is nearly 3½ years since this land was purchased, the thing is still in the air and order has not yet been brought out of chaos in the office of the Local Self-Government or the Improvement Trust.

In this connection I would just like to say a word about the circulation motion and about the motion for referring the Bill to a select committee. As I have submitted, so far as the Bill is concerned it is open to very serious objections. Personally, I do not see any reason why this House should not proceed to consider this Bill if the Government is not prepared either one way or another to adopt any other course and if the Government insists on the passage of this particular Bill, then I submit that as the people of Lahore are anxious that the committee should be reconstituted at the earliest possible stage, I submit the question of circulation will only serve the object of the Administrator in continuing the present state of affairs by another six months or so. Therefore I submit that the honourable member might seriously consider two things, namely, the constitution of a municipal committee during the transitory period and a committee which might eventually become the first committee under the Corporation Bill when it is passed. So far as the Bill is concerned, there will be plenty of time between now and the passing of it because it cannot be speeded away. After all 410 clauses are bound to take at least a year. So far as that is concerned, there will be plenty of time for members to consider objections, and I am sure the Honourable Minister will consider the serious objections to the Bill and try to avoid, if possible, the duplication of legislation and if it is possible to cut short the Bill and bring it on the statute book at an early date. I hope he will do it. With these remarks I resume my seat.

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) (*Urdu*): Sir, when I looked at the agenda yesterday I was surprised to see that almost all the dilatory motions stood in the name of either the members of the Congress Party or the Independents. Not only that, even my sister sitting besides me thought it fit to come forward with such a motion. You will remember that it is these very members who have been continuously asking the Government to take away the administration of the Lahore municipality from the Administrator and hand it over to the representatives of the people. I put it to these honourable members whether their motions are likely to bring the goal nearer or to waste another year or so. Instead of moving

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these dilatory motions, had they not better support the motion to commit the Bill to the select committee so that it might be passed and placed on the Statute Book without unnecessary delay and the administration of the municipality might pass over to the representatives of the people?

Speeches were delivered by so many able and well-known members yesterday. But it was in vain that I waited for any one speaking on the principle of the Bill and expressing his opinion on the separation of the legislative and executive functions of the municipality. To-day, however, the honourable and revered member Mian Abdul Aziz has tried to touch this important point. Allow me to say, Sir, that all the time he was speaking I was thinking whether it was the speech of a constitutional lawyer or of a layman. He has laid great stress on the curtailment of the powers of the members, but I wish to remind him that when the municipal committee, about which he has said so much, was asked to elect three persons to work on the Improvement Trust the 48 members of the committee could not come to any decision whatsoever. If in this House in the last two and a half years we have been able to achieve so much, it is because the deliberative and executive functions were separated from each other. Now, Sir, may I ask the honourable member whether it would be possible to come to any decision at all if the administration of the province had been entrusted to all the 175 members of this Honourable House instead of a cabinet consisting of 6 ministers only?

I am one of those who believe that the reason for the failure of local self-government in India is that the British as well as the provincial governments have failed to do their duty towards local self-government and a step-motherly treatment has been meted out to them. I am not unmindful of the fact that the representatives of the people have not worked as they should have done. For instance, men like yourself, Khan Bahadur Malik Muhammad Din and Mian Abdul Aziz are sure to do honour to any deliberative body, which elects you to adorn its Chair, but is it not a fact that the members of the municipality could not find any better way to recognise their services than to move votes of no-confidence in them?

Mian Abdul Aziz : No such vote was ever moved against me.

Mrs. J. A. Shah Nawaz : The Dobson Report had to say something about it.

Mian Abdul Aziz : Please see my reply to that report. Can you controvert it? You were also a member of the committee.

Mrs. J. A. Shah Nawaz : Anyway, I was speaking of the failure of local self-government. As I have said we were not treated fairly in the matter. When in 1882 Lord Ripon gave us local self-government all that the people served were rickety and broken carts, incomplete drains and broken roads. This was the local self-government handed over to the people. The municipalities have never been given sufficient financial help to effect the necessary improvements. The Government can spend 40 crores of rupees on mechanising the army but neither the Central nor the Provincial government has ever taken the trouble even to enquire whether any money is required to overhaul the administration of local self-government, for instance, to change the broken and rickety carts into motor lorries.

I have had the experience of watching the work of the Lahore municipality for four years. I agree with my honourable brother Malik Barkat Ali that those who wish to adopt a political career should first acquire experience in the municipal and district boards. When I came to know in London that I was to work as a member of the Lahore Municipal Committee I tried to study the working of the London County Council. On my return to India in the first years I took up my duties very seriously. I would often go to a ward and finding that the member concerned had not paid a visit to his ward would speak to him about this dereliction of duty on his part. Very soon I found that the members were not so much to blame. The reason was very simple. If they went to visit their respective wards their constituents overwhelmed them with complaints about sanitation, water supply and other such amenities. The member was helpless, as there was so much to do that a revenue of 25 to 26 lakhs of rupees was not sufficient to meet all the requirements. Let the honourable members imagine how this provincial autonomy had worked if the Public Works Department, Irrigation and other such essential departments now in our hands had been handed over to us in such deplorable condition. Surely the provincial autonomy then would have proved a total failure.

Even in days of diarchy nobody paid any attention to the financial needs of the local bodies. A couple of lakhs every year or every two or three years would have been sufficient. Realising that more funds had to be procured somehow the women member of the committee put forward a proposal for raising the necessary money. We proposed the levying of a house tax. People have to pay for municipal amenities everywhere. I would therefore submit that it was our confirmed opinion that all the amenities of an up-to-date town could not be provided unless, and until the general public also contributed something by way of a house tax to the municipal funds. Along with it I would like to point out to the Government that this tax should have been imposed earlier. If it had been levied say in the beginning of this century starting with eight annas or so, it could have very easily been enhanced to four or five rupees now.

Mian Abdul Aziz : There is a misunderstanding. The reference made to the resolution by the honourable lady member is entirely incorrect. That resolution was never passed. Replies to that effect have been given on the floor of the House.

Lala Sita Ram : And never moved by the lady member.

Mrs. J. A. Shah Nawaz : I never said that I had moved it. I was present in that meeting and it was unanimously passed and if it is not recorded as has been stated on the floor of the House, it cannot be said that it was not passed.

Lala Sita Ram : I would request that the resolution referred to be produced.

Khan Bahadur Nawab Muzaffar Khan : I think the shoe has begun to pinch.

Mrs. J. A. Shah Nawaz : I would again respectfully submit for the information of the honourable members that since the present Government has assumed power we have been thinking and pondering over this question

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as to what action should be taken with regard to the superseded Lahore Municipal Committee. I cannot disclose the party secrets, otherwise I would have told them all about the discussions that had taken place with regard to this matter and as to how the members representing Lahore constituencies discharged their duties. When after a good deal of deliberation, the Punjab Government decided to give a loan of one crore to the Lahore Municipal Committee, we welcomed it, because we thought that at last now something would be done to improve the conditions of Lahore. Supposing the committee had tried to obtain a loan, how could they have got it? Could it have been raised on the security of the Town Hall? Under the circumstances we welcomed this proposal of the Government. Then came the question of how to repay it? Now I may point out that opinions differ as to how the loan should be returned. It is just possible that my opinion may be quite different from what the proposal under consideration is.

Then again some honourable members have asked why the limits of the Lahore Municipal Committee have been extended. Sir, through you I wish to put a question to the ex-president of the Lahore Municipal Committee, whether it has not been pointed out in hundreds of speeches during the deliberations of the committee that it was not possible to make Lahore a healthy and clean place when often epidemics like small-pox, cholera, plague etc., were imported from Shahdara, Begumpura and other places? Have not such cases occurred so very frequently? Let me also point out that once a Director of Public Health pointed out in a meeting of the Red Cross Society that the health of Lahore could not be improved unless and until all the adjoining villages are included in the Lahore Municipal limits. This is only one reason and I can put forward countless other reasons in support of extending the Lahore Municipal limits, but my difficulty is the limited time at my disposal. In short this is my confirmed opinion that so long as these adjacent villages are not included in the Lahore municipal limits, conditions in Lahore cannot be made healthy. May I not ask him also whether he was not confronted with such questions when he was President of the Lahore Municipal Committee and could he do anything to set right those things? Moreover he was pleased to remark that the area of Calcutta Corporation was 24 miles while the area of the proposed Lahore Corporation would be 71 miles. May I ask him if he has ever been to Calcutta? (*Mian Abdul Aziz*: "Several times.") If so, has he ever cared to take into consideration the fact that if one proposed to go to any large garden in Calcutta, one would have to travel a distance of 30 miles before he could reach there. We should thank God that Lahore is growing in a manner where it is easy to have several gardens. In future the growth of Lahore should be so controlled that gardens and playgrounds should be found in every area. It should not be made so congested as Calcutta is.

There is yet another matter to which pointed reference has been made by the honourable members. They have asked what is the need of converting the Lahore Municipality into a corporation. In their opinion corporations were only needed for harbour or sea side towns, and cities like Lahore, Delhi and Simla stood in no great need of such bodies, but let me point out that excluding the Presidency towns, Lahore is the biggest of all the cities in India and its population is also larger than all the others. In

addition, our trade with Central Asian countries is also increasing because of the improved means of road communications. There are railways, lorries and cars, and all these give great fillip to our trade with the above-mentioned countries. Then Lahore is the biggest Cantonment in Northern India and there is also the largest Railway Workshop at Moghalpura. Lahore therefore is a very important town and it is gaining importance day by day. Moreover it is growing at a very rapid pace. If the honourable members wish to see a case in point they may go and see what is happening on the road which goes from the canal behind Aziz Palace. Houses are being set up like mushrooms in areas which have not been so far brought under the control of the Lahore Improvement Trust or included in the Lahore municipal limits. If to-day honourable members refuse to take notice of these things naturally these areas would also become congested like the new abadis of Krishna Nagar and Ram Gali. Let me also point out that the Hydro-Electric Power Station is being constructed at a distance of five miles from Lahore and if any member goes there he will find that houses are growing there like dragon's teeth. Whenever I go there I find a new house erected there and often of such funny shape. In the circumstances it is in the interests of Lahore that a Corporation should be established and all these areas should be included in it.

Then my honourable brother Chaudhri Krishna Gopal Dutt referred to the statement of the Chairman of the All-India Women's Conference, Punjab branch, and stated that the Association was not in favour of sex discrimination and nominations for women. I may point out for his information that the matter to which he has referred was published under the signature of Mrs. Nehru. I have the honour to be the President of that Association and I may tell him that these are the views of the Association as a whole. Moreover I may inform him that a deputation of women which I had the honour to lead, waited on the Honourable Minister in charge and made it quite clear to him that so far as the question of nomination was concerned the women of the Punjab did not like it. But if the nominations were to be retained, in that case women should be given partly nominated and partly elected seats. We also contended that so far as the question of election was concerned women should be given the right to vote. We stated that if women could vote for the Punjab Legislative Assembly there was no reason why they should be denied the right of vote in the Lahore Corporation where they will have to safeguard the interests of women and children. I hope that when this question is discussed the House will take due care to protect the interests of women.

Now I wish to make a request to the honourable members that instead of moving such dilatory motions and discussing them here it would be better for us to participate in the work of the select committee, and to consider this Bill dispassionately. I think representatives of all parties have been included in the said committee. Now it behoves us to sit in the select committee and try to remove whatever defects are in the Bill. At present only a bare outline of the Bill has been presented to the House and it is the duty of the members of the select committee to complete the picture. I am of the opinion that all the speeches that have been delivered now could very well have been made when the Bill emerged out of the select committee. At present we are only concerned with the principle of the

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Bill and I can say without any fear of contradiction that there cannot be two opinions about it. The fundamental principle is that we have sought to separate the deliberative and executive functions of the corporation. And so far as the defects and shortcomings of the Bill are concerned it is the duty of the honourable members to remove them in the select committee. I may also point out that I do not see eye to eye with my sister when she says that this Bill is not worth the paper on which it is written and that it should very conveniently be thrown into the waste paper basket. I do admit that there are innumerable defects in it but it does not mean that we should throw it away. It can be improved. With these words I oppose the motion now before the House that this Bill should be circulated for eliciting public opinion thereon.

The Assembly then adjourned till 12 noon on Thursday, 30th November 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 30th November, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ANNUAL REPORT ON ADMINISTRATION AND WORKING OF DALHOUSIE MUNICIPAL COMMITTEE.

*5315. **Malik Barkat Ali** : Will the Honourable Minister for Public Works be pleased to state whether the report on the administration and working of the Dalhousie Municipal Committee for the year 1938-39 has been submitted to Government and, in particular, (i) who prepared this report before its submission to Government, and (ii) whether the report submitted was ever put up for consideration by the Dalhousie Municipal Committee before its submission to Government?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government have not received the report. The annual report prepared by a municipal committee in regard to its administration and working is not required to be forwarded to Government. The Deputy Commissioner submits a report in which he deals with all municipalities in the district. The report from the Gurdaspur District for the year 1938-39 has not yet reached Government.

RENEWAL OF THE LEASE OF THE LAHORE ELECTRIC SUPPLY COMPANY.

*5359. **Khan Haibat Khan Dahi** : Will the Honourable Minister of Public Works be pleased to state—

(a) when the lease of the Lahore Electric Supply Company expires ;

(b) whether the Lahore Electric Supply Company are trying for the renewal of their lease and, if so, whether it is intended to renew the lease, if so, for how many years ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Under clause 5 (1) of the Lahore Electric Licence, as amended in 1927, the first option to purchase the undertaking falls due on 25th November, 1942.

(b) *First part* : No ; *Second part* : Does not arise.

METALLING OF KHUSHAB-MIANWALI ROAD.

***5376. Khan Bahadur Captain Malik Muzaffar Khan :** Will the Honourable Minister of Public Works be pleased to state whether he is aware that there is a regular lorry service plying between Khushab and Mianwali, if so, what steps Government propose to take to have the road metalled to avoid hardship and inconvenience to the passengers during the rainy season when the roads become unmotorable?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Owing to shortage of time within which answer to this question is to be given, it has not been possible to ascertain whether or not a regular lorry service is plying between Khushab and Mianwali. It is hoped to start the work of metalling this road during the year 1940-41 subject to funds being forthcoming.

CLAIMS FOR PENSION UNDER "NEXT BELOW" RULE BY CLERKS OF THE PUBLIC WORKS DEPARTMENT.

***5380. Lala Bhim Sen Sachar :** Will the Honourable Minister of Public Works be pleased to state when final reply to my starred question No. 4768,¹ asked on 20th April last may be expected?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Final reply to question No. 4768¹ could not be given as the Assembly was prorogued.

The information on the various points raised in that question is as under :—

- (a) There has been only one case in which claim for enhancement of pension was put in under the "next below" rule while on service overseas. This case related to Pandit Sunder Dass Issar, an Assistant in the Buildings and Roads Secretariat who went to Southern Persia in September 1918, returned to the same office (Buildings and Roads Secretariat) in February 1922 and retired from there in April 1923.
- (b) Yes.
- (c) Yes, the matter was referred to the Government of India by the Controller of Military Accounts and the Government of India reply was that the matter was one for the Punjab Government to consider on its merits. On merits the request for enhanced pension could not be entertained and Pandit Sunder Dass was informed accordingly.
- (d) Does not arise.

ROAD BETWEEN MAGHIANA AND TOBA TEK SINGH.

***5401. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the metalled road between Maghiana and Toba Tek Singh up to Bagh is in a very dilapidated condition;
- (b) when it was repaired last;
- (c) when the Government propose to repair it now?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The road has only very recently been taken over from the District Board for maintenance by the Public Works Department. Its condition is unsatisfactory.

(b) and (c) It is not known when it was last repaired by the District Board but the metalled portion from Maghiana to Bagh will be reconditioned this financial year.

ROADS BETWEEN MAGHIANA AND TRIMMU HEAD AND BETWEEN JHANG AND CHINIOT.

*5402. **Mr. Dev Raj Sethi**: Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the *Kacha* roads between Maghiana and Trimmu Head and between Jhang and Chiniot are in a very bad condition;

(b) when does the Government propose to metal these roads?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) No. The roads are in fair condition.

(b) It is hoped to commence the metalling of the Maghiana-Trimmu Head road during 1940-41 and continue it as funds permit. The Jhang-Chiniot road is being maintained by the District Board, Jhang, as an unmetalled road and the volume of traffic on it does not justify its metalling at present. Jhang is already connected with Chiniot by a metalled road via Lyallpur.

ROADS IN JHANG DISTRICT.

*5405. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that most of the District Board roads in Jhang district are in a hopelessly bad condition;

(b) the names of the roads out of them that the District Board has so far transferred to the control of the Public Works Department;

(c) whether it is proposed to transfer any other road besides those mentioned in (b) of the aforesaid district to the control of Public Works?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The condition of some of the District Board roads in Jhang district is far from satisfactory;

(b) The Public Works Department has only recently taken over the Jhang to Bagh section of the Jhang-Toba Tek Singh road;

(c) It is proposed to provincialize in the near future as funds permit the following roads in this district:—

(1) Trimmu to Ahmadpur,

(2) Shorkot to Garh Mahraja,

(3) Bhag to Tahliwala section of Jhang-Toba Tek Singh road.

THANEDARS IN HISSAR DISTRICT.

***5422. Master Kabul Singh :** Will the Honourable Premier be pleased to state—

- (a) the names of thanedars, and the dates of their appointment to various thanas in the Hissar district during the years 1936-37, 1937-38 and 1938-39 ;
- (b) thana-wise the names of the proclaimed offenders and the number of murders, dacoities and thefts committed during the above-mentioned period in the Hissar district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : I am laying on the table two statements¹ giving most of the information desired. To include the names of the proclaimed offenders would make the statements very long, and numbers only have in consequence been given ; but if the honourable member particularly wants the names, I shall be happy to show him a full list.

THANEDARS IN HISSAR DISTRICT.

***5431. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state—

- (a) the names of thanedars, and the dates of their appointments to various thanas in the Hissar district during the years 1936-37, 1937-38 and 1938-39 ;
- (b) thana-wise the names of the proclaimed offenders and the number of murders, dacoities and thefts committed during the above-named period in the Hissar district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A reference is invited to the reply given to question *5422 (*ante*), put by the honourable member for the Jullundur (Sikh) Rural Constituency.

AMOUNT OF GRANTS-IN-AID GIVEN FOR ELEMENTARY AND
PRIMARY EDUCATION.

***5436. Chaudhri Sahib Ram :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the amount of grants-in-aid given by the various district boards in the province, division-wise, for elementary and primary education during the years 1936-37, 1937-38 and 1938-39 ;
- (b) the number of elementary and primary schools in each division in the province ;
- (c) the number of boys in the elementary and primary schools as it stood on March 31st, 1939 ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : I regret that the answer to this question is not ready.

¹Kept in the Assembly Library.

SUPERSESSION OF THE LALA MUSA TOWN COMMITTEE.

***5437. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the circumstances that led to the supersession of the town committee, Lala Musa ;
- (b) the charges levelled and the action, if any, taken against the then members of the said committee ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The committee was superseded for persistent default in the performance of its duties.

- (b) No charges were framed against individual members.

SUPERSESSION OF TOWN COMMITTEE, LALA MUSA.

***5438. Master Kabul Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the period for which the town committee of Lala Musa, district Gujrat, has been under supersession ;
- (b) the number, names and the period for which each of the administrators of the said institution have worked since its supersession ;
- (c) the number, name, age, qualifications, experience and the period for which each of the secretaries of the said body has worked since the supersession of the said town committee ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The committee was superseded on the 8th June, 1938.

(b) (1) Sardar Harjindar Singh, P.C.S., from the date of suspension to 20th October, 1938.

(2) Makhdum Ghulam Mohy-ud-Din, P.C.S., from 21st October, 1938, to 15th March, 1939.

(3) Lala Lakhmi Das, P.C.S., from 16th March, 1939, to 22nd March, 1939.

(4) S. Ijaz Hussain Shah, P.C.S., from 23rd March, 1939, to 11th July, 1939.

(5) Chaudhri Nabi Ahmad, P.C.S., from 12th July, 1939, to date.

(c) (1) M. Abdul Haq Shah, B.A., a clerk of the office of Deputy Commissioner, Multan, prior to suspension up to 20th March, 1939. He was about 26 years of age and had previously worked as Secretary of the Town Committee, Jalalpur Piranwala in the Multan district.

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(2) M. Nasir Mahmud, B.A., a clerk of the office of Deputy Commissioner, Gujrat, aged 27 years, Local Self-Government Diploma holder, from 21st March, 1939, to 2nd September, 1939.

(3) M. Muhammad Ikram, B.A., aged 25 years, a clerk of the Deputy Commissioner's office, Gujrat, having experience of local fund branch, from 3rd September, 1939, to date.

**ACHHUT CANDIDATES WHO APPLIED FOR BEING RECRUITED TO
POLICE FORCE IN AMBALA DISTRICT.**

***5445. Chaudhri Jugal Kishore :** Will the Honourable Minister of Public Works be pleased to state whether during the last two years any Achhut candidates have applied for being recruited to the police force in the Ambala district; if so, how many were accepted, and how many rejected and in the case of the latter their names and the reasons for rejecting them?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : As the honourable member has already been informed in reply to his question *5319¹, no Achhut candidate has been taken in the Ambala police as no candidate with the requisite physical qualifications has presented himself in that district. It is not possible to give figures of the number of candidates from the depressed classes who have offered themselves, as applications for recruitment are as a general rule made orally and no record is maintained of those who are not accepted.

I have mentioned that no Achhut candidate has yet been taken in the Ambala district, but as will be explained in the reply to another question which will shortly be coming up, the orders issued by Government in regard to the recruitment of men from the scheduled castes have been by no means without result.

Chaudhri Jugal Kishore : Do not the orders of the Honourable Premier about the recruitment of Achhuts in the police also apply to the Ambala division?

Parliamentary Secretary : These orders equally apply to the Ambala division and are being complied with. But the trouble is that suitable candidates belonging to this community are not forthcoming.

Chaudhri Jugal Kishore : May I inquire if the Superintendent of Police, Ambala, has made it a condition for Harijan candidates that they must be matriculates in order to be eligible for recruitment in the police?

Parliamentary Secretary : Not to my knowledge.

Chaudhri Jugal Kishore : Is the Parliamentary Secretary aware that when I took a student of fifth primary class to the Superintendent, he refused to accept him?

Parliamentary Secretary : I am not aware of it.

Lala Duni Chand : How has the Government tested the physical fitness or otherwise of all the Achhut young men in the Ambala district, for the purpose of recruitment ?

Parliamentary Secretary : My honourable friend should know and I believe he does know, that the Government does not test the physical fitness of the candidates. It is the appointing authority who does so.

Lala Duni Chand : Is the Government aware of the fact that when I use the word 'Government' it means the agents of the Government also who carry on certain functions on behalf of the Government—I mean the authorities to whom this business has been entrusted ?

Parliamentary Secretary : The Superintendent of Police, who is the appointing authority in this case, must have satisfied himself that the candidate who appeared was not fit for recruitment in the Police Department.

Lala Duni Chand : May I know whether this ban of unfitness will apply to all Achhuts in the Ambala district ? If so, for how long ?

Pandit Muni Lal Kalia : May I know if all the candidates, who applied for posts and were rejected, were unfit ?

Parliamentary Secretary : No record is kept and it is not possible for me to state the number of candidates who applied, but those who did appear were not found suitable.

Pandit Muni Lal Kalia : May I know whether any candidates did apply ?

Parliamentary Secretary : Yes.

Pandit Muni Lal Kalia : How many ?

Parliamentary Secretary : As I have already stated, it is not possible to give the exact number.

Lala Duni Chand : In view of the Achhut population in the Ambala district, will the Government be pleased to fix a certain number of Achhut young men for being recruited as constables ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Has the Government considered the question whether in view of the population strength of Achhuts in the Ambala district a certain number of posts will be allotted to them or not ?

Parliamentary Secretary : Although no definite number is fixed, every consideration is shown to the Achhut candidates provided they are physically fit.

Lala Duni Chand : سوال از آسپان جواب از ریسمان

I put a question whether the Government has considered the matter or not. I want information on that subject.

Parliamentary Secretary : I have stated that it is not possible to reserve any particular number for Achhut candidates irrespective of the fact whether those candidates are fit or not.

Lala Harman Das : Will the Parliamentary Secretary please define the expression 'physical fitness' on the floor of the House?

Mr. Speaker : Disallowed. I cannot allow questions on the interpretation of expressions.

Munshi Hari Lal : Has the Government ever considered the proposal of reserving a certain number of posts for the Achhuts in the Ambala district?

Mr. Speaker : This has been answered.

Munshi Hari Lal : No, it has not been answered.

Mr. Speaker : It has been definitely answered and the honourable member is not right in saying that it has not been answered.

Parliamentary Secretary : It was answered. I did state that it was not possible to reserve a definite number of posts in the Police Department for Achhuts irrespective of the fact whether they are found physically fit or not. If the Achhut candidates are found to be physically fit, they will be recruited.

Lala Duni Chand : Assuming that candidates fulfilling the test of physical fitness are forthcoming, will the Government, in that case, fix a certain number of posts for Achhut candidates?

Mr. Speaker : A hypothetical question. Disallowed.

Minister : Why should you assume?

Pandit Shri Ram Sharma : Has any proportion been fixed for other communities for recruitment in the Police Department?

Parliamentary Secretary : No particular percentage is fixed.

DACOITIES IN LUDEHIANA DISTRICT.

*5446. **Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

(a) the number of murders and dacoities committed in the Ludhiana district from January, 1939, to July, 1939;

(b) how many of these cases remained untraced with the reasons for which these cases remained untraced;

- (c) the findings of the courts in the cases of murders and dacoities which were traced and challaned by the police; and the period for which inquiry into each case lasted;
- (d) the name or names of the police stations in the Ludhiana district in the jurisdiction of which the number of murders and dacoities increased during this period with the reasons for this increase?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) Murders 27; dacoities 13.

(b) Murders 4, dacoities 2. Investigation failed to provide a clue.

(c) Twenty-one cases of murder were traced and sent for trial. Eight resulted in conviction and five in acquittal. Eight are pending.

Four cases of dacoity were traced and sent for trial. Two resulted in conviction and two are pending.

Statements are laid on the table showing the period the inquiry lasted in each case of murder and dacoity separately.

(d) The following police stations showed an increase in the period mentioned:—

Murders.—Ludhiana City, Ludhiana Sadr, Raikot, Dehlon, Dakha and Sahnewal.

Dacoities.—Ludhiana Sadr, Khanna, Dehlon, Dakha, Shehna and Sahnewal.

The increase in murder is general throughout the province. In regard to this a reference is invited to the last Report on Police Administration in the Punjab and the Government review thereon. The increase in dacoity in Ludhiana is due to the presence in the district and in neighbouring districts and states of a number of desperate proclaimed offenders for whose capture special measures are being taken.

Chaudhri Muhammad Hasan: Has the Government ever considered the desirability of ascertaining the reasons for the increase in crime in this particular district?

Mr. Speaker: Has not the Parliamentary Secretary answered that point?

Chaudhri Muhammad Hasan: He has said, "throughout the province."

Mr. Speaker: He said, "adjoining districts and states."

Chaudhri Muhammad Hasan: My question is, has he been able to ascertain the reasons for increase in crime so far as this district is concerned?

Parliamentary Secretary: I have already stated that the increase in dacoity in Ludhiana is due to the presence in the district and in the neighbouring districts and states of a number of desperate proclaimed offenders for whose capture special measures are being taken.

Chaudhri Muhammad Hasan : Has it come to the notice of the Government that the chief reason for this state of affairs is the association of the police officers with bad characters and the absconders ?

Parliamentary Secretary : I strongly repel the insinuation.

Lala Duni Chand : Is the Government aware of the fact that the serious crime in Ludhiana district has reacted upon the adjoining districts of Ambala and, if so, what steps the Government proposes to take to stop this reaction ? This is a most important question.

Parliamentary Secretary : My honourable friend is welcome to draw any conclusions.

Chaudhri Muhammad Hasan : Does the Government receive quarterly or half-yearly reports from the Ludhiana district regarding the increase in crime ?

Parliamentary Secretary : Reports are received from all districts in the ordinary course but if my honourable friend wants to know about any particular report about Ludhiana district, he should give notice.

Chaudhri Muhammad Hasan : Has the Government ever considered the desirability of sending for reports from the Superintendent of Police regarding the reasons for the increase in crime ?

Parliamentary Secretary : The reasons have already been stated.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary ever tried to ask the Superintendent of Police for a periodical report as to the increase in crime ?

Parliamentary Secretary : If there are any special reasons, the Government asks for a special report.

Pandit Muni Lal Kalia : Is the Parliamentary Secretary sure that periodical reports from the police are received by the Government ? Do they receive them from every district fortnightly and monthly ?

Parliamentary Secretary : My honourable friend from Ludhiana referred to special reports. I have stated that when there is abnormal increase in crime in a particular district, special reports are called for. In the ordinary course reports are sent by the district authorities to the headquarters periodically.

Pandit Muni Lal Kalia : Is he aware that in murder and dacoity cases, reports are sent to headquarters as special reports.

Parliamentary Secretary : Yes.

Pandit Muni Lal Kalia : Then for what purpose does he require notice about the question put by Chaudhri Muhammad Hasan ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Has it come to the notice of the Parliamentary Secretary that during the visits of the Honourable Ministers to the Ludhiana district, the people of that district complained to them about the increase in crime and against the police officers ?

Parliamentary Secretary : I am not aware of it. But if my honourable friend gives notice, I shall collect the information.

Murders in the Ludhiana district from 1st January, 1989 to 31st July, 1989.

Case number and police station.	Date of challan. Date of judgment.		REMARKS.
	Period during which enquiry lasted.		
1	2		3
1. City Ludhiana .. No. 125 ..	15-5-39	10-8-39	
2. City Ludhiana .. No. 129 ..	29-5-39	28-9-39	
3. Shehna .. No. 15 ..	20-3-39	24-5-39	
4. Sahnewal .. No. 29 ..	27-6-39	26-10-39	
5. Sadr Ludhiana .. No. 75 ..	12-6-39	1-9-39	
6. Sahnewal .. No. 10 ..	18-3-39	14-6-39	
7. Jagraon .. No. 9 ..	20-2-39	19-6-39	
8. Raikot .. No. 79 ..	28-7-39	12-10-39	
9. Dehlon .. No. 15 ..	4-4-39	26-7-39	
10. Dakha .. No. 11 ..	31-3-39	21-6-39	
11. Raikot .. No. 30 ..	18-5-39	27-6-39	
12. Dehlon .. No. 29 ..	15-5-39	1-8-39	
13. Sadr Ludhiana .. No. 46 ..	29-4-39	19-8-39	
14. Sadr Ludhiana .. No. 45 ..	17-3-39	..	Pending in court.
15. Raikot .. No. 28 ..	28-7-39	..	Ditto.
16. Dehlon .. No. 45 ..	Accused is absconding. Proceedings u/s 512, Criminal Procedure Code, are being taken.		
17. Sahnewal .. No. 25 ..	3-6-39	..	Pending in court.
18. Sadr Ludhiana .. No. 72 ..	14-6-39	..	Ditto.
19. Raikot .. No. 52 ..	20-6-39	..	Ditto.
20. Raikot .. No. 77 ..	18-8-39	..	Ditto.
21. Dakha .. No. 25 ..	22-4-39	..	Ditto.

Dacoities in the Ludhiana district from 1st January to 31st July, 1939.

Case number and police station.	Date of challan. Date of judgment.		REMARKS.
	Period during which enquiry lasted.		
1	2		3
1. Dehlon .. No. 9	31-6-39	28-9-39	Pending in court. Ditto.
2. Sidhwan Bet .. No. 32	10-7-39	1-9-39	
3. Dehlon .. No. 25	30-5-39	..	
4. Shehna .. No. 34	2-10-39	..	

TRAVELLING ALLOWANCE DRAWN BY SUPERINTENDENT, POLICE,
LUDHIANA.

***5447. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state the amount of travelling allowance drawn by the Superintendent of Police, Ludhiana, from January to July, 1939?

Parliamentary Secretary (Shaikh Faiz Muhammad): Rupees 1,651-2-0. (This includes certain transfer charges.)

ABSCONDERS.

***5448. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- the names of absconders, if any, whom the Ludhiana police has not been able to arrest so far;
- the place or places to which these absconders belong and the nature of the offence which they committed before absconding, with the name of the police stations in the jurisdiction of which the offences were committed by these absconders;
- the number of raids that were arranged by the Superintendent of Police, Ludhiana, in pursuit and for the arrest of these absconders from January, 1939, to August, 1939, and again from August, 1939, to the end of October, 1939?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)

- (a) and (b) A statement¹ is laid on the table.

¹Placed in the Assembly Library.

(c) Raids are made almost daily from the various police stations and from district headquarters in the hope of arresting one proclaimed offender or another. To prepare a complete list of these would entail an expenditure of time and labour out of all proportion to the results to be secured.

Chaudhri Muhammad Hasan : I have asked about the raids arranged by the Superintendent of Police, Ludhiana. Are they too many to be numerated ?

Parliamentary Secretary : Raids made are certainly too many to be numerated here.

Chaudhri Muhammad Hasan : I do not want to know about the raids made by other police officers, but I want to know the number of raids made by the Superintendent of Police.

Parliamentary Secretary : Raids are made under the directions of the Superintendent of Police.

Chaudhri Muhammad Hasan : I want to know the number of raids in which he himself accompanied the raiding party.

Parliamentary Secretary : Is it a matter of such importance that my honourable friend wants information particularly ?

Chaudhri Muhammad Hasan : It is very important because it is on account of lack of supervision that the crime is increasing in that particular part.

Parliamentary Secretary : The question put by my honourable friend related to the raids arranged by the Superintendent of Police, that is, under the instructions of the Superintendent of Police and not directly guided by him.

Lala Duni Chand : May I know if an absconder from the Ludhiana district escapes into the adjoining States like Nabha and Patiala, what steps the Government takes to prevent this escape ?

Mr. Speaker : Disallowed.

Chaudhri Muhammad Hasan : Is the list of absconders very large as compared with other districts ?

Parliamentary Secretary : I require notice.

Chaudhri Muhammad Hasan : Is it correct that there are about 300 absconders in the Ludhiana district ?

Parliamentary Secretary : Yes, probably the figure is correct.

Chaudhri Muhammad Hasan : The Parliamentary Secretary has himself supplied a list to me.

Parliamentary Secretary : If the honourable member has got a list with him, why should he ask this question ?

Chaudhri Muhammad Hasan : Is that list correct ?

Parliamentary Secretary : Certainly, it is correct.

Chaudhri Muhammad Hasan : What special measures have been adopted to arrest those absconders ?

Parliamentary Secretary : I have said that raids are made almost every day to arrest those absconders.

Chaudhri Muhammad Hasan : How many raids have been made in the month of August ?

Parliamentary Secretary : It is not possible to give the exact number.

Lala Duni Chand : Has the fact that there are as many as 300 absconders weighed upon the mind of the Government, and if so, how does the Government try to get rid of that burden on its mind ?

Mr. Speaker : Disallowed.

**DEGRADATION OF SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS
OF POLICE.**

***5450. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state—

(a) the number of sub-inspectors and assistant sub-inspectors of police who were degraded during the year 1938-39 and the grounds on which they were degraded ;

(b) how many of the degraded officers mentioned above have appealed for reinstatement ;

(c) the action taken on their appeals ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
A statement is laid on the table.

Punishment.	Number and rank.	Cause.	Whether an appeal was preferred or not.	Result of appeal.
1	2	3	4	5
Dismissal ..	1 Sub-Inspector	Gross slackness and absence from duty.	Yes ..	Rejected.
	1 Sub-Inspector	Making a false statement in court resulting in the failure of a murder case.	Yes ..	Rejected.
	1 Sub-Inspector	Dishonestly burking a case under section 411, Indian Penal Code.	Yes ..	Rejected.
	1 Sub-Inspector	Incorrigible corruption and inefficiency.	Yes ..	Rejected.
	1 Sub-Inspector	Ditto ..	Yes ..	Rejected.
	1 Sub-Inspector	Ditto ..	Yes ..	Reinstated.
	1 Sub-Inspector	Negligence in the performance of duty and burking of crime.	Yes ..	Rejected.

Punishment.	Number and rank.	Cause.	Whether an appeal was preferred or not.	Result of appeal.
1	2	3	4	5
Dismissal— cond.	1 Sub-Inspector	Deliberately delaying the registration of a murder case, and making a false report about it in the Daily Diary register knowing it to be false.	Yes ..	Reinstated with the forfeiture of ten years' service.
	1 Assistant Sub-Inspector.	Absence without leave	No ..	No appeal was filed.
	1 Assistant Sub-Inspector.	Gross misconduct and insubordination in making serious allegations against a gazetted officer which he failed to substantiate.	Yes ..	Under consideration.
	1 Assistant Sub-Inspector.	Absence without leave and gross breach of discipline.	Yes ..	Rejected.
Discharge during period of probation.	1 Assistant Sub-Inspector.	Inefficiency ..	No appeal lies.	
Reduction ..	1 Sub-Inspector	Commission of irregularities during the investigation of a theft case.	Resigned.	
	1 Sub-Inspector	General inefficiency and corruption.	Yes ..	Rejected.
	1 Assistant Sub-Inspector.	Making a false entry in the daily diary.	Yes ..	Rejected.
	1 Assistant Sub-Inspector.	Suppression of the real facts of a false case to save two constables.	Yes ..	Rejected.
	1 Assistant Sub-Inspector.	Extreme slackness while in charge of a Police Station.	Yes ..	Order of reduction modified to one of forfeiture of five years' approved service.
	1 Assistant Sub-Inspector.	Production of a false certificate to draw home allowance.	No	

[S. B. S. Ujjal Singh.]

Punishment.	Number and rank.	Cause.	Whether an appeal was preferred or not.	Result of appeal.
1	2	3	4	5
Reversion of officiating officers to lower rank.	1 Sub-Inspector	Inefficiency ..	No appeal lies.	
	1 Sub-Inspector	Do ..	Ditto.	
	1 Sub-Inspector	Do. ..	Ditto.	
	1 Sub-Inspector	Slackness and corruption.	Ditto.	
	1 Sub-Inspector	Slackness, incompetence and bad reputation.	Ditto.	
	1 Sub-Inspector	Deliberately making a false statement in a court in a murder case.	Ditto.	
	8 Assistant Sub-Inspectors.	Inefficiency ..	Ditto.	
	1 Assistant Sub-Inspector.	Corruption and inefficiency.	Ditto.	
	1 Assistant Sub-Inspector.	Doubtful honesty and morals.	Ditto.	
	1 Assistant Sub-Inspector.	Following conviction for taking a bribe.	Ditto.	
	1 Assistant Sub-Inspector.	For making unsubstantiated serious allegations against a superior officer.	Ditto.	
	1 Assistant Sub-Inspector.	For making false entry in a daily diary.	Ditto.	
	1 Assistant Sub-Inspector.	Cowardice in deserting a party of police who had been attacked by certain accused persons.	Ditto.	

REPRESENTATION OF MOTOR UNION, SHEIKHUPURA, TO SUPERINTENDENT OF POLICE, SHEIKHUPURA.

***5451. Shrimati Raghbir Kaur :** Will the Hon'ble Minister for Public Works be pleased to state whether members of the Motor Union, Sheikhpura, sent a representation to the Superintendent of Police, Sheikhpura, on 8rd March, 1939, requesting him to check the motor drivers from taking passengers from public places, bazars, and roads and to prevent the contractors from charging fee for passengers taken from outside of the limits of the lorry stands; if so, the action taken on that representation?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Yes. On receipt of the representation the Superintendent of Police issued orders to the officers concerned explaining the legal position and requiring them to take appropriate action.

LORRY STANDS AT SHEIKHUPURA AND CHUHARKANA.

***5452. Shrimati Raghbir Kaur :** Will the Hon'ble Minister for Public Works be pleased to state—

(a) whether it is a fact that the Municipal Committees of Sheikhpura and Chuharkana and the District Board of Sheikhpura have been auctioning their lorry stands for a long time; if so, the amounts received by these three local bodies, separately, from the auction of each lorry stand, annually, from 1934-35 to 1938-39;

(b) how much money has been spent on each lorry stand, annually, by the above-named local bodies from 1934-35 to 1938-39;

(c) whether it is a fact that the local bodies of the Sheikhpura district have not cared to keep these lorry stands in a serviceable condition during this period; if so, the action Government propose to take in the matter;

(d) whether the Punjab Motor Union (registered) recently sent a representation to the Punjab Government complaining against the manner in which these lorry stands are auctioned and the high-handedness of their contractors and requesting them to take necessary action under their instructions issued in October, 1939, if so, the action taken on that representation?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) A statement is laid on the table.

(c) Yes. The matter is under the consideration of Government.

(d) No such representation seems to have been made recently, but Government have received a number of complaints from the Union in the past regarding the administration of the stands at various places. So far as the local bodies in the Sheikhpura district are concerned the statement now placed on the table makes it clear that the local authorities have been deriving a large profit from the stands. Government are taking the matter up with the Commissioner and Deputy Commissioner.

[Sh. Faiz Muhammad.]

Statement showing the figures of income and expenditure on the lorry stands of the Local Bodies of the Sheikhupura district.

Serial No.	Name of the Local Bodies.	Name of the stand.	Period.	Income	Expenditure.	REMARKS.
1	2	3	4	5	6	7
				Rs.	Rs. A. P.	
1	District Board, Sheikhupura	Shahdara ..	1934-35 ..	7,350	66 10 0	
			1935-36 ..	2,600	25 5 0	
			1936-37 ..	4,300	..	
			1937-38 ..	3,600	94 1 0	
			1938-39 ..	3,600	..	
		Muridke ..	1934-35 ..	475	66 9 0	
			1935-36 ..	400	25 5 0	The stand was transferred to the newly constituted Notified Area Committee at Muridke Mandi during 1938-39.
			1936-37 ..	380	..	
			1937-38 ..	800	194 1 0	
			1938-39 ..	..	..
		Bucheki ..	1934-35 ..	220	..	
			1935-36 ..	500	25 5 0	
			1936-37 ..	550	..	
			1937-38 ..	700	..	
			1938-39 ..	575	..	
		Mangtanwala.	1934-35 ..	225	66 9 0	
			1935-36 ..	440	25 4 0	
			1936-37 ..	1,075	..	
			1937-38 ..	1,275	194 3 0	
			1938-39 ..	1,000	..	

Statement—concl'd.

Serial No.	Name of the Local Bodies.	Name of the stand.	Period.	Income.	Expenditure.	REMARKS.
1	2	3	4	5	6	7
2	Municipal Committee, Sheikhpura.	Sheikhpura.	1934-35 ..	Rs. 4,744	Rs. A. P. 365 0 0	In addition to the expenditure noted in column 6 the Committee has engaged a sweeper and a Bahishti for the torry stand at Rs. 10 and Rs. 8 per mensem, respectively.
			1935-36 ..	3,024	2,618 0 0	
			1936-37 ..	3,900	214 0 0	
			1937-38 ..	2,800	70 0 0	
			1938-39 ..	4,200	100 0 0	
3	Town Committee, Chuaharkana.	Chuaharkana.	1934-35 ..	3,155	460 0 0	
			1935-36 ..	1,500	..	
			1936-37 ..	1,600	..	
			1937-38 ..	3,000	..	
			1938-39 ..	2,200	..	

REVISION OF TERMINAL TAX IN LAHORE AND AMRITSAR.

*5465. **Sardar Sahib Sardar Santokh Singh:** Will the Hon'ble Minister for Public Works be pleased to state—

(a) whether it is a fact that in spite of the restrictions placed under the Government of India Act, 1935, on the revision of the terminal tax schedule, the Administrator, Lahore Municipality had during the last two years revised the rates of the terminal tax for imports into Lahore, and if so, under what authority such changes have been brought about;

(b) whether it is a fact that the Textile Manufacturers Association, Amritsar, has been repeatedly representing to the Government for the last three years or so the hardship caused to the industry at Amritsar on account of rate of tax being higher on yarns than on piecegoods; if so when do the Government intend to redress this legitimate grievance of the textile industry at Amritsar?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Yes. The power conferred by section 148 (2) of the Government of India Act, 1935, includes the power to levy terminal tax at a rate lower than that obtaining on the 31st March, 1937.

(b) Yes. The matter is engaging the attention of the Municipal Committee in connection with the preparation of a new schedule of rates for octroi (without refunds). It has been pointed out to the committee that, if there is likely to be any delay in the submission of proposals relating to the imposition of octroi (without refunds), the Government of India Act, 1935, is no bar to a reduction in the existing rate of terminal tax on any articles already included in the schedule.

REPRESENTATION OF SCHEDULED CASTES IN MUNICIPAL COMMITTEE, JULLUNDUR.

***5470. Seth Kishan Das:** Will the Hon'ble Minister of Public Works be pleased to state—

(a) the total population in Jullundur city and the population of the scheduled castes, therein ;

(b) whether it is a fact that before nominations were made recently to the Jullundur Municipal Committee, the Punjab Ad-dharm Achhut Federation had passed a number of resolutions at its meetings held on different dates prior to the date when these nominations were gazetted and had also forwarded copies of these resolutions to the Hon'ble Minister and other authorities concerned requesting therein that a member of the scheduled castes be also nominated to the committee to safeguard their interests ;

(c) whether it is also a fact that on 28th April, 1939, an application for nomination to the municipal committee of an achhut candidate named Master Atma Ram was submitted to the authorities concerned by the Punjab Ad-Dharam Achhut Federation, Jullundur city, and that the application was not entertained and further that no member of the scheduled castes was nominated ; if so, the reasons therefor ;

(d) whether he is aware of the fact that the achhuts have such interests in the said municipality owing to their large population in the city as require a representative of theirs to safeguard them ;

(e) if the answers to the foregoing parts be in the affirmative, the action the Government proposes to take to redress the grievances of the achhuts of Jullundur in this matter, and if no action is contemplated, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) According to 1931 census, the population of the Jullundur municipality is 74,295. of which 2,492 belong to scheduled castes.

(b) Yes.

(c), (d) and (e) An application suggesting the name mentioned by the honourable member was received by the Deputy Commissioner. In making his nominations the Commissioner had carefully considered the claims of the scheduled castes. Government see no reason to interfere.

Lala Duni Chand : Is it true that the test of physical fitness does not prevent the Government from nominating *achhut* candidates on the Jullundur District Board ?

Mr. Speaker : Disallowed.

Minister : I say that there is a mental test laid down for all local bodies, but there is no such test as physical fitness.

Lala Duni Chand : Does the Government realise the absurdity of physical test ?

Minister : It is for police and other services and not for local bodies.

Lala Harnam Das : Is it a fact that the President of the Ad-Dharam Achhut Federation of the Jullundur city was nominated by the Government to the District Board, Hoshiarpur, so that he may not carry on agitation and endanger the position of the Government ?

Mr. Speaker : Disallowed.

PUBLIC WELL IN GALI BHATTAN IN JULLUNDUR CITY.

*5471. **Seth Kishan Das :** Will the Hon'ble Minister of Public Works be pleased to state—

(a) whether it is a fact that a public well situated in Gali Bhattan near Lal Bazar in the Jullundur municipality was thrown open to the Achhuts according to Punjab Government circular Nos. 15728, 15729/1580, C-88, and a sign-board to this effect was put up on the well by the local authorities ;

(b) whether it is a fact that the Hindus of the city of Jullundur have removed the above named sign-board in defiance of Government circular and have not only prevented the Achhuts from drawing water but have also erected a wall around it ;

(c) whether it is a fact that the Punjab Ad-Dharm Achhut Federation, Jullundur city, submitted representation to this effect on 15th July, 1939, Nos. 181/182, to the Deputy Commissioner, Jullundur, and the President, Jullundur Municipality, and sent reminders Nos. 206/207 to them which have been ignored and the matter has not been decided so far ;

(d) if the answers to the foregoing parts be in the affirmative, the action Government proposes to take to redress the grievances of the Achhuts of Jullundur in the matter ; and if no action is contemplated, the reasons therefor ?

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

(b) Yes.

(c) Representations were received. The Municipal Committee felt itself unable to do anything further in the matter and advised the Secretary of the Federation to seek the help of the police.

(d) Now that the matter has been brought to notice, steps will be taken to redress the grievances of the achhuts.

MOTOR LORRY ACCIDENTS.

***5479. Dr. Sant Ram Seth:** Will the Hon'ble Minister of Public Works be pleased to state—

(a) the number of motor lorry accidents that took place during the period from April last to October, 1939, in the province;

(b) the number of persons who died and who received injuries as a result of these accidents and also the number of lorry drivers who were convicted by the courts on having been held responsible for these accidents?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) Figures for the quarter ending 30th September are still in course of compilation. During the quarter ending 30th June, 239 accidents were reported resulting in the death of 58 persons and injury to 293 others. At the time when the statistics were collected 23 cases had resulted in conviction, and 10 in the acquittal or discharge of the accused. One hundred and twenty-six were pending.

REPRESENTATIONS OF CHUHAR CHAK TO REMOVE PUNITIVE POLICE FORCE POSTED AT CHUHAR CHAK, FEROZEPUR DISTRICT.

***5484. Sardar Rur Singh:** Will the Hon'ble Minister of Public Works be pleased to state—

(a) whether it is a fact that representations have been made by the inhabitants of Chuhar Chak, tahsil Moga, district Ferozepore, to remove the punitive police force posted at Chuhar Chak, Dhudike, to Deputy Commissioner, Ferozepore district, Hon'ble Premier and Hon'ble Minister of Revenue;

(b) if so, the action contemplated to be taken in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The honourable member is invited to refer to the answer given to his question *4301 during the last Budget session.

REPRESENTATION REGARDING USING OF MOTOR STANDS BY THE LAHORE MUNICIPALITY.

***5499. Maulvi Mazhar Ali Azhar :** Will the Hon'ble Minister of Public Works be pleased to state whether it is a fact that the Punjab Motor Union (registered, Lahore, recently made a representation to the Government alleging therein that the Lahore Municipality, contrary to the definite instructions issued by the Government in their letter No. 6877-H.-37/37180, dated 29th October, 1937, is using the stands in the municipal area as a source of income without providing any facilities to the public and lorry wallas, if so, the action taken by the Government on that representation ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The representation has been forwarded to the Commissioner, with the request that he will have the complaint investigated and take such action as he may find appropriate.

**USING OF PUBLIC PLACES IN LAHORE MUNICIPALITY
FOR COLLECTING PASSENGERS FOR MOTOR
LORRIES.**

***5500. Maulvi Mazhar Ali Azhar :** Will the Hon'ble Minister of Public Works be pleased to state—

(a) whether it is a fact that the P. B. Motor Union (registered), Lahore, recently made a representation to the Government, A.I.G., Police Traffic, and the district officials, Lahore district, alleging that the public places in Lahore municipal area are being used for collecting passengers without the approval of the registering authority, Lahore, as required by rule 58-A, Pb. Motor Rules, 1931, read with section 2 (24) of the Motor Vehicle Act 1939 ;

(b) if the answer to (a) above be in the affirmative, the action taken by the Government to check the daily breach of law ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No representation seems to have been received recently apart from that mentioned in the honourable member's last question.

(b) Does not arise.

RECRUITMENT OF ACHHUTS IN THE POLICE.

***5503. Chaudhri Faqir Chand :** Will the Hon'ble Minister for Public Works be pleased to state whether the Superintendents and Deputy Superintendents of Police in the Punjab have been given any instructions by the Punjab Government to recruit more Achhuts to the Police force ; if so, the action taken by them in compliance with those instructions and the number of Achhuts recruited so far throughout the Punjab after these instructions were issued ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Yes. last year eleven members of the scheduled castes were recruited. For the current year to date the figure is eighteen.

VOTING OF MONEY FOR WAR BY LOCAL BODIES IN PUNJAB.

***5509. Sardar Sohan Singh Josh:** Will the Hon'ble Minister for Public Works be pleased to state the names of the district boards and municipal committees in the Punjab that have voted money for the purposes of war since the 8th September up to date and the total amount so voted by all these local bodies?

Parliamentary Secretary (Shaikh Faiz Muhammad): As Government have decided that local bodies should not be allowed to contribute towards war funds, I trust the honourable member will agree that it is not necessary to collect the information asked for by him.

Sardar Sohan Singh Josh: How many district boards have voted money for the purpose of War?

Parliamentary Secretary: Some of the district boards did vote money but Government did not accord its sanction because no money can be given for the purpose without the sanction of the Government. As Government did not receive any amount it is hardly necessary to collect the information.

Sardar Sohan Singh Josh: How many district boards in all have voted money for war?

Parliamentary Secretary: I have already stated that no useful purpose would be served by collecting the information. The Government have decided that district boards are not to be allowed to vote money for this purpose and, therefore, if any board has voted any money the Government is sure to suspend that resolution. Thus there was no need to collect the required information.

MURDERS IN ROHTAK DISTRICT.

***5520. Lala Deshbandhu Gupta:** Will the Hon'ble Minister of Public Works be pleased to state—

- (a) the number of murders that have taken place in the Rohtak district during the last two years;
- (b) the number of persons challaned and convicted for these murders;
- (c) whether it is a fact that in many murder cases police has not been able to arrest the alleged offenders;
- (d) the number of such alleged offenders who have been declared by the courts as absconders;
- (e) whether it is a fact that their number is increasing every month and a feeling of insecurity prevails in the public due to the failure of the police in arresting the culprits;
- (f) if the answer to the above be in the affirmative, what steps Government has taken or proposes to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

- (a) 78.
 (b) Challenged 97. Convicted 26.
 (c) No. Only two men wanted (in a single case) are at large.
 (d) Two.
 (e) No.
 (f) Does not arise.

METALLED ROADS IN PAKPATTAN TAHSIL.

***5535. Mian Sultan Mahmud Hotiana:** Will the Hon'ble Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that no metalled road connects the Beit area of tahsil Pakpattan with any market town;
 (b) whether he is aware of the fact that the inhabitants of the above-named area are put to a great deal of inconvenience for want of a metalled road; if so, the action Government proposes to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) No—Three metalled roads are fairly close to the Beit area and connect it with Burewala, Arafwala and Pakpattan towns and they are:—

- (i) Arafwala-Fitna-Jamlara road,
 (ii) Arafwala-Qabula road, and
 (iii) Jamlara-Mana-Burewala road.

(b) As compared with other tahsils of the district this area has greater length of metalled roads approaching it and the inhabitants of the ilaqa have sufficient facilities for bringing their produce to markets. No further action is proposed to be taken in the matter.

REPRESENTATION OF MUSLIMS IN DISTRICT BOARD, MONTGOMERY.

***5536. Mian Sultan Mahmud Hotiana:** Will the Hon'ble Minister of Public Works be pleased to state—

- (a) the proportion of each community in the population of the Montgomery district;
 (b) the communal representation among the elected members of the Montgomery District Board;
 (c) whether it is a fact that the Muslims according to their population are not fully represented on the said district board; if so, what action, if any, Government propose to take in the matter to remove the grievances of the Muslims in this connexion permanently, and if no action is contemplated, the reasons therefor?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The population of each community within the district board areas is:—

Muslims	..	..	..	675,198
Sikhs ..	..	..	..	142,325
Hindus and others	..	..	..	129,675

(b) In the last general elections held in 1935, the number of elected members of each community was:—

Muslims	..	..	..	19
Sikhs ..	..	..	..	6
Hindus and others	..	..	..	2

(c) The Muslims secured full representation according to the formula adopted by Government, based on the mean of population and voting strength.

SHIFTING OF POLICE STATION TO KABULA.

***5542. Mian Sultan Mahmud Hotiana:** Will the Hon'ble Minister of Public Works be pleased to state whether it is a fact that Kabula in the Pakpattan tahsil of the Montgomery district, to which place the police station was shifted some time ago, is situated in a corner of the *ilaga* under the jurisdiction of the said police station and that in the absence of satisfactory traffic arrangements in the *ilaga* the officers and the public are put to great inconvenience in reaching the police station; if so, the action intended to be taken in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The area included in the Maluka police station forms an irregularly shaped quadrilateral. Maluka is in the centre of the eastern half of the quadrilateral, whilst Qabula may be described as being slightly north-west of the centre of the western half. Maluka is a village with no amenities of any kind. Qabula, on the other hand, is the headquarters of a sub-tahsil, is connected by a metalled road with Arafwala (nine miles away), and contains a post office, a dispensary, a school and a rest-house. It is thus far more suitable as the headquarters of the police station than Maluka.

REPRESENTATION OF SCHEDULED CASTES ON MUNICIPAL COMMITTEE, JULLUNDUR.

***5544. Lala Harnam Das:** Will the Hon'ble Minister of Public Works be pleased to state—

- the population and voting strength of scheduled castes within the Municipal Committee, Jullundur city;
- the number at present of nominated members in the above-mentioned municipal committee;

- (c) whether it is a fact that no representative of the scheduled castes has been nominated as a member of that committee, if so, the reasons for the same?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) According to the Census of 1931 there are 2,492 members of scheduled castes in the Jullundur municipality. The number of voters is 1,074.

(b) Three.

(c) The answer to the first part is in the affirmative. The Commissioner had carefully considered the claims of the scheduled castes before making the nominations.

Sardar Mula Singh : May I ask whether any achhut offered himself as a candidate for nomination?

Parliamentary Secretary : I want notice of that question.

Sardar Mula Singh : Will the parliamentary secretary be pleased to state whether the Ad Dharam Federation, Jullundur, recommended anybody to the Deputy Commissioner for nominating him as a member of the committee?

Parliamentary Secretary : Again I must ask for notice.

Lala Harnam Das : Will the parliamentary secretary be pleased to state whether the population of any city includes more achhuts than that of Jullundur?

Parliamentary Secretary : I do not carry the whole Census Report in my head. The honourable member can find it out for himself.

Lala Harnam Das : Is not the population of the achhuts in Jullundur enough to necessitate the nomination of a member from among them?

Lala Harnam Das : How long will the Government continue to mince matters like this?

Mr. Speaker : Disallowed.

SCHEDULED CASTES' YOUNG MEN RECRUITED IN POLICE DEPARTMENT.

***5546. Bhagat Hans Raj :** Will the Hon'ble Minister of Public Works be pleased to state—

- (a) the total number of scheduled castes' young men recruited so far in the Police department during the current year ;
- (b) whether there are any scheduled castes' qualified young men registered for recruitment by the Superintendent, Police, Sialkot, since September, 1933 ; if so, the reasons for not recruiting them ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a) Eighteen men of the scheduled castes have been recruited as constables in the Punjab police during the current year, including two in the Sialkot district.

[S. B. S. Ujjal Singh.]

(b) Two members of the scheduled castes have been registered as candidates in the Sialkot district since September, 1938, but these particular two have not been recruited, as candidates with better qualifications were available.

Bhagat Hans Raj : May I know if the conditions for recruitment are the same throughout the province or vary from district to district ?

Parliamentary Secretary : They are the same throughout the province.

Bhagat Hans Raj : If so, may I know the reasons as to why these two young men, when they have been put up so many times after their medical examination by the Civil Surgeon, have been rejected by the Superintendent of Police ?

Parliamentary Secretary : Reasons have been given in the reply and if my honourable friend has any particular complaint and brings it to the notice of the Government, the matter will be looked into.

Bhagat Hans Raj : May I know why after the medical test by the Civil Surgeon and the report of the Deputy Superintendent of Police these men were not considered suitable for recruitment ?

Parliamentary Secretary : I have already stated the reasons for not recruiting those two particular candidates, but if the honourable member has any particular complaint and prefers it to the Honourable Minister, he will look into the matter and take action.

Bhagat Hans Raj : It is quite evident from the question. May I know the reasons why for full one year these two young men have not been taken ?

Parliamentary Secretary : The reason as has already been stated is that candidates with better qualifications were available.

Bhagat Hans Raj : May I know what those better qualifications are which the young men must possess ? They are both matriculates and have passed the medical test.

Parliamentary Secretary : It is not possible for me to lay down on the floor of the House the particular qualifications. I have stated in reply that as better candidates were available, these two men who were registered in September 1938 have not so far been recruited.

Bhagat Hans Raj : May I know whether they were not recruited simply because they belonged to the scheduled castes ?

Parliamentary Secretary : I have stated that eighteen men belonging to the scheduled castes have been recruited during the current year, so my honourable friend's reference is not correct.

Bhagat Hans Raj : But they do not belong to the Sialkot district.

Parliamentary Secretary : According to the information I have there two candidates of the scheduled castes were recruited in the Sialkot district.

Bhagat Hans Raj : They are from some other district and not from Sialkot.

Parliamentary Secretary : They may have come from some other districts, but they were recruited by the Superintendent of Police, Sialkot.

Bhagat Hans Raj : Will the Parliamentary Secretary be pleased to state if last year instructions were issued by the Premier that 80 young men belonging to the scheduled classes may be recruited immediately ?

Parliamentary Secretary : If the honourable member gives notice I shall find out, but general instructions have been issued to all the Superintendents of Police to recruit depressed class men in the police if suitable men are available.

Bhagat Hans Raj : May I know if those instructions have not been withdrawn ?

Parliamentary Secretary : They do stand and they are being acted upon.

Lala Duni Chand : Just as Government registers young men for military purposes, will the Government consider the feasibility of registering suitable young men from among the achhuts for the purpose of recruitment ?

Mr. Speaker : This is a request for action. Disallowed.

Lala Duni Chand : I did not make any request. What I asked was—

Mr. Speaker : No more discussion please.

Lala Duni Chand : Since the present Government came into power and since the achhuts have come forward to make a demand for their share in Government services, has Government ever considered the question of preparing a list of suitable young men for the police service ?

Parliamentary Secretary : Government has not so far considered the question.

Lala Duni Chand : Will Government be pleased to consider it ?

Mr. Speaker : That is a request for action.

SCHEDULED CASTE PANCHAYAT OFFICERS.

***5548. Bhagat Hans Raj :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the educational qualifications of the scheduled caste panchayat officers and assistant panchayat officers appointed recently ;
- (b) the names of the scheduled castes to which they belong ;
- (c) the districts to which these panchayat officers have been posted ?

Parliamentary Secretary (Shaikh Faiz Muhammad): A statement giving the required information is laid on the table.

Statement.

Serial No.	Name and designation.	Qualifications.	Community.	District to which posted.
1	2	3	4	5
1	Ram Singh Bahmani, Panchayat Officer.	(i) Studied up to Degree Standard. Failed in the B.A. Examination of the Delhi University. (ii) Nominated member of District Board, Hissar.	Chammar ..	Lahore.
2	Swatan Das, Assistant Panchayat Officer.	(i) Studied up to Matriculation Standard. (ii) General Secretary, Punjab Provincial Depressed Classes Association, Lahore. (iii) Vice-President, All-India Depressed Classes League, Delhi.	Chammar ..	Attached to the Office of the Director of Panchayat for the present.
3	Hazara Ram, Assistant Panchayat Officer.	(i) Studied up to Matriculation Standard. (ii) General Secretary Punjab Ad-Dharmi Federation, Jullundur.	Ravidasia Dharmi. Ad.	Ditto.
4	Brahmanand, Assistant Panchayat Officer.	Passed the Matriculation Examination of the Punjab University.	Chammar ..	Ditto.

Bhagat Hans Raj: Will the Parliamentary Secretary be pleased to state why almost all the scheduled caste panchayat officers have been appointed from the Ambala division?

Parliamentary Secretary: No, the honourable member's information is not correct. All of them do not belong to the Ambala division; some of them have been appointed from the Jullundur division as well.

Bhagat Hans Raj : Is the Parliamentary Secretary aware that only one has been taken from the Jullundur division and the rest belong to the Ambala division only ?

Minister for Public Works : Recruitment was not based on divisions. We recruited the best candidates from wherever they were available.

Bhagat Hans Raj : Is the Honourable Minister aware that except one Assistant Panchayat Officer, Brahma Anand by name, all others are not degree holders, that is some of them are matric plucked and one is B. A. plucked.

Minister : I have stated often here on the floor of the House that we have recruited them because they possess missionary zeal for the welfare of their community and in this case the men recruited possessed missionary zeal for the welfare of the scheduled castes.

Bhagat Hans Raj : Is the Honourable Minister aware that one of the Assistant Panchayat Officers who was once taken in the Industries Department as a matriculate but had been dismissed later on by the Director of Industries when he found out that the man had not passed the matric examination, has now been appointed as an assistant panchayat officer ?

Minister : I have stated that the test we had was missionary zeal and not educational qualifications alone.

Bhagat Hans Raj : Is the Honourable Minister prepared to make an enquiry about what I have said ?

Minister : I am not aware of it, and if any such thing had come to our notice, he would not have been recruited. Even now if such a thing is proved against the man who has been recruited on the assumption that there is nothing against him, he can be dismissed.

Diwan Chaman Lall : May I ask if that was also a test of missionary zeal, deceiving the Director of Industries ?

Minister : When a man appears before us, we find out the record of his antecedents. It is quite likely that some one might have deceived.

Diwan Chaman Lall : On account of missionary zeal ?

Minister : We think that a man is very good, but he may have a bad past.

Lala Duni Chand : May I know if it is not a fact that the stereotype answers which the Honourable Minister is giving do not satisfy anyone, on the other hand, they create a sense of dissatisfaction and should be deprecated ?

Mr. Speaker : Disallowed.

Lala Harnam Das : Is it a fact that out of the candidates who have been appointed as panchayat officers some of them are alleged to have taken part in the agitation against the Government ?

Mr. Speaker : Disallowed.

BUILDING SCHEMES OF MIAN MUHAMMAD RAFI AND OTHERS PASSED BY LAHORE MUNICIPALITY.

***5551. Shaikh Karamat Ali :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that three building schemes, one submitted by Mian Muhammad Rafi, Bar-at Law, for an area of land on Mozang Road, Lahore, and other by Messrs. Shiv Parshad-Banarsi Das for an area of land in Sanatan Dharm College Ground, Lahore and the third by Mian Abdul Rahman, M.A., for an area of land situated between Lytton and Temple Roads, Lahore, were some time ago, sanctioned by the Local Government under section 192 of the Municipal Act; if so the conditions under which these schemes were sanctioned and how long did it take to sanction these schemes, respectively;
- (b) whether he is also aware of the fact that in spite of that sanction Mian Abdul Rahman alone has not been allowed to proceed with the execution of his scheme and that for that reason he has suffered and is suffering a serious financial loss; if so, the reasons for this differential treatment with regard to the scheme submitted by Mian Abdul Rahman and duly sanctioned by the authorities, and whether Mian Abdul Rahman is proposed to be compensated for the loss that he has suffered and is suffering?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The answer to the first part is in the affirmative. No conditions as regards the nature of the buildings to be erected were attached to the scheme of Mian Muhammad Rafi's land. In the scheme for Messrs. Shiv Parshad Banarsi Das it was laid down that the buildings erected in the area would be used for residential purposes only. In the scheme for Mian Abdul Rahman's land, only such buildings were allowed to be erected as were intended for the sale or repair of commodities or for transacting business with or without residential accommodation. The schemes were sanctioned by Government without any avoidable delay.

(b) Government are not aware why building operations were not undertaken on Mian Abdul Rahman's land in accordance with the sanctioned scheme. It was only in June last that Government decided that the proposal of the Lahore Improvement Trust to revoke the scheme should be published for inviting objections. The Administrator, Lahore Municipality, has issued a public notice and objections received by him up to the 1st December 1939 will be duly considered. The Lahore Improvement Trust found the old scheme defective, because *inter alia* the width of the streets was inadequate and no open space had been provided. There is no proposal before Government for granting compensation to Mian Abdul Rahman.

SUB-INSPECTORS OF POLICE BELONGING TO DISTRICT DERA GHAZI KHAN.

***5573. Khan Bahadur Sardar Muhammad Hasan Khan Gurchani :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of sub-inspectors in the Punjab police who belong to the Dera Ghazi Khan district, the number of those among them who are at present serving in the Dera Ghazi Khan district and the number of those serving in other districts of the Punjab ;
- (b) the number of those who do not belong to this district and the number of those among them who have been appointed to this district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The total number of sub-inspectors in the Punjab police is 874, of whom 8 are residents of the Dera Ghazi Khan district. The number of sub-inspectors at present serving in Dera Ghazi Khan is 27. None of these are residents of the district.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : May I know whether the police officers posted to the Dera Ghazi Khan district are sent there by way of punishment ?

Minister : No. We send there selected officers.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : Is that district considered the Andamans of the Punjab ?

Minister : No, Sir.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : May I know whether the police officers are glad to be posted to the Dera Ghazi Khan district ?

Mian Sultan Mahmud Hotiana : May I know whether the claims of all the districts are kept in view at the time of recruitment of inspectors, sub-inspectors and assistant sub-inspectors ?

Parliamentary Secretary : Yes, but no rigid proportions can be fixed for each district.

Mian Sultan Mahmud Hotiana : May I know the reason for that ? Is it not unjust ?

Minister : Proper attention is of course paid to the claims and representations of the various districts. But there is no specific rule fixing the number for every district. There is a selection board which pays due attention to the claims of every part of the province.

Mian Sultan Mahmud Hotiana : May I ask the Honourable Minister whether he is prepared to send definite instructions to the board for paying due attention to the claims of every district.

Minister : Efforts are made to give due representation to all parts of the province, but no definite number can be fixed for any *ilaga*.

Mian Sultan Mahmud Hotiana : May I know as to whether he is prepared to recruit candidates from the unrepresented districts, if suitable candidates are available ?

Minister : I am sure they receive all consideration that they deserve.

Chaudhri Abdul Rahim (Shakargarh) : May I enquire from the Honourable Minister as to whether candidates from those districts only are recruited the people of which can approach the board ?

Minister : I am afraid that is not the case. Candidates are selected on merit. Merit is the primary consideration.

Mian Sultan Mahmud Hotiana : Will the Honourable Minister kindly define the word "merit" which he has used ?

Minister : It is very difficult to define "merit". The honourable member who is a graduate knows it very well.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that not a single Muslim Rajput has been recruited from that district as inspector or assistant sub-inspector or sub-inspector since the advent of the British rule in that district ?

Minister : The question savours of communalism and I cannot reply it on the floor of the House.

ANNUAL RENTAL VALUE OF BUILDINGS AND LANDS ESTIMATED BY
ADMINISTRATOR, LAHORE MUNICIPALITY.

***5574. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state the annual rental value of buildings and lands estimated by the Administrator, Lahore Municipality, for the purposes of assessment of house-tax within the city walls and without the city walls separately ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The annual value of buildings and lands assessed amounts approximately to Rs. 41,00,000 in the intramural area and Rs. 1,36,00,000 in the extramural area, excluding railway property.

APPOINTMENT OF SARDAR NARAIN SINGH AS SUB-REGISTRAR,
GARHSHANKAR.

***5578. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Captain Sardar Narain Singh, who has recently been appointed Sub-Registrar, Garhshankar, is in a sound position financially ;
- (b) whether he is of temperate habits ;
- (c) whether his place of residence is Garhshankar or not ;
- (d) his present age and educational qualifications ;
- (e) the reasons why he has been appointed Sub-Registrar in preference to other candidates ;
- (f) whether it is proposed to allow him to continue in office ?

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

(b) Government have no information to the contrary.

(c) He lives in the tahsil at a convenient distance but will now reside at Garhshankar.

(d) Fifty-two years. He has studied up to the Matriculation standard and knows Urdu and English well.

(e) He was selected on merits.

(f) His appointment is on one year's probation.

SUB-REGISTRAR AT GARHSHANKAR.

***5579. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that since the advent of British rule in India, the post of the Sub-Registrar at Garhshankar has either been held by a Hindu or a Sikh except for a period of a few months when Khan Sikandar Khan was allowed to hold it ; if so, the reasons why a Muslim has never been given a chance to hold the post permanently ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The records from 1891 show that the honourable member's information is correct. It has not been considered necessary to make a research into earlier history. The claims of Muslim candidates were considered when a selection was made recently.

REPRESENTATION OF THE SECRETARY, PUNJAB MOTOR UNION (REGISTERED), LAHORE, TO THE DEPUTY COMMISSIONER, FEROZEPORE.

***5604. Lala Bhagat Ram Choda :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether it is a fact that the Secretary, Punjab Motor Union (registered), Lahore, made a representation personally to the Deputy Commissioner, Ferozepore, regarding :—

(i) the loading and unloading of public motor lorries and buses on footpaths within the municipal area ;

(ii) the auction of lorry stands by the Municipal Committee, Ferozepore, against the instructions of the Government issued on 29th October, 1937, in letter No. 6877-H-37/87180, and

(iii) the continuation of unapproved lorry stands in that district ;

(b) if the answer to part (a) above be in the affirmative the action taken by the authorities ?

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

(b) The Deputy Commissioner has directed the Municipal Committee of Ferozepore to rescind its resolution allowing the use of road berms for loading and unloading passengers, and not to make the auction of motor stands a source of profit.

There are no unapproved lorry stands in the district.

Lala Bhagat Ram Choda : May I enquire as to whether the auction made by the Municipal Committee, Ferozepore, has been approved ?

Parliamentary Secretary : I have already stated that the municipal committee has been directed not to auction these lorry stands for profit.

NORTH-WESTERN RAILWAY LOCAL ADVISORY COMMITTEE.

(Result of elections.)

Mr. Speaker : I have to inform the House that Captain Ashiq Hussain and Pir Mohy-ud-Din Lal Badshah (*Cheers from the Opposition*) have been duly elected to serve on the North-Western Railway Local Advisory Committee to represent the rural and travelling public interests, respectively. One of the candidates for election, namely, Lala Sita Ram sent to me his withdrawal but as it was received too late his name could not be omitted from the voting papers.

1 P.M.

SUPPLEMENTARY STATEMENT OF EXPENDITURE.

(Authenticated by Governor.)

Minister for Finance (The Honourable Mr. Manohar Lal) : Sir, as required by section 81 of the Government of India Act, 1935, I lay on the table the supplementary statement of expenditure (first instalment) for the year 1989-40 authenticated by His Excellency the Governor.

SUPPLEMENTARY STATEMENT.

Grant No.	Major head of account.	Supplementary grants made by the Punjab Legislative Assembly.	Sums required to meet expenditure charged on the revenues of Province.	Total.
1	2	3	4	5
		Rs.	Rs.	Rs.
9	68—Construction of Irrigation Works—Capital Expenditure.	25,94,790	..	25,94,790
30	54—Famine	37,96,680	10,900	38,07,580
34	57—Miscellaneous	75,000	..	75,000
1	7—Land Revenue	10	..	10
10	25—General Administration	10	..	10
16	37—Education (excluding European and Anglo-Indian Education).	10	..	10
17	38—Medical	10	..	10
18	39—Public Health	10	..	10
22	43—Industries	10	..	10
24	50—Civil Works	10	..	10
28	81—Civil Works not charged to Revenue (Capital Expenditure).	10	..	10
29	79—Capital Outlay on Electric Schemes—I—Hydo-Electric Schemes (Other than Establishment).	10	..	10
33	56—Stationery and Printing	10	..	10
36	Loans to Municipalities and Advances to Cultivators, etc.	10	..	10

LAHORE :
The 26th November, 1989. }

H. D. CRAIK,
Governor of the Punjab.

THE CITY OF LAHORE CORPORATION BILL.

Dr. Shaikh Muhammad Alam (Rawalpindi Division Towns, Muhammadan, Urban) (*Urdu*): Sir, the House has been discussing the motion for the circulation of the City of Lahore Corporation Bill for the last two days during which owing to your indulgence many things have been said which were not strictly relevant to the motion.

Mr. Speaker: The honourable member is requested to be relevant. He should not follow the example of others. He himself should set a wholesome example.

Dr. Shaikh Muhammad Alam: Well, Sir, I would not like to go into the details of this Bill at this stage. There are two different motions before the House; one by Government to refer this Bill to the select committee and the other by the Opposition to circulate it for eliciting public opinion thereon. So far as the latter is concerned the discussion should be restricted to proper limits. I am prepared to say and will say at the very outset that I am opposed to the circulation motion and am in favour of the motion moved by Government. And I assure my honourable friends that if permitted by my leader I will vote for it. It is possible that after hearing my sentiments and feelings on the subject the honourable Leader of the Opposition may agree either to the withdrawal of this amendment or else permit me to vote against it. (*Laughter.*) But I would like to make it clear that my reasons for opposing the circulation motion are different from those of my friends over there. In the first place, we know that our present Ministry is in its infancy, hardly exceeding two and a half years. No doubt it includes some old veterans of seventy or seventy-two years of age but the fact remains that its age hardly exceeds two and a half years. And the fair face of this infant child is already so badly besmirched with their acts of maladministration that I cannot afford to see it further blackened by Macnabbian polish.

Mr. Speaker: The honourable member is requested to be relevant.

Dr. Shaikh Muhammad Alam: Sir, I am in fact opposing the circulation motion and am saying that I do not like to see the Honourable Minister, who belongs to my own district, being vilified and scoffed at by people everywhere in lanes and streets and other public places for ill-designed Macnabbian measure, which would surely bring a very bad name to the Honourable Minister. And for this reason I am opposed to the circulation motion and I do not like that the Corporation Bill be circulated for eliciting public opinion thereon. Our friends may not be just to us but we should not be cruel to them. It is not becoming of the Opposition to try to bring the Honourable Minister in disrepute and lower him in the estimation of the public everywhere and also to make a display of him at his cost. They may have dislikes for us but according to the saying—

نکو آقا ہے بیار پر غصہ

مکو: غصہ پہ بیار آقا ہے

we are not to be unkind to them. It is my earnest desire to help him through this difficulty and thus save his honour which is at stake and which he himself cannot protect because of his unripe judgment or circumstances beyond his control or which boys like him spoil by their unwise actions.

Mr. Speaker : Please speak to the motion.

Dr. Shaikh Muhammad Alam : Sir, what I want is that we should not risk his honour. I am rather appealing to my friends to withdraw their motion for whatever has already been done is more than enough. When the Municipal Committee was superseded we thought that a full and complete measure of local self-government would be introduced, but we are utterly disappointed to see this Corporation Bill being sponsored which lacks even the rudiments of local self-government—

وہاں یہ حکم کہ کیڑے بھی چھڈن تو اُس کے
میں منتظر کوئی خدمت حضور سے آئے

It is now being sought to have this Bill circulated for eliciting public opinion thereon and this is what I object to because I want to save my honourable friend from further disgrace.

Mr. Speaker : The honourable member is persisting in irrelevance and repetition.

Dr. Shaikh Muhammad Alam : I beg your pardon, Sir. When I talk of circulation motion I am perfectly relevant. (Laughter.) I request the House through you that the circulation motion should not be accepted.

Mr. Speaker : That is repetition.

Dr. Shaikh Muhammad Alam : It was my first reason for which I wanted to oppose the circulation motion. If it is circulated it will bring the Honourable Minister into disrepute with the intelligentsia of this country and along with it will reflect upon us as well. I, therefore, submit that the circulation motion should be rejected and the Government motion referring the Bill to the select committee should be carried.

There is yet another very cogent reason for opposing this circulation motion and that is that suggestions, however sound and reasonable they may be, made by the Opposition are never accepted by Government and it would be sheer waste of time to insist on them. Even if this Bill is circulated for eliciting public opinion it will serve no useful purpose inasmuch as the opinions to be expressed by the public about it can very well be offered by their representatives in this House. Besides, when a Bill is circulated for eliciting public opinion thereon, it is done with a view to effecting changes in it in accordance with the wishes of the people. But here no changes have ever been made in any of the Bills introduced in this House so far. It would be true of my friends if I say : Public opinion is required with a view to effecting changes in the Bill but this Ministry will never realize the importance of public opinion. I can, therefore, say that circulation will serve no useful purpose. It will involve mere waste of time and the energies of those inside this House. I may go a step further and say that circulation will also waste the time of the public as well as of this House because my friends over there will never agree to any reasonable suggestion made by the public at large or by this side of the House, otherwise what has already been said in favour of this motion is quite enough. This is my second reason for opposing the circulation motion.

Besides, there is the third reason which in my opinion is more important than the other two. That reason is this. It is the malpractices of a government, which brings about its downfall.

Mr. Speaker : The honourable member is irrelevant.

Dr. Shaikh Muhammad Alam : What I want to emphasise is that the Bill should not be circulated for eliciting public opinion, because I have serious apprehensions lest the Government should feel impressed by the opinion of the public and effect some changes in the Bill. This action on the part of the Government would enhance their life, prestige and popularity. But we do not want that it should be so. We do not like this government to last even for a moment. Our aim is that their own evil deeds may bring about their speedy ruin ; as the following couplet aptly applies to them :—

ندۂ جائے کوئی رنج و الم کی داستان باقی
تمہاری نیکان زندہ تمہاری خودیاری باقی

I am, therefore, of the opinion that our purpose would be served better if the Bill is not circulated and the Government remain indifferent to the force of public opinion. I think the withdrawal of the circulation motion on the part of the Opposition would be the best method to hasten the end of the Government. They should be given a long rope to hang themselves. We on this side of the House would rather endeavour to prevent the Government from circulating the Bill as otherwise it is possible that the people might be led away to think that the Government were keen to consult them in the matter of legislation. The people might carry away the impression that the Government appreciated the public view, paid great regard to it ; cared to hear it and esteemed it an honour to receive it. I think these are the things which if not attended to will create a deep feeling of hatred in the mind of the public. Our object is that Government should antagonise the public by not circulating the Bill. As a matter of fact this purpose would be fulfilled by the motion brought forward by the Government itself. I am sure if the circulation motion does not find favour with the Government, it would stand the Opposition in good stead. Then this couplet would aptly apply to them—

تمہاری تہذیب اچے خنجر سے آپ ہی خودکشی کر لگی
جو شاخ نازک پہ آسمانہ بنیکا ناپائیدار ہوگا

In fact we keenly desire that the Government should be shattered to pieces and that these pieces be blown away by the first gush of the wind. (Laughter.) I would, therefore, request, pray to and entreat my honourable friends of the Opposition not to press the circulation motion.

One of my sisters had remarked that the Bill was fit to be assigned to the waste paper box. I would suggest that it should not be thrown away there as I have apprehensions lest the worms which would eat away these scraps of paper might imbibe the non-chalant and imperialistic attitude of the Government (laughter). In my opinion the pieces may be sent to some special firm which make special papers for some special purpose. (Laughter.)

Mr. Speaker : The honourable member is indulging in irrelevance.

Dr. Shaikh Muhammad Alam : Sir, I was explaining my point of view with regard to the circulation motion. My reasons are three-fold. Firstly, the Opposition should refrain from pressing this motion and save the Government from ignominy and infamy. Secondly, they do not stand to gain anything out of the circulation motion because they would be helping the Government to come into close contact with the public. Thirdly and lastly, I see no reason why they should be so solicitous about the safety of a Government which is bent upon perishing. (*Hear, hear.*)

Mr. Speaker : The honourable member is repeating arguments.

Dr. Shaikh Muhammad Alam : I was enumerating the reasons which amply prove that the Bill should not be circulated but referred to a select committee. I have every right to speak in support of the Government motion.

Mr. Speaker : I request the honourable member not to persist in irrelevance or repetition. Rule 76 of this House is :—

“The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevancy or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.”

I hope the honourable member will keep this rule in view.

Munshi Hari Lal : On a point of order, Sir. Is the speech of the honourable member tedious? The word used in the Rule is “tedious.”

Mr. Speaker : The honourable member is a sound lawyer and knows what “tedious” means.

Dr. Shaikh Muhammad Alam : I bow to your ruling. I would not reiterate the arguments I have already advanced. I would not repeat the words, the sentences, the expressions which have already been used by me. I would request my friends on this side of the House to withdraw the circulation motion.

Mr. Speaker : This has been said more than once.

Dr. Shaikh Muhammad Alam : I bow to your ruling, Sir. I have much greater respect for you than is known to you or to any other honourable member of this House. I will not say a word against your ruling. But I would like to submit that when other honourable members go wide of the mark during their speeches you tolerate them; but in my case I find that you cannot brook an irrelevancy or repetition. However, as I have already stated, I am speaking in favour of the Government and I would say not once, twice or thrice but a hundred times, a thousand times, a million times that the Bill should not be circulated. Let the Government perish if they so desire. Let them come to disgrace if they are after it. (*Loud applause and cheers.*) With these words I oppose the circulation motion.

Rao Pohop Singh (East Punjab Landholders) (*Urdu*) : Sir, as you are aware, the honourable members have more often than not raised the question of supersession of the Lahore Municipality on the floor of the House, through interpellations or by making references to the matter on an opportunity offering. The Government have very kindly in response to their wishes, brought forward the Corporation Bill. Now the Government are

of the opinion that the measure should be straightaway referred to a select committee and they have moved a motion to that effect. But the Opposition have tabled an amendment to that proposal. They want that the Bill should be circulated for the purpose of eliciting public opinion. In this connection many things have been said about the municipal administration of Lahore. I do not know whether the Macnabbian regime has proved useful or otherwise. But this much I can say that during the last three days sweeping remarks have been made against the Administrator by the honourable members opposite. It was stated that the municipal administration under his stewardship had proved far worse than what it was during the life time of the superseded municipality. But I cannot help saying that no concrete facts have been adduced in support of such vague allegations. Now whether the Macnabbian regime has been good or bad, it is a matter of gratification that the Bill now before the House seeks to establish responsible local self-government in place of rule of one man.

Dr. Shaikh Muhammad Alam : On a point of order. The honourable member is irrelevant. He is not confining his speech to the circulation motion or to the motion that the Bill be referred to a select committee. I am the last person to object.

Mr. Speaker : At this stage only the principle of the Bill and its general provisions may be discussed.

Dr. Shaikh Muhammad Alam : I bow to your ruling, Sir.

Rao Pohop Singh : Sir, I was submitting that the Bill seeks to bring about a tremendous change in the municipal administration of the premier city of the province. Now I come to the objections raised against the provisions of nomination made in the Bill. In this connection I may state that in democratic institutions like the corporations it has been considered advisable to have a certain percentage of nominated members among the elected ones. But I admit that an institution having a nominated element cannot be called an ideal institution. The ideal stage is that in which there is no nomination at all and all seats are filled by election alone. But we should remember that whereas we are demanding more and more rights and complete powers, we should at the same time be prepared to shoulder more responsibilities and develop a better sense of responsibility than before. We should try to quicken the growth of civic and political consciousness in the masses.

My honourable friend Chaudhri Krishna Gopal Dutt was pleased to say that the honourable members of the Opposition had made efforts to get the municipality superseded as the conditions were in those days deplorable. Moreover, Dr. Sir Gokul Chand Narang who now adorns the benches of the Opposition used to say in the days of elections that no Hindu should vote for a Congress candidate, but now he has been embraced by the honourable members of the Congress. I have made this remark just by the way. He was in charge of local self-Government when the municipality was superseded.

Mr. Speaker : The honourable member is not relevant.

Rao Pohop Singh : It will be admitted on all hands that when the Municipality of Lahore was superseded, the conditions were certainly bad. There was communal disruption and so many other unpleasant things. The situation has not improved even now, and communal harmony has not been restored.

Again, nomination is not altogether bad. It has some good points too. In the first instance the masses are illiterate and secondly, elections entail heavy expenditure. Thirdly, sometimes the electorates are duped by clever and rich people and the real representatives are not elected. To safeguard against these defects nominations are provided for certain interests so that their true representatives are given a chance in the Corporation. (*Begum Rashida Latif Baji :* What is your opinion about the Assembly?) There are nominated members in the other Corporations even now. What is the harm if they are allowed in the Lahore Corporation as well? On the other hand nomination will avoid dupes and bring real representatives in the Corporation. Out of a total number of 68 members, only 17, that is one-fourth, will be nominated. My honourable friend Malik Barkat Ali was pleased to inform the House that in the beginning there used to be 50 per cent nominations in the other Corporations and gradually the percentage of nominated members was decreased. May I ask in fairness from the honourable members of the Opposition if the conditions in Lahore have improved in spite of the fact that the municipality was suspended three years ago? If not, why should they object to the Government taking the necessary action? There is the possibility that the number of nominated members fixed at 17 now, may still be decreased during the select committee stage. There is, therefore, no need of circulating the Bill for eliciting public opinion on this account. After all nomination is not a thing that should be entirely done away with. There is nomination in other Corporations existing in India. (*Begum Rashida Latif Baji :* I wonder if the honourable member has even read other Corporation Acts.) The second important thing that the Opposition should realise is that this House is entirely composed of elected members and the present Government of the Punjab enjoys the best confidence of the overwhelming majority of this House. Do they think that nominations made by such a popular Government can do any harm to the best interests of the people?

Next comes the question of taxation. It will be readily admitted that the House Property Tax shall have to be imposed in Lahore. Now this is based on a sound principle. Even my honourable friends sitting on the Opposition benches have been frequently crying themselves hoarse against the financial weakness of the local bodies. Only the other day we had a question put by the Opposition in this House about the financial difficulties of local bodies. The paucity of municipal funds is notorious. But on the other hand we daily hear ever-increasing demands for more schools, better arrangements for light and water supply and more medical relief. But do not my honourable friends realise that these things cannot be supplied without money? In fact the dwellers of cities are not accustomed to paying taxes. It is the rural population that is groaning under the heavy burden of taxation. The citizens have so far been immune from taxation. Even their representatives have been afraid of taxing them because their voters would thereby be up against them. That is why there are few taxes in the

cities, and municipal funds are always poor. Let the dwellers of Lahore remember that those good old days are gone when they could demand a debt of one crore of rupees from the Government for providing amenities for themselves alone, that is, rupees sixty lakhs as gratuitous loan and 40 lakhs loan without interest. They should also realise that hitherto the rural population has been paying towards taxes imposed by Government 14 annas and the urban population 2 annas only in the rupee. But now the urban population will not be allowed to grow fat at the expense of the rural population. If they want more amenities for themselves, they will have to pay for them. Provincial funds will not be placed at their disposal. The would-be members of the Lahore Corporation should be grateful to the Government that they have agreed to tax their electorates who would have otherwise resented such taxation by their own representatives. They should offer their thanks to the Government on this score. In this connection I am glad to note that my honourable friend Chaudhri Krishna Gopal Dutt has pointed out, in a half-hearted manner though, that taxes should be imposed on the dwellers of the cities. The same necessity has been stressed by the Parliamentary Secretary, Begum Shah Nawaz in no unmistakable manner. The House would be grateful to these honourable members for having pointed towards the right course in this connection. In fact the time has come when the urban peoples should realise that whereas it is true that there should be "no taxation without representation" it is also true to say "no amenities without taxation."

The third objection of my honourable friends is that the area of the proposed Corporation will represent a great increase on the area of the present municipal committee. This objection, I daresay, is born of narrow-mindedness. My honourable friends are glad that all the vegetable growers and milkwallas who come to Lahore every day and supply the necessary articles of food to the citizens of Lahore should pay taxes to the Corporation but no amenity should be provided for them by the Corporation. For the purposes of taxation they should be exploited all right, but when the question of giving amenities of life to them is raised, they should be kept out of the Corporation area. This is narrow-mindedness, I shall again say. The objection against giving them certain rights is also born of the same narrow-mindedness.

The fourth point which has been made out by my friends on the opposite benches is this. The merchants of Lahore should also be given separate representation in the Lahore Corporation. But all the merchants of Lahore will be voters and as such they will be able to return their representatives. Special representation is meant for those people who are very few in number but who, nevertheless, represent important interests. This principle does not apply to merchants of Lahore. If this demand is conceded, every small community or interest will demand separate representation and that will be repugnant to the principle of democracy itself.

Lala Duni Chand : The honourable member is not half so interesting to-day as he generally is.

Mr. Speaker : No remarks please.

Rao Pohop Singh : I shall say about this also. Another objection which has been raised is this. The chief executive officer will be appointed by Government and he will be dismissed only if three-fourths of the members of the Corporation are unanimous. But even this objection is not of much use if we keep in mind what was happening in the committee which was superseded. A few years ago the Lahore Municipal Committee had to appoint an engineer. There were unprecedented scenes over the appointment of the engineer. If the Corporation is given the power to appoint the executive officer, the same quarrels will be staged once again. On the first day of his appointment, the executive officer will be confronted by two parties hostile to each other. In these circumstances, he will not be able to work at all. He will be involved in so many difficulties. Some people will be in his favour; others will be opposed to him. Some members will press for his removal; others will say that he should be retained. In these circumstances it is but necessary that the appointment of the proposed executive officer is made by Government. And in spite of what some gentlemen may say this Government has the confidence of an overwhelming majority. Its choice of an executive officer will be liked by the majority. Then, another objection has been raised against the three-fourths majority which is required in the case of removing the executive officer. The three-fourths majority has been fixed to make it impossible for the members of the Corporation to treat the officer like a football, which is kicked by one party this way and another party in a different direction. But I am sure if the executive officer is a real nuisance, the Corporation will find no difficulty in turning him out.

An Honourable Member : Is the Administrator of the Lahore Municipal Committee a nuisance or not?

Rao Pohop Singh : A question has been put to me as to whether the Administrator of the Lahore Municipality is a nuisance. I can only say that the Administrator was appointed because the citizens of Lahore did not show better sense of their responsibility. Moreover, the Lahore committee was not superseded by the present Government. It was the doing of a gentleman who sits on the Opposition benches to-day. I am, however, not fond of making sweeping remarks about a gentleman's work. I am glad to say that the Administrator of the Lahore Municipality has done some good work in connection with the repair of the roads of Lahore. He has got repaired, for instance, the Jail Road, the Circular Road and the Mozang Road. He has conceived a sewage scheme and work has actually been started on that scheme. But in spite of all these things it is not for me to eulogise the Macnabbian administration. Nor is it my business to defend Mr. Macnabb here.

Begum Rashida Latif Baji : Sir, with your permission I wish to make a request to the honourable member. If Mr. Macnabb is such a good administrator, the honourable member should get him appointed to the Hissar district so that he may improve the conditions there.

Rao Pohop Singh : Now, I shall say something on the manner in which the learned Dr. Alam made his speech. It has been urged that the Bill should be circulated till the 31st of March or 30th of April. I will say that it may be circulated till 30th April, 1943, because I find that under the much-maligned Macnabbian administration the city of Lahore is being

improved. I am sure that if even one-thirtieth of the amenities which are now enjoyed by the citizens of Lahore are provided to the people living in the countryside, this province will be considered one of the best provinces not only of this country but of the whole world.

This Bill must take two or three months to pass on to the Statute Book. Strength will be measured at every step and on each clause. Therefore if it is put off by the acceptance of the circulation motion, other Bills of rural interest which are lying in the drawers of Sir Chhotu Ram and other Ministers waiting for their turn will get a chance to be introduced and passed into law. But if the Honourable Minister in charge of the Bill wants it to be referred to the select committee, we are prepared to vote accordingly.

Now as regards the attitude of the Opposition to the Bill being referred to a select committee it appears that they had been consulted and the names of the members of the Opposition who were to work on the committee had been agreed upon. If there was any difference or dispute it was about the addition of one more name. This shows that in reality they have no serious objection to committing the Bill to the select committee. If, as my honourable friend Dr. Muhammad Alam tried to make out, the Bill was really so repugnant to them, they would not have agreed to sit on the select committee. On the other hand they would have resorted to their favourite weapon of non-cooperation. I am not prepared to admit that gentlemen like the honourable leader of the Opposition or Diwan Chaman Lal were allured to work on the committee simply for the sake of allowance or to feed their vanity. Not at all. They agreed because they were not seriously opposed to the idea of the Bill being referred to a select committee. All this discussion that has been going on for three days was a show which has cost the tax-payer 13 or 14 thousand rupees.

In the end I hope that I shall not be called inconsistent or irresponsible if I say that just at present I neither oppose nor support the motion for circulation. I shall vote according to the whip issued by our leader.

Rai Sahib Lala Sohan Lal (North Punjab, Non-Union, Labour) (Urdu): Sir, I rise to support the motion to commit the Bill to a select committee and to oppose the one for circulating it for eliciting public opinion thereon. In my opinion the circulation of the Bill will serve no useful purpose. It will only cause unnecessary delay. So far as the attitude of the Opposition is concerned I am sure that if the Honourable Minister's motion were to circulate the Bill my honourable friends opposite would certainly have come forward with a motion to commit the Bill to a select committee. In support of that motion they would have said that the citizens of Lahore are tired of the present state of affairs and want it to be ended as soon as possible. Thus they would have pressed on the Government the necessity for expediting the passage of the Bill. For these very reasons I am of the opinion that from the point of view of the public of Lahore it is necessary to eliminate all unavoidable delay to end the present regime in the municipality. I must admit that I cannot appreciate the present attitude of the Opposition. I could understand their view point if they had asked the Government to resuscitate the municipal committee pending the passage of the Bill. But I cannot understand this dilatory motion in the absence of any such demand. I myself wrote to the Honourable Minister

[R. S. Lala Sohan Lal.]

that this Bill will take some two years to pass through all stages, and, therefore, steps should be taken to revive the committee and end the present one-man rule. I fail to understand why we should cause unnecessary delay in our own business. With these words I oppose the motion for circulation.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, I rise to support the amendment moved by my honourable friend Chaudhri Krishna Gopal Dutt. The Bill under consideration requires only 10 sections to make it 420. (*Laughter*). But since there are four sections which have been attached to other sections as extra sections the actual (deficiency is of 6 sections which is the number of our Ministers. (*Renewed laughter*). So, it is all complete 420 before the House.

Sir, when I saw the Corporation Bill in the Government Gazette I read it most carefully. I formed a similar view about it as my honourable friend Rao Pohop Singh has just now expressed. I definitely held that the Bill deserved to be thrown into the waste paper basket. You know it full well that the minds of the citizens of Lahore are agitating and they are clamouring for effecting certain radical changes in the Lahore municipal affairs. The people of Lahore generally demand three things to be done. Firstly, they desire that the orders for the supersession of the committee should be cancelled or withdrawn. Secondly, they demand that the present Administrator of the Lahore Municipality should be removed forthwith. This gentleman has been made the despotic ruler of my city. He does not care a hang for the public opinion and thus nobody in Lahore is pleased with his arbitrary rules. But still the Government has the cheek to keep him there as day before yesterday the Honourable Minister was pleased to remark in reply to a question of Sardar Hari Singh that the Government did not propose to take any action for his removal for the present. Sir, the third demand of the citizens of Lahore is that the proposed house-tax should not be levied for the time being. Personally we are not opposed to any further taxation. But our contention is that there should be no taxation without representation. Our point is that since the tax is being levied without the consent of our duly elected representatives we are not certain as to whether our representatives would be consulted or not even at the time of the disbursement of the income from this tax. According to the democratic principles it is absolutely essential to disburse such income in consultation with the representatives of that section of the population which generally contributes towards it. But when we draw the attention of the Government to this general rule or principle we are exhorted to help the Government to effect the speedy enactment of this Bill. They say that unless we accept it the Government is not prepared to accede to our requests and remove the Administrator from his present post. At the time of the supersession of the committee we were told that since the members of the Lahore Municipal Committee were incapable and inefficient and were not prepared to work in harmony with the Executive Officer, it was absolutely difficult for the municipal machinery to run smoothly. Thus it was thought fit to issue orders for the supersession of the committee. Now we are told that since we are not able as yet to successfully administer our own affairs the Administrator cannot

be removed. Then the question is as to whether there still exist those conditions that were obtaining in the committee at the time of its supersession. If those conditions still exist then what improvement has been effected by this officer and if they do not exist then what is the use of keeping him still there? Is it becoming of a government that claims to be popular and democratic to say that it is not prepared to act in accordance with the wishes of the general public? Is it proper on its part to keep that gentleman still there despite our vehement protests?

As far as the house tax is concerned I may tell my honourable friends that the Administrator wanted to impose 10 per cent tax against the wishes of the citizens. But the Ministers instead of coming to the rescue of the citizens suggested to him to impose this tax outside the city walls also as they were of the opinion that house tax collected from inside the city alone would not be enough. Now we see that it has been provided in the Bill that 5 per cent. tax will be imposed on houses outside the city and 10 per cent. on houses within the walls of the city. My submission is that there is not much difference between houses outside and inside the city. When the people of the city are against the tax being levied I think there is no reason in charging even 5 per cent tax from the houses situated inside the city. The people are against the assessment made by the Administrator. It is, therefore, clear that they have lost their confidence in him. The inhabitants of Lahore objected to this step of the Administrator by saying that they would not be satisfied with the assessment unless it was made by the representatives of the public, if the house tax was at all necessary. Moreover it has been provided in the Bill that the assessment made by the Administrator will be considered as final and it shall not be altered unless the Chief Executive Officer wishes to remove it. Sir, we raised a voice against the house tax and we have been given this reward for our demands. As far as this attitude of the sponsors of the Bill is concerned we could avoid the necessity of going into the discussion of this Bill by non-co-operating with this Bill and refusing to pay the house tax. But unfortunately we are not strong enough to do that. Under these circumstances I am obliged to thrash out the merits of the Bill. I therefore think we should extend a helping hand towards them so that, if possible, they may improve the substance of the Bill.

Now let us see as to why this Bill has been brought forward. We can believe three reasons for that. First of all, as the Honourable Minister has said while moving that the Bill be referred to a select committee, he has come to know the defects in the administration of the Lahore Municipality since he took charge of this department. As has been given in the statement of objects and reasons, this Bill has been brought forward on account of the maladministration of the municipal committee and inefficiency of the members. Besides, they were engaged in communal dissensions and presidents of the committee used to work honorarily and therefore they could not exercise proper check and supervision over the municipal affairs. We have been told that many a time files were requisitioned but they were never sent. It has further been said from the Treasury benches that the ills of the municipal affairs could not be cured with the help of the Municipal Act which was found to be insufficient to do the needful. Therefore the Government wanted to

[Dr. Gopi Chand Bhargava.]

bring forward such a Bill that might help them in removing the wrongs and defects of the municipal affairs. The Government may consider it a blessed step but as far as public opinion is concerned, I should like to submit that instead of investing the public with larger powers the Government are reserving them for themselves. The provisions and rules to be made under this Bill are likely to be more stringent than even those of The Punjab Municipal (Executive Officers) Act. My submission therefore is that it is not fair on the part of this so-called popular government to say that people are not competent enough to take charge of their own work and it does not become of them to frame such a retrograde Bill.

It has been said from the other side while proving the maladministration of the municipality that Dobson Committee had been appointed in this connection. But before I make a mention of this fact I should like to draw your attention to one or two remarks which the Honourable Minister of Development sitting over there was pleased to make during the discussion on the Punjab Municipal (Executive Officers) Bill in 1931. When the Government was in favour of 5/8th majority and the opposition proposed two-third, Rao Bahadur Chaudhri (Now Sir) Chhotu Ram in reply to Dr. Sir Gokul Chand Narang, the then Minister of Local Self-Government, said :—

The honourable member from Amritsar told us the other day that there was a time when Dr. Gokul Chand Narang, used to be the roaring lion of opposition benches. What has happened which has turned him into a bleating lamb of treasury benches? What is it which has worked such a tremendous change in his mentality? There was a time when he used to be the apostle of democracy. What is it that has induced him to wreck the whole institution of democracy with his own hands in this province? There was a time when he used to be an ardent advocate of popular rights and popular liberties. What is it that has changed him to such an extent that he is to-day a destroyer of those very political liberties which he used to defend with so much ardour and enthusiasm?

Sir, how strange it is that to-day when the Unionist Party has got power, its attitude also has turned to be anti-democratic. Now I am paying him in the same coin. Further on he has said :—

Sir, I have risen to make a short speech in reply to some of the observations made by the Honourable the Minister for Local Self-Government. He said that there was a time when his predecessor introduced this Bill in this House, but finding that one whole party was opposed to such a measure being adopted, he decided to withdraw it. But, according to him (Honourable Dr. Sir Gokul Chand Narang), a considerable change has manifested itself in the mentality of the majority of the honourable members of this House. He, therefore, thought that the present time was the most suitable one for the introduction of this Bill. I would humbly submit to him that the attitude of his predecessor was highly praiseworthy. If he had made up his mind to get the Bill passed, then by the support of the official benches he could have very easily secured its passage. But knowing that a whole party, whatever its numerical strength might be was against the Bill, he did not like to get it carried. I wonder why our present Minister should think it worth his while to introduce the same Bill in the face of the clear opposition of a party which is the largest single group in the House. He seems to have adopted his present attitude as a consequence of the belief that such oppositions can be easily defeated with the help of official votes.

At that time Chaudhri Chhotu Ram was told that the Executive Officers Bill was first introduced in the year 1927 by Malik Firoz Khan Noon. It was committed to a select committee but when the House was requested to take into consideration the report of that select committee a motion was made to circulate the Bill for eliciting public opinion

2 P.M.

thereon. The Minister in charge of the Bill accepted that motion and after that nothing was heard of that Bill. Now when it was pointed out to Chaudhri Chhotu Ram that at that time he was a supporter of the Executive Officers Bill and had signed the report of the select committee as such he replied :—

I have risen to make a short speech in reply to some of the observations made by the Honourable the Minister for Local Self-Government. He said that there was a time when his predecessor introduced this Bill in this House, but finding that one whole party was opposed to such a measure being adopted he decided to withdraw it. But according to him a considerable change has manifested itself in the mentality of the majority of the honourable members of this House. He, therefore, thought that the present time was the most suitable one for the introduction of this Bill. I would humbly submit to him that the attitude of his predecessor was highly praiseworthy.

At that time the House included an official bloc as well as nominated members. Sir Chhotu Ram and his friends who were opposing the Executive Officers Bill in 1931 said that in 1927 Malik Firoz Khan Noon withdrew his Bill because a small group was against it and, therefore, in view of the opposition from the larger group in 1931 Sir Gokul Chand Narang should withdraw the Bill put forward by him. That was their line of argument. But may I now put it to them that now that we have a popular Government they should have no hesitation in acting on their own advice? We do not ask them to withdraw the Bill. All that we want them to do is to withdraw their motion for referring the Bill to select committee and accept the motion for its circulation. Moreover, it is not only the Opposition that has sponsored that proposal but some honourable members from your own benches are of the same opinion too. Are you, therefore, prepared to accept this harmless proposal?

Then the Honourable Sir Chhotu Ram was pleased to explain the change in the mentality and outlook of Dr. Sir Gokul Chand Narang. He said :—

Anyhow it should be a matter for thanks-giving with the bureaucracy that our Honourable friend has come to regard the opinion of Government officers with a peculiar respect. Heaven alone knows what magical influence is possessed by Government salaries. This influence has manifested itself in changing the mentality of our Honourable friend. So much so that official opinions which were utterly unreliable and unappealing to him only six months ago appear to him now as gospel truths.

But may I submit that the present Government is doing exactly the same thing? Their plea was that the Minister had put forward whatever the secretaries had prepared for him. But what is the position of this popular government with regard to this Bill and for that matter other business also? Is it doing anything else than asking us to accept what has been prepared for it by the secretaries and other interested persons?

The Dobson Report refers to a committee of two officers which was appointed in 1925, as well as to the causes which led to its appointment. But neither supersession of the municipal committee nor any other action of the kind was considered necessary in that year. The committee continued to function till 1931. In this latter year it was considered necessary to appoint an executive officer. As has been already stated the Executive Officers Bill was originally introduced in the Punjab Legislative Council in 1927. Chaudhri Chhotu Ram was one of the members of the select committee to which that Bill was referred. He supported the measure along with others and Mr. Lahri Singh's was the only dissentient voice. Anyway, a circulation motion was accepted by the Minister and the Bill was shelved.

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In the year 1931 the Dobson Committee was appointed. Sir Mirza Zafar Ali, an ex Judge of the Lahore High Court, was one of its members. Its report contained *inter alia* some amendments to the Municipal Act which in the opinion of the committee would bring about the requisite improvement in the municipal administration. In 1931 the Executive Officers Bill was passed and the administration of the municipality continued to be carried on as best as was possible. But in 1936 all of a sudden the municipal committee was found guilty of some unpardonable sin and it had to be superseded. In my opinion the sins of the municipal committee date from the year 1931 when its members refused to co-operate with the Dobson Committee. This "impudence" had angered the commissioner as well as the Government but, as our Premier is in the habit of saying, the Government gave the committee a sufficiently long rope and did not take any action until the sins of the committee had piled up into a huge heap in 1936.

Now let us look at the reports on the working of the municipalities. In the report for 1930-31 it is said that since the Dobson Committee has submitted its report only recently there was no need to say much about the Lahore Municipality. However, I would draw your attention to the following lines :—

Indeed few of the evils to which municipal administration is prone are absent from the working of this committee, procrastination, dilatoriness, carelessness with regard to the property of the public, the committee and the Government, communalism inordinate delay in correspondence with Government and its officers, and lax control of establishment, being prominent among the committee's failings.

I have no desire to dilate on the examples at any length. Let us pass on to the report for the year 1931-32. Reviewing the Lahore Division it is said about the working of the Lahore Municipality that—

There is, however no doubt that the members have taken the criticism on themselves seriously and that there is now a more business-like air about the proceedings than in the past. Lack of foresight and method, however, has left the committee in their insanitary slums haphazardly developed new areas, and necessity of finding funds for an adequate water supply and drainage scheme, problems which it will take years of effort and application to solve. On the whole although their discussions have often been polemical and interminable, and although their methods, particularly with regard to the electric department have come in for considerable criticism . . .

Now, Sir, I come to the report of 1932-33 by which year the executive officers had already been appointed. It is stated in the report that on account of the appointment of the Executive Officer the working of Lahore Municipal Committee had improved. Further, in the report of 1933-34 only brief mention has been made about the Lahore Municipal Committee. It is stated therein :—

The rise of taxation and income at Batala is attributed by the Deputy Commissioner to an improvement in trade. In view of the latter reassuring fact, it is strange that the terminal tax yield at midway between Lahore and Batala, in both of which places signs of a return to prosperity were manifest from the terminal tax figures, the yield from that source showed a slight fall.

I may submit that although nothing in particular has been stated about the Lahore Municipal Committee, yet there is one thing which I wish to bring to your notice. Further on it is stated in the report :—

This fact would appear to point to the moral, to which the attention of all Committees was recently called by Government, that terminal tax is for many reasons a more satisfactory system than octroi, and that Committees would be well advised to substitute the former for the latter.

Now I wish to draw your attention to the report of the Lahore Administrator wherein he has written that terminal tax is not a satisfactory system and that is why he has imposed only octroi without refund. Let me point out that there is a very cogent reason why he had changed the name of terminal tax to that of octroi without refund. That is, the Administrator has no *locus standi* to impose any new terminal tax because it is a central subject. In view of this he has named it octroi without refund. In this connection I may also point out that this was the very matter about which the Government refused to give their consent previously but now when it has been done by one of their officials they have agreed to it.

Now it is stated in the report of 1934-35 :—

In the Lahore Division interest centres in the important Municipalities of Lahore, Amritsar, and Sialkot. It is difficult to get a clear picture of the administration of the Lahore Committee from the somewhat unwieldy municipal report. The Deputy Commissioner remarks that there is very little prospect of any real improvement until there is a complete overhaul of all its departments and a change for the better in the present outlook of its members regarding their functions and responsibilities. He criticises the members for their personal motives and communal and factional spirit. Any one reading the reports of the deliberations of this Committee must be struck by the interminable discussions on minor points which frequently lead to no decision.

And further on it is stated :

The state of affairs in Lahore in recent years goes to show that the administration of this large area is really more than one authority constituted as the Lahore Municipal Committee is, can hope to manage successfully, and Government will have to find some solution of the increasing difficulties.

I may submit that difficulties regarding the proper management of the Lahore Municipal Committee first arose in the year 1931 and ultimately the question cropped up that either the Lahore Municipal Committee should be divided into many parts or it should be converted into a corporation.

Now in the report concerning the year 1935-36 it is stated :—

With regard to Lahore itself it need only be said that the friction between the Committee and the Executive Officer and the failure of the Committee to discharge its duties led up inevitably to the supersession of the Committee at the end of 1936, and the accumulation of arrears of work which were found in the office showed that this step was not taken a day too soon.

After that the Commissioner has quoted certain extracts from report of the Administrator and further on he writes :—

It was in view of such considerations as these that it was decided during the year under report to establish an Improvement Trust for Lahore. The Trust was appointed towards the end of the year but did not fully take up its duties till April, 1936.

After that the committee was superseded in the year 1936. Now the latest report on the working of municipalities to hand relates to the year 1936-37. There are many interesting things in it which have a direct connection with the Bill now before the House. It is stated in that report that seven municipal committees : viz. Gohana, Shahabad, Buria, Karor, Lahore, Bagbanpura-cum-Bhogowal, and Sialkot, were under suspension in the year 1936-37. I wish to read out to you the relevant portions as regards the Lahore Municipal Administration. It is stated therein :—

Government have read with much interest the various suggestions for effecting improvements made by the Administrator of the Lahore Municipality in the following paragraph of his report.

And then he goes on to quote from the report of the Administrator. But what we have to see is whether the reasons which were advanced for

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the supersession of the Lahore Municipal Committee were sound or not, and whether after receiving the Dobson Report the Government took any steps to improve the state of affairs of the Municipal Committee and if the Government could not improve its affairs, whether there was any negligence on the part of the Government or not? We are told that the Lahore Municipality was superseded because there was party faction and communalism. But it is very surprising to note that all these defects cropped up in the municipality after the appointment of the Executive Officer. Previous to that mention was never made of such defects. Moreover when the Lahore Municipal Committee was superseded an adjournment motion was moved in the old Legislative Council. At that time Mr. Dobson as well as the then Minister for Local Self-Government stated on the floor of the House that the municipality had been superseded because a dispute had arisen between the President and the Executive Officer which the President could not amicably settle. But I may point out that the real allegation that was brought forward against the members of the Lahore Municipal Committee and which was published in the newspapers as well was that they quarrelled with each other and that they formed parties on communal lines. Now out of 47, 34 members of the municipal committee formed a party on non-communal lines and they also intimated to the then Minister that they thoroughly disliked the attitude of the President. They also wrote to the President asking him to call a meeting of the committee under the existing rules in which they wanted to move a resolution condemning the attitude of the President. The President did not call any meeting of the Municipal Committee for a long time. However, a reply was given by the Government that it superseded the municipal committee. Now the question arises—why did the Government think it expedient to supersede the committee? The main allegation against the municipal committee was that there were party factions and communal bickerings in it, but when a party was formed on non-communal lines and it wanted to work well, the Government superseded it on the advice of the President. The Minister for Local Self-Government stated on the floor of the old Legislative Council that the President had given this in writing that the municipal committee should be superseded and in view of his opinion the committee was superseded. This is indeed very strange. In the beginning it was alleged that the members of the municipal committee were not doing any work but when they decided to work they were suspended. But the Government says that because the committee objected to the appointment of the Executive Officer, therefore it was superseded. If we study the matter closely we would find that the dispute was only between the President and the Executive Officer and the rest of the members had nothing to do with it. The Executive Officer had helped in the formation of a new party and this the President disliked and that is why the affairs went to such an extent. This fact is also corroborated by a statement which a member of the Unionist Party made while speaking on the adjournment motion in the old Legislative Council. He stated that the Executive Officer had helped in forming the Reform Party. Now this is quite apparent that even though the new party was formed for supporting the action of the Executive Officer still the Government superseded the municipal committee. I fail to understand the real object of the Government. Let me point out

if there were any members who in the opinion of the Government were not of the right type, they were authorised to turn them out at any time and they could have even debarred them from future elections. Moreover, if they wanted they could have refused to publish their names in the Government Gazette, because they were authorised to do so under the provisions of the Municipal Act. It is a pity that Government failed to take any action in the matter, and as a result of these bickerings and dissensions among the members of the committee the citizens of Lahore were deprived of their right to manage the municipal affairs. It is deplorable that for the sake of a few headstrong members who refused to work according to the sweet will and pleasure of the Government, the municipality should have been superseded. I may point out that it is the duty of the Government to be watchful during the elections so that undesirable persons may not get into the municipalities. Government should refuse to gazette their names even if such persons are elected. If the Government had acted on these lines things would not have come to such a pass. In 1931, the Government had dropped the idea of superseding the committee because they had thought that perhaps the newly elected members would be able to carry on the work of municipal administration. But the Government were disillusioned in this respect. I ask why Government did not take steps to prevent these undesirable persons from becoming members of the Municipality. Perhaps Government wanted that a person after their own choice should become the president of the committee. This led to party dissensions which took such a serious turn that eventually Government had to put these feuds to an end by superseding the municipality. To-day my honourable friend Rao Pohop Singh was pleased to remark that the citizens of Lahore were unfit to manage the affairs of their own city. I think it was an uncharitable and preposterous remark. He must realise that the Honourable Ministers and Parliamentary Secretaries and elite of the gentry of the province live here. Does he mean to say that they are all unfit to run the municipal administration of the city or that they cannot elect representatives who would be able to discharge the duties of local administration efficiently? If he does, he is certainly mistaken. Things can be done right provided they are studied in the right perspective and the Government was not and is not even to-day prepared to do.

Now I would like to quote from the speeches which were made in the old Legislative Council on the adjournment motion in regard to the supersession of the Lahore Municipality.

Premier : May I interrupt my honourable friend, the Leader of the Opposition? I would like to point out that supersession of Lahore Municipality and the Corporation Bill are two different things. They should not be confused. As regards the supersession of the municipality my honourable friend ought to blame Dr. Sir Gokul Chand Narang who was responsible for this. My honourable friend the Lord Mayor of Lahore (Mian Abdul Aziz) would bear me out that that is so.

Mian Abdul Aziz : Yesterday Dr. Narang was present during my speech. As a matter of fact I blamed him for the supersession of the Lahore Municipality.

Dr. Gopi Chand Bhargava : I am grateful to the Honourable Premier for this interruption. But I would quote from the speeches made on that adjournment motion to show as to what was the position of the Unionist Party at that time. I would also point out from the speeches of my honourable friend Shaikh Faiz Muhammad, who has had a hand in framing this Bill. He vehemently opposed the Executive Officers Bill. He cried hoarse that principles of democracy had been trampled upon. It is an irony that the same party which was opposed to measures like the Executive Officers Act is sponsoring a Bill the underlying principle of which is the same as that of the Executive Officers Act. I would like to quote a notification from the Punjab Government Gazette in which the supersession of the municipality was announced :—

No. 3752-C-36-32498.—The Punjab Government have under consideration the affairs of the Municipal Committee of Lahore. The Committee has proved itself incompetent to perform the duties imposed on it by law and has persistently made default in the performance of those duties. The Punjab Government are satisfied that there is no reasonable prospect of the satisfactory performance of those duties by the Municipal Committee. In the interests of the public of Lahore and in exercise of the powers conferred by section 238 of the Punjab Municipal Act, 1911, the Punjab Government (Ministry of Local Self-Government) are, therefore, pleased to declare that the Municipal Committee of Lahore is hereby superseded, and that until it is reconstituted, all powers and duties of the said Committee may be exercised and performed by Mr. I. E. Jones, I. C.S., as Administrator, and, subject to his control and supervision, the powers under the following sections of the Municipal Act may be exercised by Rai Bahadur Shankar Dass, Luthra, P.C.S., as Assistant Administrator.

This Gazette was published early in October 1936. After its publication when the session of the old Legislative Council took place, an adjournment motion to discuss the supersession of the Lahore Municipality was moved by Shaikh Muhammad Sadiq. Although the mover was not a member of the Unionist Party, yet those who spoke in support of the motion owed their allegiance to the Unionist Party. Their names are Khan Muhammad Yusuf Khan, Mr. M. A. Ghani and so on. It is interesting to note that the Unionist Party did not ask their members to desist from supporting the motion. Then Khan Bahadur Zaman Mehdi Khan and Khan Bahadur Malik Muhammad Din, also opposed the supersession tooth and nail. The speeches of all these members throw a flood of light as to why supersession of the municipality was brought about. I would, therefore, inquire from Government, now that they have come into power, why they are continuing the supersession of the municipality and prolonging the agony of the citizens. But those loud protestations against the supersession have been rewarded with this Bill which is a retrograde measure.

We have to see what provisions have been made in the Bill to remove those defects which are alleged to have existed in the defunct Municipal Committee of Lahore. How are they going to end the communal dissensions? In this connection I may quote an extract from the statement of objects and reasons of the Bill. It is as follows :—

The Statutory Commission attributed the fall in the level of efficiency in the sphere of Local Self-Government to the following causes :—

- (a) Inability of the local bodies to realize the necessity and importance of having a competent and well-paid official, corresponding to English Town Clerk, for the conduct of executive duties of local administration.

- (b) Failure of the Provincial Governments to exercise proper check and supervision over the local bodies, due possibly to a misunderstanding in this respect of the position of local bodies in England.
- (c) Failure on the part of local bodies to appreciate the need for efficient and trained municipal service.
- (d) Financial poverty resulting from reluctance of elected members to impose local taxes, failure to collect taxes imposed, and embezzlement by employees.
- (e) Communal dissensions.

It would appear that after the appointment of an executive officer in accordance with the provisions of the Executive Officers Act, it was found that he could not cope with the work. So the Government appointed an Administrator. But he too has failed in the performance of his duties. Now they have brought forward this Bill under the provisions of which they have reserved to themselves the right to appoint a chief executive officer who would be all in all in the corporation. His salary has been put at Rs. 3,000. They think they must have a competent and well paid officer, corresponding to English Town Clerk for the conduct of executive duties of local administration. I fail to understand if a more reactionary measure than the City of Lahore Corporation Bill could be proposed by any other popular Government. In this Bill almost all important powers are held by the provincial Government. The appointment of chief engineer, medical officer of health, chief accountant and secretary will be subject to the approval of the provincial Government. At the top of them all, there will be the chief executive officer who is to be directly appointed by the Government. The Corporation will not be able to remove this last mentioned officer without a three-fourths majority's vote and the other officials like the secretary and the chief engineer will only be removed if two-thirds majority of the Corporation agrees to their removal. Moreover, their appointment too will be subject to the approval of the Government. In view of these hard facts, I am constrained to remark that the present measure is even more reactionary than the old Municipal Executive Officers Act.

Again, it has been said in the statement of objects and reasons that the local bodies have failed to appreciate the need of trained municipal service. I wonder if the Bill in hand aims at opening a training college for the purpose. The one already existing was denied any help by the Government. How can we now hope that it will start a new one? I may be allowed to mention here that when a Corporation Act is passed in England, it becomes a charter of civil liberties. But here the Corporation Bill aims at curtailing the civil liberties of the people. The constitution of wards, the hearing of election disputes and the appointments of important officers have all been left in the hands of the Government. What aggravates the whole position is the fact that during the transitional period, the Administrator will go on ruling supreme. He will represent three things, the Corporation, the standing committee, and the chief executive officer. But at the same time, Government say that unless three things, that is, the Corporation, the chief executive officer, and the standing committee are brought into existence, work cannot be carried on, while in the same breath the Administrator is being entrusted with everything. If he can do the job single-handed why cannot the Corporation do the same? Why should the

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Government poke in its nose every now and then ? It is a great pity that the Unionist Government is acting like the old bureaucracy which used to hold the prestige of an I.C.S. officer more sacred than the unanimous will of the public. The same thing is being done now by retaining the present Administrator of Lahore in spite of the strong protests of the public. This officer has drafted the Corporation Bill, as well. That is the greatest pity.

Again, Sir, the House will remember that an Honourable Minister had stated on the floor of the House that the house-tax will not be levied all at once. In the beginning, a light tax will be imposed and when the expenditure grows gradually, the tax will be increased. But now it has been proposed to levy this tax all at once.

Coming to the constitution of the Corporation, it will consist of 68 councillors. Out of them 17 will be nominated by the Government, and 51 will be elected. There will be separate electorates. If previously it was thought that the 36 elected members out of a total of 46, used to fight with each other and thus ignore their primary duties, will not the 51 councillors now indulge in mutual bickerings ? There will be more chances of clash because the number has been increased. Furthermore, the separate electorate will continue to be the chief cause of mutual hatred. It was here that the change was most needed. Only the substitution of joint electorates for separate ones could ensure a smooth working of the affairs.

Another defect in the Bill is that the appointment of those officials only has been left in the hands of the Corporation who will receive not more than Rs. 500 per mensem as their salary. In other words it means that the appointment of a very large number of officials will not be made by the Corporation but by the Government who must have their pound of flesh in every matter and in every place. I strongly object to this interference.

Besides, the Government have reserved the right to make rules for the constitution of wards from which 45 members will be elected. Now this is a wide power indeed. The House does not know at present how the Government will act in this matter. Again, no special representation has been given to those merchants and shopkeepers who are neither members of the Northern India Chamber of Commerce nor those of the Indian Chamber of Commerce, while the two Chambers, mentioned above, will have one seat each in the Corporation. Besides, the Lahore Improvement Trust, the Punjab University, the North-Western Railway, and the District Board of Lahore will be represented in the Corporation because every one of these institutions will have one seat reserved for them which each of them will fill by an elected representative. I fail to understand as to why the Lahore Corporation should give representation to the North-Western Railway. Perhaps, the reason is that just as the Assembly is allowed to send two representatives to the Railway Advisory Committee, similarly, the Corporation should allow the North-Western Railway to send one representative to it.

I will now come to the claim of the Government that this Bill has been modelled on the lines of the Karachi Corporation Act. As a matter of fact it follows no model at all. The Government seem to have culled all the bad points from the different Corporation Acts and combined them in the present

measure. There is no nomination in the Corporation of Karachi. But in our Bill, nomination has been provided for. Perhaps the reason for this extraordinary provision is that there will be an executive officer in the Corporation who will be appointed by the Government, and who will be irremovable by the Corporation unless three-fourths number of its councillors pass a verdict against him. So, to all intents and purposes, the Chief Executive Officer will remain there so long as the Government wants him to continue. It is in order to help him and to keep him over the head of the elected councillors that the Government has provided for so high a nominated bloc in the Corporation. This nominated bloc of 17 nominated members out of 68 will never vote against the opinion of their holy creators. Therefore, it will be easy for the Government to remove the executive officer if it so desires. But this power is being denied to the representatives of the people. When the Government nominates one-fourth of the Corporation, it will not be difficult for it to have two more members on its side. They may be, e.g., the representative of the Railway and the representative of the Lahore Improvement Trust and a few others coming from the specially created pocket boroughs. In these circumstances, if the Corporation desires to remove the executive officer it will not be possible for it to get three-fourths majority at all.

Not only this, Mr. Speaker! This superimposed chief executive officer has been given too wide powers. For instance, I would refer you to clause 56 (i). It says:—

The Corporation may at any time require the Chief Executive Officer to furnish a report by himself or to obtain by the head of a department subordinate to him Every such requisition shall be complied with by the Chief Executive Officer without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Chief Executive Officer in pursuance of any such requisition.

But there is a proviso after this which is very interesting. If it is followed in its entirety, it will indeed reduce provincial autonomy to a farce. The proviso says:—

Provided that if, on any such requisition being made, the Chief Executive Officer shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the Public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

I shall request you to bear in mind the fact that this officer is to be a servant of the Corporation. But look at his masterly powers! Even the members of the Dobson Committee, Sir Zafar Ali and Raja Hari Kishen Kaul were of the opinion that all but a few files should be made available to the public for inspection whenever they so like. But here in this Bill the Government seeks to empower the executive officer to refuse to send a file to the Corporation. I would again request you to mark these words:—

...it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation....

And why does the officer refuse to send the file? If he thinks that immediate compliance with the requisition of the Corporation "would be prejudicial to the interests of the Corporation or of the public." This is exactly on the lines of the Government here. There is a small difference however. Here the departments must send all the files to the Minister with the exception

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of some C.I.D. files. I understand that before this Government took over the reigns, the C. I. D. files were despatched to the Government of India. My information is that such files were burnt in the United Provinces. But evidently the Corporation files are considered to be even more confidential than those of the C.I.D. The executive officer, therefore, has been authorized to refuse to submit them to the Corporation. This is a clear proof of the extensive arbitrary powers which are proposed to be entrusted to the executive officer who only in name is to be a servant of the Corporation.

There is another very interesting aspect of the question now before the House. The Executive Officers Act which was debated in the last Legislative Council and which will continue to operate in the case of other municipal committees in the province after the passage of the present Bill, lays down that the municipal committee may appoint its executive officer with a five-eighths majority. But now in the case of the removal of the chief executive officer the Corporation has been required to muster three-fourths majority. In this connection I should like to refer you to the opinions which were held by the honourable members who occupy the Unionist benches to-day at the time when the Executive Officers Bill came up before the Council. My honourable friend Pir Akbar Ali who is not present to-day said in his speech which he delivered on the Executive Officers Bill :—

The Honourable Minister before he was called upon to take charge of the portfolio, always held that in the affairs entrusted to the people's own care the Government should interfere as little as possible. But what do we find now? A marvellous change in the mentality of the Honourable Minister. According to his recast ideas he wants to give a great hand in the affairs of the local bodies to those people who day and night hang about the bungalows of the Deputy Commissioners and fill their ears with spurious reports.

But what are the recast ideas of my honourable friend Pir Akbar Ali now? Here is a Bill in which the Corporation has not been given the right of appointing the executive officer. What does my friend say to that? Further my friend remarked :—

Then, Sir, the Honourable Minister has alluded to the Lahore Municipal Committee and to the enquiry committee that was appointed to investigate into its working. He hinted at the emoluments of the members of the said committee. From such references one is strengthened in his belief that there is some other aim at the bottom of the whole affair. Our doubts increase our apprehensions. The enquiry committee that was appointed to investigate into the affairs of the Lahore Municipal Committee.

And here the honourable member left off. But I want to ask him one question. When he opposed the Executive Officers Bill, how can he support the present Bill which provides that Government shall appoint the executive officer? The Chief Executive Officer in a Corporation will be practically non-removable by the Corporation. How will my honourable friend, Pir Akbar Ali, tolerate this when he did not like the idea of fixing a five-eighths majority of the members of the municipal committee for the appointment of an executive officer? Then my honourable friend said that the most objectionable feature of the Executive Officers Bill was that it took all power out of the hands of the municipal committees and vested it in the executive officer. That, he maintained, was a negation of the principle of local self-Government. He was, therefore, not in favour of giving to Government the powers which should be exercised by the local bodies.

Minister for Public Works : By Government he meant "irresponsible Government."

Dr. Gopi Chand Bhargava : I want to ask him how is it that a thing which was formerly a negation of democracy and local self-Government has now become palatable to him? The introduction of provincial autonomy has not changed the principles of local self-Government. What was anti-democratic a few years ago must be anti-democratic to-day. We cannot call or make it democratic to-day. Local Self-Government means that the citizens of a particular city should have the power to rule over themselves. It does not mean that they should be ruled by the provincial Government. The Government says that since it is transforming a municipality into a Corporation and giving us a big white elephant, we should accept this Bill. That, Sir, we are in no case prepared to do.

When the Executive Officers Bill was being discussed in 1931, my honourable friend Khan Bahadur Chaudhri Riasat Ali also took part in the debate. In the course of his speech he remarked that the provisions to place the executive of the municipalities in the Punjab under the supervision of an executive officer would go a long way in expediting and regularizing the work with which they were charged. But he took exception to the clause which provided that no municipal committee could appoint an executive officer without the assent of two-thirds of its members. He was of the opinion that the executive officer should be appointed by a bare majority. But now he is supporting a government which provides in the present Bill that the removal of the Chief Executive Officer would only be possible if not less than three-fourths of the total number of councillors should vote in favour of a proposition in this behalf. I am quoting only those members who have been again elected to the present Assembly. One of them was my honourable friend Chaudhri Muhammad Yasin Khan. He also opposed the Executive Officers Bill and now he is going to vote in favour of the present one. Again my honourable friend Shaikh Faiz Muhammad, who is to-day fortunately the parliamentary secretary to the Honourable Minister of Public Works and who, I am sure, is mostly responsible for sponsoring the present Corporation Bill, remarked—

I wish briefly to reply to the remarks which Mr. Marsden has just now made. He said that members sitting on these benches are inconsistent and illogical because when this Bill was introduced into the Council in 1927 they were in favour of it and now they are opposing it. I challenge this statement. Mr. Marsden was not in this Council when this Bill came up before the Council and when Honourable Malik Firoz Khan Noon was in charge of the local self-Government portfolio. The position was this: When the Bill emerged from the select committee with the provision now under discussion this party frankly told Malik Sahib that they were opposed to it because of this very provision and would not support him. It was this which compelled Malik Sahib not to proceed with the Bill. I need hardly say that if we had then supported the Bill it would have been the law of the land long before now. To accuse, therefore, the members occupying these benches of inconsistency and want of logic is highly unjust and I protest against it.

I am at a loss to understand as to what has happened to his logic to-day. Then proceeding further he remarked—

It is this proposition to which members sitting on this side of the House have objection because it violates a great principle established by the Government of Sir Edward Macdagan. As you are aware, Sir, the representation of various communities on the local bodies is based on a certain formula and it is a natural consequence of that formula that the majority community in a particular municipality should have

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the determining voice in matters coming up before it. It is for this reason that we have been opposed to this provision of a two-thirds majority, not only now but also when the Bill was introduced into the Council by a member of our party.

On that occasion my honourable friend Shaikh Faiz Muhammad held that by insisting on the provision of a two-thirds majority the Government wanted to deprive the majority party on a committee of having a determining voice in matters of appointing or removing an executive officer. He maintained that by doing so the Government was violating the principles of local self-Government. But to-day in the case of the Lahore Corporation he is assisting his Government to take back those democratic powers that were given to us after strenuous efforts and constant endeavours. Is it not strange that once the advocate of 'bare majority' is to-day providing in the present Bill that the Chief Executive Officer would be removed only if three-fourths of the total number of councillors would have voted in favour of that proposition?

My honourable friend Sardar Bahadur Sardar Ujjal Singh also took part in the discussion and unlike his present colleagues he supported the Executive Officers Bill. But the certificate he gave, at that time, to the Unionist party is worth noting. He said—

Sir, it is a matter for extreme regret that in the last few days unnecessary heat has been imported in the discussion of this measure which was designed to improve the administration of municipalities. Sir, I might remind the House that in 1927 when a similar Bill was sponsored by the Honourable Malik Firoz Khan Noon, it was submitted to the select committee and on the select committee I had the privilege to serve and besides myself Mr. Din Muhammad and Chaudhri Chhotu Ram were also members of that select committee. The Bill as it emerged from the select committee provided a two-thirds majority for the appointment of an executive officer. In fact the Bill as it then emerged from the select committee, was a worse measure than the present one if it is considered bad: still it had the support of a large section of that party which is now bitterly opposed to it. It has been suggested that since 1927 India has advanced. In 1927 full responsible self-Government was a question of distant future. It is now at our door. At that time a measure which was considered by members of Unionist party as a democratic one is now considered to be a communal measure. So the Unionist party has also made a great advance in their views. Sir, it is a wonder how we are advancing at a tremendous space in the change of our opinion.

Now, I think the Honourable Minister is convinced as to how far Sardar Bahadur Sardar Ujjal Singh was right in saying so. The plea that was advanced by the Unionist party in condemning the Executive Officers Bill was that, since the Reforms were going to be inaugurated in the near future such an undemocratic measure should not be passed into law. But to-day when we have been already given provincial autonomy and democracy is said to be in progress in the Punjab a Bill is sought to be introduced which is far worse than the one which was sponsored by an irresponsible Government. Probably they think that responsibility means the negation of democracy. Anyway, clause 2 of the Executive Officers Bill was bitterly opposed not only by Pir Akbar Ali or Chaudhri Muhammad Yasin Khan but also by my honourable friends Khan Bahadur Mian Ahmad Yar Khan Daulatana, Khan Bahadur Nawab Fazl Ali, Raja Muhammad Sarfraz Khan and Khan Haibat Khan Daba. All of them condemned that Bill as an anti-democratic and communal measure. But to-day their democratic sense and idealism, Mr. Speaker, has gone to the winds and they would not listen to me. God help them!

There is no gainsaying the fact that for the successful operation of such an Act, it is absolutely necessary to seek the co-operation of those to whom it is intended to be applied. But when the Executive Officers Act came into operation the Government did not think it fit to effect an amicable settlement among the members of the municipalities where it was going to be applied. The result was that in Lahore it gave rise to a dispute which in fact slackened the administrative progress of the municipality to a large measure. Similarly when this Act was brought into force at Sialkot the municipal conditions were so much worsened that no less than three executive officers deemed it fit to resign their office.

I, therefore, submit that Government can succeed in passing such measures provided the co-operation of the public is extended to them,

3 p.m.

otherwise the Government being intoxicated by their majority can legislate any measure after their wishes. But, I may tell them that such measures enacted against the wishes of the public prove ineffective in the long run and remain a dead letter. As I have already stated the Government after having deprived the people of their popular rights and liberties, would not be able to enforce this enactment successfully.

Now, Sir, I draw your attention to the taxes that are going to be levied on us when this Bill is passed. I have already referred to the house-tax against which there has been a great agitation in Lahore. This tax will be imposed upon all lands and buildings at the rate of 10 per cent outside the city and 5 per cent within the city-walls. I should like to read out a question put by Rai Bahadur Lala Gopal Das day before yesterday in this connection. The question reads as follows :—

*5143. RAI BAHADUR LALA GOPAL DAS: Will the Honourable Minister for Public Works be pleased to state—

- (a) the total income of the 71 villages proposed to be included in Lahore Municipality, from land revenue, and local rate and their total population community-wise;
- (b) whether it is the intention of the Government to credit the land revenue and local rate of these villages to the income of the Lahore municipality;
- (c) the approximate loss of income from octroi and terminal taxes to the Lahore Municipality as a result of the inclusion of the above villages within Lahore Municipal limits?

Now please listen to what the Honourable Minister for Public Works has replied—

					Rs.
(a)	(i) Land Revenue	..	..	..	88,419
	(ii) Local Rate	..	..	..	12,343
	(iii) Population—				
	Muslims	..	..	..	56,269
	Sikhs	..	..	..	3,828
	Hindus and others	..	..	..	16,121

(b) Orders have already issued for crediting to the Lahore Municipal funds the local rate levied in these villages. Land Revenue will not be so credited.

(c) The only principal articles grown in these villages on which a tax was levied on import into the Municipal area were fodder and fruit. It is impossible to say what income accrued to the municipality on this account. But there is no doubt that the loss of this income will be more than made up by the increase from other sources.

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It means that, when this Bill is enacted, both the land revenue and the house tax will be charged from the villages proposed to be included in the Lahore Municipality. Now, it is evident that the people living in this *ilaga* will have to pay double the amount and the Honourable Minister, as I have quoted above, has said in his reply that land revenue will not be credited to the income of the Lahore Municipality. It shows that the property tax will be received by the Corporation and the land revenue will go to the Government treasury. To-day, in view of the prospects of getting income of 10 per cent on account of property tax, the Honourable Minister seeks to include 71 villages in Lahore municipal area. But he is turning a blind eye to the fact that only those people can afford to pay 10 per cent tax who are well-off and who like him lead a princely life. Further on, it has been said that the total income of 71 villages from local rate amounts to Rs. 12,348. I understand the local rate is there. But I am unable to understand whether the local rate will remain there as it is, as electricity is still to be introduced, roads are to be made and other ordinary amenities of life are to be provided. As far as comfortable life is concerned, I wish that everybody should enjoy the comforts of life, but unfortunately we have not the means to do so. When this is the position our so-called popular Government is going to impose more taxes on us. My submission, therefore, is that it would be very unfair on the part of the Government to take money from the people in the shape of property tax and land revenue with both the hands when, as a matter of fact, the villagers are face to face with the present economic depression. (*Cheers*). I have come to know that the Government is likely to purchase 100 acres of land near Baghbanpura. Let me tell the House why they intend to do so. Land will be acquired at market rates and the Government will sell it at their own price. When the houses will be demolished or refused to be constructed under the Corporation Act, the owners will be asked to purchase that land of the Government and sell their own plots which have been rendered useless under the Corporation Act. The profit obtained in such transaction will be distributed among those people whose houses have been demolished. Then it has been said from the Government benches that the sanitary condition of Lahore cannot improve unless the limits of Lahore municipality are extended to a greater extent. May I submit that this remark, when made, reminded me of the year 1937, when we were at Simla and a serious kind of typhoid fever broke out at Lahore and neither the Government was here nor the Administrator of Lahore municipality who could go into the causes of such a serious kind of typhoid. When the cases of typhoid gradually decreased it was found that the water-supply of the municipality itself was infectious. If the Honourable Minister is dreaming of making Lahore as beautiful as Paris then I may submit to him that this dream of his cannot be materialised unless serious efforts are made for the improvement of Municipal water-supply, milk-supply and general sanitation of the city. If two cases of typhoid fever occur in England the officer in charge of the Public Works is at once informed and he does not take rest unless the reasons are found. But what is being done here? I remember, once I put a question in connection with milk-supply and asked the Minister in charge whether any efforts were made to control milk-supply which had got a very near relation to general health of the public. My question was very important. As you are aware milk and curd are ordinary diets which are generally

taken here. Milk dealers (*Goojars*) carry milk from one place to another and their utensils are generally found to be unclean and infectious and certain contagious diseases do prevail for these very reasons, throughout the city. Do you know what reply was given to my question of such a vital importance? It was said, 'Might be controlled', and look here to-day it is being said by the Administrator that he has got no instrument with which milk-supply can be controlled properly. I wonder, when this is the position now and when the Government admit their inability in exercising proper supervision on the present area, what they will be able to do when 71 villages more are included. I may, therefore, submit that it is no use and it is immaterial altogether if in papers it is declared that the municipal committee is working very efficiently while in practice it is not so. Words cannot make palaces. If the Government is really anxious to improve the general health of the public they should first of all find out the sources of diseases and then remedy them. But what we find is quite contrary to this. I remember, a few years ago, cerebro-spinal fever broke out in Lahore Jail and then it prevailed in Lahore and the municipal authorities could do nothing to stop it. Had the Administrator succeeded in keeping the sanitation of Lahore in a good and praiseworthy condition we would have been first to appreciate his activities and agreed to this proposal of the Government that the limits of municipal area be extended. But, strictly speaking, I see little difference between to-day and the days when I started my practice here at Lahore. For instance, the method of removing rubbish and nightsoil has not been changed since my days of studentship in Lahore. It was carried from one place to another by a bullock cart and this is what is being done even at present. When these things have not improved a bit, how can it be expected that when the area of Lahore is further extended much improvement will be done?

As regards assessment, I may submit that this is another blow on the popular rights and liberties of poor citizens of Lahore. It has been provided in the Bill that the assessment made by the Administrator will be considered as final and the power of its removal rests with the Chief Executive Officer alone provided an appeal is submitted to this effect. As regards the right of appeal, the provision says :—

Any person who is dissatisfied with a valuation made under this chapter may deliver at the municipal office a written notice stating the grounds or his objection to such valuation.

What does this provision show? It shows that the actual assessment is there. But nobody can ask as to how so much of the tax had been assessed. What one can do against the valuation is simply to present an appeal and that is all. The decision of the district judge is to be final. There can be no appeal against his judgment. I am not a lawyer but I know this much that we have been deprived of a valuable right of appeal.

The appointment of the Chief Executive Officer will be totally in the hands of the Government. That officer will be responsible to the Government and not to the people by whom he will be paid. The Government can appoint anybody it likes and remove him whenever it so desires. Not only that. Even the dubious right to remove him which has been given to the representatives of the people pales into insignificance when we study

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the constitution of the corporation. Surely this is not worthy of a popular Government. In fact the present Punjab Government is following in the footsteps of its old bureaucratic British predecessor so far as the rights of the people are concerned. While the whole country is clamouring for a constituent assembly to decide the question of future constitution of India, the Punjab Government wants us to accept this Bill without a murmur. It is not prepared even to allow the public to study the Bill properly and express its opinion thereon. This attitude amounts to a denial to the public even of the elementary right to know what law the Government is going to thrust upon them.

It is a measure which will have far reaching effects. It touches the most vital interests of the people. It will affect to a great extent the rights of the landowners of the villages that are going to be included in the proposed city of Lahore. But the Government refuses to allow the people to express their opinion about this important measure. I warn the Government not to flout the public demand in this way. This measure strikes at the very root of democratic ideals. It is designed to take away even those rights which the people and their representatives had under the Municipal Act of 1911. It is, therefore, incumbent on the Government to allow the people to express their views; otherwise the people will have no responsibility whatever for the enactment of this measure. It will be considered a law arbitrarily thrust by the Government on the people against their wishes. *(Cheers)*. With these words, Sir, I beg to support the amendment for circulation of the Bill moved by my dear honourable colleague Chaudhri Krishna Gopal Dutt.

Lala Harnam Das (Lyallpur and Jhang, General, Reserved seat, Rural) (*Urdu*): Sir, ever since the present Government came into power, it has undoubtedly introduced a number of Bills in the House. But if you minutely go through these measures you are sure to find that the Government has provided nothing therein for the safeguard of the interests of the scheduled castes. When the Government was busy drafting the present Bill, it made vigorous propaganda through the press about the rights and interests of the Achhuts. But when this piece of legislation was brought before us, we found, to our great disappointment, that no mention has been made of us therein. When we ask the Government to the as to what steps it intends to take for giving proportionate representation to the Achhuts on the corporation, we are told that their representation would be effected through nomination. Thus, it implies that after the passage of the Bill the power of granting or withholding representation would be left to the entire discretion of the Government. Now, if the enactment of the Bill could not change the mentality of the Government, I am afraid the Achhuts of Lahore would be accorded similar treatment in the matter of nominations to the municipality, as is being meted out to them in other towns of the province. It is a matter of regret that the rights and interests of those people whose sincere efforts are responsible for turning this city into an earthly paradise, and on whom the very existence of the present Government depends, are being callously neglected and ignored. My submission is that we have too many grievances to be related. All the hopes and expectations we were entertaining in the Government have been dashed to the ground.

If the Achhuts of Lahore are not to be given proportionate representation on the corporation, if they are to be deprived of their due share, then we would be justified in thinking that the Government is bent upon our ruination. So far as the rights of the Achhuts are concerned, the Government is not giving proof of its generosity. The more it displays its narrow-mindedness in the matter, the more they would be politically awakened. Any short-sighted policy with respect to the scheduled castes, would surely result in developing hostility among them against the arbitrary regime of the present Government. What we like to impress upon the Government is that whatever rights we may be granted should be of permanent and lasting nature. We do not want the matter to be left to the discretion or sweet will of the Government. In this way our rights and interests cannot be effectively safeguarded. To-day if the Government is willing to favour us with a proportionate representation it can, under the provisions of the Bill, nominate its favourites to work on the Corporation. Supposing to-morrow the Government decides to deprive us of our representation. Now, is there any provision in the Bill which can restrain the Government from taking such a drastic measure? In fact it can very safely refuse to nominate any Achhut at all. My submission is that the present Bill should be so amended as to grant us better as well as permanent representation. The Government wants to make temporary arrangements, but we do not want it to safeguard our rights only for the time being. Let me warn the Government that we are now determined to have our rights. We will go on fighting till we have achieved our object.

Sir, it has been pointed out that the Lahore Corporation would consist of 68 members. Out of these, 17 members will be nominated by the Government. As has been pointed out by some of the honourable members, the appointment of these 17 members would entirely depend upon the discretion of the Government. From this it is quite clear that if any Achhut members are nominated by the Government they will not be able to protect the interests of the Achhuts properly. The reason for this is not far to seek. Such Achhut members will only play a second fiddle to the Government just as our two Achhut Parliamentary Private Secretaries are at present doing. At present they are simply doing what the Government want them to do.

Mr. Speaker : The honourable member has made an insinuation against two honourable members of this House. Will he please withdraw his remarks?

Lala Harnam Das : Very well, Sir, I bow to your ruling. I was submitting that the Government would nominate such representatives of the Achhuts who will not be able to protect our interests in the proposed Corporation.

Mr. Speaker : Repetition. The same thing over and over again is being said.

Lala Harnam Das : Besides, I may submit that only recently our Balmiki brethren drew the attention of the Government to the safeguarding of their interests. Often these people have been putting forward their demands before the Administrator, but he has paid no attention to them. We understand that a deputation of our Balmiki brethren also waited on

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him but he did not accept their demands. After that they convened a public meeting and put forward their demands. But even then no attention was paid to their demands. Consequently, in order to protect their interests, they observed a complete strike and during this strike even the Honourable Minister for Public Works was compelled to come to Lahore from Simla in the hot season.

Mr. Speaker : Which principle of the Bill is the honourable member now discussing ?

Lala Harnam Das : Sir, I was pointing out as to how our rights have been ignored by the Administrator. In short, the Honourable Minister accepted the demands of the poor Achhuts of Lahore and thus the strike ended.

Mr. Speaker : The honourable member is irrelevant.

Lala Harnam Das : I may submit that it has not been provided in the Bill whether the Achhuts would be given any representation or not. On the other hand it has been left to the discretion of the Government to nominate their representatives. In the circumstances I think it is highly necessary that a provision to this effect should be made in the Bill so that the Achhuts should know that they have been given permanent representation on the Lahore Corporation.

Mr. Speaker : The honourable member has said a number of times that the Achhuts should be given permanent representation under the law and that this should not be left to the discretion of the Government.

Dr. Sir Gokul Chand Narang : He is trying to nob in.

Lala Harnam Das : I may point out that such provisions should be made in this Bill by which the interests of the Achhuts could be properly safeguarded. In view of this I may submit that the Corporation Bill should be circulated for eliciting public opinion thereon so that the public should also express their opinion about it and put forward some such proposal by which the interests of the Achhuts can be safeguarded. With these words I wholeheartedly support the amendment now before the House.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : Sir, the discussion of the present motion on the floor of the House has established, I claim, beyond doubt, that the new corporation under the present Bill, will not be able to function for at least two or three years, in spite of the efforts of the Government, howsoever great, to expedite its every stage. If that is the case, then it appears to me that it is highly undesirable to continue the present system of autocratic administration of the capital of the province for such a long time (*hear, hear*). Therefore, no attempt should be made to short-circuit this Bill by omitting the stage of circulation and eliciting of public opinion. Let the municipal committee be reconstituted and let the elected members of the new committee be invited to co-operate in the preparation of this Bill. You must have noticed, Sir, that there is a complete unanimity of opinion not only amongst the representatives in this House of the city of Lahore, but also amongst all the non-official inhabitants of Lahore, representing different communities and different shades of political opinion about the supersession of the municipal committee.

They all with one voice say that it was initially a mistake and the continuance of this supersession for a long time is a crime not only against the democratic government but also against good government. Kindly see the galaxy of opinion, Malik Barkat Ali, M.L.A., Mr. K. L. Gauba, M.L.A., leaders of the Muslim League, Dr. Gopi Chand, M.L.A., Chandhri Krishna Gopal Dutt, M.L.A., Mr. Bhim Sen Sachar, M.L.A., leaders of the Congress, the revered lady sitting on the Unionist benches—

Minister for Public Works : And not the least yourself!

Rai Bahadur Mukand Lal Puri : And myself and not the least the Honourable Minister for Public Works himself. I do not think he could have really a soft word for the present administration. I put it to him, he has himself invited this criticism, that he is himself the owner of a very big estate and if there was such a unanimity of opinion against the administration of any portion of his own estate, by any of his mukhtars, would he keep the Mukhtar there for a minute longer after such an outcry? And yet it appears to me that in spite of this unanimous expression of opinion, this Government has even excelled itself by disregarding, in fact treating with contempt such a unanimous expression of opinion. The non-official section, Hindus, Sikhs, Muslims, Congressites, anti-Congressites, Socialists, in fact every shade of opinion in the town of Lahore, is crying hoarse against the present administration, and yet this Government, under the guise of this Bill, is trying to prolong the agony of the people living in Lahore. What justification has any Government for doing that and especially a Government which professes to follow democratic principles and which is never tired of priding itself on listening to grievances? So much for the non-official opinion. What has official opinion got to say about the present unrepresentative administration. We know our officials, we know our Ministers, after all they are not so much separated from us as it appears from the debates. If they are afraid of giving expression to their opinion, it is a different matter, but if the Government consulted Government servants living in the town of Lahore, they would get the same reply. If it is so, it should be replaced by a more representative and more responsive administration. It should not await the passage of this Bill. I had no desire to participate in this debate, but I wished to quote before you with respect to this debate, the opinions of a most important Government department. I wish to place one or two quotations from the report on the accounts of the Lahore Municipal Committee for the financial years 1935-36, 1936-37. This report was published in 1938. On page 1 it says—

A policy of drift appears to have characterised the working almost of every department. It is difficult to pick out a few paragraphs from the report for being brought specially to the notice of the Government, but the summary of irregularities given in paragraph 34 of the report will show that most of the defects and financial irregularities discussed in the report are of considerable importance and call for early action.

There is at present no organized Stores Department and the existing haphazard method of purchasing stores leads to considerable extravagance and waste. Stores have not been verified for years. In the absence of verification of stock by a responsible officer, store accounts have very little practical value. A thorough stock verification by an independent agency is badly needed.

Then a little later on—

The accounts of water-rate are in a very deplorable condition and it appears that the clerks in charge expunged demands on their own responsibility and at their pleasure. The Tehbazari accounts are in an equally bad state.

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On page 1 of the Report it is stated :—

The lists of unsettled requisitions have been supplied from time to time first to the President and the Executive Officer, and thereafter to the Administrator with request for their expeditious disposal, but the progress in this behalf does not appear to be satisfactory. The Administrator was personally requested in this office letter No. L. A. D.-668, dated 15th May, 1937, to kindly make some adequate arrangements whereby it may not be possible for the various departments to defer for indefinite period the settlement of audit objections. A reply showing the action taken on that letter is still awaited.

A letter sent by the Accountant-General on 15th May, 1937, has not been replied and the answer to it is still awaited. That is the administration of my honourable friend the Minister for Public Works and this is the administration which is being carried on in spite of the unanimous protests and objections of the citizens of Lahore.

I will read one more little paragraph, Sir, in regard to losses and irregularities due to lack of interest in municipal affairs. It runs as follows :—

Several cases were noticed in audit during the year under review in which serious losses of Municipal money or property were sustained owing to the mismanagement or for want of intelligent interest in the affairs of the Municipality.

If you will turn to pages 7 and 8, you will find one of the instances of irregularities. It runs thus :—

In spite of these expert and technical opinions and also in spite of the fact that the contractor had a very weak case in view of his having executed most of the work without authority, in excess of instructions, and in contravention of the terms of his agreement, the former Administrator agreed to pay to him a sum of Rs. 8,200 which was obviously much in excess of the amount which he was advised by his technical advisers to pay. No reasons were assigned for treating the contractor so liberally in spite of his having resorted to methods which, to say the least, were highly unbusinesslike.

I will draw the particular attention of the Honourable Minister to the next few lines. This is what the Accountant-General says in connection with this case about the Administrator. He says—

Only one comment need be offered on this case. Had a Committee settled this case similarly its members would in all likelihood have been surcharged.

This paragraph does not require any comment. If this irregularity had been committed by any committee, the amount would have been realized from the members of the committee. This is the official opinion about the Government's own administration of Lahore and yet, the Government is continuing with the present autocratic, undemocratic and inefficient administration. This matter calls for immediate interference. I need not take more time of the honourable members of the House. I will wind up my speech by reading the last paragraph of the Report. This is the conclusion given at page 88 of the Report and runs as follows :—

The condition of accounts in almost all departments continues to be as neglected and unsatisfactory as before. To whatever side one turns, one finds hopeless mess, serious irregularities, violation of rules and regulations, waste or misapplication of funds, leakage of revenue, appalling figures of arrears and utter disregard of the canons of financial propriety.

I make a present to the Government of this criticism of their administration by the Accountant-General of the Punjab.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I have heard for the last three days with deep attention the long-winded and vehement speeches in criticism of the details of this Bill. Vehement criticism have been also levelled against the supersession of the old Municipal Committee and against the present administration; but I am glad to say that on analysis I have found that nothing has been said by any member against the principle of the Bill, with the exception of honourable Malik Barkat Ali, with whose criticism I hope to deal later. The question, whether the old municipality was superseded for good reasons or bad, is not before us now; nor is the question whether the present administration is successful or otherwise. These are not the relevant issues so far as this Bill goes. I will deal with them later if I find time. I admit there are differences as regards the details of the Bill. Differences there must be on a controvertial measure like the present one. All I have got to say is this that I am not wedded to any particular provision or details of the Bill, nor do I attach any sanctity to any figure given in the Bill. I am open to conviction; I want to point out that if we have put down those figures and provisions, we have inserted them for good reasons and I dare say that the honourable members opposite, who have so vehemently criticised the figures and provisions of the Bill, have also good reasons for doing so. But these differences of details can be threshed out in the select committee.

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

The cardinal principle of the Bill is the separation of the executive and the legislative or deliberation functions. We have to consider whether we agree on this or not. So far as I know, nothing has been said against this main principle of the Bill. As a matter of fact, some honourable members have welcomed it and opposition came from one quarter only. I have to quote, in this connection, the example of the Congress governments. They recently amended the law governing the corporations. They brought amending Acts regarding the corporations in their provinces and in no case was this principle challenged. Therefore, I can say that this principle has found acceptance even with the Congress governments. I will now try to deal with some of the points raised by the honourable members. I will first of all come to the speech of Chaudhri Krishna Gopal Dutt. He called the Bill a hybrid one. I do not say that it is a Bill solely confined to provisions selected from one Act. We have tried to select the best from all the Acts and I do not see any harm in doing so. We have modelled it on the Karachi Act but the new structure may not exactly be identical. We have tried to have that model and at the same time we have tried to incorporate useful and good provisions from the Punjab Municipal Act. We find that some of them are very useful. Here and there we have tried to modify these also so as to suit local circumstances. Again, it has been said that the Bill is a challenge to democracy. Democracy may be a form of government but it is not necessarily a bad form of government. Checks are necessary even for democracy so as to ensure good government.

Coming to nomination, the principal attack was levelled against this provision of the Bill. Nothing new has been provided in this Bill except what already exists in the Punjab Municipal Act. In section 12 of the Punjab

[Minister for Public Works.]

Municipal Act there is a provision that nominations can be made up to one-fourth of the total strength. The same is the case here and if you consider for a moment you will find that 17 is exactly one-fourth of 68. (*Interruptions*). We have not departed from the principle of nomination which exists already. As a matter of fact, in the last Lahore Municipal Committee, the nominated element was even more than 25 per cent., but I do not take my stand on that. What are the reasons for providing for this nomination? The reasons are that we have to provide representation for so many interests, for instance, women.

Begum Rashida Latif Baji : No, we do not want it.

Minister for Public Works : The honourable lady member may not want it but we have to provide representation for women. Then there is the question of giving representation to scheduled castes, and there is the question of official experts. There is an additional reason for providing nomination in Lahore. Everybody is not prepared to face the vagaries of election. There is a large number of lawyers, doctors and engineers in Lahore who have retired and settled in Lahore. They can be of very valuable service to the local body of Lahore. But they would not perhaps come forward and seek election. It is to utilise their services—which have been very valuable in the past—that we want to have a certain amount of nomination. I would go further and say that nomination is linked up with the question of minorities. As long as the question of minorities is there, we cannot get away from nomination. It is admitted that the question of minorities is at present in the way of our attaining full freedom. I for one would like to achieve full freedom and see nominations completely eliminated but that cannot be done by merely saying that we do not want nomination. We should create an atmosphere where nomination will be no longer necessary and for that I would ask the honourable members opposite to co-operate with us and I shall be very happy to see a state of affairs brought about when nomination would altogether disappear. But until that state of affairs is there, it is no use closing our eyes to hard facts and realities. The question of representation of minorities is there and we must safeguard them because we stand pledged to them.

I now come to the question of the Chief Executive Officer. It was said that it was a very retrograde step that the Government should have the power of appointing the Chief Executive Officer in Lahore. But a similar provision exists in the Madras and the Bombay Acts. So, there is nothing new here. The Bombay Government recently amended the Corporation Act but they did not change this provision. I have good authority for saying that when this amending Bill came up before the Bombay Legislative Assembly, hundreds of amendments were moved against every provision of the Bill, but not a single amendment was moved against the provision which empowered the Government to appoint the Chief Executive Officer for the Corporation of Bombay. So, what is good for Bombay is good for Lahore. (*Interruption*). That is the case in Bombay. But Lahore also stands in a category by itself. There is no other provincial headquarter where local administration had to be superseded. I do not want to go into the reasons as to why it was superseded but it stood superseded when we took over.

Coming to the question of taxation, it has been asked as to why we have made it compulsory for the Corporation to levy house-tax. Similar provisions exist in many other measures that have so far been passed elsewhere and the case of Karachi Corporation is to the point. The question of imposing House-tax has been before the municipal committee for the last two decades. The elected representatives of the people would not make up their mind to levy the tax, and if we left it over now, what would be the result? The candidates would be rushing to polling booths and making wild promises and the result will be that no taxes would be levied and Lahore Corporation would be left without any funds. I would now give the incidence of taxation. (*Interruptions*). All that I wanted to say was that we are taking the odium for what the elected representatives of the people should have decided two decades ago. Let me give figures as to the incidence of taxation at present. In Bombay it is Rs. 16-15-3, in Karachi Rs. 10-5-9, Cawnpore Rs. 7-8-7, Madras Rs. 7-2-10, Calcutta Rs. 16-8-1, Lyallpur Rs. 6. Rawalpindi pays Rs. 5; Allahabad Rs. 6-8-0 and in Lahore it is Rs. 4-6-0. So, Lahore is the lightest taxed city in Northern India. Let me examine further what is the state of taxation in Lahore. Taxation at present in Lahore is indirect. It is only paid by the poor and it is levied on foodstuffs. The rich consume the same amount of food as the poor and, therefore, the wealthy millionaire pays the same amount as the poorest labourer.

Mian Abdul Aziz : On a point of order. I would like to know one thing. When it goes to the rich, do they not also have to share that tax which the poor people have given?

Minister : It is levied at present on eatables. We have done the right thing by levying tax on buildings. It will mean that the landowner will pay his due share. There were certain godowns beyond the municipal limits in the extended area and taxation was being evaded. Now they will be paying their due share for enjoying the amenities of municipal administration.

Rai Bahadur Mr. Mukand Lal Puri : They will go out.

Minister for Public Works : When they go out, we will see what can be done then. Another point that was raised was that labour had not been given due representation. At present what I find is that in this Assembly labour has not been properly represented. Let us see what sort of representatives have been returned. I find my honourable friend Rai Sahib Lala Sohan Lal as the labour representative and I find my honourable friend Lala Sita Ram as the Labour representative. (*Laughter*) (*Interruptions*). So, it was to avoid this state of affairs that I did not lay down a constituency for Labour. (*Interruptions*). I want to give representation to genuine labour interests. We have been considering the question of giving them proper representation through general electorate. This may be by adult franchise or by some other suitable means.

Criticism had been made that the administration had gone from bad to worse. It was said that it was good in the days of the municipal committee, but it has gone bad and this was the main criticism of the honourable lady member. I would just read out for comparison purposes what was the state of affairs in Lahore before October, 1936 when the Committee was superseded?

(1) The Committee had ceased to function long before.

[Minister for Public Works.]

(2) 1,357 cases were pending in the agenda of General Committee. These included 416 appeals about building plans.

(3) Unseemly scenes of rowdiness in the meetings of the committee.

(4) Communal and personal consideration prevailed in every matter.

(5) Tug of war between the committee and the Executive Officer, the President and the committee and between the Executive Officer and the President.

(6) Corruption rampant. Municipal administration run by a clique of municipal employees who could always rely upon the support of certain members whom they supported at the elections.

(7) Public Works Department was a source of general scandal—most noticeable case that of construction of Infectious Diseases Hospital—the engineer in charge died during enquiry.

(8) Water supply and sanitation arrangement very unsatisfactory. General complaint of shortage of water in less favoured areas and Lahore described as the dirtiest town on God's earth.

Mian Abdul Aziz : Whose report is this ?

Minister for Public Works : There was a general demand for supersession of the committee from the press and the platform and every one heaved a sigh of relief when it was actually superseded.

Now, what is the condition to-day after three years of direct administration by the Government ?

(1) Comprehensive drainage scheme estimated to cost about two crores of rupees approved.

(2) Orders have already been given that parts I and II of the scheme estimated to cost about ninety lakhs should be carried out and contracts of the value of 12½ lakhs have been given. In two years' time most of the open sewers would disappear underground.

(3) Reorganisation of water supply has been sanctioned and the staff is being collected.

(4) New tube-wells have been and are being sunk to increase water supply.

(5) Good deal of work providing surface drains in south western suburbs at a cost of a lakh and half has been completed.

(6) Municipal committee had been unable to find funds for a new chlorinator to chlorinate the water supply from percolation wells. Chlorination is now being regularly carried out.

(7) With the assistance of two expert engineers of the Public Works Department, a three year programme for the improvement of roads has been devised and is being carried out. It is expected that 40 per cent. more work will be done for the same amount as had been previously spent on roads.

(8) As against three child and maternity welfare centres maintained by the municipal committee, there are now ten.

(9) Two whole-time medical men for inspecting school children have been engaged and a third will be shortly engaged for girl students. This staff is specialised in dealing with diseases of eyes, nose, throat, ears and teeth.

(10) The Tuberculosis Institute has been improved and the Civil Surgeon is selecting part-time medical practitioners to start an additional number of cheap dispensaries so as to bring medical relief in simple cases within the reach of all.

(11) Boys' education has been placed under the supervision of a member of the Provincial Educational Service. Number of boys in schools has increased.

(12) Ten new girls schools have been recently sanctioned.

(13) Taxes on buildings, dogs and riding horses have been sanctioned. The last item will justify municipality's expenditure on tan rides.

(14) The establishment of the municipality has been completely overhauled and economies to the extent of about a lakh have been effected. This saving will be available for more expenditure on education and medical relief.

(15) Arrears of work left by the committee all cleared off.

(16) Old outstanding bills amounting to lakhs of rupees have been paid.

(17) Payments of salaries, grants, rents and other recurring charges which used to be delayed for months and even years are now promptly made.

(18) All the taxation orders and bye-laws, the revision of which has been under the consideration of the committee for nearly twenty years have been revised and brought up to date.

(19) Collection of taxes and other dues has been systematized. This alone should save about a lakh of rupees which used to be lost because steps were not taken to recover them when they became due through recourse to courts.

Thus, it would appear that though not much of window dressing may have been done solid foundation for sound administration has been laid.

Mian Abdul Aziz : Self-praise is no recommendation.

Lala Sita Ram : May I put a question to the Honourable Minister? Facts are there, but what is the remedy that is suggested in this Bill?

Minister for Public Works : Another argument was advanced that young people went round and assessed the house-tax. No young people were recruited. As a matter of fact, we obtained the services of experienced officials from the Income-Tax Department. When Baji Sahiba saw these people, they were perhaps, clean-shaven and she mistook them for young people. (Laughter).

Begum Rashida Latif Baji (Urdu) : Sir, there is an illustration in the illustrated Weekly. A two-mile long procession of objectors is shown. The report says that Mr. Macnabb is recording objections of the citizens while as you know he was at Simla at that time. This is the commentary on those reports.

Minister for Public Works : I was saying that those people came to us from the Income-tax Department with special knowledge of assessment of house property. If they were clean-shaven, it is not our fault. Besides, if any assessment has been wrongly made, there are provisions in the rules for appeal and people can file appeals and alterations can be made. Then Baji Sahiba went on to describe the demonstration against the house-tax. Baji Sahiba is a privileged being and she can do it. But I do not want to repeat and reply to it here because the case is *sub-judice*. I do not want to say anything more on the subject.

My honourable friend, Lala Sita Ram, complained against bad roads I am afraid he has not gone out and seen the good roads. We have brought them in good condition at much less cost than used to be the case in the old days. He also pressed for the revival of the committee. Our main difficulty is that if we revive the committee, then those old troubles will crop up again and history would repeat itself. He also said that it would take fairly long to inaugurate the Corporation. Nothing of the sort. Unless the Opposition thwarts the passage of the Bill, we have every hope to bring about the Corporation at as early a date as possible.

Mrs. Duni Chand referred to the sweepers' strike. It was not relevant at all to the principle of the Bill. But there is one thing which she mentioned and which is very relevant and was repeated by other honourable members as well and that is that this Bill is a vote-catching device of this Government. I fail to see how they call this measure in one breath a retrograde measure and in another a vote-catching device. How can it be both? In fact, their fear is that if this Bill is enacted it will, perhaps, be a popular measure, not for certain people who do not like to co-operate with the Government; but for the average citizen holding no particular partisan views, and that is what they do not like.

I would like to say a few words about Malik Barkat Ali's criticism. He was pleased to give us the history of all Corporations and how they were created and conferences that led to their creation, and what is more, he quoted great English statesmen and their opinions about local self-government. All I can say is that that was very illuminating. He then went on to point out the lacuna and flaws in the Bill and said that no provision had been made in the Bill for giving the right to vote. I am not a lawyer myself, but I have consulted the law officers of the Crown and I am assured that there is no lacuna or flaw on the subject. Apparently he was referring to the rule-making power of the provincial Government under the Corporation Act. We have section 380, which is modelled on the Karachi Act and that power is taken under that provision. I do not see that there is any legal defect or lacuna in the Bill. But even assuming that a particular clause is missing, there is no reason why the Bill should be circulated for eliciting public opinion. It can be easily inserted by the select committee.

Malik Barkat Ali : But who will point out the lacuna?

Minister for Public Works : Then he went on to say that constituencies should be provided in the Bill. That may be a good thing from the legal point of view but from the administrative point of view it is unsound as it becomes necessary to bring an amending Bill whenever a change in the constituencies is desired. To

provide constituencies in the Bill is from our point of view not a good provision. The same difficulty is being experienced in connection with the working of the Government of India Act. Malik Sahib then gave us a discourse about democracy and in the same breath he mentioned separate electorates.

Malik Barkat Ali : What do you say of that ?

Minister : I am coming to that. The honourable gentleman has got to be reminded that, only the other day he was opposing dominion status and he even does not think that democracy is a suitable form of government for India. He always mentions democracy and separate electorates in the same breath. I must say that I was enlightened by his speech but unaffected by the force of his arguments.

Malik Barkat Ali : Are you not a Muslim Leaguer ?

Minister : I was talking only of the theory of democracy. You question me about the Government policy on separate electorates. The Government's policy on separate electorates is *status quo* unless there is a strong justification for a change. That is the policy of the Government, a policy on which I take my stand.

Dr. Sir Gokul Chand Narang : May I suggest that if the honourable Minister is tired he may sit down while speaking ?

Minister : I was saying that Government's policy is *status quo* unless there is strong justification for a change in that policy.

Nawab Sir Shah Nawaz Khan : Which Government has framed that policy ?

Minister : That is the policy of the present Government. Malik Sahib then condemned certain provisions in the Bill and one of those provisions was that the Chief Executive Officer is not to give confidential information except under certain safeguards. That to him was very objectionable. Well, Sir, I wish he had known that daily we get cases where municipal commissioners get hold of confidential documents and sell information. It was merely to prevent this abuse and in the interest of the Corporation that we had put down that safeguard. If, however, the safeguard as it stands is cumbersome the select committee can whittle it down and amend it in such a way that the interests of the Corporation do not suffer and at the same time this misuse is prevented. If you realise the other side of the case you will know that it was not to flout the Corporation that we have given this power to the Chief Executive Officer ; but there is a real trouble which we want to avoid.

Mian Abdul Aziz : With your permission may I ask the Minister one question ? Does he consider that municipal papers like state papers are confidential under section 123 of the Evidence Act ?

Minister : I would tell my honourable friend of a case where there is litigation going on between a local body and certain interests and the paper of the local body have been passed on to the opposite party. There are such cases and to avoid that we have included that provision, but if you think the provisions is cumbersome you can whittle it down. I would now come to my friend the future Lord Mayor as he has been called.

Mian Abdul Aziz : Please do not call me the Lord Mayor. I have no desire to be so.

Minister : I would call him the ex-president of the committee of whom I am going to say something.

Mian Abdul Aziz : That is a superseded committee. I do not want to take the blame. I was not the President of the superseded committee.

Minister : He started by misquoting from the report of the Statutory Commission as he just mentioned. As he has at some length quoted the defects of the Dobson Committee, I would like to give the House a gist of what the Dobson Committee said about the administration of the committee in 1931 :—

- (1) Great leakage of revenue by evasion of terminal tax due to corruption or laxity of control.
- (2) Loss of revenue due to negligence in the proper disposal of surlage, night soil and refuse.
- (3) Loss of revenue from wheel tax and licence fee on vehicles due to inaction of the committee in realising them.
- (4) Defective system of licensing of offensive and dangerous trades and consequent loss of income to the committee.
- (5) Absence of a uniform system of water rate and remissness in the recovery of heavy arrears of water charges (amounting to Rs. 46,000 Appr.) due mainly from the municipal commissioners and persons of substance.
- (6) Loss of income of Rs. 20,000 per annum on account of penalties which would have been imposed had building inspectors promptly reported deviations from the sanctioned building plans.
- (7) Contrary to its rules and to the disadvantage of the committee no list of approved contractors was maintained, contracts were given in many cases without inviting tenders and in some cases not at the lowest tenders.
- (8) The committee failed to take proper precaution by demanding adequate security or selecting tenants of known stability in leasing out municipal property (loss of Rs. 36,000 Appr. was thus caused to the committee).
- (9) Encroachments due to the culpable negligence of the committee and unsatisfactory condition of its record of landed rights and its reluctance to assert them.
- (10) Laxity of control over construction of tharvas and projections with consequent loss of ownership by adverse possession and of revenue to the extent of about Rs. 40,000 per annum.
- (11) Negligence of the committee in recovering tahbazari fee from its lessees, resulting in an annual loss of Rs. 60,000 approximately.
- (12) No check on the realisation of malba rent and consequent loss of revenue to the extent of 80 per cent. per annum from this source.

(13) Mismanagement of nazul property in the charge of the committee resulting in over a thousand encroachments on fasil land alone the estimated market value of which was Rs. 2,50,000 Appr.

(14) Inefficiency of the municipal engineering staff which resulted in the construction and maintenance of buildings and roads at a cost considerably higher than in the Public Works Department, Buildings and Roads Branch.

(15) Lack of proper drainage system.

(16) The employment of inadequately qualified building inspectors and unauthorised interference by unqualified municipal employees and ward members in building plans.

(17) Development of parts of the town without a proper lay-out scheme, drainage system or other necessary civic amenities.

(18) An entirely defective system of conservancy.

(19) Failure of the committee to provide for an adequate supply of water of which there had been a chronic insufficiency throughout the town.

(20) Lack of co-operation with the police in the matter of control of traffic and of beggar nuisance.

(21) Strained relations between the Lahore Electric Supply Company and the committee.

(22) Education of the depressed classes and of the females was inadequately provided for. The schools were overcrowded and located in insanitary buildings.

(23) Lamentable lack of supervision and control over the municipal staff in the institution and conduct of civil and criminal cases.

(24) Communalism, corruption, jobbery and nepotism were rampant in most of the branches of the municipal service.

(25) Promiscuous and frequent use of section 35 of the Punjab Municipal Act by the President.

(26) Petty items particularly appointments, dismissals, retrenchments and reinstatements of the municipal staff were discussed at great length on communal lines while important business relating to the welfare of the citizens was treated lightly. In fact business was generally conducted in a manner which exhibited grave procrastination, defective procedure, waste of public money, communal bias and the corruption of justice resulting in the spoilation, etc., of the municipal fund and property.

Mr. E. Few : An item of Rs. 18,000 has been omitted which was paid as compensation to two municipal engineers wrongly discharged by the Minister of Local Self-Government and the Executive Officer.

Mian Abdul Aziz : The Honourable Minister has been pleased to read from the report of the Dobson Committee. Will he care to see the reply

[Mian Abdul Aziz.]
 given by me? There was no controversy about that and the reply was not dared to be repudiated. The first portion of the Dobson's Committee's report admits that certain embezzlements took place in 1931. That was before I came in as President. Still I have to protect the interests of the municipal committee.

Minister : Then the honourable member went on and laid down a dangerous principle that no government is possible unless the municipal commissioners are in charge of wards, or in other words the elected representatives of the people are also in charge of the executive. If we work out that theory in practice, it will mean that instead of deputy commissioners and tahsildars the members of this House should run the administration. What that would be like could well be imagined. It would be like what the Lahore Municipal Committee was in the past. I do not think I should go into that question at length. It is admitted that the separation of the executive from the deliberative functions of the committee is very essential. Even the Congress governments are agreed on that theory.

Let us now see what has been happening in the Lahore *abadis*. There was no water supply. There was no drainage. The streets were *katcha*. Yet nothing was done. Who was responsible for all that? I would say that the municipal committees of the past are directly responsible for the present state of the new *abadis*. If they had insisted on a lay out plan, if they had prevented the speculator from making money and running away, if they had done something for realizing funds for paving the streets for which provision existed in the Municipal Act, things would not have been as they are. But it was all circumvented. Sections 192 and 193 are there. If they had insisted they could have got the money, but the speculators had been making money and running away and now we are paying for the sins and the neglect of the past municipal committees. It is not the Administrator's fault. Every effort is being made now to control things, but if a wrong has been going on for years it cannot be set right in a few days. (*Interruptions*).

Mr. Deputy Speaker : Order, order.

Mian Abdul Aziz : These interruptions should be allowed. These are not uncalled for interruptions. I think they are cogent, because they are made in connection with the speech that the Honourable Minister is making, though, of course we are prepared to obey your order.

Minister : I would like now to say a few words about my worthy predecessor in office. He was pleased to say that he would not have superseded the municipal committee if he had received a certain representation in time. I have to ask him a question.

Dr. Sir Gokul Chand Narang : The Honourable Minister has misunderstood me.

Minister : I may have misunderstood him, but he did say that if he had received a certain representation a little earlier than he did, he would not have superseded the municipal committee.

Dr. Sir Gokul Chand Narang : He does not know the distinction between "would have" and "might have."

Premier : There speaks the Oxford dictionary.

Dr. Sir Gokul Chand Narang : The dictionary is sitting next to him.

Minister : I am speaking subject to correction, but I am not a master of English. What I understood the honourable member to say was that if that representation had reached him in time he would not have perhaps superseded the municipal committee. Am I wrong in that?

Dr. Sir Gokul Chand Narang : The reasons for the supersession of the municipal committee were given in a *communiqué* which was issued by Government. What I said in reference to the representation to which reference was made by my honourable friend was that if that had been received earlier, it is possible that different action might have been taken and more time might have been given to the municipal committee, but the reasons for supersession have been given fully in that *communiqué* which I am sure the Honourable Minister can see even now if he likes.

Minister : The honourable member had very good reasons to supersede it, but what I said was that if the time of receipt of that representation would have made all the difference, then even a few hours would have made that difference. The supersession order was given in October and the honourable member was in office till April or May of the following year. Why could he not cancel his order if he had seen the wisdom of doing so? What does he mean now, if he did not do so then?

Mr. A. Few : The municipal committee was brought to impotence between the Minister of Local Self-Government and the Executive Officer, who became a sort of managing agents.

Dr. Sir Gokul Chand Narang : It is a false and impertinent insinuation, and the honourable member does not know what he is talking about. If he is a gentleman he will apologise.

An Honourable Member : With that remark Mian Abdul Aziz agrees.

Minister : If the representation was very important, my honourable friend could have changed his mind, but he did not and he is now trying to be wise after the event, perhaps in consultation with the ex-President of the municipal committee.

Mian Abdul Aziz : Thank you very much. You are so kind to me. Throw every blame on me, if possible.

Minister : Then honourable member went on to say that the Executive Officers' Bill had been brought forward by him at the instance of Sir Firoz Khan Noon. Whether it was or not, I cannot say. But if the honourable member did not believe in the provisions of that Bill or in the advisability of sponsoring the Bill, why did he sponsor it?

Dr. Sir Gokul Chand Narang : I have said that I am not ashamed of that Bill, and I piloted it through the House though Sir Firoz Khan could not.

Minister : Sir Firoz Khan—the man who had the confidence of a large party could not pilot it?

Dr. Sir Gokul Chand Narang : He did not. That is patent.

Premier : My honourable friend should not divulge Cabinet secrets. Those are between you and Sir Firoz Khan.

Minister : However that is past history, and I would not say anything more.

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

If one starts going on in this way I might perhaps say that I have brought this Bill at the instance of my honourable friend and worthy predecessor. As a matter of fact, the two-third majority that I have suggested in the Bill, is from his original Bill.

Then, Sir, Mr. Gauba asked why we did not reconstitute the committee in the meantime. All I say is that the principles underlying a corporation and a municipal committee are different and even if we did constitute some sort of committee, by resorting to certain sections of the Act we could not bring about that state of affairs in Lahore which we want to.

Then the member representing scheduled castes wanted to know what was going to be done for their representation. As he knows we have taken power in the Bill under the rule-making provisions to deal with such questions and this will be dealt with later on. But whatever may be the mode of representation, he can rest assured that the scheduled castes will get their due share of representation. *(Hear, hear)*. He said, "I will like to have the question decided now." I am afraid that is not possible.

The Leader of the Opposition also mentioned certain points. But they were more or less the same as stressed by others and which have already been dealt with. He went into the history of the Lahore Municipal Committee in detail with which I have just dealt.

There is one thing that I would like to say about the speech of Dr. Alam. He said nothing very important, but it was a good variety show and I wish we got his performances more often.

As to the quotations which the honourable Leader of the Opposition made from Sir Chaudhri Chhotu Ram's speeches at the time of the passage of the Executive Officers' Bill and from the speeches of certain other members of this party who were then in opposition, I must say that that criticism at that time was levelled against an irresponsible Government taking over powers. There is a lot of difference between an irresponsible government having these powers and certain powers being vested in a responsible government. *(Hear, hear)*. One is a negation of democracy and the other is not. *(Hear, hear)*. In this case the government is a responsible government and is responsible to the people of the province through this House.

Chaudhri Krishna Gopal Dutt : Is that the principle of local self-government ?

Minister : Local self-government means giving the people of a locality the power to control their affairs. But people at large have the right to keep certain checks so that they might not mismanage things and in Lahore particularly, which happens to be the capital of the province, it is the right of the people of the province to see that local self-government functions well and properly. *(Hear, hear)*.

Chaudhri Krishna Gopal Dutt : What a peculiar notion of local self-government ! You are confusing local self-government with self-government.

Minister : Even in all advanced countries Government have a certain amount of control over local self-government and do interfere in their working in order to prevent mal-administration and to set right the state of affairs in case the rights of private citizens begin to suffer.

Now, coming to the motion before the House, the motion is merely dilatory. Government is very anxious to restore the municipal administration of this city to the representatives of the people and we do not want to delay matters unless the members opposite want to take that responsibility on their head.

Mian Abdul Aziz : The Administrator is prepared to take good anxiety of Government after three years and after such great agitation and still one sided.

Minister : The Bill does not apply to the whole province. There is an enlightened public opinion and an educated public in Lahore. The Bill has been criticised for the last two months. Criticism is still coming forward and can be forwarded to the select committee. The select committee will go on for a long time and suggestions will be welcome. Not only that, I would go further and say that even if any useful criticism comes from any honourable member of this House at the consideration stage, we can make use of it by moving suitable amendments and you Sir, have in the past kindly allowed such amendments being moved up to the last stage of the passing of the Bill. Consequently, even late criticism can be sent and made use of. Reference has been made to various Corporation Acts in the press and on the platform and the question has been thrashed out threadbare. However, if there is anything left, that can be discussed in the select committee ; the committee as proposed by me, is fully representative and I hope the Bill will come back before this House in a form which will be acceptable to all concerned. With these words I oppose the motion for circulation. *(Cheers).*

Mr. Speaker : Question is—

That the City of Lahore Corporation Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1240.

While the division bell was ringing.

Premier : If my honourable friends opposite want circulation and are prepared to take the onus of delay on them, Government will be prepared to accept the motion. May I ask the Honourable the Leader of the Opposition whether he seriously wants the motion to be carried ? If he really wants it Government will be prepared to give way but then the Bill will not be passed this session.

Dr. Sir Gokul Chand Narang : Why did not Government give way on the very first day ?

Premier : Because we thought that the motion was meant merely to ventilate the point of view of honourable members opposite.

Chaudhri Krishna Gopal Dutt : Where were you three days ago ?

Premier : Here.

Dr. Gopi Chand Bhargava : Then let the motion be carried.

The Assembly divided : Ayes 41, noes 79.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.
Barkat Ali, Malik.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lall, Diwan.
Dev Raj Sethi, Mr.
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.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kartar Singh, Sardar.
Kishan Singh, Sardar.

Kirshna Gopal Dutt, Chaudhri.
Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hassan, Chaudhri.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur
Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghbir Kaur, Shrimati.
Rashida Latif Baji, Begum.
Rur Singh, Sardar.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sar-
dar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri, (Gurgaon).
Ahmad Yar Khan Daultana, Khan
Bahadur Mian.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Ashiq Hussain, Captain.
Badar Mohyi-ud-din Qadri, Khan
Sahib Sayed.
Bhawant Singh, Rai.
Chhotu Ram, The Honourable Chau-
dhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Shaikh.
Faqir Hussain Khan, Chaudhri.

Framan Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Gauga, Mr. K. L.
Ghazanfar Ali Khan, Raja.
Ghulam Qadir Khan, Khan Baha-
dur.
Ghulam Samad, Khan Sahib Kha-
waja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Habib Ullah Khan, Malik.

Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Fiayaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.

Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chau-
 dhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

The Assembly then adjourned till 2-30 p.m., on Friday, 1st December, 1939.

1911

1911年1月1日 星期日
1911年1月2日 星期一
1911年1月3日 星期二

1911年1月4日 星期三

1911年1月5日 星期四

1911年1月6日 星期五



1911年1月7日 星期六

1911年1月8日 星期日

1911

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 1st December, 1939.

*The Assembly met in the Assembly Chamber at 2.30 p.m. of the clock.
Mr. Speaker in the Chair.*

STARRED QUESTIONS AND ANSWERS.

MOTOR-DRIVER CHARAN DASS, SON OF KALU SHAH,

***5605. Lala Bhagat Ram Choda :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that one motor driver Charan Dass, son of Kalu Shah, made a representation to the Assistant Inspector-General, Police, Traffic, alleging that the District Board Contractor of Ekka Stand at Luliani on Lahore-Ferozepore road forcibly collects fees from the lorry-wallas, who pick up passengers from and on the Public Works Department Road, if so, the action taken by the authorities ?

Parliamentary Secretary (Shaikh Faiz Muhammad): No report appears to have been made to the Assistant Inspector-General of Police, Traffic, but on the 24th August the Inspector-in-charge of the Central Range mobile patrol warned the contractor operating the District Board lorry stand at Ato Ashi (about six miles from Luliani) that the stand was situated in a dangerous position and that if any charge was made for picking up passengers from the roadside, the contractor would render himself liable to prosecution. The matter was subsequently taken up by the Senior Superintendent of Police with the District Board. The Senior Superintendent of Police pointed out that the Registering Authority had declined to approve the site on the ground that it was situated in a dangerous position and that in consequence the stand should be removed.

INSTRUCTIONS ISSUED TO ALL REGISTERING AUTHORITIES AND POLICE
SUPERINTENDENTS REGARDING MOTOR VEHICLES ACT, 1939.

***5606. Lala Bhagat Ram Choda :** Will the Honourable Minister for Public Works be pleased to lay on the table of the House copies of instructions issued by the Inspector-General, Police, on the 27th June, 1939, to all Registering Authorities and Police Superintendents of the province regarding the course of action to be adopted after the commencement of Motor Vehicles Act, 1939.

Parliamentary Secretary (Shaikh Faiz Muhammad): The letter to which the question refers was issued in the course of departmental correspondence. It is not a published document, and I regret that I cannot undertake to lay a copy on the table.

Chaudhri Muhammad Hasan : With regard to the answer to this question, may I know whether it is a fact that instructions issued by the Assistant Inspector-General were in contravention of the provisions of section 134 (2) of the Act IV of 1939 read with section 4 of the General Clauses Act?

Parliamentary Secretary : When I have said that the contents of the document are confidential, it is difficult for me to say whether they are consistent or inconsistent with any provision of the Act. But the honourable member may assume that the Government will do nothing which goes counter to the provisions of any enactment.

Chaudhri Muhammad Hasan : Did the Government at all consider the enforcement of the instruction issued by the Assistant Inspector-General?

Parliamentary Secretary : What does the honourable member mean by enforcement?

Chaudhri Muhammad Hasan : Will the Parliamentary Secretary please state whether it is a fact that these instructions were required to be complied with by the superintendents of police of each district in the province?

Parliamentary Secretary : I have said that the instructions are confidential, but instructions are invariably issued for enforcement.

Chaudhri Muhammad Hasan : Does the honourable member know these instructions? Has he seen them?

Parliamentary Secretary : Instructions were departmental and I am not prepared to divulge any part of these instructions. I may also add that I have nothing to add to the answer already given.

Chaudhri Muhammad Hasan : My question is whether he has at all seen them.

Minister for Public Works : How would it serve your purpose?

Mr. Speaker : How is that a matter of public concern?

Chaudhri Muhammad Hasan : It concerns the motor wallas.

Mr. Speaker : I wish to know how the fact that the Parliamentary Secretary has or has not seen the document is the concern of the public.

Chaudhri Muhammad Hasan : Because they are prosecuted if they go against those instructions.

Lala Bhagat Ram Choda : Did the Punjab Government have any hand in the amendment of the Motor Act?

Minister : This Act was passed by the Central Government. The Punjab Government is one out of so many Provincial Governments and there are eight other Governments run by a different party.

Chaudhri Muhammad Hasan : Does the honourable member know that no other province except the Punjab and North-West Frontier Province have a rule like the one under reference?

Minister : The question was about the Motor Vehicles Act and now you have come back to a particular rule. If you put a question and give notice, you will get the reply.

Dr. Gopi Chand Bhargava : May I know whether the Honourable Minister will lay on the table the opinion expressed by the Punjab Government and submitted to the Government of India ?

Minister : I am afraid that is a privileged document but the honourable member would know that the Act was passed by the Central Government and opinions of all Governments were forwarded. I cannot say whether any protest was lodged by any Government.

Dr. Gopi Chand Bhargava : I do not want to know whether any protest was lodged by the Punjab Government. I want to know the opinion expressed by the Punjab Government. Is he prepared to lay it on the table ?

Minister : The communication is privileged and I am afraid I cannot oblige the honourable member.

PERIOD OF EXAMINATION OF MOTOR VEHICLES AND TAXI CARS.

*5611. **Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state whether the Government have received any representations to alter the period of examination of motor vehicles and taxi cars from three months to six months ; if so, what action or decision has been taken upon these ?

Parliamentary Secretary (Shaikh Fais Muhammad) : Various representations have been made. Until such time as a new set of rules can be issued, rule 49 of the old Punjab Rules, which requires a quarterly inspection remains in force by virtue of subsection (2) of section 184 of the new Act (as amended).

The Punjab Government hope that when the new system of control is introduced there will be more inducement to owners to keep their vehicles in good order and that the half-yearly inspection contemplated by the new Act will then be found sufficient ; but with conditions as they are it is undoubtedly in the interests of the public that the quarterly inspection should be retained. Without it the number of unsafe vehicles on the road, and the number of accidents, would be even larger than it is.

Khan Sahib Khawaja Ghulam Samad : May I know from the Parliamentary Secretary whether the Government is contemplating a revision of the rules of inspection so as to alter the inspection from three to six months ?

Parliamentary Secretary : Under the new Act new set of rules will have to be framed and when the new rules come into force, the Government is contemplating converting these quarterly inspections into six-monthly inspections.

Khan Sahib Khawaja Ghulam Samad : Will the Punjab Government frame a separate set of rules or will they adopt the rules framed by the Central Government ?

Parliamentary Secretary : So far as the power of rule making is concerned, under the Act that power is with the Provincial Governments and not the Central Government.

Khan Sahib Khawaja Ghulam Samad : May I request the Parliamentary Secretary to state whether he has ever taken into consideration the interests of the lorry wallas?

Parliamentary Secretary : The difficulty is that up till now, more importance has been attached to the interests of the lorry-wallas and very little importance to the interests of the public and what the Government proposes to do now is to take into consideration the interests of the lorry-wallas as well as the interests of the public.

Khan Sahib Khawaja Ghulam Samad : Is it not in the interest of the lorry-wallas, because as the Parliamentary Secretary may be aware, lorry-wallas have to grease the palm of the licensing clerks, inspectors, etc., at the time of every inspection.

Mr. Speaker : Disallowed.

THREE LOCAL BODIES IN GUJRAT TOWN.

***5612. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether there are any towns in the Punjab other than Gujrat where there are more than one local bodies; if so, their names;

(b) with reference to the reply to question No. 4593 (starred), put on 8rd April, 1939, whether the Government have received any report from the local officers; if so, what?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes, Karnal and Ambala.

(b) Yes. It would not be in the public interest to divulge the views expressed by local officers. The matter is receiving careful consideration of Government.

PROMOTIONS IN THE LOWER AND UPPER GRADES IN THE PUBLIC WORKS DEPARTMENT.

***5631. Shaikh Karamat Ali :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that up till the end of 1938 promotions in the lower and upper grades in the Public Works Department were dependent on merit alone;

(b) whether the criterion mentioned in (a) above has since undergone a change in some respects and that in some cases promotions have been given on the score of seniority alone, while in others they have been given on the score of merit; if so, why, and the action the Government intends to take in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : It is not clear as to what class of establishment in the Public Works Department, the honourable member refers. Generally speaking seniority for promotion

counts only in cases where other qualifications are equal. All the promotions made up to the end of 1938 were based on this principle except in short leave vacancies where this principle is suitably relaxed to avoid dislocation of work. There has been no change in this guiding principle since 1938.

TERMINAL TAX ON THE IMPORT OF LEATHER INTO PANIPAT.

***5575. Chaudhri Faqir Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that the Municipal Committee, Panipat, charges Rs. 8 as terminal tax on the import of leather into the municipal area which is too heavy in view of the price per maund of leather;
- (b) whether it is a fact that the Achhuts living in the Municipality are very much agitated over this and are leaving Panipat; if so, the action Government proposes to take to redress the grievances of the Achhuts in this respect?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Terminal tax on leather is levied at the rate of Rs. 8 per maund, but a proposal to reduce this rate is under the consideration of the Committee.

(b) Government's information is different. They have received the report that several new shops dealing in boots and shoes have recently been opened.

Chaudhri Jugal Kishore : May I know whether terminal tax on the import of leather into the municipal areas of the towns of Karnal, Thanesar and Kaithal has been levied or not?

Parliamentary Secretary : It is very difficult for me to answer that question off-hand. If the honourable member gives notice, I will collect the necessary information. This question relates only to Panipat.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary please state whether it is necessary for a municipal committee to obtain previous sanction of Government before levying such a tax?

Parliamentary Secretary : Yes, previous sanction is necessary.

Mian Sultan Mahmud Hotiana : May I now if the Parliamentary Secretary considered the advisability of levying this tax before giving sanction to the Municipal Committee concerned?

Parliamentary Secretary : This tax has been in existence for a long time. Hence the question does not arise.

Chaudhri Faqir Chand : Is it a fact that on account of this heavy tax of Rs. 8 per maund many shop-keepers have left the municipal limits of Panipat?

Parliamentary Secretary : None to my knowledge.

Chaudhri Jugal Kishore : May I know if it has been brought to the notice of the honourable Parliamentary Secretary that owing to harshness of the tax the Achhuts have left Panipat and started business outside the town?

Parliamentary Secretary : I have already stated that Government's information is that some shops dealing in boots and shoes have recently been opened outside the municipal limits of Panipat.

Sardar Rur Singh : May I know if Government consider it their duty to remove the discontent prevailing among the Achhuts ?

Parliamentary Secretary : This is a question of policy and I am afraid I cannot answer it.

Lala Duni Chand : May I know if it is repeatedly brought to the notice of the Government that this tax is very harmful to the local business and if so, what action has been taken by the Government ?

Parliamentary Secretary : I am not aware whether this has been repeatedly brought to the notice of the Government.

Lala Duni Chand : Is it a fact that this tax is extremely harmful to local business and local industry ?

Parliamentary Secretary : No, Sir.

Dr. Gopi Chand Bhargava : Is it not a fact that the people have moved beyond the municipal limits and are opening their shops outside the municipal limits ?

Parliamentary Secretary : In order to evade the municipal tax, it is the general tendency of the people to shift business just outside the boundary of the municipality. It is not because of the harshness of the tax ; but to evade the municipal tax.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state whether the tax levied by this Committee exceeds the tax imposed by other committees ?

Parliamentary Secretary : I want notice for that.

Dr. Gopi Chand Bhargava : Since when is the Municipality considering the revision of this terminal tax ?

Parliamentary Secretary : It is very difficult for me to say since when the Committee has been considering this question. If the honourable member will give me a notice of this question, I will find out.

Pandit Shri Ram Sharma : May I know when this tax was imposed ?

Parliamentary Secretary : It was imposed before the present Government came into existence.

Chaudhri Faqir Chand : May I know if the information supplied by the Parliamentary Secretary has been received from proper quarters or he has himself supplied it ?

Parliamentary Secretary : The honourable member should not bother about the source of information. It is the business of the Government to collect it.

GENERAL INSANITARY CONDITION OF RAJA SANSI IN AMRITSAR DISTRICT.

***5033. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister of Education be pleased to state the names of the medical and health officers of Government who have visited the town of Raja Sansi in the Amritsar district during the last 3 years and whether they have ever brought to his notice the general insanitary condition of the town in and outside the abadi ; if so, what action has so far been taken or is proposed to be taken to safeguard the health of inhabitants of this area ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : The question consists of three parts and the reply *seriatim* is as under :—

1st part.—

Names of Medical Officers.

1. Lieutenant-Colonel P. A. Dargan, I.M.S., Civil Surgeon, Amritsar.
2. Major J. J. Beausang, I.M.S., Civil Surgeon, Amritsar.

Names of Health Officers.

1. B. Sardar Ahmad, District Sanitary Inspector.
2. Dr. M. L. Dhir, D.P.H., District Medical Officer of Health.
3. Dr. Gopal Singh, Sub-Assistant Health Officer.
4. Dr. Surain Singh, Sub-Assistant Health Officer.
5. B. Mukhtar Hussain, District Sanitary Inspector.

2nd part.—No.

3rd part.—Reports regarding insanitary conditions in the village, which has a population of about 4,000, had received the attention of the District Medical Officer of Health and the Civil Surgeon, Amritsar, respectively, and the following improvements were carried out during the last three years :—

Description of work.	No.	Cost.	REMARKS.
		Rs.	
1. Pacca drain	6,360 ft.	2,385	..
2. Repairs to bazar sand roads	2,445 sq. ft.	450	S. Raghbir Singh's and village contributions.
3. Culverts newly constructed	3	75	..
4. Bridge	1	300	..
5. Kacha drain	1,000 ft.	210	..
6. Pits	12	Nil	..
7. Ventilators	200	Nil	..

APPLICATION FORMS FOR ADMISSION TO GOVERNMENT COLLEGES.

***5056. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that according to the prescribed form of application for admission to the Government colleges in the Punjab a student desiring to seek admission to any of these colleges is also required to undertake that he will not take part in politics while a student; if so; since when such a clause requiring a student to give such an undertaking has been inserted in the application forms for admission to those colleges;

(b) the penalty prescribed for breaking this promise?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): (a) Such a clause exists in the application forms of most of the Government colleges. It was first introduced by the Government College, Lahore, in 1919 and was later on adopted by other institutions.

(b) Any disciplinary action which may entail fine, rustication or expulsion from the college at the discretion of the Principal.

Pandit Shri Ram Sharma : May I ask under what authority this has been included in the application forms—Under the authority of the University or that of the Government?

Parliamentary Secretary Under no particular authority, but under the force of the prevailing circumstances.

Pandit Shri Ram Sharma : When did the other colleges follow suit?

Parliamentary Secretary : I want notice for this question.

Dr. Gopi Chand Bhargava : May I know the meaning of the word "politics"?

Parliamentary Secretary : The honourable leader of the Opposition understands the meaning of this word better than I do.

Dr. Gopi Chand Bhargava : What meaning was intended at the time the Parliamentary Secretary was giving the original reply?

Minister of Public Works : The same as laid down.

Dr. Gopi Chand Bhargava : I want a reply from the Parliamentary Secretary as to what she means by 'politics'?

Parliamentary Secretary : May I ask—

Dr. Gopi Chand Bhargava : Sorry. You cannot put a question (Laughter.)

Lala Duni Chand : May I help the Parliamentary Secretary and ask her, in view of the fact that there are varieties of politics such as Unionist Party politics, the Muslim League politics, Congress politics and so on, which variety of politics is, according to her, valid?

Mr. Speaker : I disallow the question.

Munshi Hari Lal : May I ask if politics also is included in the subjects of studies in the colleges?

Parliamentary Secretary : Political science and political economy both are included in the college syllabus.

Pandit Shri Ram Sharma : Does the Government mean Congress politics whenever the word 'politics' is used ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : What is the notion of the Government about students taking part in the Unionist Party's politics ? Does it not mean taking part in politics ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : When students take part in the processions of the Ministers, do they not commit the act of taking part in politics ?

Minister of Public Works : That is hero worship !

Mr. Speaker : The next question.

TEACHERS SERVING UNDER THE LAHORE MUNICIPAL COMMITTEE.

***5076. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state the action taken or proposed to be taken by the Government over the keen agitation and discontent arising out of the proposed reduction in the salaries of the teachers serving under the Lahore Municipal Committee ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : Government has agreed to the proposed cut in the salaries of the teachers serving under the Lahore Municipality to effect economies provided that the cut shall in no individual case exceed Rs. 5 per mensem. No further action is contemplated.

Chaudhri Muhammad Hasan : Is it a fact that the Government has received representations from the Teachers' Union, on behalf of teachers, that their pay should not be reduced ?

Parliamentary Secretary : I have already pointed out that no further action is contemplated by the Government.

IRREGULAR PROMOTIONS

***5127. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether any complaints regarding irregular promotions granted by Assistant District Inspector, Hissar, at the fourth Primary class centre examination held on 25th March, 1939, at Hissar were received by authorities concerned ;

(b) if the answer to (a) is in the affirmative, whether any inquiry was held into the matter ; if so, with what result ;

(c) if the answer to (b) above be in the negative, whether the Government intends to take any action now in the matter ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) Yes.

(b) An inquiry was held into the matter and the Inspector of Schools, Ambala Division, has quashed the Examination result and ordered the promotion of all the 12 boys who were declared as failed by the Assistant District Inspector of Schools and the District Inspector of Schools, Hissar.

[Mrs. J. A. Shah Nawaz.]

(c) Does not arise.

Pandit Shri Ram Sharma : What is the nature of those irregularities ?

Parliamentary Secretary : I have got the whole file here and the honourable member is welcome to see it in my office.

Pandit Shri Ram Sharma : Was the Assistant District Inspector who is responsible for those irregularities, punished or rewarded ?

Parliamentary Secretary : I have nothing further to add to the reply already given.

COMPLAINT AGAINST SUPERINTENDENT OF VERNACULAR FINAL
AND MIDDLE SCHOOL EXAMINATION, 1939, HISSAR
CENTRE.

***5128. Pandit Shri Ram Sharma :** Will the Honourable Minister for Education be pleased to state—

(a) whether any complaint was received by Inspector of Schools, Ambala Division, against the Superintendent of Vernacular Final and Middle School Examination, 1939, Hissar Centre C, at Jat High School, Hissar, regarding his lack of supervision during the examination ;

(b) if the answer to (a) is in the affirmative, whether any inquiry was held against the official concerned ; if so, with what result ;

(c) whether the Government propose to take necessary action in the matter to prevent such occurrences in future ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) Yes. A pseudonymous complaint was received.

(b) Yes. The officer concerned was warned by the Inspector of Schools.

(c) No further action is necessary.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that long after the examination was over, this allegation was made against an officer who is deadly against the irregularity of one teacher teaching half the class in Urdu and half the class in Hindi ?

Nawab Sir Shah Nawaz Khan : It does not arise out of this question.

Pandit Shri Ram Sharma : Is it a fact that students were allowed to openly copy the answers from each other ?

Minister of Public Works : Perhaps the honourable member is reminded of the old times when he sat for his examinations.

Pandit Shri Ram Sharma : Was the warning thought to be sufficient punishment for this offence which seems to be serious ?

Parliamentary Secretary : Yes.

Khan Sahib Chaudhri Sahib Dad Khan : Who was the Superintendent of Examinations and how many assistant superintendents were present in the room where the examination was held ?

Parliamentary Secretary : If the honourable member gives notice of this question, the information will be supplied.

BAN ON EMPLOYEES OF GOVERNMENT AIDED EDUCATIONAL INSTITUTIONS BECOMING MEMBERS OF CONGRESS.

***5179. Sardar Hari Singh :** Will the Honourable Minister of Education be pleased to state whether there exists a ban on employees of Government aided educational institutions becoming members of the Congress or delegates to Congress committees, or voting for Congress candidates in various elections?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : No; but attention is invited to Articles 84 and 241 of the Punjab Education Code, XI Edition (Reprints 1932, 1934, and 1939).

Sardar Hari Singh : What is the object of that reference?

Parliamentary Secretary : You have, in your question, referred to "aided educational institutions becoming members of the Congress or delegates to Congress committees" and I have referred the honourable member to the articles of the Education Code.

Sardar Hari Singh : What is the object of those articles?

Parliamentary Secretary : If my honourable friend wishes to read those articles, they are here. I have got the book with me for his information.

WITHDRAWING OF GRANT-IN-AID TO RAJPUT HIGH SCHOOL, DHOLBAHA.

***5180. Sardar Hari Singh :** Will the Honourable Minister for Education be pleased to state the reasons for the withdrawing of the grant-in-aid to Rajput High School, Dholbaha, district Hoshiarpur, and whether the said action has been taken on the recommendation of the Deputy Commissioner, Hoshiarpur?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : The Rajput High School, Dholbaha, district Hoshiarpur, is not on the regular grant-in-aid list. The question of withdrawal of grant-in-aid from the school does not, therefore, arise.

DEFINITION OF A PUBLIC WELL.

***5266. Chaudhri Jugal Kishore :** Will the Honourable Premier be pleased to state the definition of a public well from which the Harijans are entitled to fetch water in the various parts of the Province?

Parliamentary Secretary (Khan Bahaur Mian Ahmad Yar Khan Daulatana) : Public wells are wells constructed from provincial funds. They may be divided into two classes :—

- (a) wells transferred to the charge of a local body for maintenance;
- (b) wells in Government institutions such as Government schools, or hospitals, thanas, tahsils and offices.

As regards the wells falling in category (a) all local bodies have been instructed to put up notice boards in conspicuous places on each public well stating therein that it is open to all classes of public including the scheduled castes. As regards the wells falling in category (b) they cannot be classified

[K. B. Ahmad Yar Khan Daulatana.]

public wells in the sense that they are open to the public at large. These wells are open to those members of the public only who belong to or are connected with the institution or attend the institution on business. Such wells are supposed to be open without restriction to all members of that particular public, e.g., a scheduled caste school boy has the same right to use the school well as other boys....so also in the case of scheduled caste litigants or witnesses attending the tahsil on business.

Pandit Shri Ram Sharma : May I know if the wells constructed out of the funds of local bodies are "public wells" ?

Parliamentary Secretary : It appears that the honourable member has not heard my answer. I have said "Public wells are wells constructed with provincial funds."

Pandit Shri Ram Sharma : And I have asked : are the wells constructed by the funds of local bodies public wells ?

Parliamentary Secretary : It depends upon what you understand from the expression "provincial funds".

Pandit Shri Ram Sharma : But what does the Parliamentary Secretary understand by 'public wells' ?

Lala Duni Chand : While thanking the Government for issuing the instructions mentioned by the Parliamentary Secretary, may I know if the Government takes care to see that these instructions are carried out ?

Parliamentary Secretary : If any complaints are brought to the notice of the Government that those instructions are not carried out, I shall see that orders are obeyed.

Lala Duni Chand : Has it not already come to the notice of the Government that in number of cases those instructions were honoured more in the breach than in the observance ?

Parliamentary Secretary : No.

Sardar Partab Singh : May I know if the Parliamentary Secretary has taken the definition of 'public well' from any dictionary or it is his own invention ?

Mr. Speaker : That is not a matter of public concern.

Sardar Sahib Sardar Santokh Singh : Do we understand that wells constructed at the expense of district boards and municipalities are not public wells ?

Mr. Speaker : That question has been asked and answered.

THE DISTRICT BOARD SCHOOL, SIALBA, TAHSIL KHARAR.

*5286. **Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the District Board School of Sialba, tahsil Kharar, district Ambala, is located in several buildings at a considerable distance from each other and for that reason the efficiency and the education of the school are very much at a disadvantage ;

- (b) what action, if any, the Government proposes to take in the matter?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): (a) Yes, but the distance in no case exceeds 100 yards from the main buildings. There has been no adverse effect on the efficiency and the education of the schools on this account and the classwise results have been quite satisfactory.

(b) As one spacious building is not available in the village the erection of a new building is the only solution, which cannot be taken in hand on account of financial stringency.

Lala Duni Chand: Will the Parliamentary Secretary be pleased to state in how many buildings this school is located? Is it not in about a dozen?

Parliamentary Secretary: I am afraid I cannot give the exact number. But I think it is three or four.

Lala Duni Chand: Does the Parliamentary Secretary think that the location of that school in a dozen buildings is conducive to the interests of the students?

Parliamentary Secretary: That is a question of opinion.

MIDDLE SCHOOL AND DISPENSARY AT SHADIWAL, DISTRICT
GUJRAT.

***5295. Khan Sahib Chaudhri Pir Muhammad**: Will the Honourable Minister of Education be pleased to state whether he is aware of the fact that at M. Shadiwal, district Gujrat, which is a very big village and has a Small Town Committee, there is neither a middle school, nor a civil dispensary; if so, what steps are intended to be taken to open a middle school and to establish a civil dispensary at the place?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The honourable member's information is correct. It is primarily for the local body to consider what facilities for education and for medical relief should be provided. But I may state for the honourable member's information that there is a civil dispensary at a distance of about 2½ miles from Shadiwal and that there are three middle schools within a radius of about six miles. Government do not propose to take any action.

Chaudhri Muhammad Hasan: May I know whether the majority of the population of village Shadiwal consists of agriculturists?

Parliamentary Secretary: It may be so.

PROVISION FOR FREE EDUCATION FOR JAMAIT-UL-QURESH-I-
HIND.

***5312. Dr. Gopi Chand Bhargava**: Will the Honourable Minister for Education be pleased to state whether he has received a copy of the resolution adopted by Jamait-ul-Quresh-i-Hind in its conference held on 26th and 27th August, 1939, requesting the Government to make provision for imparting free education to the children belonging to that backward class residing in the Punjab; if so, what action does he propose to take on this resolution?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): No such resolution has been received by Government.

**RESTRICTIONS FOR THE PURCHASE OF NEWSPAPERS AND
WEEKLIES OUT OF PUPILS' FUND FOR AIDED SCHOOLS.**

***5326. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state—

- (a) whether there are any restrictions imposed on recognised and aided schools in the Punjab as regards the supply of newspapers to the boys out of the pupils' fund subscribed to by the boys for the purpose; if so, what are these restrictions;
- (b) whether the Education Department maintains any list of daily and weekly newspapers and magazines which can be subscribed to by the recognised schools out of the pupils' funds; if so, whether he will be pleased to place a copy of that list on the table of the House;
- (c) the rules of procedure which govern the Education Department in the preparation of the list of newspapers and magazines which recognized schools are permitted to subscribe to;
- (d) when was the existing list of approved newspapers prepared by the Education Department and what daily and weekly newspapers have been added to this list since the introduction of the provincial autonomy;
- (e) whether a copy of the list of approved newspapers is supplied to all the recognized schools every year;
- (f) whether it is a fact that some of the recognized schools in the province have recently been ordered under threat of withdrawal of recognition to stop the supply, out of pupils' fund of certain newspapers which were being subscribed to by them for a number of years; if so, whether these orders have been issued under the instructions of the Ministry of Education;
- (g) the reasons for banning newspapers which were permitted during the pre-provincial autonomy days and the action Government proposes to take in this respect in future?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): (a) Yes; Article 62 (m) of the Punjab Education Code, eleventh edition (Reprint).

(b) Yes. A copy¹ of the list of journals, etc., approved for use in schools in the Punjab is laid on the table. Vernacular dailies are not included in the above list on account of lack of permanence and uncertainty of tone.

(c) Article 62 (m) of the Punjab Education Code, eleventh edition (reprint).

(d) 18th July, 1939. A list of such weeklies as have been added to the list since the introduction of the provincial autonomy is also laid on the table.

(e) Yes, whenever it is issued.

¹Kept in the Assembly Library.

List of such weeklies as have been added to the list of approved journals since the introduction of Provincial Autonomy.

Urdu.

1. Sitara-i-Subeh.
2. Hidayat.
3. Paigham.
4. Zamindar, Ferozepore.
5. Sachcha Sajjan.
6. Ghuncha.
7. Ludhiana Zamindar.

English.

1. The Scout.
2. Sunday Statesman.
3. Teacher's World (Senior).
4. Pitmans Office Training.

Punjabi.

1. Sachcha Sajjan.

Lala Duni Chand : Bearing in mind the well recognised principle that the object of any system of education is expansion of mind, why is it that the reverse object is to be achieved in this case?

Parliamentary Secretary : It is a matter of opinion.

Lala Duni Chand : Why is it denied to the students when they subscribe for these papers out of their own fund?

Parliamentary Secretary : A list of the papers that are subscribed by that school is laid on the table and the honourable member will see that it is a very exhaustive list.

Lala Duni Chand : Cannot the Government leave this matter to the discretion of the headmaster of the school as to which paper should be subscribed?

Parliamentary Secretary : That is a request for action.

Pandit Shri Ram Sharma : What is the basis of drawing up this list which shows that particular papers should be subscribed and other papers should not be subscribed?

Parliamentary Secretary : No particular basis. The papers which are considered suitable are subscribed for schools.

Pandit Shri Ram Sharma : But why are some journals considered suitable and others not so suitable?

Parliamentary Secretary : The journals which are considered suitable by the officers of the Education Department are subscribed.

Pandit Shri Ram Sharma : But what are suitable journals?

Parliamentary Secretary : The honourable member certainly knows the meaning of the word 'suitable'.

Pandit Shri Ram Sharma : I want to know what is the basis of considering a particular journal suitable or unsuitable.

**CATARACT AND OTHER EYE OPERATIONS AT MOGA, BERI AND
MUKERIAN.**

***5327. Lala Deshbandhu Gupta :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of cataract and other eye operations performed at the Hospitals at Moga, district Ferozepore, Beri, district Rohtak, and Mukerian, district Hoshiarpur, during the years 1933, 1934, 1935, 1936, 1937 and 1938 and the amount realized as fee from the patients and also received by way of donations, separately, during these years ;
- (b) the number of sub-assistant surgeons, compounders, dressers, actually employed for the eye centre at Banga, district Jullundur, during the years 1933, 1934, 1935, 1936, 1937 and 1938 as against the number sanctioned for employment at that centre ;
- (c) whether there is any printed list of sub-assistant surgeons serving in the Punjab and, if so, whether he will be pleased to lay a copy thereof corrected up to date on the table of the House ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) and (b) The labour involved in collecting the information is not commensurate with the results to be achieved therefrom.

(c) A copy of the latest printed list (corrected up to the 1st April, 1939) is laid on the table¹. The next edition corrected up to the 1st October, 1939, is in press and printed copies are not yet available.

Pandit Shri Ram Sharma : Are not the operations which have been performed in these three hospitals entered in the respective registers of these hospitals? Surely their number can be easily known from the registers.

Parliamentary Secretary : The honourable member has asked about so many hospitals. A number of clerks will have to be employed to work out the number of operations in these hospitals.

Pandit Shri Ram Sharma : My question relates only to three hospitals Moga, Beri and Mukerian.

Parliamentary Secretary : I am sure that if not thousands, at least hundreds of operations must have been performed in these hospitals. The honourable member had better read the Medical Report. He would find the information there.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary please state if the doctors working in these hospitals charge any fees ?

Parliamentary Secretary : That does not arise out of this question.

Mian Sultan Mahmud Hotiana : It does arise out of this question. The question is—

.....and the amount realized as fee from the patients.....
during these years.

¹Kept in the Assembly Library.

My question is whether the amount of fee charged by doctors from private patients is considered to be reasonable or not?

Parliamentary Secretary : In certain hospitals fees are charged from rich patients. That is not prohibited. But no fees are charged from the poor.

Mian Sultan Mahmud Hotiana : Why are the doctors working in the Mayo Hospital allowed to charge any fees when they are already drawing such fat salaries?

Parliamentary Secretary : This question has nothing to do with the Mayo Hospital.

Tikka Jagjit Singh Bedi : May I know what is the criterion for judging whether or not a person is poor for the purpose of charging such fees?

Mian Sultan Mahmud Hotiana : May I expect a reply to my question as to whether the fees charged by doctors drawing thousands of rupees per mensem are considered a legitimate charge?

Parliamentary Secretary : Although this question does not arise out of the original question, yet I may be allowed to refer the honourable member to the rules on the subject. In the Mayo Hospital patients are admitted to the general as well as the private wards. The rich patients in the private wards have to pay the fees but no fees are charged from the poor patients.

EYE CENTRES FOR OPERATIVE EYE WORK.

*5328. **Lala Deshbandhu Gupta :** Will the Honourable Minister for Education be pleased to state whether it is a fact that some time ago a circular letter was issued by the Inspector-General of Civil Hospitals, Punjab, to all the civil surgeons ordering that generally only well-trained doctors should do difficult operative eye work and that the formation of small eye centres under unskilled doctors should be discouraged and, if so, whether he will be pleased to lay a copy of the said circular on the table of the House?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : Answer to the first part of the question is in the negative. The second part does not arise.

BOOKS PUBLISHED BY PUNJAB UNIVERSITY FOR MATRICULATION AND INTERMEDIATE EXAMINATIONS.

*5338. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Punjab University has published any text books for Matriculation and Intermediate students;
- (b) whether books published by other publishers have been prescribed as courses for the Matriculation and Intermediate Examinations;
- (c) selling prices of the books published by the Punjab University and those published by other publishers prescribed as courses for the examinations mentioned in (a) above and the reasons for difference, if any, in the prices fixed by the University for their publications and those of other publishers;
- (d) the yearly profit earned by the University from these publications;

[Dr. Gopi Chand Bhargava.]

(c) the amount of royalty ; if any, paid by the University to the compilers ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : I regret that the answer to this question is not ready.

RE-ADMISSION OF UNSUCCESSFUL STUDENTS TO GOVERNMENT COLLEGE, LAHORE.

*5355. **Khan Haibat Khan Dahi** : Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that over 40 per cent students of the Government College, Lahore, failed in the F. A. examination of the Punjab University ;

(b) how many of the students, who appeared from the Government College, Lahore, and who failed in the F. A. examination of the Punjab University held this year applied for re-admission and how many of them were refused admission with the reasons for which admission was refused ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) No. 227 students took the Intermediate (F. Sc. and Arts) Examination from this College in 1939 out of whom 180 passed, the pass percentage being 79·8.

(b) Seventeen failed students applied for re-admission. Out of these three were sent up for the University Examination on the condition that if they failed they would not be re-admitted. Five were admitted and the remaining nine were refused admission as they had failed either in two or more than two subjects. This has been the rule of the College for many years past.

Lala Duni Chand : May I know if students fail in the same communal proportion in which they are admitted in the College ? (*Laughter.*)

PERCENTAGE OF LITERACY IN THE PROVINCE.

*5356. **Khan Haibat Khan Dahi** : Will the Honourable Minister of Education be pleased to state—

(a) the percentage of literacy in the province ;

(b) the average educational expenditure per year per head of population incurred by the Government during the last five years ;

(c) whether it is a fact that in most villages in the province even primary schools do not exist within a radius of two miles of a village ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) The percentage of literacy according to the last Census :—

Males	..	..	..	..	8·5
Females	..	..	..	..	1·4
					Rs. A. P.
(b) 1934-35	..	..	..	..	0 10 10
1935-36	..	..	..	..	0 11 1
1936-37	..	..	..	..	0 11 1
1937-38	..	..	..	..	0 11 2
1938-39	..	..	..	..	0 11 7

(c) There are villages where primary schools do not exist within a radius of two miles. The number of children of school-going age in such villages is too small to justify the opening of a school there.

SCHOOLS IN VILLAGES OF MONTGOMERY DISTRICT.

*5357. **Khan Haibat Khan Daba**: Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the Education authorities concerned are not keen on starting schools in villages;

(b) that Chaks 100-E. B., 102-E. B., 104-E. B. and 106-E. B., in Montgomery district have no school within a radius of $\frac{1}{4}$ miles?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): I regret that the answer to the question is not ready.

AWARD OF GRADES IN THE EDUCATION DEPARTMENT.

*5375. **Khan Bahadur Captain Malik Muzaffar Khan**: Will the Honourable Minister of Education please lay on the table a list of the officials of the Education Department who were awarded grades of Rs. 140—10—190 and Rs. 200—10—250 this year as well as last year, and also state—

(a) the principle according to which these grades were awarded during these two years;

(b) the number of Muslims and non-Muslims who were promoted into each of these grades separately;

(c) how many of them were awarded these grades on seniority basis, and how many by selection and whether the same principle was observed during both these years; if not, why not, and the action the Government intends to take in the matter?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): As the question savours of communalism I shall be glad to answer if the honourable member puts an unstarred question.

MIDDLE SCHOOL SCHOLARSHIP HOLDERS.

*5378. **Khan Bahadur Captain Malik Muzaffar Khan**: Is the Honourable Minister of Education aware that in the Mianwali district middle school scholarship holders except those getting Victoria Scholarships have been debarred from drawing scholarships when acquiring Anglo-Vernacular Education; if so, whether he intends to take any action in the matter?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): Yes, the matter is already under the consideration of Government.

INCOME AND EXPENDITURE OF GOVERNMENT HIGH SCHOOLS IN THE PROVINCE.

*5383. **Dr. Satyapal**: Will the Honourable Minister of Education be pleased to lay on the table of the House—

(a) a list of all Government high schools in the province with the number of students in each class, the amount of fee paid by them and the pay bill of the staff as on 31st June, 1939;

[Dr. Satyapal.]

- (b) a statement of income from fee to each school for the year ending 31st March, 1939, and amount of loss contributed by the Government?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The honourable member is advised to consult the printed list of high schools in the Punjab which also gives enrolment. A copy of this list was supplied to him by the Education Department in January this year.

The value of the remaining information would not be commensurate with the time and labour spent on its collection.

PRABHAKAR EXAMINATION.

***5384. Dr. Satyapal:** Will the Honourable Minister of Education be pleased to lay on the table of the House a statement showing—

- (a) separately the number of candidates who appeared, passed and who failed in Prabhakar examinations held in the year 1930 to 1939, separately for each year;
- (b) the number of candidates who appeared, passed and who failed in papers Nos. 3 and 5, separately of the said examination during the same period and also who obtained less and who obtained more than 80 marks in these two papers;
- (c) the information asked for in parts (a) and (b) with regard to any of the ten centres except Lahore, Amritsar and Delhi including Ambala and Ludhiana for the same period?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The honourable member is referred to the answer given to question No. 872¹ asked by Pandit Shri Ram Sharma, M. L. A.

COMPLAINTS ABOUT PRABHAKAR EXAMINATION.

***5385. Dr. Satyapal:** Will the Honourable Minister of Education be pleased to state whether any complaint regarding paper Nos. 3 and 5 of the Prabhakar examination held last time, has been received by the University of the Punjab this year, if so, what steps the University has taken to avoid such complaints in future?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The answer to the first part of the question is in the negative. The second part does not arise.

COMPULSORY EDUCATION CENTRES, AMBALA DISTRICT.

***5386. Dr. Satyapal:** Will the Honourable Minister of Education be pleased to lay on the table of the House a statement—

- (a) giving full information of all centres of compulsory education in Ambala district as on 31st March, 1939, with particulars such as the number of boys receiving and of boys not receiving education in respect of each tahsil;
- (b) containing the number of boys receiving education class-wise from infant to 10th class in all schools as on 31st March, 1939, in respect of each tahsil;

(e) containing the number of middle and high schools of boys with the number of students class-wise from the infant to 10th class learning English with the name and place of the school in the Ambala district as on 31st March, 1939?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): I regret I am unable to reply to the question as the benefit derived from the supply of the desired information will not be commensurate with the labour and expense involved in the collection thereof.

PROMOTION AND SUPERSESSION IN THE EDUCATION DEPARTMENT.

***5389. Dr. Sant Ram Seth:** Will the Honourable Minister of Education be pleased to state the number of promotions made in the year 1938 in all grades of services in the Education and in the Medical departments, with the number of supersessions made while giving their promotions?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): A statement giving the information asked for by the honourable member is laid on the table.

Statement.

Nature of promotion.

Number of persons promoted during the year 1938.

EDUCATION DEPARTMENT.

The number of promotions made in the Education Department in all grades of service during 1938 is given below:

1. P.E.S. Class II to P. E. S. Class I	1
2. S.E.S. (Class I) to P. E. S. Class II	3
3. S.E.S. (Anglo-Vernacular Section)—	
(i) Rs. 140—190 to Rs. 200—250 grade	17
(ii) Rs. 110—135 to Rs. 140—190 grade	25
(iii) Rs. 80—100 to Rs. 110—135 grade	21
(iv) Rs. 55—70 to Rs. 80—100 grade	11
4. S. E. S. (Classical and Vernacular Section)—	
(i) Rs. 110—135 to Rs. 140—190 grade	4
(ii) Rs. 80—100 to Rs. 110—135 grade	5
(iii) Rs. 55—70 to Rs. 80—100 grade	10
(iv) Rs. 35—50 to Rs. 55—70 grade	18
5. Clerical Establishment (Director of Public Instruction's Office)—	
(i) Rs. 75—150 to Rs. 100—250 grade	1
(ii) Rs. 40—100 to Rs. 75—150 grade	1
(iii) Rs. 40—90 to Rs. 40—100 grade	2
6. Clerical Establishment (Subordinate offices)—	
(i) Rs. 100—150 to Rs. 100—200 grade	1
(ii) Rs. 75—125 to 100—200 grade	1
(iii) Rs. 75—125 to Rs. 100—150 grade	1
(iv) Rs. 40—90 to Rs. 75—125 grade	4
(v) Rs. 30—70 to Rs. 40—90 grade	3

[Mrs. J. A. Shah Nawaz.]

I do not quite understand what the honourable member means by "supersessions made while giving their promotions." Moreover, I may inform the honourable member that promotions from grade to grade within the S.E.S. are given on several considerations; seniority coupled with good record, acquisition of additional academic qualifications, aptitude for particularly responsible posts, exceptional merit, rendering of meritorious services in important spheres, etc. There is no continuous incremental scale in the S.E.S., and promotion from one grade to another cannot be claimed as a matter of right.

Promotions from the S. E. S. to P. E. S. (Class II) and from grade to grade of the Clerical establishment are made purely by selection. The question of supersession does not, therefore, arise.

MEDICAL DEPARTMENT.

Nature of promotion.	Number of persons promoted during the year 1938.
1. <i>Punjab Civil Medical Service</i> —	
(i) To selection grade of Civil Surgeons	1
(ii) To substantive appointment as Civil Surgeon	1
2. <i>Men Sub-Assistant Surgeons</i> —	
(i) To senior grade, 1st class	6
(ii) To senior grade, 2nd class	10
3. <i>Office of the Inspector-General of Civil Hospitals</i> —	
Superintendent	1
4. <i>Offices of Civil Surgeons</i> —	
(i) Head Clerks	2
(ii) Assistant Clerks, Class I	3

As promotions are made by selection, the question of supersession does not arise.

SUBSCRIPTIONS FOR RED CROSS SOCIETY FUND MAINTAINED IN SCHOOLS.

*5408. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Education be pleased to state whether it is a fact that in some Government aided boys and girls schools subscriptions are realized from students along with tuition fees for the Red Cross Society; if so, why?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): Subscriptions to the Red Cross Society Fund in schools are voluntary. There is no objection to the collection of such subscriptions along with tuition fees.

TOURS UNDERTAKEN BY CIVIL SURGEON, JHANG.

*5409. **Mr. Dev Raj Sethi**: Will the Honourable Minister of Education be pleased to state the number of tours undertaken in villages during the last 12 months by the present Civil Surgeon, Jhang, and any special steps taken by him to provide medical aid to the remote villages since his appointment in the aforesaid districts?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): Thirty-nine. He is reported to have pushed forward vigorously the scheme requiring medical officers in charge of dispensaries to tour in rural areas.

PROVISION FOR MEDICAL AID FOR PEOPLE IN JHANG DISTRICT.

*5410. **Mr. Dev Raj Sethi** : Will the Honourable Minister for Education be pleased to state—

(a) the percentage of population of Jhang district for which the Government and local bodies have provided hospitals or dispensaries ;

(b) whether adequate arrangements for medical aid by touring medical staff have been made by Government in the Jhang district ;

(c) whether Government propose to improve the existing medical facilities in this district ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) This question is not understood. The hospitals and dispensaries are open to all. In the Jhang district there is, on an average, one dispensary for every 26,200 inhabitants.

(b) Arrangements for medical aid by touring medical staff exist in all tahsils of the Jhang district. The extent of the arrangements must depend on financial considerations.

(c) Yes. A subsidised dispensary is being opened now and more will be opened as soon as funds can be collected.

ALLOTMENT FOR IN-DOOR PATIENTS IN CIVIL HOSPITAL, AMBALA CITY.

*5413. **Mrs. Duni Chand** : Will the Honourable Minister of Education be pleased to state—

(a) the yearly amount allotted to the Civil Hospital, Ambala city, for feeding the in-door patients ;

(b) the number of in-door patients admitted into the Hospital during the last financial year ;

(c) whether any representation has recently been made to the authorities as to the insufficiency of the amount allowed and if so, what action has been taken thereon ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) Rs. 300 for feeding poor patients only.

(b) 833.

(c) No representation has been received by the Civil Surgeon or the Inspector-General of Civil Hospitals.

Lala Duni Chand : Does Government consider this paltry sum of Rs. 300 sufficient for feeding the in-door patients throughout the year ?

Parliamentary Secretary : As I have already stated in my reply to part (c), no representation has been received on behalf of the Civil Surgeon ; if any is received, Government would be prepared to consider it.

WATER WORKS, AMBALA CITY.

***5414. Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state whether there has been any increase in water supply of the public water works of the Ambala city as a result of grant made by the Government and if so, to what extent?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : Yes. About 150,000 gallons daily.

Lala Duni Chand : May I know if it is true that in spite of all the promises and the undertaking given by the Honourable Minister for Education during the last 2½ years, the problem of scarcity of water in Ambala has grown from bad to worse?

Parliamentary Secretary : The honourable member had better wait for my reply to the next question. Right information will be supplied to him whether these promises have been more or less fulfilled or not.

WATER FAMINE CRISIS IN AMBALA CITY.

***5415. Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

(a) whether the Government is aware of the fact that during the summer of the present year the inhabitants of the Ambala city have passed through a serious and acute water famine crisis, if so, the action intended to be taken in the matter;

(b) whether the Government is aware of the repeated complaints made from time to time by the inhabitants of the town as to the unfair distribution of the limited supply of water and if so, what action has been taken thereon by the municipal committee?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : (a) *First part.*—Yes.

Second part.—The sinking of four new wells in 1938 increased the daily water supply by 150,000 gallons. It has been suggested by the Superintending Engineer, Public Health Circle that two experimental borings should be made, one near the city and the other at Handesra, which if successful should be converted into tube wells. The question of giving a grant-in-aid to the municipal committee for the purpose is under the consideration of the Sanitary Board which has asked for information in regard to the action taken by the committee to improve its financial position.

(b) *First part.*—Yes.

Second part.—The distribution of water was handed over to the Executive Officer for the period of two months. This resulted in some improvements. The distribution of water has again been taken over by the committee and the Deputy Commissioner has reported that the position is being examined.

Lala Duni Chand : Will the Parliamentary Secretary say whether the position has not grown from bad to worse?

Parliamentary Secretary : It has not become worse. In fact when all the schemes are put into operation, it will certainly improve. It has already improved.

Lala Duni Chand : Is it not within the knowledge of the Government that formerly the scarcity problem was keenly felt only in summer months, but now we do not get water even during the winter months and the rainy months?

Parliamentary Secretary : I have explained in full what Government intends to do. Government is doing its best and I hope that the inhabitants will be relieved of this scarcity.

Lala Duni Chand : Does the Parliamentary Secretary know that women and children of Ambala do not get water worth the name?

Parliamentary Secretary : I have already said that we are doing our best.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to succeed where the Minister has failed?

Parliamentary Secretary : The Education Minister has not failed. He is doing his best.

STUDENTS READING URDU, HINDI, OR GURMUKHI IN HISSAR DISTRICT.

***5423. Master Kabul Singh :** Will the Honourable Minister for Education be pleased to state—

(a) the number of those students separately, who were reading Urdu, Hindi, or Gurmukhi towards the end of the years 1936-37, 1937-38, 1938-39, in the schools under each of the Assistant District Inspectors of Schools in Hissar district together with the names of the places where the said schools are situated;

(b) the number of students who were reading these languages in the said schools on 31st August, 1939?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : I regret I am unable to reply to the question as the benefit derived from the supply of the desired information will not be commensurate with the time, labour and expense involved in the compilation thereof.

GRANTS-IN-AID TO ELEMENTARY SCHOOLS RUN BY VIDYA PARCHARNI SABHA, HISSAR.

***5425. Master Kabul Singh :** Will the Honourable Minister for Education be pleased to state—

(a) whether Government is aware of the fact that the decision of the District Board, Hissar, to give grants-in-aid to primary and not to elementary schools has resulted in the closing down of the elementary schools run by the Vidya Parcharni Sabha, Hissar, at Bachhari, Kharak Ponia, Panhari, Nadhorri, Kajal Herri, Gosainwala, Badan Brahmanan and Chanot;

(b) whether it is a fact that the Government has once again decided to give grants-in-aid to elementary schools in the backward areas;

M. Kabul Singh.]

- (c) whether Government has received any representation from the Secretary or Manager of the said Vidya Parcharni Sabha requesting that grants-in-aid may be given to those schools run by the Sabha which had been closed down for want of grants-in-aid and that until the question of grant-in-aid is finally decided a lump sum money may be granted; if so, the action taken on that representation?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): I regret that the answer to the question is not ready.

AMOUNT OF GRANTS-IN-AID GIVEN FOR ELEMENTARY AND
PRIMARY EDUCATION.

***5427. Master Kabul Singh:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the amount of grants-in-aid given by the various district boards in the province, division-wise, for elementary and primary education during the years 1936-37, 1937-38 and 1938-39;
- (b) the number of elementary and primary schools in each division in the province;
- (c) the number of boys in the elementary and primary schools as it stood on March 31st, 1939?

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

STUDENTS READING URDU, HINDI OR GURMUKHI IN HISSAR
DISTRICT.

***5432. Chaudhri Sahib Ram:** Will the Honourable Minister of Education be pleased to state—

- (a) the number of those students separately, who were reading Urdu, Hindi, or Gurmukhi towards the end of the years 1936-37, 1937-38, 1938-39, in the schools under each of the Assistant District Inspectors of Schools in Hissar district together with the name of the places where the said schools are situated;
- (b) the number of students who were reading these languages in the said schools on 31st August, 1939?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The honourable member is referred to the answer given to question No. *5428 ante asked by Master Kabul Singh, M. L. A.

Pandit Shri Ram Sharma: May I know whether the Government have any knowledge of the number of students who are reading Hindi in Hissar district?

Parliamentary Secretary: I have already said in reply to the question put by Master Kabul Singh that the time and labour involved in collecting the information will not be commensurate with the results thereof.

Pandit Shri Ram Sharma : Yes, I have listened to the reply given by the Parliamentary Secretary, but my question is whether the Government have any knowledge of the number of students who are reading Hindi in Hissar district as compared with the number of those who are reading Urdu ?

Parliamentary Secretary : The condition of the students in Hissar district is the same as in other districts.

Pandit Shri Ram Sharma : I want to know whether it is a fact that the number of Hindi students in Hissar district far exceeds the number in Mianwali district and other districts.

Parliamentary Secretary : Might be so.

Pandit Shri Ram Sharma : Is the number of Hindi students larger than others ?

Parliamentary Secretary : Government is doing its best to provide every facility to the students whether they are reading Hindi or Urdu.

Khan Sahib Chaudhri Sahib Dad Khan : Is the Government aware of the irregularities being committed in the Education Department at Hissar ? If so, what steps do the Government intend to take ?

GRANT-IN-AID TO ELEMENTARY SCHOOLS RUN BY VIDYA PAR-
CHARNI SABHA, HISSAR.

***5434. Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state—

- (a) whether Government is aware of the fact that the decision of the District Board, Hissar, to give grant-in-aid to primary and not to elementary schools has resulted in the closing down of the elementary schools run by the Vidya Parcharni Sabha, Hissar, at Baphhari, Kharak Ponia, Panhari, Nadhorri, Kajal Herri, Gosain Wala, Badan Brahmanan and Chanot ;
- (b) whether it is a fact that the Government has once again decided to give grant-in-aid to elementary schools in the backward areas ;
- (c) whether Government has received any representation from the secretary or manager of the said Vidya Parcharni Sabha requesting that grant-in-aid may be given to those schools run by the Sabha which had been closed down for want of grant-in-aid and that until the question of grant-in-aid is finally decided a lump sum may be granted ; if so, the action taken on that representation ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz) : I regret that the answer to the question is not ready.

NUMBER OF TEACHERS IN GOVERNMENT HIGH SCHOOL, JAGADHRI.

***5443. Chaudhri Jugal Kishore :** Will the Honourable Minister for Education be pleased to state the number of such teachers in the Government High School, Jagadhri, district Ambala, as have been teaching there for more than three years ?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): The number of teachers who have been teaching at the Government High School, Jagadhri, for more than three years is 11.

Chaudhri Jugal Kishore: Is it a fact that certain teachers have been teaching in the Government High School, Jagadhri, for more than three years? If so, is it according to the rules?

AN ANGLO-VERNACULAR MIDDLE SCHOOL FOR TAHSIL JAGADHRI.

***5455. Lala Duni Chand:** Will the Honourable Minister of Education be pleased to state if there is any anglo-vernacular middle school in tahsil Jagadhri of Ambala district; if not, what steps the Government is prepared to take in the matter?

Parliamentary Secretary (Mrs. J. A. Shah Nawaz): No.

The Education Department is prepared to consider the question of addition of optional English classes to the District Board Vernacular Middle School, Bilaspur, provided the people of that *ilaga* undertake to meet the initial expenditure and subsequent deficit if the classes are not self-supporting.

Lala Duni Chand: Will the Parliamentary Secretary use the weight of her position and personality for the removal of this grievance, namely that in a tahsil with a length of 50 miles and a breadth of 40, there is only one middle school?

THE CITY OF LAHORE CORPORATION BILL.

Mr. Speaker: Chaudhri Krishna Gopal Dutt's amendment, proposing circulation of the City of Lahore Corporation Bill, has been disposed of. There are six more amendments on the order paper which are identical with that amendment, excepting the period of circulation. Does any of the honourable members, in whose names those amendments stand, wish to move and have his amendment put to vote?

(No honourable member desired to move them.)

Mr. Speaker: The question is—

That the City of Lahore Corporation Bill be referred to a select committee.

The motion was carried.

Mr. Speaker: The next question is—

That the select committee do consist of more than fifteen members.

The motion was carried.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Before putting the names for the approval of the House, I have to suggest a change in the names of the members of the select committee. Instead of Khan Muhammad Yusuf Khan who has expressed a wish that he might not be placed on the committee, I propose the name of Sardar Gopal Singh and instead of Captain Ashiq Hussain I propose Khan Sahib Chaudhri Pir Muhammad.

The House agreed to this change.

Lala Harnam Das : On a point of privilege. My honourable friend Sardar Gopal Singh has been selected to represent the Achhut members on the select committee appointed to report on the Corporation Bill. My submission is that since he is a Parliamentary Private Secretary he cannot be expected to discharge his duties to protect the rights and interests of the scheduled castes independently. I, therefore, humbly request the Government to select some other member for the purpose.

Mr. Speaker : That is not a matter of privilege.

The question is—

That the select committee do consist of the following members—

Mrs. J. A. Shah Nawaz,
 Diwan Bahadur S. P. Singha.
 Sardar Gopal Singh,
 Khan Sahib Chaudhri Pir Muhammad.
 Sardar Bahadur Sardar Gurbachan Singh.
 Chaudhri Ram Sarup.
 Rai Sahib Lala Sohan Lal.
 Sayed Afzaalali Hasnie.
 Malik Habib Ullah Khan.
 Dr. Gopi Chand Bhargava.
 Mrs. Duni Chand.
 Mian Abdul Aziz.
 Mian Fazal Karim Bakhsh.
 Begum Rashida Latif Baji.
 Rai Sahib Chaudhri Het Ram.
 Shaikh Faiz Muhammad.
 Mr. K. L. Gauba.
 Khan Bahadur Raja Muhammad Akram Khan.
 Mian Abdul Rab.
 Sardar Bahadur Sardar Ujjal Singh.
 Diwan Chaman Lal.
 Lala Sita Ram.

Dr. Gopi Chand Bhargava : I beg to propose two names, one is that of Lala Harnam Das and the other is that of Mian Muhammad Iftikhar-ud-Din. As far as the latter is concerned, I suggested it even the other day and if the Honourable Minister finds any difficulty in adding these names he should accept at least the name of Mian Iftikhar-ud-Din to be substituted in my place. I nominate him in my place.

Mr. Speaker : The honourable member may move his amendment.

Dr. Gopi Chand Bhargava : I beg to move—

That the name of Lala Harnam Das be added to the select committee.

Minister : The total number I have proposed is 22. Then there are three members who are to be there under the rules, that is, the member in charge, the nominee of the Honourable Speaker, and the Advocate-General. That makes up a total of 25 and that is the maximum permissible under our rules. So, if we accept the suggestion of the Leader of the Opposition, the number will exceed 25 which is not permissible under the rules.

Dr. Sir Gokul Chand Narang : The Advocate-General is only there in an advisory capacity and he has no right of voting.

Minister : He is a member under the rules. The rules were framed by this House after great deliberation and discussion.

Sardar Sahib Sardar Santokh Singh : Our House, excluding the Speaker, consists of 174 members and the strength of the Opposition is 61. According to pure mathematical calculation, the Opposition is entitled to 8 seats out of the number of 25. I really do not see why the Minister gives us only 6 and why we should be satisfied with only 6. I claim that we should have at least 8 members on a committee of 25. All over the world if any weightage is given it is given to the minority.

Minister : May I say a word? Rule 87 clearly lays down that a select committee shall not, except with the leave of the Assembly, consist of more than fifteen members, and in no case of more than twenty-five. We have already got that number.

Dr. Sir Gokul Chand Narang : Cannot the Honourable Minister ask one of his own men to retire in favour of Lala Harnam Das?

Mr. Speaker : According to rule 87 the maximum number of the members of a select committee can be 25. So, 'substitution', not 'addition', can be made at this stage.

Dr. Sir Gokul Chand Narang : Let the Government withdraw some of their own men.

Chaudhri Krishna Gopal Dutt : Otherwise the consequences might be unhappy.

Dr. Sir Gokul Chand Narang : Something might happen within five minutes.

Minister : I may explain the position. The arrangement arrived at is this.

Dr. Sir Gokul Chand Narang : Is the Honourable Minister prepared to withdraw two of his own men and substitute these two members?

Minister : It is not possible to do so at this stage.

Dr. Sir Gokul Chand Narang : Then I would suggest that the names of the members of the select committee be proposed and put separately. We cannot vote *en-bloc*.

Premier : My honourable friend has made that suggestion, but he should also realise that that suggestion would mean a considerable waste of time of this House. This is the first time that he wants to create a precedent of this nature. If he wants to substitute any name he is welcome.

Dr. Sir Gokul Chand Narang : The Honourable Premier says that there is no precedent of this nature. So far as I can recollect no Minister has ever been so obstinate or obdurate on such a simple question. He has got 19 men of his own party against 6. Is the Government going to be defeated in the select committee if he withdraws two of his own men and allows the Opposition to put in two more names? He is so unreasonable. It is inconceivable that a Minister should be so obstinate. It is not a favour that we ask.

Premier : No, it is not a favour. The suggestion was made that the name of the Leader of the Opposition be added and his name has been so added. So far as Mian Iftikhar-ud-Din's name is concerned, I understand he does not want to serve on the committee. The main difficulty in the way of my colleagues is that you cannot go beyond 25.

Dr. Gopi Chand Bhargava : The objection which has been raised on this side of the House is that we are 61 and the House is made up of 178 because your nominee is going to be there as an *ex-officio* member and the Deputy Speaker is usually a member of such sub-committees, therefore excluding you and the Deputy Speaker, there are only 173 members. We claim one-third of that number. We must therefore have a little over 58 members. The Honourable Premier has referred to certain talks. Of course I had talks with him, but I would request him, in all fairness not to disclose all the talks that I had with him. It is not a question of my serving on the committee.

Premier : I do not propose to disclose any talk.

Dr. Gopi Chand Bhargava : Please do not even refer to them.

Premier : I am not in the habit of disclosing any talks that I have with the Leader of the Opposition either in the chamber or outside.

Dr. Gopi Chand Bhargava : Referring to or mentioning a part of it is to give an impression that I had made a settlement with him.

Premier : But I do not want to quote anything at all. You suggested that you should be included in the committee and my colleague says that you have been included. You also suggest that I might include Mian Iftikhar-ud-Din, but he tells me that he does not want to serve on the committee.

Dr. Gopi Chand Bhargava : Again a private talk is being referred to.

Premier : I am not referring to any talk.

Dr. Gopi Chand Bhargava : Of course that is a reference to a talk with the Honourable Minister.

Premier : Does the honourable member mean that Mian Iftikhar-ud-Din's name should have been put on the committee without his consent?

Dr. Gopi Chand Bhargava : I only object to any reference to any talk that any member may have had with the Minister privately.

Mr. Speaker : Private conversations between honourable members held in or outside this House should not be referred to in debates.

Premier : Question is that the honourable member wants to include the name of Mian Iftikhar-ud-Din but the member himself came to me and told me that he would not serve on the committee. How can you include him?

Dr. Gopi Chand Bhargava : Question is that we want one-third of the total number. That is the only question. It is not a question of any particular name.

Premier : That, then, is a question of principle. I do not see eye-to-eye with my honourable friend. He always talks of 61. He is the leader of only 36 and not of the remaining parties. That is the parliamentary

[Premier.]

practice. In the House of Commons the Opposition consists of three parties. The main party which is in the opposition is Labour and the other is Liberal and the third perhaps consists of Independents. My honourable friend always poses as leader of three parties. I do not think that he has any right to say that and I am not prepared to concede it.

Dr. Gopi Chand Bhargava : I have never posed to be a leader of any other party except the one that has elected me and if I am the leader of all the three parties it is a party arrangement. I do claim that we are one opposition group of 61 members and a note to that effect is already in the hands of the Speaker.

Premier : It is a question of fact. He is the leader of only 36 members.

Sardar Sahib Sardar Santokh Singh : Does the Honourable Premier deny that we are 61?

Premier : If you had joined the Congress, I would have treated you as part of 61.

Dr. Gopi Chand Bhargava : If the Ministerial Party can be formed of three parties, the Opposition also can be constituted of three parties.

Dr. Sir Gokul Chand Narang : I want to draw your attention to the fact that the Honourable Premier sometimes complains of the waste of the time of the House. Is he not now wasting the time of the House?

Mr. Speaker : Question is whether any "substitution" is desired.

Dr. Sir Gokul Chand Narang : Chaudhri Harnam Das's name is before the House.

Mr. Speaker : That is a proposal for "addition" not "substitution".

Lala Sita Ram : It has been suggested that to make room for Lala Harnam Das one name from the Unionist party may be withdrawn.

Mr. Speaker : I have already stated that if any honourable member wishes to propose to substitute one name for another he may do so.

Sardar Sahib Sardar Santokh Singh : I propose that the name of Chaudhri Harnam Das be substituted for the name of Sardar Gopal Singh. I may make it clear that the Opposition at the present moment consists of three parties, the Congress which has on its roll 39 members and the Independent Party which I have the honour to lead and which consists of 18 members.

Premier : Thirteen is an unlucky number.

Sardar Sahib Sardar Santokh Singh : And there is another group of 9 members which go to make a total of 61 and I put it clearly to the Honourable Premier and the Honourable Minister in charge of the Bill whether or not according to our number we are entitled to a little over 8 seats and if we are, I really do not see why the Government should persist in having more names from their party on the select committee than what they are entitled to. I ask for no favour. It is simple arithmetic.

In a House of 174, being 61 we are entitled to a little more than 8 seats and I insist that we should have them. I therefore propose that the name of Lala Harnam Das be substituted for the name of Sardar Gopal Singh.

Premier : My honourable friends are very fond of 61. My honourable friend opposite says "we are 61" and my honourable friend Sardar Santokh Singh says that they are 61.

Honourable members : We are all 61.

Premier : And Mian Abdul Aziz says that he is also one of the *panch sawars*.

Mian Abdul Aziz : I will explain. It is a question of the Unionist Party *versus* the non-Unionist Party. What about the *langi tairs*?

Premier : My honourable friends are very fond of mathematical propositions and Sardar Santokh Singh—I do not blame him—always thinks in terms of arithmetical calculations. He must also think in terms of logical considerations. Is he prepared to take one whip from that side for all these 61? If all the 61 members are prepared to obey one whip from the Congress, then I will take them to be one. But if there are three different whips then they cannot possibly say that they constitute one party. My honourable friend has forgotten that only the other day on the War Resolution there were three different whips.

Seth Sudarshan : It happened in your case also so often.

Premier : If some of my friends vote against me, they are not constitutionally barred from doing that, but they do not form a different group.

Dr. Gopi Chand Bhargava : The ministerial party consists of three groups and if their parties have no whips and have no party organisation it is no fault of the Opposition, but so long as they consist of three groups and they can form a coalition, I, on this side of the House, have also the right to form a coalition. We are one and we consist of 61 members; whether they come from three or five groups is no consideration at all.

Mr. Speaker : Question is—

That for Sardar Gopal Singh the name of Lala Harnam Das be substituted.

The Assembly divided : Ayes 48, Noes 82.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Girdhari Das, Mahant.

Gokul Chand Narang, Dr. Sir.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Harnam Das, Lala.
Jalal-ud-Din, Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Raza Shah Jeelani,
 Makhdumzada Haji Sayed.
 Muhammad Wilayat Hussain
 Jeelani, Makhdumzada Haji
 Sayed.
 Mukund Lal Puri, Rai Bahadur
 Mr.
 Mula Singh, Sardar.
 Muni Lal Kahia, Pandit.

Partab Singh, Sardar.
 Prem Singh, Chaudhri.
 Prem Singh, Mahant.
 Raghubir Kaur, Shrimati.
 Rashida Latif Baji Begum.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Satya Pal, Dr.
 Shr Ram Sharma, Pandit.
 Sita Ram, Lala.
 Soban Singh Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gur-
 daspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Akmal Yar Khan Daulatana, Khan
 Bahadur Mian.
 Akbar Ali, Pir.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fateh Jang Singh, 2nd-Lieutenant
 Bhai.
 Fateh Khan, Khan Sahib Raja.
 Fateh Sher Khan, Malik.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.

Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Kha-
 waja.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Husain, Chaudhri.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.

Muhammad Nawaz Khan, Major
Sardar Sir.
Muhammad Qasim, Chaudhri.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Muhammad Yusuf Khan, Khan.
Muzafer Khan, Khan Bahadur
Captain Malik.
Muzafer Khan, Khan Bahadur
Nawab.
Nasir-ud-Dip Shah, Pir.
Nasrullah Khan, Rana.
Nawazish Ali Shah, Sayed.
Nur Ahmad Khan, Khan Bahadur
Mian.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.

Riasat Ali, Khan Bahadur Chaudhri.
Ripudaman Singh, Rai Sahib
Thakur.
Roberts, Sir William.
Sadiq Hassan, Shaikh.
Sahib Dad Khan, Khan Sahib Chau-
dhri.
Shahadat Khan, Khan Sahib
Rai.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Singha, Diwan Bahadur St P.
Sohan Lal, Rai Sahib Lala.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sunder Singh Majithia, The Honour-
able Dr. Sir.
Suraj Mal, Chaudhri.
Talib Hussain Khan, Khan.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur
Sardar.

Sardar Sahib Sardar Santokh Singh : I rise to propose—

Mr. Speaker : I am not going to allow any more amendments of that kind.

Sardar Sahib Sardar Santokh Singh : Each name is to be put to the vote of the House.

Mr. Speaker : The honourable members should have given notices of such amendments. That course was open to them, but they did not follow it.

Rai Bahadur Mr. Mukand Lal Puri : If it is permissible for the honourable member to propose one amendment without notice, he may be—
(interruption).

Mr. Speaker : In exercise of my discretion I allowed one amendment without any notice. As a rule I do not permit amendments at this stage ; but in fairness to the Opposition I did allow one. I cannot allow separate amendments for replacing every honourable member, whose name has been proposed for the select committee by another honourable member.

Dr. Sir Gokul Chand Narang : When you put this proposal before the House, Rai Bahadur Mr. Mukand Lal Puri was rather inexact in describing what he intended to do. It is not necessary to move an amendment for opposing a proposal. He could oppose without proposing any amendment and when you propose the names, I think that it is the right of every member of this House to object to any particular name out of the list submitted to you by the honourable mover of the Bill.

Mr. Speaker : Twenty-two names, with the exception of two, which have since been changed by the Honourable Minister with my permission, were proposed from the Chair on 27th November, 1939, along with the motion for reference of the Corporation Bill to the select committee. Four days have passed, and no notice of any amendment has been given. Therefore, I decline to allow amendments, without notice, to-day.

Dr. Gopi Chand Bhargava : The names of those who were proposed were not supplied to us and unless we had got a copy of the motion that was moved, we could not propose any amendments.

Mr. Speaker : I read the names of the proposed twenty-two honourable members.

Dr. Gopi Chand Bhargava : According to the rules, a copy of the motion or the Bill or resolution is to be supplied to us so that we may be able to send notices of amendments in time and if no notice is given because no copies have been supplied, we can move the amendments on the floor of this House.

Dr. Sir Gokul Chand Narang : When twenty-two names were read in the House in one minute, how could we remember all the twenty-two names ?

Mian Abdul Aziz : Apart from that, two new names have been substituted to-day without notice.

Mr. Speaker : That is why I allowed an amendment to be moved by the Opposition for substituting the name of one member for that of another.

Sardar Partab Singh : Sir, you advised Dr. Gopi Chand Bhargava to put the proposals one by one. That motion was put by Sardar Sahib Sardar Santokh Singh and now in obedience to your wish we would like to move the motions one by one.

Mr. Speaker : Honourable members may note that, while I have every sympathy for both sides of the House, I do not wish to be a party to the valuable time of the House being wasted. If the honourable members wish to waste their own time, they may please themselves. What is now proposed to be done ?

Dr. Sir Gokul Chand Narang : You have not given any ruling or reply to the point raised. What I submitted was, and I submit it again for your kind consideration, that it is not necessary to move an amendment when one wants to oppose a motion. The motion before the House is that these twenty-two names should be approved of. My submission is that it is open to every member of the House to oppose it. It is not necessary to move an amendment. He may oppose all the names proposed or any particular name out of these twenty-two. If that is so, then we shall oppose whomsoever we like.

Mr. Speaker : One gentleman may be opposed to one member's nomination, while another may be opposed to two, three or more nominations and some may be opposed to all. If one member is opposed only to one name—and not to the remaining twenty-one—that would be an amendment which I decline to allow without notice.

The question is—

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

1. Mrs. J. A. Shah Nawaz—

Dr. Sir Gokul Chand Narang : You should put each name to the vote of the House. I say that the select committee should not consist of these 22 names. I may not object to 21 names, but I may object to one name. I do not mean the Begum Sahiba, by the way. I would have voted for her if this position had not arisen. I am really not in any way personally against any name. But my submission is simply on a question of procedure and that is whether it is not open to us to object to any particular name out of these 22 names, and to put it very frankly, whether it is not open to us to demand votes on any particular names by calling a division if it becomes necessary. I want your ruling on this point.

Mr. Speaker : Does the honourable member wish to object to any particular person?

Dr. Sir Gokul Chand Narang : All these 22 names.

Mr. Speaker : If he has any particular name whose inclusion he wants to oppose, he may say so.

Dr. Sir Gokul Chand Narang : I give you an instance. The name of Sardar Gopal Singh was to be replaced by another name. The honourable members probably did not want the name of Lala Harnam Das and they voted against the substitution of the name of Lala Harnam Das in place of Sardar Gopal Singh. But that question has now been decided—

Mr. Speaker : If the honourable member has got any particular name, he may mention that name. But I may inform the House that for the last 15 years, during which I have been in this Chair, such a thing has never happened, and I cannot recall a single precedent in which the names of the proposed members of a select committee were put to the vote of the House separately.

Dr. Sir Gokul Chand Narang : You want me to give the name. I shall name a gentleman who I think would not misunderstand me and would not get angry. I name Shaikh Faiz Muhammad.

Mr. Speaker : I allow this amendment. May I know whether his name is to be omitted?

Dr. Sir Gokul Chand Narang : I am going to oppose the inclusion of his name. Would you allow me to mention all those names whom I do not want to be included?

Premier : May I draw the attention of the honourable member to the fact that he has been a member of this Assembly and before this of the Council and that this is the first occasion, since the Montagu-Chelmsford Reforms, that a division has been taken on substitution of a name? He cannot cite a single precedent. May I appeal to him that merely to have momentary satisfaction and pleasure that he has scored a point against the Government he is trying to plead the case of somebody and for a momentary satisfaction he is trying to embarrass this House and trying to break the precedent and convention set up in this House since 1925? There is not a single instance when a division had been called on the substitution of a name.

[Premier.]

He has been in a responsible position and a very responsible member. I appeal to him not to set up a dangerous convention keeping in view the wider interests involved. It would have been more appropriate if these remarks had been made by honourable members sitting on the back benches rather than by a responsible member sitting on the front benches.

Dr. Sir Gokul Chand Narang : I know what I am doing. The Honourable Premier is appealing to my experience that I should know better and that I am a responsible person and I should know this thing and that thing and should not try to set up a new precedent. I may submit that the whole of this trouble has arisen out of sheer cussedness of the Government, out of their obstinacy and out of the unreasonableness of the attitude that they have adopted. This attitude should be condemned and there is no other way of condemning it except in this constitutional manner which alone is open to the minority. I have no personal interest in the matter and, in fact, so far as this new Assembly is concerned, I have never been on a sub-committee or a select committee or on anything and I do not care to be. I have made it quite clear. I have been asked but I have always refused. This is a question of principle. I know that there is no precedent. But, is there any precedent of such an attitude being adopted by any Minister, during the last 16 years, that 61 members should make a request to the Government to include one or two names and the Government, with full consciousness that they would still have an overwhelming majority, should refuse to have one or two additional names on the select committee along with 16 or 18 members of their own party whom they have proposed? I think they ought to realise their position. They have been behaving absolutely like children. People who do not understand their own duties should not preach sermons to others. They are not prepared to make any concession to the minority, howsoever trifling that concession may be. Is it dignified for a Minister to treat even a small proposal made by any leader of any party in such a way? I ask him, through you, Sir, how does he justify the position adopted by the Honourable Minister or by himself that he should persistently refuse to have two names substituted in place of their own names? He allowed a division to be called on this point and then he appeals to our sense of responsibility. Where is his sense of responsibility? I am really surprised how he is justified in preaching to me. Why can he not preach to his colleague or to himself? His objection is that the Opposition is divided into two or three groups and addressing my honourable friend Mian Abdul Aziz, he said, *Yeh bhi panchwen sawaron men hain*. This is the language in which they address or mention such honourable members as my honourable friend on this side and then they try to preach to us. I think they should realise their own position and should not preach sermons to us. They should preach sermons to their own colleagues. I am defending a principle. I have no personal interest in the matter and I am not against these honourable members whose names have been proposed but simply to assert the principle I just gave the name of one gentleman with the preface that I was opposing him as he would certainly understand me because he is a lawyer and he knows that I am doing so merely as a protest. As you asked me to give some names, I proposed his name. If I had mentioned some other member he might have taken it ill. I have nothing against

any one. I am only pointing out to you how they have been behaving for the last 24 years. If the report of this incident goes out to England they would laugh and say, 'What sort of children are these in whose hands we have placed the Government of the Punjab.'

Minister : As a reference has been made to Government attitude and as there appears to be some misunderstanding, I want to say a word in explanation. The position is that before proposing the names for the select committee, we asked various groups for their names and I had a formal talk with the Leader of the Opposition.

Dr. Gopi Chand Bhargava : On a point of order. I protest against any reference to that talk.

Mr. Speaker : That talk should not be referred to.

Minister : As we are discussing the names, so I must mention the facts. In reference to that talk five names were given to me and these are included here. Then I was asked to include two other names, one from one group and the other from another group. So I included those names and after having included those names with the remaining names, I had to obtain the consent of the members of this Party also. Then I approached them and obtained their consent. Then I moved the motion here on the day I moved this Bill. After that a few additions have been proposed. I am not against additions. I have only said that Rule 87 passed by the House is in the way and that we cannot add to the number. That is the position. The rule is mandatory and if it can be suspended then we can add.

Mr. Speaker : If the House suspends the rule unanimously it can raise the number of members of the select committee from 25 to 27.

Dr. Gopi Chand Bhargava : Sir, I want to reply to the remarks made by the Minister for Public Works. He referred to five names. May I tell you that according to the rules he can only suggest 15 names and three or four are to be *ex-officio*? Since he has to take the leave of the House he cannot suggest more than 15. I only gave five names as we demanded one-third of the whole number. He said he might take more. I have been suggesting, talking to him and pressing him to take five names and give us one-third of the representation but he refused to give it. We demand one-third. It is no use referring to the rule. I have read the rule but in spite of the rule he wants to discuss it. I have been demanding one-third of the representation and I adhere to it. I have been told that I am not a leader. I do not claim to be anybody's leader. Let those who claim to be leaders know that they should not do such acts simply because they are in power and are intoxicated with that power.

Mr. Speaker : Does the honourable member wish to have his motion proposed from the Chair?

Dr. Sir Gokul Chand Narang : Unless Government agrees to our principle I would like my motion to be put. But it is not the last thing. I may propose more names.

Mr. Speaker : Does the honourable member mean that he should stand up after every five minutes and propose more names?

Dr. Sir Gokul Chand Narang : I will leave it to you.

Mr. Speaker : Personnel of the select committee under consideration : The question is :—

That the name of Shaikh Faiz Muhammad be omitted from the members of the select committee.

The motion was lost.

Dr. Gopi Chand Bhargava : In view of the wrong attitude deliberately adopted by the Government and in view of the fact that the legitimate rights of the Opposition are being trampled upon, I beg to withdraw all the six names from the select committee. We cannot under the circumstances work on the committee. *(Applause on the Opposition benches.)*

Mian Abdul Aziz : I agree to the proposal because my name is there. I withdraw from the select committee.

Lala Sita Ram : I also withdraw.

Premier : It might be noted that Lala Sita Ram has withdrawn his name separately.

Mr. Speaker : The question then is :—

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

Mrs. J. A. Shah Nawaz,
 Diwan Bahadur S. P. Singha,
 Khan Sahib Chaudhri Pir Muhammad,
 Sardar Bahadur Sardar Gurbachan Singh,
 Chaudhri Raja Sarup,
 Rai Sahib Lala Sohan Lal,
 Syed Afzal Ali Hasnie,
 Malik Habibullah Khan,
 Mian Fazal Karim Bakhsh,
 Begum Rashida Latif Baji,
 Rai Sahib Chaudhri Het Ram,
 Shaikh Faiz Muhammad,
 Khan Bahadur Raja Muhammad Akram Khan,
 Mian Abdul Rab,
 Sardar Bahadur Sardar Ujjal Singh, and
 Sardar Gopal Singh.

The Assembly divided. Ayes 87. Noes 47.

AYES.

Abdul Hamid Khan, Sufi.

Abdul Rab, Mian.

Abdul Rahim, Chaudhri (Gurdaspur).

Abdul Rahim, Chaudhri (Gurgaon).

Ahmad Yar Khan Daulatana, Khan Bahadur Mian.

Ahmad Yar Khan, Chaudhri.

Akbar Ali, Pir.

Amjad Ali Shah, Sayed.

Anant Ram, Chaudhri.

Balwant Singh, Sardar.

Bhagwant Singh, Rai.

Chhotu Ram, The Honourable Chaudhri Sir.

Dasaundha Singh, Sardar.	Muhammad Jamal Khan Leghari, Nawab Sir.
Faiz Muhammad Khan, Rai.	Muhammad Nawaz Khan, Major Sardar Sir.
Faiz Muhammad, Shaikh.	Muhammad Qasim, Chaudhri.
Faqir Hussain Khan, Chaudhri.	Muhammad Sarfraz Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Sarfraz Khan, Raja.
Fateh Jang Singh, 2nd-Lieutenant Bhai.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Fateh Khan, Khan Sahib Raja.	Muhammad Yasin Khan, Chaudhri.
Fateh Muhammad, Mian.	Muhammad Yusuf Khan, Khan.
Fateh Sher Khan, Malik.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Din, Khan Sahib Chaudhri.	Nasir-ud-Din, Chaudhri.
Fazal Karim Bakhsh, Mian.	Nasir-ud-Din Shah, Pir.
Few, Mr. E.	Nasrullah Khan, Rana.
Ghazanfar Ali Khan, Raja.	Nawazish Ali Shah, Sayed.
Ghulam Mohy-ud-Din, Khan Baha- dur Maulvi.	Nur Ahmad Khan, Khan Bahadur Mian.
Ghulam Qadir Khan, Khan Bahadur.	Pir Muhammad, Khan Sahib Chau- dhri.
Gopal Singh (American), Sardar.	Pohop Singh, Rao.
Habib Ullah Khan, Malik.	Ram Sarup, Chaudhri.
Hans Raj, Bhagat.	Riasat Ali, Khan Bahadur Chau- dhri.
Hari Chand, Bai Sahib Rai.	Ripudaman Singh, Rai Sahib Thakur.
Harnam Singh, Captain Sodhi.	Roberts, Sir William.
Het Ram, Rai Sahib Chaudhri.	Sadiq Hassan, Shaikh.
Jafar Ali Khan, M.	Sahib Dad Khan, Khan Sahib Chaudhri.
Jagjit Singh Bedi, Tikka.	Shahadat Khan, Khan Sahib Rai.
Jagjit Singh Man, Sardar.	Shah Nawaz, Mrs. J. A.
Jogindar Singh Man, Sardar.	Shah Nawaz Khan, Nawab Sir.
Karamat Ali, Shaikh.	Sikander Hyat-Khan, The Hon- ourable Major Sir.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	Singha, Diwan Bahadur S. P.
Kishan Das, Seth.	Sohan Lal, Rai Sahib Lala.
Manohar Lal, The Honourable Mr.	Sultan Mahmood Hotiana, Mian.
Muhammad Akram Khan, Khan Bahadur Raja.	Sumer Singh, Chaudhri.
Muhammad Amin, Khan Sahib Shaikh.	Sundar Singh Majithia, The Hon- ourable Dr. Sir.
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 Gur- chani, Khan Bahadur Sardar.	Tikka Ram, Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Ujjal Singh, Sardar Bahadur Sar- dar.
Muhammad Hussain, Chaudhri.	

NOES.

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazahr Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Alam, Dr. Shaikh.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Wilayat Hussain
 Jeehani, Makhdumzada Haji
 Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Munji Lal Kalia, Pandit.
 Partap Singh, Sardar.
 Prem Singh, Chaudhri.
 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.

Mr. Speaker : The question is :

That the quorum of the select committee be 9.

The motion was carried.

VILLAGE PANCHAYAT BILL.

Mr. Speaker : The House will now proceed to consider the Village Panchayat Bill.

Clause 19.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : Sir, I beg to ask for leave to move —

That the following new part be added after part (c) of sub-clause (1), clause 19 :

(p) starting and maintaining grain fund for the cultivators by lending them seeds for sowing purposes on such conditions as the panchayat may approve.

The motion was carried.

Khan Muhammad Yusuf Khan : I move—

That the following new clause be added after part (c) of sub-clause (1), clause 19 :

(p) starting and maintaining grain fund for the cultivators by lending them seeds for sowing purposes on such conditions as the panchayat may approve.

The purpose of my moving this amendment is self-explanatory. It is well known that the agriculturist is gambling in rains and the indefinite and insecure position of the rains involves him sometimes in trouble and at such times it becomes indispensable for him to mortgage his property. Especially for sowing purposes he has to incur some debt and under the new legislation passed by this Assembly, some difficulty is felt in some places due to the carelessness on the part of the sahu-kars or due to the misapprehensions that on account of this legislation they will be rendered helpless to seek any remedy from the courts. They are therefore reluctant to advance any money to the poor agriculturist. Therefore in order to mitigate that trouble to some extent, it would be advisable if the panchayats started such a fund as the grain fund and maintained it for advancing loans to the agriculturist at the time of sowing seed. The panchayat will also be interested in the welfare of the agriculturists. I therefore move this amendment.

Mr. Speaker : Question is—

That the following new clause be added after part (c) of sub-clause (1)—

(p) starting and maintaining grain fund for the cultivators by lending them seeds for sowing purposes on such conditions as the panchayat may approve.

The motion was carried.

Khan Muhammad Yusuf Khan : I beg to move—

That in sub-clause (1), part (p) be renumbered as part (q).

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in the proviso to sub-clause (1), line 1, between the words "that" and "nothing" the words "unless otherwise directed by this Act or the Government" be inserted.

This proviso to sub-clause (1) provides that if any of the matters mentioned in sub-clause (1) is under the direct supervision or administration of the district boards, then in that case the panchayat could not have any control on that matter. But a reference to section 20 of the District Boards Act will show that the matter of planting and preservation of trees is under the direct control of the district boards and at the same time wells, ponds and tanks for the supply of water and matters like that are under the direct control of the district boards. It is for this reason that I have put down this clause 'unless otherwise directed by this Act or the Government'. These matters are already under the district boards and this proviso provides that any matter which is under the direct administrative control of the district boards shall not be under the administrative control of the panchayats. In that case it is only proper that these words should be inserted. There must be something like the words which I have moved.

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

That in the proviso to sub-clause (1), line 1, between the words "that" and "nothing" the words "unless otherwise directed by this Act or the Government" be inserted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I oppose it. I do not think it is necessary. If the honourable member would refer to clause 20, he will see that as far as the powers of the district boards are concerned adequate provision exists there. As to private property we do not mean to interfere with it. So I would leave the clause as it is at present worded.

Mr. Speaker : Question is—

That in the proviso to sub-clause (1), line 1, between the words "that" and "nothing" the words "unless otherwise directed by this Act or the Government" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That sub-clause (1) of clause 19 as amended stand part of the clause.

The motion was carried.

Mr. Speaker : Question is—

That the first two lines and part (a) of sub-clause (2) stand part of the clause.

The motion was carried.

Mr. Speaker : Now let us take up sub-clause (2) (b) of clause 19.

Sardar Kartar Singh : Sir, I have an amendment to sub-clause (2) (a) standing in my name.

Mr. Speaker : The deletion or negation of a clause or a sub-clause is not an amendment. When I put part (a) from the Chair no one stood up to oppose the question.

Sardar Kartar Singh : I was standing in my seat.

Mr. Speaker : The negation of a clause is not an amendment. Therefore, I am not bound to call an honourable member who has given notice of deletion. The honourable member did not rise in his place when I put part (a) to the House. At any rate he did not say that he wanted to oppose part (a).

Sardar Kartar Singh : I did stand in my seat, but I was not fortunate to catch your eye.

Mr. Speaker : I am sorry.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (Urdu): Sir, I beg to move—

That in sub-clause (2), for part (b), the following be substituted:—

(b) duties of control in connection with village watchmen as prescribed by rules under section 39-A of the Punjab Laws Act, 1872.

Now part (b) of sub-clause (2) as it stands in the report of the select committee is as under :

(b) such duties in connection with village watchmen as Government may prescribe by rules under section 39-A of the Punjab Laws Act, 1872.

It means that under the provisions of the Punjab Laws Act, 1872, the Government have reserved to themselves the powers to appoint watchmen

in the villages and to prescribe their duties and to fix their salaries. And under these provisions rules have also been made and are enforced in the villages. As a matter of fact Chaukidara was introduced in the villages under the provisions of the above mentioned Act. Now under sub-clause (1) of clause 19 it has been provided that the panchayat shall have to make arrangements for carrying out the requirements of panchayat areas in respect of certain matters. Under sub-clause (2) certain duties have been imposed on the panchayats which they shall have to perform. Now as regards part (b) of sub-clause (2) the making of rules have been left to the discretion of the Government. It depends entirely on the discretion of the Government to entrust the performance of any duties in connection with village watchmen to panchayats, i.e., if they wish to entrust all or some duties in connection with village watchmen they can do so. For instance, the Government will keep their appointment and dismissal in their own hands and will assign such duties as the making of report to the police, etc., to panchayats. The object of my amendment is that the Government should entrust all the duties of control in connection with the village watchmen as prescribed by rules under section 39-A of the Punjab Laws Act, 1872, to the Panchayats.

5 p.m.

Minister for Public Works : Sir, the honourable member is proposing a new clause.

Mr. Speaker : Yes, it is a new clause and therefore the honourable member should first ask the leave of the House to move it. He is referred to page 407 of May's Parliamentary Practice where it is said :

An amendment which, if it were agreed to, would constitute a negative of the clause is out of order. An amendment may not be proposed to insert words at the commencement of a clause with a view to proposing an alternative scheme to that contained in the clause, or to leave out from the first word to the end of the clause, in order to substitute other words, or to effect a redrafting of the clause—such amendments being in the nature of a new clause.

Substitution of a clause or a sub-clause is a new clause. Such amendments are in the nature of a new clause.

Pandit Shri Ram Sharma : Sir, I beg to ask for leave to move the new clause :—

That in sub-clause (2) for part (b), the following be substituted :—

(b) duties of control in connection with the village watchmen as prescribed by rules under section 39-A of the Punjab Laws Act, 1872.

Can I make a speech ?

Mr. Speaker : Yes. The honourable member is not forbidden to make a brief speech ; but our practice has been not to allow a speech at this stage. The honourable member has already made a speech.

Pandit Shri Ram Sharma : Sir, I would like to offer a few observations in connection with my amendment. I am of the opinion that Government should have no objection in conferring all the duties of control in connection with the village watchmen, to the panchayats. The Government admit that all the duties which the village watchman is required to perform are

[Pt. Shri Ram Sharma.]

such as concern the village only. It is the villagers who arrange for the payment of the salary of the watchman. It is their business to levy cess on the inhabitants to meet the chaukidara charges. I may point out that as previously no authority like the panchayats existed in the villages, the duties of control in connection with the village watchmen as prescribed by rules under section 39-A of the Punjab Laws Act, 1872, could not be entrusted to anybody except the Government. Now that the panchayats are going to be established and it is proposed to invest them with powers to try even civil and criminal cases, I think it would be in the fitness of things to entrust them with all duties of control relating to village watchmen. I see no reason why Government should oppose this wholesome amendment. It has been provided in the Bill as reported by the select committee that it would be the duty of a panchayat to perform such duties of control in connection with the village watchmen as the Government may prescribe by rules under section 39-A of the Punjab Laws Act, 1872. In other words it means that in connection with the control of watchmen there would be certain duties and not all, which would be conferred on the panchayats. But I hold the view that the panchayats should be made responsible for the discharge of all duties of control in connection with the village watchmen. If this simple thing is not done, the position of the panchayats would become very ridiculous. I am, therefore, of the opinion that my amendment is in full conformity with the democratic spirit and principle and hence deserves a favourable consideration at the hands of Government.

Mr. Speaker : Motion moved—

That leave be granted to move the following new sub-clause—

(b) duties of control in connection with village watchmen as prescribed by rules under section 39-A of the Punjab Laws Act, 1872.

Minister for Public Works : Sir, I object to the leave being granted.

Pandit Shri Ram Sharma : Without any rhyme or reason? Without any argument?

Minister for Public Works : Yes.

Mr. Speaker : The question is—

That leave be granted to move the new clause.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 19 as amended stand part of the Bill.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (Punjab) : Sir I rise to oppose this clause because it is laid down in sub-clause (2) (a) that—

It shall be the duty of the panchayat to perform the duties of the panchayat under the Punjab Village and Small Town Patrol Act, 1918.

My submission in this respect is that since the enforcement of *thikri-pehra* under the Punjab Village and Small Town Patrol Act of 1918, the Government have never tried to collect figures in order to show that the crime

has decreased in the villages on account of the enforcement of this "*thikri-pehra*." On the other hand I am certain that no change for the better has taken place. The crime has not decreased. It continues as before. There is one outstanding result of this and that is that the police gets a chance of harassing the simple village folk. I refuse to admit that *thikri-pehra* has been imposed in the villages in accordance with the law of the land. We know it to our cost that wherever *thikri-pehra* is enforced, the police appears to poke in its nose while the law of the land does not give any such power to the local police. The enforcement of *thikri-pehra* has proved a great nuisance. But if that is also entrusted to the panchayat, it will become all the more troublesome to the villagers. At present the state of affairs is this that if the inhabitants of a certain village protest against it, they are relieved from it. But when this work is entrusted to the panchayats, the villagers will not be able to get rid of it. On this score, it will not be advisable to hand over this power to the panchayat. At present the *thikri-pehra* is not enforced in legal manner. Law can only permit its enforcement after a due notice and after the establishment of a panchayat in the village. But no regard is paid to this aspect of the question at present. Again, the police hesitates to collect figures relating to crime in the villages where patrol duty is taken from the village folk. The real reason of this hesitation is that the police is afraid of being exposed. The crime has not decreased in the villages and if this fact is proved by Government itself, the police will be brought into disrepute before the public at large.

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

My second reason for opposing this item is that if this is passed, the patrol system will be fully established and none will be able to challenge it. The poor population of the villages is already being made a target of this system. The big landholders and the rich people are not required to perform the patrol duty. It is the poor alone who are compelled to do this job. The Achhuts are the greatest sufferers in this respect. If any kamin happens to nap during his patrol duty, the police constables torture him for that. I do not want that this troublesome system should be made permanent.

With these words, Sir, I beg to oppose the whole of this clause.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I think the position is not understood by the honourable member. He should understand that the *thikri-pehra* is not levied under this particular clause nor is it intended to be imposed under this particular clause. That is done under section 89 (a) of the Punjab Laws Act. What we intend doing according to this clause is that as long as *thikri-pehra* is there, the control should rest with the panchayats. All the difficulties and troubles that he has mentioned might thus be lessened if not altogether done away with. So it will be improvement from the villagers' point of view and not additional trouble. *Thikri-pehra* is a totally different thing. If you want to amend it—I am not going into the merits—the proper thing is to amend section 89 (a) of the Punjab Laws Act. If you omit this here, it will still be valid.

Mr. Deputy Speaker: The question is—

That clause 19, as amended, stand part of the Bill.

The motion was carried.

Clause 20.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I beg to move—

That in the beginning of the clause the words "notwithstanding anything to the contrary in the Punjab District Board Act" be added.

The District Board Act delegates certain powers to the heads of departments only. At the time of the passage of the last Panchayat Bill, a new section was added in the District Board Act. I think it is section 20 (a) or something like that. It was added that according to Punjab Panchayat Bill of 1919 certain powers could be delegated to the Village Panchayats too. By this Act that Panchayat Bill shall be repealed. In that case it is just possible that you shall have either to amend that section of the District Board Act or you shall have to add these words. It is for this reason that instead of amending that section of the District Board Act I want to add these words. It is just possible that you might be relying upon the General Clauses Act too. According to the General Clauses Act if one Act is amended or one Act is repealed or a section is replaced by any other section, then the wording of that section shall be affected. If you put these words in this clause you will in a way, be removing all the difficulties and you would not be required to amend any other Act. It is for this reason that I have moved it.

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

That in the beginning of the clause the words "notwithstanding anything to the contrary in the Punjab District Board Act" be added.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I do not think there is any such fear, but to make matters doubly sure, if the honourable member insists, I see no harm in accepting these words.

Mr. Deputy Speaker : The question is—

That in the beginning of the clause, the words "Notwithstanding anything to the contrary in the Punjab District Boards Act" be added.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That leave be granted to move the following new sub-clause :—

- (2) In case of omission, refusal or inadequacy of funds to be placed by the District Board at the disposal of the Panchayat, the Commissioner shall have power to fix the amount and order payment by the District Board.

Chaudhri Jalal-ud-Din Amber : I would like to point out that this would be redundant. If anything is delegated to the panchayat by the district board and if the panchayat finds that the funds are inadequate, it would refuse to do it.

Mr. Deputy Speaker : The House may refuse leave and this will go. The question is—

That leave be granted to move the new sub-clause.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to ask for leave to move—

That at the end the following new sub-clause be added :—

- (2) If a Panchayat makes default in the performance of any duty delegated to it by this Act, the District Board may by order in writing fix a period for the performance of the duty ; and if the duty is not performed within that period, the District Board may appoint some person to perform it and it may provide for the expenses incidental to its performance out of the funds appropriated to or for the purposes of the Panchayat.

Can I make a speech ?

Mr. Deputy Speaker : There is no such provision.

Sardar Kapoor Singh : The Honourable Speaker has already ruled that a speech is permissible.

Mr. Deputy Speaker : There is no such provision in the rules, but if the honourable member wants to say a few words he can do so.

Sardar Kapoor Singh : This section provides for delegation of certain powers by the district board to the panchayats and sometimes the district board shall have to delegate certain powers if the Government so require. After all no panchayat would be so competent as they are expected to be in the performance of those duties when certain powers are delegated to them. When the district board is providing certain funds to the panchayat and the panchayat does not perform those duties, then in that case it should rest with the district board that they should have authority to appoint certain persons to perform those duties and get the money refunded from that fund which has been handed over to the panchayat. It is for this reason that I move this amendment and I expect that Honourable Minister will accept this amendment. There is no harm.

Mr. Deputy Speaker : The question is—

That leave be granted to move the new sub-clause.

The motion was lost.

Mr. Deputy Speaker : The question is—

That clause 20 as amended stand part of the Bill.

The motion was carried.

Clause 21.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move—

That in part (a) of sub-clause (1), line 2, between the words "building" and "to", the words "or structure" be inserted.

This is a verbal insertion. There may be an encroachment caused by building or a structure. So, I propose this insertion.

Minister for Public Works : I think the word, "building" includes everything.

Sardar Lal Singh : It will not cover all those *khunds*, *chhappars* and *khurries* which the zamindars build on public ways and *shamilat deh*. It is a safeguard against encroachments leading to future possession.

Minister for Public Works : Encroachment by itself would cover it.

Sardar Lal Singh : That is why I say that if the words "or structure" be inserted, it would be more clear.

Mr. Deputy Speaker : Clause under consideration. Amendment moved is—

That in part (a) of sub-clause (1), line 2, between the words "building" and "to," the words "or structure" be inserted.

Minister for Public Works : The clause as it stands at present is clearly worded and I do not think that the addition of the words, "or structure" is necessary.

Mr. Deputy Speaker : The question is—

That in part (a) of sub-clause (1), line 2, between the words "building" and "to" the words "or structure" be inserted.

The motion was lost.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move—

That at the end of part (a) of sub-clause (1), the words "or on *shamilat deh* or any public open space or *chhappar*" be added.

This is a very important clause, because it is one of the duties of the panchayat to keep the encroachments under control. You, Sir, being a villager yourself know how the villagers cause innumerable fights and lot of litigation simply because of gradual encroachments upon *shamilat deh* or on any public open space or *chhappar*. So I have specified these things. The clause as passed by the select committee reads as follows :—

Require the owner or occupier of any building to remove any encroachment on a public way or drain.

That is, if an encroachment is caused upon a *chhappar* or upon *shamilat deh*, which is not a public way, then the panchayat would be helpless. This is a very important matter. If a public way continues to be encroached upon the panchayat can manage and if it is on a drain, the panchayat can stop it. On the other hand if a man encroaches on the *chhappar*, puts a fence round an open ground which is not a way how would it be provided for? Therefore, I submit this amendment.

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

That at the end of part (a) of sub-clause (1), the words "or on *shamilat deh* or any public open space or *chhappar*" be added.

Minister for Public Works : Sir, I oppose this amendment. The proprietary rights in *shamilat deh* or any such open space vest in the proprietary body and would not necessarily vest in the panchayat. It might happen that the panchayat may be at variance with that proprietary body in a particular case. The object of the Panchayat Act is not to vest a panchayat with that right so far as *shamilat deh* are concerned. I do not think I can support the amendment. The powers of the panchayats are only over public ways and I think these are sufficient for general village needs. Provisions like the one proposed would bring about friction between various classes in the village which is not the object of the Bill.

Pandit Muni Lal Kalia : A similar amendment was already moved and at that time also reasons to the same effect were given by the Minister

in charge. There is some misunderstanding I take it so far as difference between the proprietary right of the panchayat or the proprietary body is concerned.

Minister for Public Works : The panchayat as such will have none of the proprietary rights.

Pandit Muni Lal Kalia : We do not want to vest it in the proprietary body. I think the panchayat will have proprietary rights vested in it. That is one thing. He does not want any dispute regarding proprietary rights of the proprietary body. What we want is that *shamilat deh* which belong to the whole area, that is proprietary body, should be left in a clean and neat condition and that encroachments should not be made on it in such a way that it should become difficult for the people or for the administration of the panchayat. The Honourable Minister in charge should rest assured that by this amendment no encroachment is being made on the vested proprietary rights of the proprietary body of the village. We want only to give power which covers the whole of the *shamilat*. He has repeated it on the floor of the House that only those powers which are essential must be given. This amendment should not be opposed because it has been moved from this side of the House.

Seth Sudarshan : Sir, there is no quorum in the House.

(At this stage the bell rang and thereafter there was found to be quorum.)

Chaudhri Jalal-ud-Din Amber : In connection with this amendment I would like to point out that this will give rise to complications in practice if this amendment is accepted, just as it has been pointed out by the Minister. I think if the panchayat has a right to interfere in the legal rights of the proprietary body then the whole proprietary body will come into conflict. Therefore I think that it would be in the interest of the village itself that this sort of power for interference should not be given to the panchayat.

Mr. Deputy Speaker : The question is—

That at the end of part (a) of sub-clause (1), the words "or on *shamilat deh* or any public open space or *shapper*" be added.

The motion was lost.

Pandit Muni Lal Kalia : I beg to move—

That in part (c) of sub-clause (1) line 2, between the words "building" and "which" the words "or pit" be inserted.

Part (c) requires—

The owner of any wall or building which is deemed by the panchayat to be in any way dangerous, to remove or repair such wall or building.

I only want to add that pits in villages should be filled up. I therefore move my amendment.

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

That in part (c) of sub-clause (1), line 2, between the words "building" and "which" the words "or pit" be inserted.

Minister for Public Works : I oppose the amendment. Sub-clause (b) covers it.

Mr. Deputy Speaker : The question is—

That in part (c) of sub-clause (1), line 2, between the words "building" and "which" the words "or pit" be inserted.

The motion was lost.

Pandit Muni Lal Kalia : I beg to move—

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

It only requires the owner or occupier of any building to keep his building in a sanitary state.

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

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

Minister for Public Works : I oppose the amendment. There is nothing new. It is one of the essential duties of the panchayat in the interest of the health of the village, and similar provisions exist even in the Municipal Act.

Mr. Deputy Speaker : The question is—

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

The motion was lost.

Khan Bahadur Chaudhri Riasat Ali : I beg to move—

That leave be granted to introduce the following new clause:

That at the end of sub-clause (1), the following be added:—

- (e) Require the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid; to destroy or cause to be destroyed or confine or cause to be confined such dog or animal.
- (f) Require the owner of a dog or other animal which is likely to annoy or intimidate passengers, to restrain such dog or animal.

The motion was carried.

Khan Bahadur Chaudhri Riasat Ali : I beg to move—

That at the end of sub-clause (1), the following be added—

- (e) Require the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid; to destroy or cause to be destroyed or confine or cause to be confined such dog or animal.
- (f) Require the owner of a dog or other animal which is likely to annoy or intimidate passengers, to restrain such dog or animal.

I do not think that I need make any lengthy speech in support of this. I only want to say that the clause gives power to the panchayats to remove certain encroachments and nuisances as have been enumerated in sub-clauses (a) to (d). The amendment proposes an additional power to be conferred on the panchayat and it is necessary in the interests of the village society. There is a similar provision in section 109 of the Municipal Act. I commend the new sub-clauses to the House.

Mr. Deputy Speaker : The question is—

That at the end of sub-clause (1), the following be added:—

- (e) Require the owner of any dog or other animal suffering or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid; to destroy or cause to be destroyed or confine or cause to be confined such dog or animal.
- (f) Require the owner of a dog or other animal which is likely to annoy or intimidate passengers, to restrain such dog or animal.

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : I beg to ask for leave to move the following new sub-clause :—

That at the end of sub-clause (1), the following be added :—

- (e) Require the owner of any house to construct an outlet for the flow of water of the drain of his house or that of the well or water pump situated within the premises of his house in such a way that it may not spoil the public thoroughfare and affect adversely the health and sanitation of the village.

Mr. Deputy Speaker : Motion moved—

That leave be granted to move the following new clause :—

That at the end of sub-clause (1), the following be added :—

- (e) Require the owner of any house to construct an outlet for the flow of water of the drain of his house or that of the well or water-pump situated within the premises of his house in such a way that it may not spoil the public thoroughfare and affect adversely the health and sanitation of the village.

Minister for Public Works : May I point out that what the honourable member wants to do by the addition of the new sub-clause is covered by clause 22. The panchayat will have the power under that clause to require owners of any house to construct an outlet for the flow of water of drains or wells or water pumps situated in his premises. That will serve the purpose of the honourable member.

Khan Sahib Khawaja Ghulam Samad : I had this clause before me when I sent notice of my amendment. It is not quite clear in that clause that outlets for flow of pump water situated in any house will come under the control of the panchayat. My purpose by introducing this new clause is that such water pumps also may be controlled by the panchayat and that the owners of houses may be required to build some outlets or *chaubachas* for the collection of water from such water pumps or drains in their compounds and then use this water for irrigation. It will save the nuisance to the public because water collects and stagnates in the streets of the village.

Mr. Deputy Speaker : The question is—

That leave be granted to move the new clause :—

That at the end of sub-clause (1), the following be added :—

- (e) Require the owner of any house to construct an outlet for the flow of water of the drain of his house or that of the well or water pump situated within the premises of his house in such a way that it may not spoil the public thoroughfare and affect adversely the health and sanitation of the village.

The motion was carried.

Pandit Bhagat Ram Sharma : I rise to a point of order. There is no quorum in the House.

Mr. Deputy Speaker : Notice was taken and counting was done and I do not think it necessary to count again.

Pandit Bhagat Ram Sharma : My point of order is whether proceedings can take place when there is no quorum in the House.

Mr. Deputy Speaker : Counting has already taken place. I think that the House is in quorum and that it is unnecessary to count the number over and over again.

Pandit Bhagat Ram Sharma : I beg to draw the attention of the Honourable Deputy Speaker to the fact that there is no quorum in the House, and under the circumstances to ask whether the proceedings which are taking place now are legal proceedings and are according to the procedure of the House.

Mr. Deputy Speaker : I have satisfied myself that the House is in quorum. The question does not arise.

Pandit Bhagat Ram Sharma : My point of order is this. Is the Deputy Speaker sure that the House is in quorum? Is that the ruling of the Deputy Speaker?

Mr. Deputy Speaker : I have once satisfied myself that the House is in quorum.

Lala Duni Chand : Is the shutting up of eyes allowed?

Khan Sahib Khawaja Ghulam Samad : I move—

That at the end of sub-clause (1), the following be added :—

- (e) Require the owner of any house to construct an outlet for the flow of water of the drain of his house or that of the well or water pump situated within the premises of his house in such a way that it may not spoil the public thoroughfare and affect adversely the health and sanitation of the village.

Minister for Public Works : May I make a suggestion? The language of the sub-clause requires a lot of improvement. If you approve, we could take up this clause later and put forward an agreed amendment.

Mr. Deputy Speaker : I am afraid that cannot be done. The consideration of the whole clause shall have to be postponed.

Minister : The honourable member will do well to withdraw his motion.

Khan Sahib Khawaja Ghulam Samad : I beg to ask for leave to withdraw my motion.

The motion was by leave withdrawn.

Pandit Shri Ram Sharma : On a point of order, Mr. Deputy Speaker. There are 24 members in the House at this time. Are the proceedings in order when the House is not in quorum? May I ask for your ruling?

Mr. Deputy Speaker : I have once satisfied myself that the House is in quorum. I do not want to count again and again and thereby waste the time of the House.

Pandit Bhagat Ram Sharma : But the honourable member has counted the number and he has given the number as 24.

Mr. Deputy Speaker : It is for me to say as to when the counting should take place again.

Pandit Shri Ram Sharma : I bring it to your notice that there are only 24 members present.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : I beg to move—

That at the end of sub-clause (2), the following proviso be added :—

- Provided that no such work shall be executed by the panchayat without giving the owner-occupier reasonable opportunity to place his or her case before the panchayat or obtain temporary injunction relating to the intended execution.

Sardar Partab Singh : On a point of order. I believe there is no quorum.

Mr. Deputy Speaker : I hope the honourable member would not persist in this. Counting has already taken place and I have satisfied myself that the House has got the quorum.

Pandit Muni Lal Kalia : I only want to limit the powers given under clause 21. They are very extensive. Sometimes the panchayat may be at variance with the orders for execution and in such a case the final power should not rest with the panchayat. In this very Bill provision has been made to cancel or revise or supervise the act of the panchayat. This is done by the deputy commissioner or some other officer. Now in a case like this where the work has been executed and damage done cannot be restored and the rights of the parties have been interfered with, it is desirable that a proviso should be introduced and the person concerned should have a chance for defending himself and getting a decision from a higher authority, so that the defects are set right in the beginning and matters are not complicated.

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

That at the end of sub-clause (2), the following proviso be added :—

Provided that no such work shall be executed by the panchayat without giving the owner-occupier reasonable opportunity to place his or her case before the panchayat or obtain temporary injunction relating to the intended execution.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I oppose this amendment. I do not think any such proviso is necessary. If you see the opening words of the clause you will see that notice will be served and a reasonable period is specified for the purpose. That is enough so far as notice to the party is concerned. Then, if there is any likelihood of a miscarriage of justice, provision exists in the revisionary powers given under section 78. The party can go to the deputy commissioner and get the order of the panchayat either suspended, rescinded or modified as the case may be to suit the circumstances. The suggested provision will make the whole thing cumbersome.

Mr. Deputy Speaker : Question is—

That at the end of sub-clause (2), the following proviso be added :—

Provided that no such work shall be executed by the panchayat without giving the owner-occupier reasonable opportunity to place his or her case before the panchayat or obtain temporary injunction relating to the intended execution.

The motion was lost.

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

Mr. Deputy Speaker : The honourable member has first to ask the leave of the House to move the new sub-clause.

Lala Duni Chand : It is really a proviso which has been inadvertently described as a new sub-clause. You must consider the substance and not the form.

Mr. Deputy Speaker : Either the honourable member should ask for leave or the amendment is out of order.

Lala Duni Chand : I beg to ask for leave to move the following new clause at the end —

- (3) The carrying out of the above-mentioned orders of the Panchayat shall be subject to the result of a civil suit if any brought by the aggrieved party. The Panchayat shall not enforce its orders within a period of 30 days and if within such period the aggrieved party obtains an order from civil court restraining the Panchayat from carrying out its orders the Panchayat shall not do so till the matter in dispute is finally decided.

[Lala Duni Chand.]

Sir, I want to make only one submission with regard to the motion for which leave is being sought. I am positive that this amendment is absolutely necessary. My contention is that since clause 21 delegates certain powers to the proposed panchayats it is very likely that they might do injustice to a party in the execution of those powers. It is, therefore, requested that the orders passed by such panchayats should be made subject to the result of a civil suit if an aggrieved party so desires. If the Government is prepared to grant me leave to move this new sub-clause it would

6 p.m. be very kind on the part of the Government. But if it is not disposed to accede to my request then I am constrained to say that we shall strongly oppose the whole clause when it is put to the House.

Mr. Deputy Speaker : The question is—

That leave be granted to move the new clause.

The motion was lost.

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

That at the end of clause 21 the following new clause be added :—

- (3) Any person adversely affected by a notice under this section may apply to the Deputy Commissioner for cancellation of notice within fifteen days from the receipt of the notice.

Section 21 legislates for the issue of notice in certain cases. My object in moving this particular clause is that an opportunity should be given to all those persons affected by such notice to go to the deputy commissioner and place their case before him and if that particular person is in a position to satisfy the deputy commissioner, he should be given reasonable opportunity of being heard. If that officer feels satisfied that there is a good case made out, he may remedy the trouble.

6 p.m. **Mr. Deputy Speaker :** Question is—

That leave be granted to move for the addition of the proposed new clause.

The motion was lost.

Mr. Deputy Speaker : Question is—

That clause 21 as amended stand part of the Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : I have already stated that under clause 21 panchayats have been given very wide powers and it is very likely that in some cases these powers will be abused. For instance, it is provided in it that a panchayat may by notice in writing specifying a reasonable period—

- (a) require the owner or occupier of any building to remove any encroachment on a public way or drain ;
- (b) require the owner or occupier of any land, well, water pump, or building which includes or is attached to any latrine, pool or ditch, containing or used for the collection of any drainage, filth or stagnant water, which is a nuisance to the neighbourhood, to take such action as the panchayat may deem reasonably necessary to remove the nuisance.
- (c) require the owner of any wall or building, which is deemed by the panchayat to be in any way dangerous, to remove or repair such wall or building, and
- (d) require the owner or occupier of any building or property to keep his building or property in a sanitary state.

Now I wish to point out to you as well as to 24 or 25 members now present in the House, that if all these powers are given to panchayats there is a danger

of encroachment on the right of private property of the people. There is a likelihood of the people being deprived of their private property in the name of these provisions. Here I would like to make it clear to the honourable members that I do not mean that all these powers which have been vested in the panchayats should not be given to them, but what I want is that all those persons whose houses are likely to be affected by the carrying out of the above-mentioned orders should be allowed to seek justice from a court of law. In other words any person who is affected by the carrying out of such orders should be permitted if he so wishes to institute a case in any civil court, and so long as that matter is not finally decided the panchayat should not enforce its orders. Sir, through you I wish to inform the House that in view of the conditions prevailing in the rural areas, I can say without any fear of contradiction that in certain cases such orders will be issued without any rhyme or reason. It is just possible that interested persons may get an order issued against another person requiring him to dismantle the whole or a part of his house. In my opinion the issuing of such an order will not merely cause inconvenience to him but it will also cause considerable loss as well. In the circumstances it is highly necessary that this sub-clause should be added and thus the people should be given the right to seek legal relief. Now, if the people are given this right to go to courts, it is possible that my friends would say that the very object for which the panchayats are being established would be defeated. I wish to make it clear to the honourable members who are holding this opinion that only those persons will seek relief from courts who are really in danger of being affected by the orders of the panchayats. A person will never think of going to a court of law unless and until he thinks that he has been wronged. Everyone will think twice before he decides to go to a court of law. I may also point out that in every village there are party factions and disputes. Sometime village people quarrel for very insignificant things. In view of these factions very often it will be seen that influential and big people of the villages will try to harm the interests of the poor and weak people. I, therefore, submit that in view of such a state of affairs it is highly necessary that this sub-clause should be added. It will to some extent restrain the influential people from doing any harm to the poor people. Besides, I may also point out that although the panchayat system has been in vogue in India since times immemorial, may be from the times of Manu, the people have lost the very conception of panchayats. Since the advent of the British power in India, the panchayats have actually forgotten their responsibilities and the panches have lost all panchayat sense. I think the people will slowly regain that sense but at present they have forgotten it. Now these wide powers are being given to the panchayats and there is every likelihood of their being misused. It is, therefore, absolutely necessary that a safeguard should be provided for those people against whom there is likelihood of this weapon being used. We wanted to improve upon clause 21 but the Government was adamant and rejected all our amendments. I, therefore, deem it necessary to oppose this clause strongly.

Mr. Deputy Speaker : The question is—

That clause 21 as amended stand part of the Bill.

The motion was carried.

Clause 22.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) :
Sir, I beg to move—

That in part (a), line 1, between the words "regulate" and "the" the words "or prohibit" be inserted.

Sir, this amendment is moved only to regulate the collection, removal and disposal of manure and street sweepings. Sometimes it may be necessary for the panchayat to prohibit the collection of manure at a certain place in the village. This expression has been used in several places even in this clause as is evident from sub-clauses (b), (c), (d), (e), (f) and (g). So it is absolutely necessary that the words "or prohibit" may be inserted in sub-clause (a) also, otherwise it would be impossible for the panchayat to prohibit the collection, removal and disposal of manure and street sweepings at a certain place.

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

That in part (a), line 1, between the words "regulate" and "the", the words "or prohibit" be inserted.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I oppose this amendment. It is against the agricultural interests to prohibit collection, removal and disposal of manure and street sweepings.

Pandit Muni Lal Kalra : At a certain place.

Mr. Deputy Speaker : The question is—

That in part (a), line 1, between the words, "regulate" and "the", the words "or prohibit" be inserted.

The motion was lost.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) :
Sir, I beg to move—

That in part (a), lines 6—12, for the words "in . . . purposes", the following be substituted :—

Any manure or sweepings required for agricultural purposes, in manure pits approved by the Panchayat upon land, which is at a distance not less than fifty yards from the residential area of the village and not less than 25 yards from thoroughfares and highways passing by that village;

Provided that the Panchayat shall secure a site subject to the conditions given above, for collecting and disposal of the manure and street sweepings belonging to persons owning or occupying no land of their own in the village.

Sir, you will observe that part (a) of this clause deals with collection, removal and disposal of manure and street sweepings; and there is a proviso in the original clause which runs as follows :—

Provided that nothing in this clause shall empower the panchayat to prevent any person from collecting in manure pits approved by the Panchayat upon land occupied by him outside the residential area of a village any manure or sweepings required for agricultural purposes.

It means that these places will not be sanitary. Some people have got their lands a few yards from the residential part of a village and to have manure pits just near the *abadi* is most insanitary and injurious to the health of the inhabitants of the villages. The panchayat will have no power to look to the sanitation of a village if its powers are curtailed to such an extent. My amendment has got two-fold significance. In the first place

it fixes that owners of any such land should be allowed to collect manure, etc., in their lands which are at a distance not less than 50 yards from the residential area of the village and not less than 25 yards from thoroughfares and highways passing by that village. My experience is that in the villages that abut on the main roads, you will find heaps of manure piled along side the roads near the residential areas of the villages. This is most insanitary and dangerous for the health of the village people and the persons travelling on such roads. People sometimes catch infection. Disputes have also arisen with regard to the use and collection of manures in the villages. In the second place people who have got no land of their own in the villages—especially the scheduled castes have got no land of their own—collect their manure on the land of other proprietors; and these proprietors take that manure as of right and use it without paying any compensation or price to the depressed class people. It is, therefore, most necessary that the panchayat should secure a site for collecting and disposal of the manure and street sweepings belonging to persons owning or occupying no land of their own in the villages. Thus the poor people in the villages, who have got no lands of their own will be saved from the tyranny of the proprietors. My amendment is a harmless one and I hope the Honourable Minister in charge of the Bill will accept it.

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

That in part (a), lines 6—12, for the words “in . . . purposes”, the following be substituted :—

Any manure or sweepings required for agricultural purposes, in manure pits approved by the Panchayat upon land, which is at a distance not less than fifty yards from the residential area of the village and not less than 25 yards from thoroughfares and highways passing by that village :

Provided that the Panchayat shall secure a site subject to the conditions given above, for collecting and disposal of the manure and street sweepings belonging to persons owning or occupying no land of their own in the villages.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, I oppose this amendment. We cannot lay down such specific limits. It would be most inconvenient for the inhabitants of the villages. The panchayat may have no funds to provide manure pits for non-proprietors. By common consent the non-proprietors collect the sweepings and manure in the land of a particular proprietor. This system has been going on peacefully and smoothly for a very very long time and it should be allowed to go on.

Mr. Deputy Speaker : The question is—

That in part (a), lines 6—12, for the words, “in . . . purposes”, the following be substituted :—

Any manure or sweepings required for agricultural purposes, in manure pits approved by the Panchayat upon land, which is at a distance not less than 50 yards from the residential area of the village and not less than 25 yards from thoroughfares and highways passing by that village :

Provided that the Panchayat shall secure a site subject to the conditions given above, for collecting and disposal of the manure and street sweepings belonging to persons owning or occupying no land of their own in the village.

The motion was lost.

Pandit Muni Lal Kalia : I beg to move—

That at the end of part (b), the following be added:—

And make necessary arrangements for the supply of drinking water to scheduled classes or other persons, not allowed to use village wells.

The sub-clause, if amended, would read as follows:—

(b) prohibit the use of the water of wells, ponds or other excavations suspected to be dangerous to the public health and make necessary arrangements for the supply of drinking water to scheduled classes or other persons, not allowed to use village wells.

The water of the wells that belong to the scheduled castes or to the people who live outside the village may become dangerous to public health and in that case a panchayat may prohibit the use of water on such conditions. Some provision should be made by the panchayat for the supply of drinking water and making other necessary arrangements for those people who have no well of their own in the village except a *band* the use of which may be prohibited by the panchayat.

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

That at the end of part (b), the following be added:—

And make necessary arrangements for the supply of drinking water to scheduled classes or other persons, not allowed to use village wells.

Minister for Public Works : I oppose it. It is not necessary. If the honourable member will look at clause 19 (1) (b) he will find that it is as follows:—

(b) wells, ponds and tanks for the supply of water for drinking, washing and bathing. Scheduled classes are a part of the village community and this trouble of untouchability may be in urban areas. This trouble is not so acute in villages and I, therefore, do not think that we need make a specific provision of this nature. It will only show that there is such a thing as untouchability still going on in the province.

Mr. Deputy Speaker : The question is—

That at the end of part (b) the following be added:—

and make necessary arrangements for the supply of drinking water to scheduled classes or other persons, not allowed to use village wells.

The motion was lost.

Pandit Muni Lal Kalia : I move—

That in part (c), line 1, between the words "prohibit" and "the", the words "the slaughtering of animals" be inserted.

The sub-clause, if amended, will run as follows:—

(c) regulate or prohibit the slaughtering of animals the dyeing or tanning of skins within two hundred and twenty yards of the residential area of a village;

It may be said that a provision is made in part (b) but that is with regard to carcasses of all animals dying within the village but not with regard to the slaughtering of animals. There are slaughter-houses in some villages and in such cases also it is all the more necessary for sanitation and healthy development of villages that the panchayats should have the power to regulate or prohibit, as the case may be, the slaughtering of animals in villages.

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

That in part (c), line 1, between the words "prohibit" and "the", the words "the slaughtering of animals" be inserted.

Amendments Nos. 7 and 8 are similar and the honourable members who have sent notices of these amendments may speak on this amendment if they like to.

Khan Bahadur Chaudhri Riasat Ali : I had a similar amendment standing in my name, viz., amendment No. 15 and I had some reasons—which I have discussed with the Parliamentary Secretary as well as the Honourable Minister—which were that the sanitation of the villages on account of this promiscuous slaughter in the houses might, in some way, become defective, but when I have gone through the Bill carefully I find that we have carried clause 21 (d) which is—

(d) require the owner or occupier of any building or property to keep his building or property in a sanitary state.

When this is the provision of law there is no need of pressing this amendment if it is only from the point of view of sanitation and convenience of the people living in a panchayat area. Hence I oppose this amendment as unnecessary.

Mr. Deputy Speaker : The question is—

That in part (e), line 1, between the words "prohibit" and "the" the words "the slaughtering of animals" be inserted.

The motion was lost.

Khan Bahadur Chaudhri Riasat Ali : I beg to move—

(That in sub-clause (e), lines 4—12, the words "provided that where . . . limit" be omitted.

The opening words of this sub-clause are—

Regulate or prohibit the dyeing or tanning of skins within two hundred and twenty yards of the residential area of a village ;

The only reason for my moving this amendment is that my fears are that the proviso, as it stands now as a part of the sub-clause, nullifies the provision of the clause itself and it is useless to have such a provision. It is impossible to regulate or prohibit dyeing or tanning of skins within two hundred and twenty yards if we are not prepared to remove the nuisance which already exists. This proviso means that we should not touch those parts of the village where dyeing is going on at present unless provision is made for "reasonable facilities" being given to the owner of that tanning industry. The question now is that there will be a great discussion as to what are "reasonable facilities" and what are not "reasonable facilities" and who will be the judge of these "facilities". Another reason for my moving this amendment is that under the rule-making power, that is given in clause 82 of this very Bill, sub-clauses (e) and (m) can cover this proviso if it is to stand at all. The wordings of those sub-clauses are :—

(3) In particular and without prejudice to the generality of the foregoing power Government may make rules—

(e) regulating the exercise by a panchayat of any of its powers—

One of the powers of the panchayats is to see that tanning or dyeing is not done within two hundred and twenty yards. This can be covered by the rules framed under sub-clause (e). Sub-clause (m) of clause 82 (3) is as follows :—

(3) In particular and without prejudice to the generality of the foregoing power Government may make rules—

(m) for any other purposes not included in the above for carrying out the purposes of this Act ;

[Khan Bahadur Chaudhri Riasat Ali.]

This is still wider and a rule if at all necessary can be made under this sub-clause. My submission, therefore, is that the proviso, if possible, may be omitted.

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

That in sub-clause (e), lines 4—12, the words “provided that where . . . limit” be omitted.

Minister of Public Works : I would like to draw the attention of the honourable member, as he is fully aware of the conditions in villages, to the limit at which this dyeing and tanning is going on. What we wanted to achieve was that there may not be indiscriminate removal. Fears were expressed on behalf of the scheduled classes that they might be asked to leave the present places and alternative arrangements may not be made for them which would be detrimental to their interests. So, wherever it will be possible, that nuisance will be removed, otherwise nuisance it is but we cannot think of any other alternative. It has got to be endured till such time that the panchayats can make necessary arrangements.

Rules will further be made, so that there is no hardship involved in any case. The decision as to the criterion of reasonable facilities will be the discretion of the panchayat and in the case of difference of opinion if the aggrieved party thinks that the discretion of the panchayat was not rightly exercised, they can go to the deputy commissioner and get the order rescinded or modified. With this precaution I am sure the honourable member will not press his amendment.

Khan Bahadur Chaudhri Riasat Ali : I beg leave to withdraw my amendment.

Mr. Deputy Speaker : Is it the pleasure of the House that leave be granted to the amendment being withdrawn ?

(The leave was refused).

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir under clause (e) of section 22, the panchayat can remove the nuisance which is within 220 yards of the residential area of a village. If there is no nuisance and if the legislation aims at removing the nuisance, there is no sense in legislating this proviso to that particular clause. There should be a direct legislation to the effect that whenever there is any nuisance of dyeing within that particular area, which this clause intends to remove, then in that case there should be a free hand given to the authorities of the panchayat concerned to move in the matter and there should be no proviso as is intended by the lines from 4 to 12 of this clause, there should be no other alternative scheme before the panchayat to find some convenient place for that nuisance. There is a loophole and it can be done in any place and the clause would become nullified. Therefore, I respectfully submit to the honourable members that they should consider this loophole and I also request my honourable friend, a very able lawyer, that he should not withdraw his amendment because the withdrawal of this amendment will render the whole clause meaningless.

Mr. Deputy Speaker : The question is—

That in sub-clause (e), lines 1 and 2, the words "provided that where . . . limit" be omitted.

The motion was lost.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural)
Sir, I beg to move—

That in part (g), line 2, the word "brick" be omitted.

The present clause relates to the regulation of establishment of brick kilns within 220 yards of the residential houses in a village. There may be some potters' kilns near the residential houses. They also give smoke and they are also of the same kind and should also be regulated, because there is no difference between the smoke of a brick kiln and of a potter's kiln. Both are equally obnoxious and injurious to health.

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

That in part (g), line 2, the word "brick" be omitted.

Minister for Public Works : As you know, Sir, the practice in villages is that potter's kiln is generally next to the house of villagers, and I admit that the smoke is sometimes a nuisance, but that is a nuisance which has continued for centuries and is not as bad as it is thought to be. In many cases potters have vested private rights. So I cannot accept this amendment because I do not want an encroachment on their private rights.

Mr. Deputy Speaker : The question is—

That in part (g), line 2, the word "brick" be omitted.

The motion was lost.

Pandit Shri Ram Sharma : Sir, I beg to move—

That in part (h), line 2, between the words "dying" and "within", the words, "or slaughtered for consumption" be inserted.

In this clause the responsibility of disposing of the remains of those animals which die within the limits of villages has been imposed on the panchayats. I want that the panchayats should be made responsible to dispose of the remains even of those animals which are killed for consumption. Everyone knows that much remains of the body of even those animals which are slaughtered for consumption, which must be disposed of. For instance, their skins, etc., require to be removed from the village precincts. This has to be done in the interests of sanitation. But if the Honourable Minister in charge does not agree even to a proposal which is meant to make villages clean and rid them of all dirty material, he is at liberty to do so. Perhaps since this Government is rotten it would like to keep the villages in a rotten state of sanitation.

Sir, while moving this amendment I am conscious of the fact that I am committing an irregularity as for a long time there has been no quorum in the House, I daresay even you are committing an irregularity.

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

That in part (h) line 2, between the words "dying" and "within" the words "or slaughtered for consumption" be inserted.

Shaikh Faiz Muhammad : I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in part (h) line 2, between the words "dying" and "within" the words "or slaughtered for consumption" be inserted.

The motion was lost.

Pandit Shri Ram Sharma : Sir, I beg to move—

That in part (h), lines 3-4, the words "except animals . . . for consumption" be deleted.

The motion was lost.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu): Sir, I beg to move that at the end the following be added :—

An order passed by a panchayat under this section shall be subject to the right of appeal to the Deputy Commissioner and the decision thereon to be filed within 30 days of the date of order.

Sir, I am commending this amendment not to the house as there is no house for want of quorum but to certain distinguished members including some lawyer brethren who can be expected to understand its importance. The panchayats have been given powers of two kinds, namely, judicial, including civil as well as criminal, and administrative. The administrative powers are contained in section 22. Now, I am of the opinion that this Bill, which is going to become an Act very soon, cannot work successfully so long as some controlling power is not given to higher authorities.

Dr. Sant Ram Seth : On a point of order. May I draw your attention to the fact that there are only 26 members in the House ?

Mr. Deputy Speaker : I have satisfied myself that the House is in quorum.

Pandit Shri Ram Sharma : I do not challenge your ruling, Sir, but may I know what must be the interval between two counts to ascertain whether the House is in quorum ?

Mr. Deputy Speaker : It depends on my discretion, and as I have satisfied myself that the House is in quorum I need not take notice of the point of order.

Lala Duni Chand : I was submitting that if it is desired to make this measure really useful, it is necessary to empower the Deputy Commissioner to revise the orders of the panchayats, so that he may check any misuse of the provisions of the Act. I was of the opinion that the powers given to the panchayats by clause 21 are too wide and that is why I moved an amendment to that clause. As regards clause 22, I know that the powers given are very necessary but I also know that they can be misused. Some panches may use them to feed personal grudge or the panchayat may come under the sway of such persons as may not scruple to use them for political ends. Therefore, there is no reason why you should object to giving revisionary powers to the deputy Commissioner. You will notice, Sir, that I do not insist on giving these powers to any judicial officer. I want that the appeal should lie to the deputy commissioner whose duty it is to see that the panchayats are functioning properly. The panchayat will be an administrative body and I want you to give this power to the chief administrative officer of the district. What objection can the Honourable Minister have to this proposal ?

I do not say that all panches will be dishonest. But similarly it cannot be asserted that all the members will be endowed with full sense of responsibility. The sarpanch and other panches may have their personal enmities and some of them may not be as honest and scrupulous as they ought to be. Therefore, if you want this measure to be successful you should have no hesitation in accepting this amendment.

There may be a suspicion that perhaps this motion is brought forward for the benefit of the legal profession. Nothing is farther from my mind. I want the panchayats to be invested with as many judicial powers as possible. But at the same time I want some such provisions as would effectively check any miscarriage of justice. Moreover, you may rest assured that there will not be too many appeals. Even in judicial cases the average of appeals is not more than 10 per cent, and therefore, you should have no apprehension on that score. Thus you can make this Act useful and successful by accepting this proposal. With these remarks I move my amendment.

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

Pandit Shri Ram Sharma : On a point of order, Mr. Speaker. The House has not been in quorum for the past one hour. The attention of Mr. Deputy Speaker has been drawn to this fact several times, but neither was any notice taken nor any ruling given. I, therefore, now want your ruling in this connection, for future guidance.

Lala Duni Chand : This will be an encouragement to members to absent themselves.

Mr. Speaker : Please refer to May's Parliamentary Practice, page 224 : where it is said :—

The Speaker has declined to count the House again when he had recently satisfied himself regarding the presence of 40 members.

I understand that in my absence the House was counted and found to be in quorum. But if the honourable members are keen, I shall count it again.

(After the bell stopped ringing).

Now there is a quorum.

Lala Duni Chand : I beg to move—

That leave be given to move the following new clause:

That at the end the following be added :—

An order passed by a panchayat under this section shall be subject to the right of appeal to the Deputy Commissioner and the decision thereon, to be filed within thirty days of the date of order.

The motion was lost.

Pandit Muni Lal Kalra : I beg to move—

That leave be given to move the addition of the following new sub-clause at the end :—

(i) regulate or prohibit the use of land and sites within 250 yards of the residential area of the village, for casing purposes.

I think that in this case the member in charge will not oppose it, because it is not a customary right and the panchayat should have the power asked for.

The motion was lost.

Mr. Speaker : The question is—

That clause 22 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon on Monday, 4th December

1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 4th December, 1939.

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

STARRED QUESTIONS AND ANSWERS.

MALARIAL FEVER IN AMBALA AND KARNAL DISTRICTS.

***5462. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that during the present season the epidemic of malarial fever has broken out with virulence in Ambala and Karnal districts;
- (b) whether the Government keeps any record of malaria cases; if so, the number of cases which have occurred in the said two districts between 1st July and 15th October, 1939;
- (c) what special precautionary and other measures the Government has taken to mitigate the spread of the said epidemic?

The Honourable Mian Abdul Haye : (a) The Director of Public Health who visited both districts recently has reported that this is an average year as regards malarial incidence.

(b) A record is kept in the hospitals and dispensaries where patients attend. Doctors in charge of rural dispensaries also keep a record of the cases seen by them on tour in villages. The figures of malaria cases for the period mentioned by the honourable member are :—

Karnal	..	..	..	84,966
Ambala	..	..	..	70,175

In the Ambala district the number of reported cases is larger than in the preceding year. The increase is probably due to hospitals being used to a greater extent than before and does not necessarily indicate that the epidemic is more virulent.

(c) The usual arrangements were made for the supply of quinine. A special request for quinine from the Ambala district was met from the reserve available in the Public Health Department.

Lala Duni Chand : Does not the Honourable Minister consider the number of malaria cases in these two districts appalling; if so, how does the Government propose to prevent a recrudescence in future?

Minister : I have already submitted that additional quantities of quinine are being supplied and if more demand is made Government will make an effort to meet that demand.

Lala Duni Chand : I suppose the Honourable Minister realizes that extraordinary steps are necessary in order to prevent the spread of malaria in the malaria districts in view of the last season's record as given by the Honourable Minister.

Minister : I am prepared to make further inquiries and if extraordinary steps are needed, they will be taken.

Lala Duni Chand : May I know if the Government is in a position to state the main causes for this extraordinary spread of malaria in the Ambala and Karnal districts?

Minister : As I have already stated, there is no reason to believe that this is an abnormal year. The number of reported cases is perhaps due to the fact that the hospitals and the dispensaries are more extensively used and our medical officers are now required to tour in the villages and also to report these cases.

Lala Duni Chand : Has the Government ever considered the necessity of preventing stagnation of water in different parts of these two districts?

Minister : I regret that I am unable to answer this question without notice.

Lala Deshbandhu Gupta : May I know if it is a fact that compared with other districts in the province the figures for these two districts are abnormal?

Minister : That is so.

Lala Deshbandhu Gupta : May I also know whether this has been the case for these two districts not only for this year but for a number of years?

Minister : It has been for a number of years.

Lala Deshbandhu Gupta : In view of that, has it ever occurred to the Government to take some special anti-malaria measures or are they satisfied merely with the distribution of quinine?

Minister : I have already submitted that I am prepared to make further inquiries and if special steps are needed Government will take them.

Lala Deshbandhu Gupta : Is the Honourable Minister aware that according to the instructions of the Government of India, special anti-malaria measures were adopted in Delhi and the result has been very satisfactory?

Mr. Speaker : Disallowed, as the matter is not within the official cognizance of the Minister.

Lala Deshbandhu Gupta : I am only trying to know whether the Honourable Minister is keeping a watch on the success of the anti-malaria measures adopted elsewhere so that he may benefit from that experience and adopt similar measures here.

Minister : It is part of my duty and I am doing it already.

Lala Deshbandhu Gupta : May I know whether the Honourable Minister has already ordered some steps to be taken—some extraordinary measures with regard to these two districts ?

Mr. Speaker : That question has been asked more than once.

Lala Duni Chand : Is the Minister aware of the fact that the physical deterioration of the people of these two districts is due to their being extraordinarily malaria-ridden ?

Mr. Speaker : Disallowed, as it is a matter of opinion.

Pandit Shri Ram Sharma : May I know why no special steps have been taken so far ?

Lala Deshbandhu Gupta : Do Government believe in adopting preventive measures in this case also as they do in political matters ?

Minister : Yes, they do.

Pandit Shri Ram Sharma : May I expect a reply to my question as to why no special steps have been taken so far in spite of such an extraordinary state of affairs ?

Minister : I have already stated that I will make inquiries and if any special steps are found necessary, they will be taken. I have also stated that there is no reason to believe that the condition in these districts is abnormal.

PROVISION IN THE BUDGET FOR SCHOLARSHIPS TO STUDENTS OF
SCHEDULED CASTES.

***5473. Seth Kishan Dass :** Will the Honourable Minister of Education be pleased to state whether the sum provided in the last budget for scholarships to be given to students belonging to scheduled castes has been distributed among them ; if so, the number and names of the students who have been granted these scholarships, the names of the schools and colleges in which they are studying together with the names of their classes and if that sum has not been expended so far, the names of those communities whose boys are proposed to be given scholarships and the proportion in which they are likely to get them ?

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

Lala Deshbandhu Gupta : May I know the particular difficulty in supplying the information ?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : Will the Honourable Minister be in a position to supply this information in a few days' time ?

Minister : I hope so.

PROVISION FOR DRINKING WATER FOR SCHEDULED CASTES.

***5474. Seth Kishan Das :** Will the Honourable Minister of Education be pleased to state the amount provided in the last budget for making suitable arrangements for supplying drinking water to the members of the

[Seth Kishan Dass.]

scheduled castes has been spent for that purpose ; if so, the amount expended district-wise and the number of wells and the names of villages where they have been sunk or about to be sunk and if that amount has not been spent so far, the reasons therefor and the action Government proposes to take in the matter ?

The Honourable Mian Abdul Haye : A sum of Rs. 10,000 as provided in the budget. Plans and estimates have not been received from all districts. Those which have been received are being scrutinized by the Superintending Engineer, Public Health Circle. No expenditure has, therefore, yet been incurred.

Pandit Shri Ram Sharma : May I know from how many districts they have been received ?

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

Pandit Shri Ram Sharma : Approximately ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Do I understand that the amount sanctioned is going again to lapse to the Government ?

Minister : No.

Lala Duni Chand : Will the Honourable Minister assure us that within the next four months this amount will be spent for the purpose for which it was sanctioned ?

Minister : I shall see that the amount does not lapse.

LITERACY CAMPAIGN.

***5480. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state whether it is a fact that Honourable Minister of Education organised a literacy campaign in the Punjab in 1939, if so, the means that were adopted to drive off illiteracy from the province, the number separately of paid and honorary teachers employed for the purpose and also the number separately of such teachers employed for rural and urban areas ?

The Honourable Mian Abdul Haye : Yes, it is a fact that I have organized an anti-illiteracy campaign and issued a number of appeals. In this connexion my first appeal was made on 27th May, 1938, and subsequent appeal on 20th June, 1939. A copy of each is placed on the table.¹ The following means have been adopted to banish illiteracy from the province :—

(a) *Adult primers.*—During 1938-39 adult primers and continuation literature leaflets numbering 82,000 were purchased and distributed free of cost. During the current year 92,000 primers, etc., have been purchased and about 16,000 are still to be purchased. About 40,000 primers have so far been distributed. The demand for the supply of these primers is increasing day by day.

(b) *Normal Schools.*—All the Government Normal schools in the Punjab are doing intensive anti-illiteracy work through their pupil teachers in the villages in their neighbourhood. These pupil teachers, while at home during the summer vacation undertake adult literacy work in their respective villages.

¹ Pages 1295-96 *infra*.

(c) *Government, Board and Privately managed schools and colleges.*—The staff and students of these institutions are also doing anti-illiteracy work in the town while in session and when away for summer vacation undertake to do the work in their respective villages, etc.

(d) *Departmental efforts.*—The Inspecting Officers of the Education Department are paying special attention to adult literacy work and are impressing upon each institution they inspect the desirability of opening literacy leagues to take up anti-illiteracy work. Adult educational centres have been organized in factories and jails, whereby illiterate workmen and convicts are made literate. Arrangements are being made for the training of literate prisoners to serve as teachers for the illiterate prisoners. Adult educational centres have also been organized in mosques, temples and gurdwaras for eradicating illiteracy.

Some of the measures adopted by the Department for the eradication of illiteracy are detailed in Director of Public Instruction's C. M. No. 673-C. S., dated the 20th July, 1939, a copy of which is also placed on the table.¹

The work is being done on a voluntary basis. District Board, vernacular and anglo-vernacular teachers are taking a keen and active interest in this campaign against illiteracy. On account of financial stringency no paid teachers have yet been employed for the purpose, but it is the intention of the Government to employ paid teachers when funds permit. Voluntary work is being done by unpaid teachers both in rural and urban areas, but the figures for the province are not available. In Multan division alone there are more than 5,000 such teachers.

Lala Deshbandhu Gupta : May I know whether any definite plan was chalked out by the Ministry before undertaking the removal of illiteracy work ; if so, the extent to which they hope to remove illiteracy during the remaining two years or so of their life ?

Minister : It is a very broad question. We are trying to make an attack from all sides.

Lala Deshbandhu Gupta : I want to know whether they have chalked out their programme keeping in view the period left at their disposal and whether they will be able to banish illiteracy to the extent of 5 or 10 or 15 per cent during this period. Have they any set plan or not ?

Minister : There is a definite plan, but it is difficult for me to commit myself to any particular period within which we will be able to eradicate illiteracy.

Lala Deshbandhu Gupta : What is according to that plan the aim of the Government ?

Minister : The aim of the Government is to make people literate as quickly as possible.

Lala Deshbandhu Gupta : Do they hope to banish illiteracy to the extent of say ten per cent ?

Mr. Speaker : Disallowed.

Khan Sahib Khawaja Ghulam Samad : May I know by which time the Government hopes to be able to give help to these educational adult centres ?

Minister : That does not arise out of this question.

Lala Duni Chand : May I know how much money has been spent during the last 8 months to remove illiteracy ?

Minister : Budget provision in the current year is Rs. 22,500 but I am not sure of the exact amount spent so far.

Chaudhri Muhammad Hasan : Has the Honourable Minister considered the desirability of preparing a list of unemployed young men in rural areas for the purpose of utilizing them for the removal of illiteracy as well as for solving unemployment ?

Minister : No, Sir.

Chaudhri Muhammad Hasan : Does he now intend to do so ?

Minister : It is a request for action.

Khan Sahib Khawaja Ghulam Samad : Have the Government succeeded in reducing the number of illiterate people in the province by the measures they have adopted ?

Minister : I hope so. Yes.

Khan Sahib Khawaja Ghulam Samad : May I know the percentage of success achieved ?

Minister : These figures will be given in answer to another question which is to be put by the honourable member himself.

Khan Sahib Khawaja Ghulam Samad : Is it within the knowledge of the Honourable Minister that these adult educational centres have failed totally for want of help from the Government ?

Minister : They have not. It goes to the credit of the people of the province and these institutions that without any monetary assistance from the Government they have done very useful work.

Dr. Sir Gokul Chand Narang : I want to know what the idea of the Honourable Minister with respect to literacy is. What are we to understand by the word 'literacy,' because the campaign referred to in this question is literacy campaign ? I want to know what literacy means in the view of the Honourable Minister.

Minister : According to the plan that we have prepared we propose to give them instruction for a minimum period of six months so as to make them able to read and write and do a little arithmetic and later on we propose to follow it up by providing literature which they can continue after they have left these schools.

Dr. Sir Gokul Chand Narang : Enable them to read and write in what language and in what script ?

Minister : I do not confine myself to one language or one script. The choice lies with the adult himself.

Dr. Sir Gokul Chand Narang : Are arrangements made by Government to help people in acquiring proficiency in reading and writing in Hindi and Gurmukhi as well as Urdu ?

Minister : I said on a previous occasion that the demand made about Gurmukhi and Hindi primers was met by Government.

Letter 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,—No. 12040-A., dated Lahore, the 27th May, 1938.

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 desirous 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 free for a few weeks, and then the summer vacations will begin. I am desirous 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—men, 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 emphasize 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.

Letter from W. H. F. Armstrong, Esquire, M.A., Director of Public Instruction, Punjab, to all Divisional Inspectors of Schools and Circle Inspectresses, Principals of Government and other Colleges for Men and Women in the Punjab,—C. M. No. 14460-C., dated Lahore, the 20th June, 1939.

In May last year the Honourable Minister of Education issued an appeal for the eradication of illiteracy from the province. The response has on the whole been satisfactory, but the problem is so vast, its importance so dominating and its issues so vital that sustained efforts, spread over a number of years, will have to be made before the goal is reached. There should be no dying down of enthusiasm, and no slackening of efforts. While the Honourable Minister appreciates the good work done by some educational institutions, he has noticed with regret and disappointment that several schools and colleges in the province have failed to rise to the occasion. He has, therefore, asked me to issue a fresh appeal to the staff and students of all educational institutions in the Punjab, and he trusts that when the schools and colleges reopen after the summer vacation, he will receive very encouraging reports about the work accomplished in the matter of eradication of illiteracy.

2. I am desired to ask for the full support and co-operation of your staff and students. The Honourable Minister would like to suggest that before the schools and colleges close for the summer vacation groups of teachers and students may confer together and chalk out a plan of action for the particular area, place or locality where they expect to work. The "Each One Teach One" method or any other suitable method may be employed, but the one thing necessary is sustained effort and working according to plan. As a preliminary it will be necessary, after a particular place or area has been chosen, to make a rapid survey of the adult population so that the number of illiterate persons whom it is proposed to tackle, may be ascertained and a suitable programme framed according to their needs and circumstances. It is possible that the illiterate may be apathetic or unresponsive or even actively hostile. The reforming zeal of those who have "enlisted" their resolve not to be disheartened, and the consciousness that they are fighting in a good cause, will, however, enable the volunteers to overcome all difficulties and surmount all obstacles. By doing a little propaganda—the details of which can no doubt be worked out by each volunteer—it should be possible to create an atmosphere in favour of the anti-illiteracy campaign, and once this is done it should not be difficult to secure the co-operation and support of the people in general. The task of those who will not go out of station during the vacation will probably be simpler and easier for they can readily start work in their respective mohallas or galties or parts of the civil area, and continue it even after the vacation. If a particular person finds a number of illiterate adults in his own house, he could make a start there. If a servant, or chaprasi is illiterate, it should be easy to make him literate. There is enormous scope for work and Honourable Minister for Education hopes that everyone, connected with the Education Department at least, will endeavour to reduce illiteracy to the best of his ability. When the teachers and students return to their respective institutions after the vacation, they should continue their work in that town or city; indeed a planned attack for the cold weather months in the place in which a college or school is situated would be an immense contribution to make in this campaign.

3. If the heads of any institutions want any assistance in the matter of "refresher courses" they should apply to the Divisional or District or Assistant District Inspector of Schools concerned. If any primers, etc., are required, an application should be made to the Inspector of Training Institutions, Punjab, Education Department, Lahore, who will supply them free of cost. In short the Honourable Minister of Education expects that every member of the Education Department, and every student reading in any class above the 6th will try his utmost to help forward the anti-illiteracy campaign, and he has every hope that substantial results will be achieved if all of us work with a will.

4. I shall be much obliged if you will kindly keep me in touch with the progress of the work undertaken by you, your colleagues and your students; and by the middle of October let me have a self-contained statement giving full particulars regarding the area tackled, the number of persons made literate, etc., and your proposals and plans for a cold weather drive.

5. It is not intended that at the present stage a high standard of literacy should be achieved. It should be enough if a person can read simple, easy passages, sign his name and write a few short simple sentences bearing on his daily life, and do a bit of simple addition and subtraction. The local inspecting officer will, on requisition, supply blank literacy certificates.

Letter from W. H. F. Armstrong, Esquire, M.A., Director of Public Instruction, Punjab, to the Divisional Inspectors of Schools and the Principals of Colleges in the Punjab.—C. M. No. 673-C. S., dated the 20th July, 1939.

As you are aware, the Honourable Minister of Education is extremely anxious that illiteracy in the Punjab may be liquidated as soon as possible. Among other measures which have been adopted the following are calculated to help forward the campaign which has been launched by the Honourable Minister for the eradication of illiteracy :—

- (1) In future the award of all stipends, scholarships, fee concessions or any other kind of financial assistance should be made contingent on each student of the VII class upward making two persons—men, women or children—literate every year during which he continues to enjoy the scholarship, stipend or free concession. It should be observed in this connexion that the award of these is discretionary, and no one can claim any of them as a matter of right. The Honourable Minister desires that the heads of institutions should be directed to exercise this discretion strictly in accordance with these orders.
- (2) A large number of teachers in schools, particularly in the rural areas, are in receipt of "postal allowances." In future no teacher should be selected for this allowance unless he undertakes to make at least 10 persons literate in one year.
- (3) The attention of all aided institutions should be drawn to the last paragraph of Article 84, of the Punjab Education Code. Although it is not the intention of Government arbitrarily to bring any aided institution under the mischief of this Article, yet the Honourable Minister feels that if such institutions are unwilling, in spite of his appeals, to co-operate with him in his efforts to root out illiteracy from the province, he will be compelled to consider whether action under the aforesaid Article may not be taken against a college or a school which has ample facilities for the purpose, but which refuses to "enlist" in the campaign.
- (4) The name of no candidate should be placed on the approved list for any post in the Education Department (Government or local-body service) unless he can produce satisfactory evidence to show that he has made at least 5 persons literate. In this matter also the Honourable Minister hopes that the managing bodies of private and denominational institutions will co-operate by enforcing a similar rule in respect of the persons they choose to employ.
- (5) In future no illiterate chhaprai or chauhkidar should be employed, and all existing menial servants should be told—the absolutely unfit excepted—that their services will be terminated if they do not achieve literacy within 2 years.

2. The Honourable Minister desires to lay very particular stress on the fact that the task he has undertaken is so gigantic and yet of such supreme national importance that unless he can secure the fullest measure of support and co-operation from every member of the Education Department, the goal cannot be achieved in any measurable length of time. But he is confident that the support and co-operation he is seeking will be readily and cheerfully offered, and that his appeal to every person in the Education Department will not be in vain.

REPRESENTATION RECEIVED BY THE DEPUTY COMMISSIONER,
KARNAL, FROM THE ACHHUTS OF TAHSIL KAITHAL.

***5501. Chaudhri Faqir Chand :** Will the Honourable Minister of Education be pleased to state whether the Deputy Commissioner of Karnal recently received any representation from the Achhuts of tahsil Kaitnal, district Karnal, requesting him to make suitable arrangements for the supply of drinking water to them ; if so, the action taken thereon ?

The Honourable Mian Abdul Haye : Nine applications from various villages were received by the Deputy Commissioner who forwarded them to the District Medical Officer of Health.

Estimates and plans for sinking wells in two villages, namely, Habri and Deeg, in the Kaithal tahsil are being prepared by the District Engineer.

Lala Deshbandhu Gupta : How long will it take to get these wells sunk ?

Minister : Not long.

TEACHERS AND LIBRARIANS AND THE EXAMINATIONS OF THE
PUNJAB UNIVERSITY.

***5505. Sardar Moola Singh :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that only teachers and librarians are allowed to appear privately for the examinations of the Punjab University ;
- (b) reasons for not providing the same facilities for passing University examinations to people working in other departments ?

The Honourable Mian Abdul Haye : (a) Not only teachers and librarians, but persons of 10 other categories also are allowed to appear as private candidates for the examinations of the Punjab University ;

(b) Does not arise. But it is added for the information of the Honourable Member that every request made by a Department in this matter is considered by the University on its merits.

OPERATION OF PURE FOOD ACT.

***5523. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Education be pleased to state whether he is aware of the fact that the operation of the Pure Food Act has not been successful in checking the sale of adulterated ghee, in the province ; if so, whether Government have any other scheme under consideration which might prove more effective for that purpose ?

The Honourable Mian Abdul Haye : There appears to be a general impression that the application of the Punjab Pure Food Act has not been successful in checking the sale of adulterated ghee but no actual data are available to show whether this impression is correct or not. On the other hand there is reason to believe that improvement has taken place and that the sale of adulterated ghee has been materially reduced. Until all local bodies adopt the Act, its application is necessarily limited.

2. The question of the adulteration of ghee is to be discussed at the next meeting of the Central Advisory Board of Health in January 1940. A committee of the Board of which the Director of Public Health, Punjab, was a member has made a preliminary examination of the question. Any practical proposals which may result from the discussion at the meeting of the Central Advisory Board will receive Government's close attention.

Mian Sultan Mahmud Hotiana : May I know from the Honourable Minister whether it is a fact that the operation of the Pure Food Act has not been successful in checking the sale of adulterated ghee in the province ?

Minister : So far as the Pure Food Act is concerned, there is no defect in it. But if the local bodies and their members and medical officers discharge their duties properly, the evil could be checked.

Mian Sultan Mahmud Hotiana : Is the Honourable Minister aware of the fact that in some provinces Anti-Colourization of Ghee Act has been passed ? If so, will Government think over the desirability of introducing such a measure here in the Punjab ?

Minister : I have no such information. But I may inform the honourable member that in one or two provinces Anti-Colourization of Ghee Bills were introduced and in one province the Minister in charge withdrew it.

Pandit Shri Ram Sharma : May I know whether it has been brought to the notice of the Government that health officers and municipal committees do not discharge their duties properly in this respect ?

Minister : The health officers are discharging their duties quite well, but the difficulty is that the members of local bodies sometimes do not permit the health officers to discharge their duties properly.

Pandit Shri Ram Sharma : Is the Government evolving any scheme to solve this difficulty ?

Minister : I am praying that their mentality may be changed because up till now no other way has been found out by which their mentality can be changed.

Sardar Partab Singh : May I ask the Honourable Minister to let us know the names of the local bodies that have stood in the way of helping the Government to remove the evil of impure ghee ?

Minister : The complaint is general about the whole of the province and I cannot mention any one particular local body. By-laws are published for general information, they are then passed and when they are sought to be put into effect, agitation is started and members in order to favour their voters do not do their duty.

Lala Deshbandhu Gupta : Do the Honourable Minister's remarks apply also to Lahore municipality ?

Lala Deshbandhu Gupta : Is it in force in Lahore also where there is an Administrator ?

Minister : What ?

Dr. Sir Gokul Chand Narang : The question is whether this Act has been enforced in Lahore by the Lahore Municipality or by the Administrator or in Amritsar or Simla ?

Minister : I cannot say that.

Mian Sultan Mahmud Hotiana : Can the Honourable Minister cite an example of a local body in the province, which has succeeded in eradicating this evil ?

Mr. Speaker : Not a single one.

Mian Sultan Mahmud Hotiana : The Honourable Minister should take it from me that the Pure Food Act has failed to check the sale of adulterated ghee.

Minister : Even if a new Act is passed replacing the present one, it would meet the same fate.

Mian Sultan Mahmud Hotiana : May I know the difficulties which stand in the way of the Honourable Minister to introduce the Colourization of Ghee Act ?

Minister : There are several difficulties. But I may point out that so far as the manufacturers are concerned they cannot be blamed for producing the vegetable ghee. Besides, it cannot be said that it is detrimental to the

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public health, though its food value is much less than the pure ghee. But those who cannot afford to have pure ghee can avail themselves of the vegetable ghee. So the blame lies with those people who adulterate the pure ghee. I am of the opinion that colourization will not help to stem this evil. However, in the near future I am going to call a private conference of certain honourable members of this House who take much interest in the matter, so that we may discuss ways and means to combat this evil. I hope we would be able to solve this difficulty. (*Hear, hear.*)

Lala Duni Chand : May I know if the failure of the Punjab Pure Food Act is practically due to the comparative low standard of the business honesty among the people and has Government any inclination to raise that standard?

Minister : I entirely agree with my honourable friend so far as the first part of the question is concerned.

Lala Deshbandhu Gupta : Has the attention of the Honourable Minister been drawn to the Bill which was introduced by the United Provinces Government?

Minister : But I understand that that Bill was later on withdrawn.

Lala Deshbandhu Gupta : The Bill proposed by a private member was withdrawn, but another Bill has been introduced in its place by the United Provinces Government.

Minister : My latest information is that Dr. Katju proposed a Bill, but afterwards he decided to withdraw it.

Lala Deshbandhu Gupta : No, that is not the case.

Khan Sahib Khawaja Ghulam Samad : May I know from the Honourable Minister whether in his opinion, the *Banaspati* ghee is unwholesome and injurious to the health and whether he has formed this opinion by using it himself or on the advice of his medical advisers?

Minister : It is based on the opinion of the medical experts and common sense.

Khan Sahib Khawaja Ghulam Samad : Is it the common sense that it is very injurious to public health?

Mr. Speaker : Disallowed.

SCHEME FOR OPENING SUBSIDIZED DISPENSARIES.

***5524. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Education be pleased to state whether Government have any scheme under consideration for the opening of subsidized dispensaries in the province; if so, when it will be put into effect and on what conditions those dispensaries will be started?

The Honourable Mian Abdul Haye : A sum of Rs. 49,800 has been provided for the opening of subsidized dispensaries in the current year. For the details of the scheme I invite the Honourable Member's attention to page 116 of the volume of New Expenditure, copies of which were supplied to Honourable Members during the budget session. A beginning has been made and orders have already been issued to set up dispensaries in certain

places where villagers through their co-operative efforts have been able to guarantee for three years an annual sum of Rs. 600 which is required in addition to the grant of an equivalent amount by Government for the maintenance of a dispensary.

Chaudhri Muhammad Hasan : Is it a fact that the Honourable Minister's scheme has failed on account of the poor financial conditions of the villagers in the province ?

Minister : The scheme is now being introduced. It is rather preposterous to say that it has failed.

Chaudhri Muhammad Hasan : When was it introduced first ?

Minister : Government is opening the dispensaries this year.

Chaudhri Muhammad Hasan : What part of the year and what month ?

Minister : These dispensaries are now being opened.

Chaudhri Muhammad Hasan : How many dispensaries have been opened up to now ?

Minister : I cannot give the number.

Chaudhri Muhammad Hasan : Give me approximate number.

Minister : I cannot give even approximate number.

CHANGES IN THE SYSTEM OF EDUCATION TO ELIMINATE UNEMPLOYMENT.

***5525. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Education be pleased to state the changes, if any, effected in the present system of education as are expected to enable in future every educated young man to earn his livelihood and to eliminate all possibilities of educated unemployment, the nature of these changes and in case no such changes have been made, the reasons therefor ?

The Honourable Mian Abdul Haye : The question of the revision of the existing scheme of studies for the primary and middle departments is under consideration. Government is contemplating the substitution of a five-year primary course for the present four year one, the simplification of the courses in various subjects, the introduction of the 'practical arts' (useful handicrafts), etc. It is considered that the proposed scheme will train pupils for civic life, and good citizenship and develop the qualities of self-reliance self-discipline and spirit of co-operation and also instil into them the realization of the value of the dignity of labour.

ADMISSION OF SCHEDULED CASTE STUDENTS TO JUNIOR VERNACULAR SCHOOL, GUJRAT.

***5547. Bhagat Hans Raj :** Will the Honourable Minister for Education be pleased to state—

- (a) community-wise the total number of students admitted this year into the Junior Vernacular School, Gujrat ;
- (b) the number of students belonging to scheduled castes among them ;

[Bhagat Hans Raj.]

- (c) the percentage fixed for the scheduled castes for admission into the said school?

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

SCHOLARSHIPS RESERVED FOR SCHEDULED CASTE STUDENTS IN
LAW COLLEGE.

***5549. Bhagat Hans Raj :** Will the Honourable Minister for Education be pleased to state—

- (a) whether there are any scholarships reserved for the scheduled caste students in the Law College, Lahore ;
(b) if none, whether Government proposes to take any action in this direction ?

The Honourable Mian Abdul Haye : (a) No.
(b) No.

GIRLS SCHOOLS AT BHIWANI.

***5614. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of girls schools in the Ambala division ;
(b) places where such schools are located ;
(c) girls schools opened by the present Government in the Ambala division ;
(d) names of places in the Ambala division the inhabitants of which have made requests for opening of girls schools ;
(e) the decision of the Government regarding opening of a girls school at Bhiwani ?

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

CO-EDUCATION SCHOOLS.

***5615. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state the reply to my question No. *4481, if the answer is ready now ?

The Honourable Mian Abdul Haye : The reply to the Assembly question No. *4481, has already been sent to the Secretary, Punjab Legislative Assembly, for communication to the honourable member. A copy of the same is, however, laid on the table.

***4481. Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of co-education schools district-wise in the province ;
(b) whether he has recently received any representation against these co-education schools, if so ;
(c) the action, if any, taken by Government on those representations ?

The Honourable Mian Abdul Haye :

- (a) A statement showing the requisite information is laid on the table.
(b) No.
(c) Does not arise.

Statement showing the number of co-education schools district-wise in the Province.

Number.	District.	Number of co-education schools.
1	Hissar	1
2	Rohtak	5
3	Gurgaon .. .. .	..
4	Karnal .. .. .	..
5	Ambala	4
6	Simla	1
7	Kangra	4
8	Hoshiarpur	6
9	Jullundur	5
10	Ludhiana	17
11	Ferozepore	4
12	Lahore	13
13	Amritsar	9
14	Gurdaspur	3
15	Sialkot	3
16	Gujranwala	2
17	Sheikhupura	6
18	Gujrat	3
19	Shahpur	3
20	Jhelum .. .. .	..
21	Rawalpindi .. .. .	..
22	Attock	3
23	Mianwali .. .. .	..
24	Montgomery	2
25	Lyallpur	4
26	Jhang	1
27	Multan .. .. .	..
28	Muzaffargarh .. .. .	..
29	Dera Ghazi Khan .. .. .	..

ADULT EDUCATION.

***5616. Khan Sahib Khawaja Ghulam Samad:** Will the Honourable Minister of Education be pleased to reply to my starred question No. 4480,¹ if it is ready by now ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement.

(a)	(b)	(c)
Names of the districts in which arrangements for imparting education to adults have been made.	Progress made in each district in that line.	Number of adult students in each district.
Rohtak ..	383 adults have been awarded literacy certificates and 16 adults have completed the literacy course but they have not yet been awarded the certificates.	4,621
Gurgaon ..	955 adults have been made literate, 636 teachers, 844 students and 113 public men are working as volunteers for teaching adults at present.	3,778
Karnal ..	A district anti-illiteracy League has been formed at the headquarters of the district. Tahsil anti-illiteracy leagues have been formed at Kaithal and Panipat. There are 45 centres of anti-illiteracy in the district at central schools.	1,653
Ambala ..	A District Adult Education Committee has been constituted. Its first meeting was held on the 28th August, 1939. The Deputy Commissioner is its President and there are 47 members. Tahsil Adult Committees with literacy centres have also been constituted. The campaign is conducted by the workers in almost all spheres of the population through adult schools and on the lines of the "Each one teach one." Some typical centres are:— District Jail, Criminal Tribes Colonies at Ambala City and Morinda, Mosques, Railway Stations at Ambala Cantonment and Rupar, Canal Head of Sirhind Canal, Sweepers and Chamar Colonies of Ambala, S. B. Area, Kharar, District Board Adult Schools, etc. 727 teachers and volunteers are engaged in the campaign in 136 centres and smaller units. 551 adults received literacy certificates.	1,772
Simla ..	Arrangements for teaching adults exist in 31 schools. A satisfactory progress is being made and 80 adults have been made literate.	834

¹Volume IX, page 126.

(a)	(b)	(c)
Names of the districts in which arrangements for imparting education to adults have been made.	Progress made in each district in that line.	Number of adult students in each district.
Hissar ..	Conditions are not favourable for this work in this district because on account of perpetual famine people have migrated to other places. Still a good start has been made with the people left in the villages. Up to this time 1,856 adults have been made literate and this appears to be an encouraging progress.	3,360
Kangra ..	District League has been formed with Deputy Commissioner as its President and similar leagues in all tahsils have also been constituted. In addition to the honorary services of the teachers and students utilized to remove illiteracy on Dr. Laubach's principle of "Each one teach one," ten adult schools on contractual basis have been opened.	2,332
Hoshiarpur ..	Teachers and students are coaching adults and progress is satisfactory.	*1,439
Jullundur ..	133 literacy certificates were issued in March, 1939, out of 1,098 adults under instruction during 1938-39. 2,764 adults are under instruction at present and out of these quite a large number is expected to be prepared for the award of literacy certificates by the end of the current year.	2,764
Ludhiana ..	472 adults have so far finished their courses of study out of which 390 have been declared literate.	2,841
Ferozepore ..	Literacy leagues have been started at the Headquarters of the district as well as in tahsils and so far 240 members have enlisted with the declaration from them in writing that each of them will either make one illiterate adult literate by 31st March, 1940, or pay Rs. 5 in lieu thereof. Adult centres have been started throughout the district for regular instructions to adults. Number of literacy certificates issued for the test held before 31st March, 1939, is 208 and number of literacy certificates issued for the test after 31st March, 1939, is 72. 208 adults are ready for test for literacy certificates.	2,035
Lahore ..	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>(i) The work is being done through several agencies, viz., District Inspector of Schools, Head Masters of Government Normal and denominational high schools, private efforts such as the organization of adult Educational Centres in religious institutions, big centres of labour industry, individual effort on the system of "Each one Teach One".</p> </div> <div style="width: 48%;"> <p>(ii) There are 53 centres with 2,996 adults under instruction. Two hundred and twenty-nine adults were made literate.</p> </div> </div>	2,996

*This number does not include the number of adults reading in newly started schools.

(a)	(b)	(c)
Names of the districts in which arrangements for imparting education to adults have been made.	Progress made in each district in that line.	Number of adult students in each district.
Amritsar ..	(i) The work is being done through several agencies, viz., District Inspector of Schools, Head Masters of Government Normal and denominational high schools, private efforts such as the organisation of adult Educational Centres in religious institutions, big centres of labour industry, individual effort on the system of "Each one Teach One." (ii) There are 94 centres with 3,720 adults under instruction. 2,029 adults were made literate.	3,720
Gurdaspur ..	(i) Ditto ditto (ii) There are 130 centres with 6,030 adults under instruction. 1,344 adults were made literate.	6,030
Sialkot ..	(i) Ditto ditto (ii) There are 106 centres with 3,726 adults under instruction. 401 adults were made literate.	3,726
Gujranwala --	(i) Ditto ditto (ii) There are 194 centres with 3,154 adults under instruction. 1,136 adults were made literate.	3,154
Sheikhupura --	(i) Ditto ditto (ii) There are 40 centres with 1,627 adults under instruction. 354 adults were made literate.	1,627
Rawalpindi --	137 adults have passed the literacy test and 211 adults took up the examination in October, 1939.	1,038
Jhelum --	21 Literacy Certificates have been issued up to 31st August, 1939.	1,249
Mianwali --	As many as 507 adults including a few women passed the literacy test during the year ending 31st March, 1939.	1,343

(a)	(b)	(c)
Names of the districts in which arrangements for imparting education to adults have been made.	Progress made in each district in that line.	Number of adult students in each district.
Gujrat ..	249 adults have so far acquired literacy	3,051
Attock ..	84 adults have so far acquired literacy	1,481
Shahpur ..	11 adults have so far acquired literacy	1,017
Lyalpur ..	<p>Literacy leagues have been established. They organize and control the activities of adult education movement.</p> <p>There are 542 literacy leagues with 2,376 members. 1,264 persons are engaged in teaching adults.</p> <p>2,976 adults have been taught—2,354 in rural and 622 in urban areas.</p>	2,976
Montgomery ..	<p>There are 263 literacy leagues with 1,308 members. 915 persons are engaged in teaching adults.</p> <p>2,381 adults have been taught—1,908 in rural and 473 in urban areas.</p>	2,381
Jhang ..	<p>There are 67 literacy leagues with 877 members. 788 persons are engaged in teaching adults.</p> <p>1,827 adults have been taught—1,648 in rural and 179 in urban areas.</p>	1,827
Multan ..	<p>There are 59 literacy leagues with 700 members. 746 persons are engaged in teaching adults.</p> <p>1,285 adults have been taught—1,121 in rural and 164 in urban areas.</p>	1,285
Muzaffargarh ..	<p>There are 50 literacy leagues with 440 members. 304 persons are engaged in teaching adults.</p> <p>1,510 adults have been taught—1,198 in rural and 312 in urban areas.</p>	1,510
Dera Ghazi Khan..	<p>There are 47 literacy leagues with 687 members. 787 persons are engaged in teaching adults.</p> <p>1,098 adults have been taught— 684 in rural and 414 in urban areas.</p>	1,098

CHARGING OF FULL FEE FROM SHIB LAL, STUDENT OF THE
JAIN HIGH SCHOOL, PANIPAT.

***5674. Chaudhri Faqir Chand :** Will the Honourable Minister for Education be pleased to state whether he is aware of the fact that an *Achhut* student named Shib Lal, student of the Junior class in the Jain High School at Panipat, district Karnal, is being charged full fee every month ; if so, the action Government propose to take in the matter ?

The Honourable Mian Abdul Haye : Inquiries made show that the boy has been charged full fee in the past. Necessary instructions have, however, been issued to the head master of the school to charge only half fee from him in future and to make adjustment of the fees overcharged.

‘ BEOPAR SANDESH.’

***4808. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state—

(a) whether one Ram Kishan of village Elnabad in district Hissar applied for a declaration on 22nd September, 1989, to start a weekly paper ‘ Beopar Sandesh ’ and then on 7th March, 1989, he was asked to deposit a security of Rs. 500 under Press Act for the sanction ;

(b) the reason for demanding the security at the time of declaration ;

(c) the reasons for the delay in reply ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) Yes.

(b) As the District Magistrate, Hissar, had reasons to believe that the proposed venture was likely to be used for the purposes enumerated in section 4 (1) of Act, XXIII of 1931, read with section 16 of the Criminal Law Amendment Act, XXIII of 1932.

(c) The delay, which took place in the making of the usual inquiries, is regretted.

Pandit Shri Ram Sharma : What was the police report about the person who applied for a declaration ? Was it reported that he held Congress views ?

Parliamentary Secretary : No, Sir.

Pandit Shri Ram Sharma : What was feared would be the consequence if the declaration were granted to him ?

Parliamentary Secretary : I have nothing to add to the reply already given.

SECURITY OF RS. 1,000 DEMANDED FROM PANDIT SHRI DUTT.

***4823. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that a security of Rs. 1,000 has been demanded from Pandit Shri Dutt on his application for a declaration to start a weekly paper from Rohtak in the month of October, 1988 ; if so, the reasons for it ;

- (b) whether the same gentleman was sanctioned the same declaration previously without demanding any security, when he had failed to start the paper; if so, the new changes that have taken place to justify the present demand of security;
- (c) whether any security was ever demanded from other local weeklies published from Rohtak; if not, the ground for this discrimination and departure from the old practice;
- (d) whether the Government have now decided to demand security from every newspaper to be started; if so, the reasons for the same?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): (a) Yes. The magistrate's order must have shown the reasons.

(b) Yes. The only change in the situation was the possession of more detailed information by the magistrate.

(c) No. See (a) and (b) above.

(d) No.

Pandit Shri Ram Sharma: Does not the very name of the paper which was intended to be brought out show that it was meant to be a caste organ like the "Rajput Gazette" or "Jat Gazette"?

Parliamentary Secretary: The question of security is not decided on the basis of names. Proper inquiries are made to see whether security should be demanded or not.

Pandit Shri Ram Sharma: What were the reasons for demanding security from a caste organ like the "Gaur Brahman"?

Parliamentary Secretary: Reasons have been given in the order of the district magistrate.

Pandit Shri Ram Sharma: Why does not Government give the reasons?

Parliamentary Secretary: It is the business of the district magistrate. Government have nothing to do with it.

Lala Deshbandhu Gupta: Does the Parliamentary Secretary mean that the order of the district magistrate is not open to revision or scrutiny by the Punjab Government?

Parliamentary Secretary: It is naturally in the discretion of a district magistrate to demand initial security.

Lala Deshbandhu Gupta: Can Government over-rule that discretion or not? Can Government interfere with the indiscretion of a district magistrate or not?

Parliamentary Secretary: Government generally do not interfere.

Mr. Dev Raj Sethi: Is the Government too weak?

Parliamentary Secretary: We trust our officers.

Lala Deshbandhu Gupta: Will Government interfere in the discretion used in this particular respect by the district magistrate?

Parliamentary Secretary : We have no reason to differ with the action that he has taken.

Lala Deshbandhu Gupta : Which particular provision of the Press Emergency Act or the Criminal Law (Amendment) Act is, in the opinion of the district magistrate, likely to be violated by the applicant who wanted to file a declaration ?

Parliamentary Secretary : I have nothing to add to the reply I have already given but if my honourable friend wishes he can see the order of the district magistrate in this case.

Lala Deshbandhu Gupta : Is the Parliamentary Secretary prepared to place that order on the table of the House ?

Parliamentary Secretary : The honourable member can get a copy of it from the district magistrate.

Lala Deshbandhu Gupta : Is it a fact that Government have issued instructions to the district magistrates directing them to use their discretion in a particular manner and it is as a result of that circular that he has taken action in this manner ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Have the Government satisfied themselves that the order of the district magistrate was justified ?

Parliamentary Secretary : Probably it is.

Pandit Shri Ram Sharma : Is it a fact that the person who filed the declaration held a licence for dealing in foreign liquor and therefore inquiries had already been made by the authorities about him ?

Parliamentary Secretary : I have noted what has been said by the honourable member. Thanks for the information.

An Honourable Member : Noted for what ?

LICENCES OF GUNS AND REVOLVERS ISSUED IN AMBALA DIVISION.

***4868. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state the number of licences of guns and revolvers issued for protection purposes and of guns for Shikar purposes in the villages of the Ambala division separately with the names, castes and addresses of the licence holders ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The information required by the honourable member will be found in the statement laid on the table with the reply to Question *4814¹ asked by the member for Amritsar North (Sikh Rural).

It is not the practice in such cases to give names.

TEARING OF CONGRESS FLAG AT SHAMSABAD, DISTRICT CAMP-BELPUR.

***4880. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether he is aware of the fact that recently a Congress flag

was torn into pieces by the mob at village Shamsabad, district Campbellpur ; if so, the details so far ascertained, of the occurrence and the action, if any, taken by the authorities in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : *First part.*—As far as can be ascertained no such incident occurred ; certain Congressmen tried to hold a meeting in the village, but the inhabitants objected and the meeting fell through.

Second part.—Does not arise.

Pandit Shri Ram Sharma : Which officer of the Government made investigation into the allegation that the flag was torn ?

Parliamentary Secretary : It was done through the usual district agency.

REFUSAL OF HONOURABLE PREMIER TO SEE DEPUTATION OF
KISANS.

***4889. Sardar Sohan Singh Josh** : Will the Honourable Premier be pleased to state—

- (a) whether he refused to listen to the grievances to be placed before him by a deputation of the peasants of the Lahore district if they would be headed by Mr. Yog Raj, a leader of the Kisan Committee, Lahore ;
- (b) if the above (a) is correct the reasons for so doing ;
- (c) the number of peasants arrested for defying section 144 up to date in Lahore ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes. The inclusion of Mr. Yog Raj's name in the proposed deputation was one of the reasons why that deputation was unacceptable.

(b) Because Mr. Yog Raj has not the necessary qualifications, being neither a peasant nor a land revenue payer of the Lahore district.

(c) 1,549 up to the 5th September, 1939.

I may add that the Honourable Premier offered on the very first day to receive a deputation of peasants of Lahore and this offer was repeated several times.

DISMISSAL OF KHAN MUHAMMAD AFZAL KHAN, MAGISTRATE.

***4930. Khan Sahib Khawaja Ghulam Samad** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that the charge framed somewhere in 1935 against Khan Muhammad Afzal Khan, Magistrate, then at Amritsar, of a breach of Rule 8 of the Government Servants Conduct Rules, was not proved, but he was removed from service on quite different grounds, by His Excellency the Governor, declaring that his action in the case in which he was involved was found to be dishonest, irregular and unworthy of an officer holding a responsible position ;
- (b) whether any further inquiry was instituted in order to prove his misconduct mentioned in His Excellency's order ;

[K. S. Khawaja Ghulam Samad.]

- (c) whether any amended charge was framed against the above-named Magistrate and he was given an opportunity to clear his position under section 240 (3) of the Government of India Act, 1935, and Rule 55 of Civil Service (Classification, Control and Appeal) Rules ;
- (d) whether Khan Muhammad Afzal Khan pointed out this defect in his petitions submitted on April, 1938, and in September, 1938, to His Excellency the Governor ; if so, the action taken on his petition ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) to (d) It is understood that Khan Muhammad Afzal Khan has filed a suit against Government and the matter is *sub-judice*. I would, however, remind the honourable member that the final orders in this case were passed after consultation with an independent advisory body, the Punjab and North-West Frontier Province Joint Public Service Commission.

Khan Sahib Khawaja Ghulam Samad : May I ask whether any charge-sheet was framed in this case and a copy of it supplied to the gentleman concerned for the purpose of replying to the charges framed against him ?

Parliamentary Secretary : If my honourable friend gives me notice of the particular information that he wants, I shall try to supply him that information.

Khan Sahib Khawaja Ghulam Samad : I invite the attention of the Parliamentary Secretary to the original question in which it has already been asked whether Khan Muhammad Afzal Khan was given any opportunity to explain his position before his dismissal.

Parliamentary Secretary : The honourable member's present question is very different from the question which is on the paper. He now asks whether any charge-sheet was given to him while his original question is whether any amended charge was framed against him. If he gives definite notice whether he wants information about the amended charge-sheet or initial charge-sheet, then I will supply the information.

Khan Sahib Khawaja Ghulam Samad : His Excellency the Governor said that he possessed certain habits which were against the Government Servants' Conduct Rules. I want to know whether, after that, he was supplied with a specific charge-sheet to explain his position.

Premier : I am afraid my honourable friend is hopelessly misinformed because it was not on His Excellency the Governor's initiative that this thing took place. Proper inquiry was held and there were several cases against this man.

Khan Sahib Khawaja Ghulam Samad : May I know from the Honourable Premier whether the charges framed against him were proved to the hilt and the result was dismissal ?

Premier : That is the view of everybody who was deputed to inquire into those charges. The Public Services Commission were also of the same view.

PUBLIC PARTIES TO SUB-DIVISIONAL OFFICER, SONIPAT.

***4944. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether he is aware of the fact that on his transfer from Sonipat recently the Sub-Divisional Officer had accepted a large number of public parties and dinners ; if so, the number of such parties and the names of the hosts ;
- (b) whether he had obtained the permission of the Government before agreeing to be entertained at these public parties and if not, the action proposed to be taken in this matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The Officer in question did not attend or accept any public party or dinner.

(b) Does not arise.

Pandit Shri Ram Sharma : What is the difference between a private and a public party ?

Parliamentary Secretary : Definite rules in that respect have been laid down and I can assure the honourable member that on more than one previous occasion they have been placed on the table of the House.

Pandit Shri Ram Sharma : What objection has he to repeat them ?

Parliamentary Secretary : I am sorry I have not got the exact definition with me and when he asks for a definition I should like to be exact.

Pandit Shri Ram Sharma : I want to ask, what is the difference, according to you, between a private and a public party ?

“ DUKH BHANJAN.”

***4994. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) whether Bhai Naurang Singh Tanghi applied to the District Magistrate, Amritsar, for bringing out a Medical Weekly in Punjabi called the “ Dukh Bhanjan ” on December 24, 1938 ;
- (b) whether any security was asked from him on 16th February, 1939 ;
- (c) if the reply to (a) and (b) above be in the affirmative, the reasons for asking the security ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) and (b) Yes.

(c) As District Magistrate, Amritsar, had reasons to believe that the proposed venture was likely to be used for the purposes enumerated in section 4 (g) of the Indian Press (Emergency Powers) Act, XXXIII of 1931, as amended by section 16 of the Criminal Law Amendment Act, XXIII of 1932.

NAMES OF PAPERS REMOVED FROM THE BLACK LIST.

***5015. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number and names of papers removed from the black list since the present Government came into power ;

[Lala Duni Chand.]

(b) the number and names of papers brought on the black list during the same period ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : (a) The Punjab Government does not maintain any black list.

(b) Does not arise.

UNLAWFUL ASSOCIATIONS UNDER THE CRIMINAL LAW AMENDMENT BILL.

***5016. Lala Duni Chand** : Will the Honourable Premier be pleased to state—

(a) the number and names of associations in the Punjab which are still unlawful associations under the Criminal Law Amendment Act ;

(b) the number and names of associations that were unlawful associations prior to 1st April, 1937, and which ceased to be as such since 1st April, 1937 ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) A list of the unlawful associations is placed on the table.

(b) One : viz., The Lahore Congress Volunteers or the Hindustani Sewa Dal.

List of unlawful associations.

1. The Bal Bharat Sabha, Lahore.
2. The Workers' Home or Workers' Training College of the Kirti Kisan Party, Lahore.
3. The Anti-Imperialist League, Punjab.
4. The Punjab Provincial Nau Jawan Bharat Sabha, Lahore.
5. The Okara Congress Volunteers or the Hindustani Sewa Dal, Okara, Montgomery.
6. The Punjab Kirti Kisan Sabha, Amritsar.
7. The Amritsar District Kisan Sabha.
8. The Punjab Kisan League.
9. The Labour Research Society, Punjab.

Lala Duni Chand : For how long have these associations been under the ban and for how long have they been enjoying the privilege conferred upon them by the Government ?

Parliamentary Secretary : I want notice so far as the ban is concerned ; and so far as privilege is concerned, I have no information.

Lala Duni Chand : May I know whether the question was not sufficiently clear to enable him to give this information ?

Parliamentary Secretary : I am sorry that my honourable friend's question did not mean that. He asked the number and names of associations and not the period from which these orders were issued.

Lala Duni Chand : May I know the reasons that exist up till now for continuing the ban upon them ?

Parliamentary Secretary : That is a fresh question and I want notice for it.

Lala Deshbandhu Gupta : From how many associations has the ban been lifted ever since this Government came into office ?

Premier : We have lifted the ban from one or two associations and it is decided to renew or continue it in the case of those associations which have been just mentioned.

Lala Deshbandhu Gupta : Is the Honourable Premier in a position to let the House know the reasons which led to the continuance or renewal of this ban particularly against the Hindustani Sewa Dal and against the Bal Bharat Sabha ?

Premier : It was decided to continue the ban in the public interest because these bodies were considered undesirable.

Lala Deshbandhu Gupta : Is he aware that the Hindustani Sewa Dal is an all-India organization affiliated with the Congress and that the provincial organization is only a branch of that organization.

Premier : I am not aware of its antecedents and what it is in other provinces, but in this province, the ban was removed in its case.

Lala Deshbandhu Gupta : But its name is given in the list of associations from which the ban has not been removed.

Premier : That is Okara branch.

Lala Deshbandhu Gupta : What is there in particular against the Hindustani Sewa Dal, Okara branch, which led to the renewal of the ban ?

Premier : I cannot go into its details nor would I like to do so because I do not want to make it public. But there is nothing particularly objectionable against the Lahore Congress Volunteers or the Hindustani Sewa Dal and so we have removed the ban from that branch throughout the province.

Lala Deshbandhu Gupta : What about the Bal Bharat Sabha ? I understand that this organization is of infants.

Premier : Yes, it is of infants or people, who pose under the guise of infants to do things which they should not do.

Lala Duni Chand : Will the Honourable Premier be pleased to state if all these associations really exist and, if so, what are their activities now ?

Premier : If they do not exist, the question does not arise and if they do exist they are consistently kept under watch.

Lala Duni Chand : May I know if the Government is continuing the ban in the case of some organizations which no more exist ?

Premier : Then why is my honourable friend worrying about it ?

BAN ON THE ENTRY OF MESSRS. B. K. DUTT AND BIJOY KUMAR SINHA
IN THE PUNJAB.

***5028. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether there is a ban on the entry in the Punjab of Messrs. B. K. Dutt and Bijooy Kumar Sinha of the Lahore Conspiracy Case ;—

[N. Sohan Singh Josh.]

- (b) the period of the ban and the reasons for its imposition ;
- (c) the date on which the ban will be lifted against them ;
- (d) whether they have applied to the Government seeking permission to enter the Punjab ?

The Honourable Mr. Manohar Lal : (a) Yes. This condition was included in the conditions accepted by these prisoners for premature release.

(b) It is not in the public interest to disclose the reasons for the imposition of this ban which is not limited to a fixed period.

(c) Does not arise.

(d) No.

Sardar Sohan Singh Josh : May I take it from the reply given to part (b) that the ban will not be removed at all ?

Minister : No, I do not think you need understand that from the reply.

Sardar Sohan Singh Josh : May I know what is meant by unfixed period ?

Minister : Unfixed period means a period the term of which is not fixed. (*Laughter.*)

RELEASE OF COMRADE TEJA SINGH SWATANTAR.

***5048. Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state the reasons for which Government is not prepared to release comrade Teja Singh Swatantar, M. L. A., at present a State prisoner in the Campbellpur Jail as explained in reply to starred question No. 3723¹, asked by Lala Duni Chand on 28rd March, 1939 ?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana) : The person named is detained for reasons of State, connected with the maintenance of order in the province. I do not think it advisable to be more explicit, but I should like to repeat that the cases of all State prisoners are carefully reviewed by Government at short intervals and none of them will be kept in confinement for a day longer than is absolutely necessary.

Sardar Sohan Singh Josh : May I know when Sardar Teja Singh Swatantar's case was reviewed ?

Parliamentary Secretary : In the second week of September last.

LALA CHHABIL DASS, VICE-PRESIDENT AND NOMINATED MEMBER OF HANSI MUNICIPAL COMMITTEE.

***5140. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state the reasons for refusing to grant gun licence to Lala Chhabil Dass, Vice-President and nominated member of the Hansi Municipal Committee and an income-tax payee also who made an application to this effect in the month of January, 1939 ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Government understand that the district magistrate refused the application as he did not consider that the applicant had any real need for a gun licence.

Pandit Shri Ram Sharma : May I know whether the police report was asked for ?

Parliamentary Secretary : I am not aware of it.

Pandit Shri Ram Sharma : May I know on what grounds the licence was refused ?

Parliamentary Secretary : The district magistrate decided the question in his discretion and the ground for refusal was that he did not consider the applicant to be in real need for a gun licence.

MEMBERS OF KHAKSAR MOVEMENT.

***5190. Lala Duni Chand** : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that recently members of Khaksar movement all over the province have started parading about the streets in towns uttering special slogans addressing meetings and even performing military exercises in public streets and bazars ;
- (b) whether he is aware that the above doings on their part are giving rise to bad feelings and resentment on the part of peaceful inhabitants of this province ;
- (c) what action, if any, the Government proposes to take in the matter ;
- (d) whether the Khaksar movement has hitherto received any kind of encouragement or assistance from the Government or its individual members ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes, but this practice is not confined to Khaksars only.

(b) Yes, shouting of slogans and counter slogans by the Khaksars and other similar organizations undoubtedly rouse feelings of bitterness.

(c) The matter is under consideration.

(d) No.

FORFEITURE OF GUN AND PISTOL LICENCES.

***5298. Sardar Harjab Singh** : Will the Honourable Premier be pleased to state—

- (a) how many gun and pistol licences have been forfeited in the year 1939 in Hoshiarpur district ;
- (b) what were the causes that led to that action ;
- (c) how many new licences were issued during the same period in the same district ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) 54.

(b) On the death of the licensees 9

Owing to the licensees being persons who could not safely be left in possession of arms owing to their blindness or old age, and for reasons of public safety. 84

On the licensees being sentenced to imprisonment .. 3

Owing to the failure of the licensees to file applications for renewal in time, or to purchase guns within the period allowed for the purpose. 5

At the request of the licensees 3

(c) 43.

Sardar Mula Singh : Is it a fact that the licences of those persons have been forfeited who sought district board election on Congress ticket ?

Parliamentary Secretary : No, that was not the ground for cancelling licences.

Sardar Mula Singh : Is it a fact that the licence of Chaudhri Narain Singh, Zaildar of Mogowal, has been forfeited on the ground that he helped the Congress candidates during the elections ?

Parliamentary Secretary : No, that is not the reason for it.

Sardar Partab Singh : What was the reason in that case ?

Parliamentary Secretary : I have enumerated the reasons in my reply.

Sardar Partab Singh : Which reason applies to this particular case ?

Parliamentary Secretary : One of the reasons given in my reply to the original question.

MOTA SINGH OF VILLAGE BEHWALPUR, DISTRICT
HOSHIARPUR.

*5381. **Sardar Harjab Singh** : Will the Honourable Premier be pleased to state—

(a) the reasons why one Mota Singh of village Behwalpur, district Hoshiarpur, who came from South Africa very recently, has been arrested on the 23rd of September, 1939 ;

(b) the place where he has been detained ;

(c) whether he will be tried before a court of law ; if so, when ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Mota Singh was arrested under section 2 of the Punjab Criminal Law (Amendment) Act, 1935, as there were reasons to believe that he had acted or was likely to act in a manner prejudicial to the public safety or peace ;

(b) The Fort, Lahore.

(c) This is under consideration.

SHORT NOTICE QUESTIONS AND ANSWERS.

BEATING OF AN UNDER-TRIAL PRISONER IN KARNAL.

Mian Abdul Rab : Will the Honourable Minister for Finance be pleased to state—

- (a) whether it is a fact that on the 31st October, 1939, an under-trial prisoner in the court of the Additional District Magistrate, Karnal, on hearing the conviction order, hurled his shoe on the said magistrate ;
- (b) whether the said magistrate ordered the police present in his court to beat the prisoner and consequently he was badly beaten ;
- (c) whether it is a fact that the jail authorities refused to take back the prisoner in that injured state unless examined medically ;
- (d) whether he was medically examined, if so, with what result and the action intended to be taken on the result of the medical examination ?

The Honourable Mr. Manohar Lal : (a) (b) and (d) A case has been registered against the under-trial prisoner referred to by the honourable member and I do not think it will be proper for me to say more at the present time.

(c) No.

ORGANIZATIONS OF VOLUNTEERS BY COMMUNAL BODIES.

Rao Pohop Singh : Is the Honourable Premier aware that a number of communal bodies have been organizing volunteers, who wear uniforms and drill in a military fashion often with implements that may be used as weapons of offence and that this growing practice is likely to involve a threat to law and order ? If so, what action do Government propose to take ?

The Honourable Major Sir Sikander Hyat-Khan : The information of Government is that the following are the principal organizations that have formed volunteer associations :—

1. Khaksars.
2. Jaish-i-Aharar-i-Islam.
3. Ittihad-i-Milat.
4. Akal Saina or Akali Fauj.
5. The Shakti Dal.
6. The Agni Dal.
7. The Rashtriya Aikta Dal.
8. The Gainti Dal.
9. The Mahabir Dal (Punjab Mahabir Dal).
10. Provincial Mahabir Dal.
11. Central Mahabir Dal.
12. The Bajrang Akhara.
13. The Ghazi Corps.

[Premier.]

The members of these organizations are accustomed to perform evolutions of a military nature and hatchets, axes, tridents and spades are amongst the implements carried by them that are capable of being used as weapons of offence. Government are aware that the show of force which these parades and other activities imply has caused apprehensions amongst the public and may well involve a threat to law and order, and are considering what action should be taken.

Sardar Partab Singh : May I know the definition of 'communal bodies' as given in the reply?

Premier : I am afraid I cannot do better than refer my honourable friend to dictionary so far as the definition of the word 'communal' is concerned.

Sardar Partab Singh : What distinction does Government make between a communal body and any other body and what is the criterion by which Government judges whether a body is communal or not?

Premier : Just as we judge an individual whether he is communal or not.

Sardar Partab Singh : May I know whether the Muslim League is a communal body or not?

Premier : Yes.

Sardar Partab Singh : Is the present ministry communal or not (*laughter*)?

Premier : No, it is not.

Dr. Sant Ram Seth : Has this question been asked by our party or your own?

Dr. Sir Gokul Chand Narang : Was the Premier or any other member of the Government consulted before the three members of the Unionist party, one a Hindu, another a Muslim and third a Sikh, gave notice of this short notice question?

Premier : My honourable friend had better ask these gentlemen if he wants.

Dr. Sir Gokul Chand Narang : I am asking the Premier whether he was consulted or some other member of the Government was consulted?

Premier : My honourable friend should know that these short notice questions are always asked to give information to the public.

Dr. Sir Gokul Chand Narang : Then say so.

Premier : Is there anything wrong?

Dr. Sir Gokul Chand Narang : I only wanted certain information from the Premier and he has given it.

Lala Deshbandhu Gupta : May I know if the Khaksar movement is one of the organizations referred to in this question?

Premier : Yes.

Nawab Sir Shah Nawaz Khan : May I know whether the Premier is aware of the fact that the Khaksar organization is not a communal organization as there are persons of other communities in it?

Premier : My honourable friend's information is correct so far as the professions of the body are concerned. I do not know whether there are any non-Muslims and if there are then the movement is true to its professions. But it is believed to be a communal body outside.

Lala Deshbandhu Gupta : How long has this movement been in existence in the province ?

Premier : I am afraid I cannot give my honourable friend definite period because the movement has been more or less in existence for some-time although it has only come into prominence during the last two years.

Khan Sahib Khawaja Ghulam Samad : May I know whether Government contemplates bringing the spades and other implements used by these organizations under the purview of the Arms Act ?

Premier : If my honourable friend wants to know the provisions of the Arms Act he will find the answer by going through it ; but we are considering the whole question from the point of view of the peace and tranquillity of the province.

Khan Sahib Khawaja Ghulam Samad : My question is whether the implements used by these organizations will be governed by the Arms Act or not ?

Lala Deshbandhu Gupta : May I know if it is a fact that the Khaksar movement has been in existence for over three years in the province ?

Premier : Very likely my honourable friend's information is correct, but as I have said it came into prominence during the last two years.

Lala Deshbandhu Gupta : May I know whether the Government is keeping a special watch over this movement ?

Premier : Government keeps a watch over all movements.

Lala Deshbandhu Gupta : May I know whether the literature published by the leader of the movement or on behalf of this movement has been coming to the notice of the Premier and the Government ?

Premier : I have seen some of its literature. As a matter of fact in one of the pamphlets in which the creed of the body was given, it professes to be a non-communal body, a body which has got no other objective except social work : that is what it professes to be.

Khan Sahib Chaudhri Sahib Dad Khan : What are the other communal bodies in the Punjab besides the Khaksar movement ?

Premier : There are several bodies. I have got the names if the honourable member wants them. Some of them, he will see, are mushroom bodies.

They are :—

The Jaish-i-Aharar-i-Islam ;

The Akali Saina, or Akali Fauj ;

The Agni Dal ;

The Gainti Dal ;

The Central Mahabir Dal ;

The Bajrang Akhara ;
 The Ittihad-i-Millat ;
 The Shakti Dal ;
 The Rashtriya Aikta Dal ;
 The Mahabir Dal ;
 The Provincial Mahabir Dal ; and
 The Ghazi Corps.

These are some of the bodies about which we have received information. There may be others.

Lala Deshbandhu Gupta : May I know if it is a fact that the organizations mentioned by my honourable friend are of a defensive nature and have come into existence after the Khaksar movement had progressed a good deal ?

Premier : I am afraid I cannot possibly give any information on that subject without notice. It is possible that some of them might have been existing long before the Khaksar movement came into existence.

Lala Deshbandhu Gupta : Has Government come across any literature published by these bodies ?

Premier : I am afraid I have not seen any literature which these bodies may have published except the volume which I have named. But I have occasionally been seeing in the press the activities of these bodies.

Lala Deshbandhu Gupta : Has the special number of " Al Ishlah " called ' Qaule-Faisal ' ever come to the notice of my honourable friend ?

Premier : I am sorry I have not had the time to look into it.

Lala Deshbandhu Gupta : Has it ever been reported by the Criminal Investigation Department that this organization aims at the overthrow of the Government constituted by law and establishment of their own suzerainty in India ?

Premier : I do not know their objective, but their creed is that they are only social workers and I believe it is also one of their objectives to see that Islam as such rises to the same height as it did. They are for the dominance of Islam.

Dr. Sir Gokul Chand Narang : Is it a fact that about 15 months ago, a challenge was given to the Punjab Government that unless certain demands made by the leader of this movement were accepted by the Punjab Government, he would order 4,000 Khaksars to march upon Lahore with a sword hanging on their left side and a copy of the holy Quran on the right side and with a piece of cloth wound round their heads to serve as a winding sheet in case they were killed ? Is the Honourable Premier aware of that challenge ?

Premier : I am not aware of that particular challenge, but I have been receiving ultimatums periodically from the leader of this party.

Dr. Sir Gokul Chand Narang: Is it a fact that Mir Maqbool Mahmood, the Parliamentary Secretary was either deputed or voluntarily went to the headquarters of this movement at Ichhra and carried on negotiations with the leader of the movement with respect to the demands made by that leader?

Premier: There is no question of any negotiations.

Dr. Sir Gokul Chand Narang: Did he go there or not?

Premier: Oh yes. He went there but so far as the negotiations are concerned, there is no question. The leader asked for certain demands—those three demands—and he was asked to come and see the Parliamentary Secretary, so that the position could be explained to him. Some of them are outside the purview of Government for obvious reasons.

Dr. Sir Gokul Chand Narang: Is the Honourable Premier aware of the fact that the leader of this movement issued a note in his newspaper "Al Islah" under the caption "Hamari Pahli Fatah"—Our First Victory in which he mentioned that a sort of draft of a treaty between the Punjab Government and the Khaksar movement had been drawn up and in consultation with Mir Maqbool Mahmood it had been corrected and was made acceptable and he hoped that it would soon be ratified by the Punjab Government? Is the Honourable Premier aware of that?

Premier: I have not seen any such notices in the papers. It is quite possible that he claimed it as a victory, but there are several other organizations and parties including the Opposition who sometimes claim victories over us.

Dr. Sir Gokul Chand Narang: Is the Honourable Premier aware that the nature of these negotiations and the nature of this victory claimed was entirely different from the victories that these gentlemen may sometimes claim over Government and that there was a definite threat of death held out to the Honourable Premier in case he was not prepared to accept the proposals?

Premier: I have not received any threat of murder which may have been published. If that had been made, I can assure the honourable member that it would have made no difference so far as my attitude was concerned.

Dr. Sir Gokul Chand Narang: Did he not think it necessary to take some steps to prevent this kind of violent writing in the press and the holding out of such threats of violence? He may himself, being a soldier, look upon these threats with contempt, but is it not his duty to see that such threats are not held out even to the meanest subject of His Majesty? What action was taken by Government on these violent writings?

Premier: As a matter of fact certain writings published in the paper were brought to the notice of Government, and the Editor and Publisher were given a severe warning.

Lala Deshbandhu Gupta: May I know if it is a fact that several influential members of the Unionist Party are directly or indirectly financing and supporting this movement or are interested in the movement?

Premier: I have no such information and I am sure my honourable friend's information is not correct.

Lala Deshbandhu Gupta : May I know if the Premier is satisfied that none of the writings in " *Al Islah* " and other literature of the movement offend against law ?

Premier : I may say that the " *Al Islah* " and other papers may offend against law, and when they do so they are warned, and if they persist, then we take more drastic action. This paper has been warned on three occasions.

Dr. Sir Gokul Chand Narang : Have you ever asked this paper to deposit a security ? Was that question ever decided by Government ?

Premier : I am not aware when the paper came into existence, but I believe it came into existence long before this Government took office.

Dr. Sir Gokul Chand Narang : My question is, has any security ever been demanded from or deposited by this paper.

Premier : I believe that since the warning was given, the paper has not published anything that trespasses the law.

Dr. Sir Gokul Chand Narang : Then this is one of the papers from which no security has ever been demanded ?

Premier : The paper came into existence before the present Government took office.

Dr. Sir Gokul Chand Narang : That does not matter. My question is whether any security has ever been demanded from this paper either by the Government which preceded this Government or by this Government during the last (nearly) three years that it has been in office ?

Premier : I should like to have notice of that question.

Dr. Sir Gokul Chand Narang : Has this Government ever considered the question of demanding a security from that paper ?

Premier : I should like to have notice of that question.

Nawab Sir Shah Nawaz Khan : Excepting the three demands mentioned by Dr. Sir Gokul Chand Narang, namely, the establishment of *bathulmal*, permission to open a radio station and permission for the Government servants to join the Khaksar movement, are there any other demands made by them ?

Premier : I think my honourable friend was referring to these demands.

Dr. Sir Gokul Chand Narang : To clear this question. With respect to the demand for radio, I just want to know whether it was a demand for opening a radio or a demand for the use of the existing Government radio for broadcasting their own views and principles. So far as my information goes, the demand was for permission to use the existing radio for the purpose of this movement.

Premier : No. The demand was for setting up a radio of their own.

Mr. Dev Raj Sethi : Which demand out of these three was conceded ?

Premier : I am afraid the Punjab Government was not in a position to oblige the gentleman.

Lala Deshbandhu Gupta : Is it a fact that the Government are either afraid of or are in sympathy with the Khaksar movement and that is why they have taken no action against it so far ?

Premier : Government is not afraid of any such movement. But Government at the same time does not want to take any premature action.

Lala Deshbandhu Gupta : Is it a fact that Government encouraged this movement when it took offensive against the Congress governments particularly in the United Provinces ?

Premier : I am afraid my honourable friend is wholly unjustified.

Lala Deshbandhu Gupta : Did some members of Government in their individual capacity encourage this movement when it took offensive against the United Provinces Government ?

Premier : Not the members of the present Government.

Lala Deshbandhu Gupta : Is it a fact that the Khaksars have been travelling without tickets and have been creating scenes in some railway stations and the police did not interfere with them and allowed them full latitude for doing mischief ?

Premier : I do not think that my honourable friend can hold this Government responsible for the incapacity of the neighbouring Government.

Sardar Sohan Singh Josh : May I know which of these communal movements is the favourite wife of the Government ? (*Laughter*).

Lala Deshbandhu Gupta : Is it a fact that the Khaksars did commit violence in the United Provinces ?

Premier : I am not responsible for the administration of the United Provinces. When I am I will show them what I can do.

Lala Deshbandhu Gupta : Has it or has it not come to the knowledge of the Honourable the Premier that they attacked members of the police at Ghaziabad, Bullandshahr and other places ?

Premier : I do not want to enter into that controversy. When the United Provinces come into the Punjab then I will answer.

Khan Sahib Chaudhri Sahib Dad Khan : May I inquire whether these questions do not savour of communalism ? If they do, why are not questions about the Muslims in the services not answered on the floor of this House ?

Premier : They do savour of communalism.

ADJOURNMENT MOTION.

RISE IN PRICES OF FOOD-STUFFS, ETC.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, 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 failure of the Punjab Government to check the rising tide of prices of food-stuffs and other articles in the province.

Mr. Speaker : Chaudhri Krishna Gopal Dutt has asked for leave to make a motion for the adjournment of the business of the House to discuss

[Mr. Speaker.]

a definite matter of urgent public importance, namely, the failure of the Punjab Government to check the rising tide of prices of food-stuffs and other articles in the province.

Any objection?

Premier : I have got several objections. My honourable friend missed the bus about a fortnight or two weeks ago when the prices went up. The prices have now come down and they are at a lower level than they were a fortnight ago. My honourable friend, if he wanted, could have moved his adjournment motion then. In any case he could have made sure of his facts by asking me or by putting a short notice question and we could have given him a definite reply. My honourable friend is probably influenced by something which has appeared in the press recently. I can assure my honourable friend that the prices two weeks ago were at one stage very much higher than they are now and my information is that it was largely due to speculation. Government is watching the situation carefully and if necessary it will take action. But I think it is premature now to discuss this matter and if my honourable friend wants further information he can have it from me and discuss it with experts.

Chaudhri Krishna Gopal Dutt : The urgency of the matter lies in the fact that during the last one week there has been a rise in the prices of many articles and there is a panic in the province on this question.

Premier : Then my honourable friend must be living outside this province.

Chaudhri Krishna Gopal Dutt : There is an impression abroad that Government have got some special and sinister motive in not checking the rise in prices as it is believed that some highly placed gentlemen in the province are taking undue advantage of Government's inaction and that some of them have made hundreds of thousands of rupees during the last one week or so.

Premier : That is an allegation which has nothing to do with this adjournment motion and I suggest that if my honourable friend has any allegations against big persons he had better bring in a substantive motion and if he thinks that Government is also conniving at the proposition, let him move a no-confidence motion against the Government. But my honourable friend is hopelessly out of date if he thinks that the prices are now higher than what they were about a fortnight ago.

Chaudhri Krishna Gopal Dutt : The prices of food-stuffs and many other articles have jumped up by 70 per cent. in some cases, 80 per cent. in other cases and 100 per cent. in still other cases and yet Government have not moved in the matter. The Punjab Premier issued a statement that the Government would control the prices. So far there has been no control. I think this is a very urgent matter and we should be given an opportunity to discuss it. The object of the adjournment motion is not merely to censure the Government but also to draw the attention of the Government to a question which is agitating the minds of a large number of people.

Premier : I am afraid my honourable friend is again hopelessly out of date and hopelessly misinformed. What is he going to discuss when he does not know the actual position? After I made that announcement the prices went down throughout the province. (*An honourable member :* What about sugar and cotton?) Their prices went down. The prices started going up so far as agricultural commodities are concerned but they have since come down. My honourable friend may ask Sardar Santokh Singh who knows much better than I do. The prices went up in Amritsar very likely due to speculation. They then came down again. Now there is an upward trend and if necessary Government will take action.

Mr. Speaker : Will the honourable Sardar Santokh Singh please state facts about the rise and fall of prices?

Sardar Sahib Sardar Santokh Singh : During the last week or so the prices have been shooting up like anything, and although I do not agree with all that my honourable friend the sponsor of the adjournment motion has said, a discussion of the matter in the House would be in the best interests of everybody. We will all be able to give expression to our views and also know what the intentions of the Government are. There is so much uncertainty in the mind of the public and this must be removed.

Mr. Speaker : Will the honourable member please state the level of prices during the last 15 days.

Sardar Sahib Sardar Santokh Singh : Since the war was declared, the price of wheat in the Punjab has been steadily rising. At the beginning of the war it was Rs. 2-8-0 a maund and in the last week alone, prices have gone up by no less than 8 annas a maund, so much so that in Amritsar wheat (*Har*) was being sold at Rs. 3-15-6 and gram (*Har*) at Rs. 4-8-0 per maund. Price of wheat (ready) is Rs. 3-11-0 against Rs. 2-8-0 that was prevailing when the war was declared. So during the last week alone prices have gone up by no less than 8 annas a maund. This is a serious matter and it has happened only recently. I have told you the figures up to the last evening. I do not know the prices to-day. Sugar has also gone up from Rs. 12 a maund to Rs. 16 a maund.

Premier : You must have seen in the papers that the first meeting of the new board appointed in this connexion was held on Saturday last in order to consider this question. My honourable friend has overlooked that meeting of the board and the item relating to it in the papers. Representatives of various chambers of commerce are on that board and they have kept in view the question of prices and they will no doubt make their recommendations in due course if they consider it necessary. At the same time Government is perfectly aware of the situation and I know there may be a certain amount of hardship so far as big cities are concerned. Price of atta has gone up and there is a big disparity between the price of atta and wheat, I understand atta is being sold at prices which are disproportionate to the prices of wheat. We are making inquiries into that particular matter and if we find that there is a disparity we will see that it is immediately removed.

Chaudhri Krishna Gopal Dutt : So far as the principle of control of price level is concerned, we are all agreed that there should be a control. Now the question is what should be the limit. There are so many articles in the province, the prices of which have soared higher than the normal limit. The Punjab Government should give us an opportunity to discuss the matter. For instance there is the question of petroleum. The prices of petroleum and petroleum products have worked havoc in the province and Government are not interfering at all.

Premier : My honourable friend is again showing ignorance. He says that the prices of certain commodities have gone up by hundred per cent. Has he ever brought to my notice any particular commodity the prices of which he wants to control? If not, how can he expect me to give an answer without making inquiries or studying that particular case? So far as petroleum products are concerned, my honourable friend will remember that it is a central subject and we cannot control its prices.

Chaudhri Krishna Gopal Dutt : It is not a question of studying facts and then interfering. Situation has grown so serious in the province with respect to certain articles that Government should not lose any time in any further study. In fact action should have been taken earlier. As I pointed out in the case of petroleum and petroleum products we have got our own apprehensions that since that industry is controlled by Europeans, Government have not the courage to control its prices. It is, therefore, that we demand that we should discuss this question in the form of an adjournment motion, but if the Premier gives us an assurance that he is prepared to allot a day within a few days to discuss this question, I am ready to withdraw my motion.

Mr. Speaker : I think the Honourable Premier and the honourable mover have already discussed the pros and cons of the whole matter.

Sardar Lal Singh : If from the discussion that has taken place an idea goes round that the Opposition sees eye to eye with Chaudhri Krishna Gopal Dutt in the matter of rise of prices of wheat, it will not be warranted.

Chaudhri Krishna Gopal Dutt : I am not discussing wheat at all. I must make my position clear. What I said was that in the case of certain articles we have to decide as to what should be the limit of prices. I did not say that we should stop it at Rs. 3-10-0 or Rs. 4 and I did not commit myself with regard to prices of wheat.

Lala Duni Chand : I am of the opinion that agriculture in the Punjab should be allowed to reap the harvest and I do not know why control should be exercised, prices have not gone up sufficiently high.

Mr. speaker : My impression was that the complaint made in the motion was well-founded ; but, after hearing Sardar Lal Singh, Lala Duni Chand and other members as well as the Premier and the mover, I am of the opinion that the motion is not in order.

Now the House will proceed to consider the Village Panchayat Bill.

VILLAGE PANCHAYAT BILL.

Clause 23.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): I beg to move—

That in sub-clause (1), lines 4-5, between the words "Section 22" and "shall" the following be inserted:—

"Or any person who persuades any person to disobey a notice of the Panchayat under Section 21 or a general order under Section 22."

Sir, my submission is that if the lines proposed by me are not inserted in sub-clause (1) of clause 23 many a difficulty will arise out of it and then you would realize the importance of my amendment. The clause seems to be insufficient without this amendment. It has been provided that any person who disobeys a notice of the panchayat shall be punished with fine. But no mention has been made as to what sort of punishment will be given to those who persuade any person to disobey a notice of the panchayat. As sub-clause (1) lacks something very important, I commend my amendment for its acceptance.

Mr. Speaker: Clause under consideration amendment moved is—

That in sub-clause (1), lines 4-5, between the words "Section 22" and "shall" the following be inserted:—

"Or any person who persuades any person to disobey a notice of the Panchayat under Section 21 or a general order under Section 22."

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, if this amendment is accepted it would lead to great complications. Abetment is not an easy thing to prove, especially for the villagers. The present clause would serve the purpose and if any difficulties arise in the future, there will be no bar to amending this law. It will be very difficult for a Panchayat to decide the cases of abetment. Some witnesses will say that such and such words were uttered by a certain individual, while other witnesses will come forward and say that such and such words were not uttered. It may involve a miscarriage of justice. I certainly appreciate the object of my honourable friend in moving this amendment. He thinks it will lead to greater compliance with the wishes of the Panchayat and better working of the system. I am in agreement with the object and principle of the amendment. But if the amendment is accepted at this stage I think it might result in hardship owing to the present conditions in the villages. If in future it is found necessary to amend this clause, we can do so. There is no bar to it.

Khan Sahib Khawaja Ghulam Samad: The Honourable Minister has appreciated this amendment, which I have put before the House, but as he wishes that I should not press it at this stage and that if necessary this clause can be amended in future, I do not press it.

The motion was by leave withdrawn.

Mr. Speaker: Khan Sahib Khawaja Ghulam Samad's amendment¹ No. 2 does not appear to be in order.

¹That in sub-clause (1), lines 4-5, between the figure "22" and the word "shall", the words "or whoever voluntarily obstructs the panchayat or any panch or servants thereof in exercise of any duty under this Act" be inserted.

Khan Sahib Khawaja Ghulam Samad : May I read it first ?

Mr. Speaker : The word used in the original sub-clause (1) is "breach", but in the amendment the honourable member has used the word "obstructs", which does not fit in with the word "breach." If it is accepted the clause shall become meaningless.

Khan Sahib Khawaja Ghulam Samad : I would submit that a provision has been made in the Act for such persons.

Mr. Speaker : My point is that the amendment as worded would make the clause meaningless. The honourable member has used the word "obstructs", but in the original clause the word used is "breach".

Khan Sahib Khawaja Ghulam Samad : Then I do not want to move it.

Minister for Public Works : May I further bring to the notice of the honourable member that a panch will be a public servant and those who will obstruct or interrupt the working of the panchayat will be dealt with according to the ordinary law ?

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) : Sir, I beg to ask for leave to move—

That after sub-clause (1), the following new sub-clause be added :—

"(2) A person aggrieved from an order passed under sub-section (1) may appeal to the Deputy Commissioner or a Magistrate specially empowered by the Government in this behalf within thirty days from the date of the order."

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Lal Singh (Ludhiana Central, Sikh, Rural) : Sir, I beg to move—

That in sub-clause (2), line 3, for the word "constable", the words "a police officer not superior to the rank of sub-inspector" be substituted.

Sir, I beg to submit that the principle of the Punjab Village Panchayat Bill has been supported and the opposition also agrees with the spirit of the Bill. We should not curtail the powers of the Panchayat. Here we find that the Panchayat can inquire into the misconduct of constables and chaukidars. The constable does not do anything of his own accord. He simply obeys the orders of the Sub-Inspector of Police. The Sub-Inspector of Police is the person who is held in dread by thousands of villagers and whose activities should be curbed. Therefore, I submit that if it is the intention of the Honourable Minister to give real power to the Panchayats then my amendment should be accepted. The members of the Panchayat will be persons commanding great influence in the *Ilaga*. They will be men of position and importance, and I do not see any reason why they should not be given the power of inquiry over the action of the Sub-Inspector of Police. I, therefore, move that instead of the word "constable" the words, "a police officer not superior to the rank of sub-inspector" be substituted.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), line 3, for the word "constable", the words "a police officer not superior to the rank of sub-inspector" be substituted.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I oppose the amendment moved by my honourable friend opposite. I do not think I need give any detailed reasons for it. The Sub-Inspector of Police will be in charge of a much larger area than a panchayat and it is not desirable that the panchayat should be given power to report against him.

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

The section contemplates that representatives of the people might have a word to say against certain petty Government servants. The Sub-Inspector of Police will generally deal with cases and it is likely that he might become unpopular with some panches. There are popular sub-inspectors also. We should not lay down such a law. We should keep all such officers outside the beat of the Panchayat. So, I oppose the amendment.

Mr. Deputy Speaker : The question is—

That in sub-clause (2), line 3, for the word "constable", the words "a police officer not superior to the rank of sub-inspector" be substituted.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I beg to move—

That in sub-clause (2), line 4, between the words "chaukidar" and "patwari" the word "lambardar" be inserted.

In commending this amendment to the acceptance of the House I need not make any lengthy speech. The influence of a lambardar and his potentialities for doing mischief are too well-known to require a description from me. It should be, therefore, clear to everybody that if he is not included in this list you cannot achieve the desired end. It is he who is responsible for most of the mischief in the village, and that is why I have come forward with this amendment.

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

That in sub-clause (2), line 4, between the words "chaukidar" and "patwari" the word "lambardar" be inserted.

Chaudhri Jalal-ud-Din Amber : If the lambardar can be a member of the panchayat as well as a sarpanch then as sarpanch or as a member of the panchayat he will be reporting against himself (*Interruption*).

Khan Sahib Khawaja Ghulam Samad : Not in all cases.

Munshi Hari Lal : Sir, in addition to 'lambardar' that my honourable friend Khan Sahib Khawaja Ghulam Samad wants to bring in, my amendment is that 'zaildar' and 'sufedposh' should also be brought in line with 'lambardar'. The panchayat will exercise no control of punitive character over these two officers. They will not be punishing them, they will not be fining them and they will not be doing any serious injury to these people. What the amendment means is that if any one of them misconducts himself, the Panchayat should report to the Deputy

[Munshi Hari Lal.]

Commissioner. That will be the only function of the panchayat and that will be the only power which is meant to be given to the panchayat. The sub-clause, as it stands, reads—

- (2) On a complaint being made to the Panchayat by any person that a peon, bailiff, constable, chaulkidar, patwari or vaccinator, or any other class of Government servants to which the Government may by notification extend the provisions of this section has misconducted himself in his official capacity, the panchayat may inquire into the matter and submit a report to the superior officer to whom it may concern or to the Deputy Commissioner.

That is the only action that a panchayat will take. They will have only to make a report to the superior officer or to the Deputy Commissioner. They are not empowered to suggest any sort of punishment, much less to award it to these delinquents. Report is the only thing that can be made. Lambardars, zaildars and sufedposhes are officers of the village. It was suggested by my honourable friend that they may be on the panchayats or may be one of the panches. Quite right. But it is not necessary that the panchayat may consist of only lambardars or of zaildars or of sufedposhes and if they are there, they should not be immune from law. Let them not go on unchecked creating havoc with impunity. I ask the Unionist Government that they should appoint a commission or hold a general inquiry into the conduct of these officers—lambardars, zaildars and sufedposhes—and as a result they will find that the inquiry reveals many things which the Government may not be knowing. My impression is that seventy per cent of zaildars, inamdars, lambardars and sufedposhes are receivers of stolen property and are guilty of offences under Section 411, Indian Penal Code. They generally keep *badmashes*. Such being the state of affairs, they are a terror in the villages. (An honourable member: "That may be in your district"). I ask the Unionist Government to appoint a commission and see how horrible is the fate of the villagers at their hands. If the conduct of these officers be investigated into, there will be interesting and disgraceful disclosures. I want that there should be a check upon these persons and the manner in which it can be put is that the panchayats should have an eye over these officers. The panchayats will not do anything except to report against them to the Deputy Commissioner or to the superior officer. In the interest of peace, in the interest of protection of the poor, in the interest of protection of the villagers, I appeal to the Unionist Government that they should accept this amendment of mine which will lead to purification of the administration and redound to the credit of the Government.

Chaudhri Ali Akbar (Gurdaspur East, Muhammadan, Rural) (Urdu): Sir, I rise to oppose this amendment. The duties of lambardars, sufedposhes and zaildars pertain to the collection of land revenue and if you include them in the list of officials enumerated in the sub-section it is sure to give rise to serious difficulties in the collection of Government dues. I admit that it was necessary to give the panchayat some such power so far as constables, bailiffs, patwaris and vaccinators are concerned, but not so in the case of lambardars, etc. There may be complaints to the effect that a patwari compelled somebody to give him some illicit gratification or that a constable or bailiff who had come with a summons for somebody gave out that he had come to serve him with warrants and thus

got the poor and ignorant wretch pay him a rupee or two. Similarly there may be complaints against a vaccinator who might have extracted some money by intimidating a woman who did not get her child vaccinated. These officials do indulge in such corrupt practices. But the lambardars who belong to the same village and are kith and kin of the villagers can never afford to misconduct themselves in such a manner. Therefore, this amendment is uncalled for and I oppose it.

Khan Bahadur Nawab Chaudhri Fazl Ali (Gujrat East, Muhammadan, Rural) (*Urdu*): I rise to oppose the amendment that is now before the House. I had no intention of making any speech to-day, but the remarks of the honourable mover of the motion have compelled me to say a few words by way of reply. While moving his amendment he used certain expressions about zaildars, lambardars and sufedposhes which in my opinion were very harsh and highly unpleasant. (*A voice*: "Truth is always bitter"). My honourable friend says truth is always bitter, but I may inform him no good comes out where no good is in. If in the opinion of my friend these things are true, I am also constrained to remark that I do not expect to hear better words from him. He has as a matter of fact revealed his inner self and has stated these things not because they are correct, but because he is in the habit of saying such things on the floor of the House just as the proverb goes *مذہب کی باتیں ہر آدمی کے منہ سے نکلتی ہیں*. The honourable member is helpless.

Mr. Deputy Speaker: Please do not be personal.

Khan Bahadur Nawab Chaudhri Fazl Ali: Sir, I am not personal but am only bringing some hard facts to the notice of the honourable member opposite. However, I would close the matter by saying:

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Now I may point out that zaildars, lambardars and sufedposhes are an eye sore to my honourable friends over there and that must be so, because it is they who prevent them from having their way in the villages. Moreover they are the people who have perforce to take effective steps to set right all the mischievous activities that are resorted to in the rural ilaqas. Besides, it is their bounden duty to help the police in carrying out their duties. I am also convinced that even the summons cannot be executed without their aid. It is they who help the Pidas in carrying out their duties. As the zaildars, lambardars and sufedposhes help the officials of the Government in carrying out their duties, and are also an agency to check the pernicious activities of bad characters, naturally they should be an eye-sore to those who want to escape the clutches of law. If they are also included in this section it means that in future they would not be in a position to lend any support to the Government and consequently it would be very difficult to arrest offenders and malefactors and carry out other duties of the Government. The only way in which we can get their help is to keep them out of the purview of this section. As a matter of fact zaildars, lambardars and sufedposhes would be the very pillar of the panchayats and if they are included in this section then who would run the panchayats? (*Interruptions*). I think all the members over there including the lady members are imbued with the same kind of ideas. If the lady

[K. B. Nawab Ch. Fazal Ali.]

members interrupt one has perforce to keep silent. But I would request them not to interrupt. However the question is that the zaildars, lambardars and sufedposhes are the very people who keep control in the villages and keep the villagers away from the influence of subversive movements. Even in the times of kings of the past these were the very people who worked for the welfare of the rural people and even to-day if anybody is really working for the welfare of the people of the Punjab, it is the zaildars, lambardars and sufedposhes. In view of this I think all the honourable members would think twice before they vote in favour of this amendment.

Besides, I may point out that it will be zaildars, lambardars and sufedposhes who would help the panchayats in carrying out their orders. If they are to be included in this section then they will not be in a position to help the panchayats. In other words it means that whatever rules or regulations the panchayats would make, there would be no one to enforce them and consequently it would be very difficult for the panchayats to function at all.

There is yet another important matter which I wish to bring to the notice of the honourable members, that is, that in moving this amendment the real object of my honourable friends is to exclude the zaildars and lambardars and sufedposhes from being elected as members of panchayats. But I may tell them that they cannot succeed in their object, even if they try a thousand times. The zaildars, lambardars and sufedposhes are bound to be elected on the panchayats. In addition I think they are labouring under a misapprehension that they are the well wishers of the country. These panchayats will be established in the villages and they have nothing to do with them. As a matter of fact they are urbanites and police magistrates and jails are sufficient to satisfy their misguided activities. These institutions have been handed down to us from our forefathers and it is only the zaildars, lambardars and sufedposhes who can carry out the duties of the panchayats properly. It is my convinced opinion that without the co-operation of the zaildars, lambardars and sufedposhes it is next to impossible to work the panchayats. In fact the members opposite do not want to see the panchayats a success. In the circumstances I oppose the amendment now before the House.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): I rise to support the amendment that has been moved by my honourable friend Munshi Hari Lal. At the very outset I wish to make it clear that I do not say nor my honourable friend Munshi Hari Lal meant that all the zaildars, lambardars and sufedposhes are bad and corrupt. There are good as well as bad people amongst them. I am personally aware of the fact that there are good many zaildars, lambardars and sufedposhes who are very honest and straightforward but along with this nobody can dare deny this fact that there is a large number of them who not only accept illegal gratifications from the people but also perpetrate oppression on them. My honourable friend Nawab Chaudhri Fazl Ali was very much enraged at our amendment and I think while delivering his speech he has not done justice to us. I want to assure him that by moving this amendment we have no intention to grind our own axe, but our object solely is to improve

upon this Bill so as to make it more practicable and beneficial for the rural people. In spite of all these assurances, does he think that we do not want to improve upon this Bill? If he thinks so, may I ask him whether there is not a large number of zaildars, lambardars and sufedposhes, who, let alone supplying false witnesses to the police because that is their business, tyrannize over the poor people and exact bribes from them? I may tell him that such zaildars and sufedposhes are to be found in the Punjab who to a very large extent make their living out of illegal gratification. Besides, let us ask honourable Malik Omar Hayat Khan, who is a very experienced officer and he also has held very responsible offices under the Government, whether it is not a fact that these zaildars, lambardars and sufedposhes practise a lot of oppression on the people in the rural areas. Does my honourable friend wish that if these village officials commit any crimes, they should not be punished for them? I think if the zaildars, lambardars and sufedposhes tyrannize over the people some sort of provision should be made in this Bill with a view to bring them to book. In short our object is only to improve upon this Bill and my honourable friend is getting angry for nothing.

Besides, I may point out generally that zaildars, lambardars and sufedposhes are very influential people in their villages. Many of them would also become members of the panchayats and as members of the panchayats they would be exercising great influence. In the circumstances it cannot be taken for granted that panchayats would on the complaint of any person make reports against them to the higher officers without any rhyme or reason. They will have recourse to this procedure only in exceptional circumstances. I fail to understand why my honourable friend over there objects to this amendment. I may inform him that when laws have been enacted in order to punish the wrong doers, there is no reason why panchayats should not be given this power to make a report against the zaildars, lambardars and sufedposhes to the higher authorities. I once again assure him that we have no ulterior motive in moving this amendment but as a matter of fact we honestly want to improve upon this Bill. We feel it our duty that whenever there is any defect in any Bill we do our best to remove it. That is our object in a nutshell. I hope the honourable Minister in charge would accept this highly salutary amendment. Moreover, if patwaris and other Government servants are included in this section, there is no reason why zaildars, lambardars and sufedposhes should not be included in it. There is no justification for excluding them from that list. If we think for a while we would find that there are good and bad patwaris. If all of them have been included in this section, where is the justification of excluding the zaildars, lambardars and sufedposhes from this section? May I know from my honourable friend over there as to what is the principle under which he has included patwaris in the sections and has left out zaildars, lambardars and sufedposhes? I would, therefore, request him that he should accept our amendment. I have already stated more than once on the floor of the House that we are only helping him and he should welcome our constructive suggestions. And further we want to better the conditions of the rural areas. There is no reason why he should not give due consideration to our suggestions. With these remarks I whole heartedly support the amendment of my honourable friend Munshi Hari Lal.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*):

2 P.M.

Mr. Deputy Speaker, we have listened to the speech of the Honourable Minister in charge of the Bill with patience. It is hoped that he, too, would pay the same attention to us as we have done because in that case it is possible that he might feel disposed to accept this amendment. The Honourable Minister has correctly remarked that the lambardars, sufedposhes and zaildars can be hauled up before a court of law to stand their trial if they are guilty of an offence. But our point is that heavens would not fall down if these officials are also included in the list of those Government servants in whose case the panchayat, on a complaint of misconduct in their official capacity being made to it, would hold inquiries and submit its report to the Deputy Commissioner. I may point out that the lambardars in the discharge of their duties commit such flagrant mistakes as cannot be remedied in any way. For instance, a breach of canal takes place in a village. The peon of the canal officer comes to that village and apprises the lambardar of the written order of the officer concerned that the villagers have been fined Rs. 400 for that breach. But this lambardar would keep mum and would not tell the villagers that such and such a fine has been inflicted on them by the canal authorities and if they like they could prefer an appeal against it. But the date of appeal passes and even then he does not care to inform the villagers of this fine. The result is obvious. The villagers are put to great hardship. They are more often than not guilty of such irregularities and malpractices. So our purpose in getting these officials included in the provisions of the Bill is that they should perform their duties honestly and conscientiously and should not misuse their official position to grind their own axe. I may make it clear beyond doubt that we have not the slightest intention to put them to trouble but we simply want them to feel more responsible than before. The honourable members are aware that the object of this Bill is that the panchayats should help the villagers in getting their grievances redressed outside the courts. I am of the opinion that if lambardars, sufedposhes and zaildars are not included in this provision, there is every likelihood of this laudable object being frustrated. I hope the Honourable Minister would see his way to accept this wholesome amendment. With these words I strongly support the amendment now before the House.

Minister for Public Works : I am afraid unnecessary heat has been created over a very innocent clause. This clause is an identical copy of the corresponding clause in the Central Provinces Panchayat Act. I will explain why we are not prepared to accept the improvement suggested by the honourable member opposite. The reasons are two-fold. First let us consider the meaning of the clause. At present the villagers can complain against anybody they like. They can go even to the Minister and complain that the Deputy Commissioner should not be there. There is no bar to any complaint. All we have said is that against these particular officials people might draw the attention of the panchayat and that being an elected representative body may complain; and these complaints coming as they would from a panchayat would receive better consideration with the officers. Even if it is not put down there is nothing to prevent a Panchayat from complaining against a Sub-Inspector, against a Deputy Commissioner or against a Revenue Assistant. Nobody can stop them. We

have excluded the lambardar because a lambardar, a sufedposh or a zaildar is governed by certain rules. They will be also eligible to be members of the panchayat and can be tried as an ordinary accused before a panchayat. If given the status of Government servants they should not be triable as accused by the panchayats. Therefore we have excluded them from those officials against whom complaints could be made.

Lala Duni Chand : There are some rules to deal with the conduct of the patwaris.

Minister for Public Works : Because a patwari as such will not be triable by a panchayat and a lambardar, if he commits an offence, will be triable. That is the difference. A lambardar has got no immunity : he can be a member as well as an accused. If there is a bad lambardar anyone can complain against him : there is no bar. This clause does not confer any special power on the Panchayat. When there is to be any complaint against those officials it would only mean that the Deputy Commissioner would get a complaint from a recognized body. As a matter of fact I was at one time wondering whether we should put this clause in the Bill ; but as the Central Provinces Act confers a certain amount of status and recognition on the panchayats in this connection I have put in this clause also. I, therefore, think that unnecessary heat has been created over a clause which is totally innocent and was included with good intentions.

Mr. Deputy Speaker : The explanation given by the Minister should suffice : there is nothing more to be said.

Munshi Hari Lal : In exercise of my right of reply I will say something.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*) : Sir, if a Government servant is guilty of an offence he is punished in two ways. Firstly, he is dismissed from service and secondly, he is proceeded against in a court of law for the offence. Now the panchayats have no powers to dismiss the lambardars, sufedposhes and zaildars if they misconduct themselves in their official capacity. It is sought through this amendment that these officials be included in the list of those Government servants, in whose case a panchayat, on a complaint of misconduct made to it, would hold inquiries and submit its report to the Deputy Commissioner, who is the sole authority to appoint and dismiss these officials. Our object in bringing forward this salutary amendment is that the lambardars, sufedposhes and zaildars should feel their responsibility and refrain from committing irregularities and malpractices. We do not harbour any ill-will against them but just as a wise surgeon applies his knife for the good of a patient, similarly we have moved this amendment for improving upon the provisions of this Bill.

Then, there are a good many lambardars and zaildars in the province who are honest and they sympathize with us. They are either members of the Congress or have sympathy with its cause. So they are honest (*Laughter*). But there is a very large number of lambardars and zaildars who have their sympathies with the Unionist Party. They are all dishonest people. (*Laughter*). The Unionist Party naturally does not wish to stop their dishonest practices. Three-fourths of the Unionist Party itself comprise of lambardars and zaildars. The party, therefore, is not willing to impose

[S. Kartar Singh.]

any check on the evil practices of lambardars. My honourable friend from Gujrat was rather angry to find that we on this side of the House wanted to empower the panchayats to report the misconduct of lambardars to the deputy commissioners. But he was a bit unjust there. The fact is known to him that the canal authorities, the police and the civil authorities, even the patwaris have the power to report against their misconduct. And they actually do report. Why does my friend feel perturbed when a similar power is sought to be entrusted to the representatives of the zamindars? If the lambardars have nothing to hide, why should they fear if an explanation is called? The fact of the matter is that the lambardars have neither a sense of morality nor a sense of decency. In ninety cases out of a hundred, bribes are taken through lambardars, zaildars and sufedposhes. The police secure false evidence through the good offices of these people. This is a set of people, Sir, which can be bought for any price.

Further these lambardars and zaildars tyrannize over the poor people living in the villages, the untouchables and the like, in the matter of *thikri pehra*. The untouchables and members of the scheduled classes are always made by the lambardars to do the *pehra* in the villages. You will never find the son or relative of a lambardar or a zaildar performing the duty during the night.

Moreover the lambardars, sufedposhes and the zaildars are the greatest stumbling blocks in the way of all progressive movements in the country. They are the greatest agents of the Unionist raj. Now that a Government manned mostly by their own men is in power, they are committing all sorts of offences as the Urdu proverb goes :

Sayan bahe kutwal ab dar kahe ka. These people had sufficient latitude under the last regime but now latitude allowed to them by the authorities has become licence.

I think it is no mere figure of speech to say that these people have now become bundles of misconduct (*Laughter*). If the accredited representatives of the people are allowed, therefore, to report the misconduct of lambardars to the deputy commissioners, it will be all to the good of the people living in villages. The Honourable Minister in charge of this Bill has said that if a lambardar or a zaildar misbehaves he can be hauled up before a panchayat. But that is not what we want. We want that his conduct should be brought to the notice of the deputy commissioner of the district. The panchayat can give the lambardar or zaildar the punishment under law, but the deputy commissioner can deal with him departmentally. After all the lambardar is an obedient servant of the administration. He serves all including the patwari and the constable of police. Why should he fear if a report is made to the higher authorities? With these words, I support the amendment moved by my friend Munshi Hari Lal.

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

Raja Ghazanfar Ali Khan (Pind Dadan Khan, Muhammadan, Bural), (Urdu) : Sir, I had no intention to participate in the debate over this amendment but I have failed to understand why my honourable friend the Minister Sahib who has just resumed his seat, should entertain such uncharitable feelings about lambardars in this province who are all our brethren. The

lambardars after all are not imported from foreign lands. I wish that my honourable friend the Sardar Sahib had paid attention to the principle according to which the appointment of lambardars is made. I am sure if he had paid attention to this principle, he would not have expressed such hostile views about the lambardars. They are generally appointed from among those old and noble families which command the greatest respect of the people living in villages. (*An Honourable Member*: "Question"). My honourable friend perhaps has a reason to question my statement but I am now referring to the old gentry of the Punjab. I wish to point out that it is on account of that fact that the office of the lambardar has now become hereditary.

Shrimati Ragbir Kaur: But we wish to do away with old traditions of that type.

Minister for Public Works (The Honourable Nawabzada Major Khizar Hyat Khan Tiwana): On a point of order. Are we discussing sub-clause (2) of clause 23 or discussing how the lambardars are appointed, and whether it is a good institution or a bad institution? That is out of order. It is neither here nor there. (*Interruptions*).

Mr. Speaker: I cannot allow two or three gentlemen to speak at the same time (*Interruption*).

Raja Ghazanfar Ali Khan: I am very sorry that in the very beginning of my speech my honourable friends have become angry. As a matter of fact this is a Bill for which Government claims great credit and we are all of the opinion that if it is worked successfully, it will result in great benefit to the zamindars and will remove many ills from which they are at present suffering.

Mr. Speaker: Order, order. The whole Bill is not under discussion.

Raja Ghazanfar Ali Khan: The point I was making is that if these lambardars are antagonized by our bringing in such silly amendments, then we would be defeating the very object of this Bill. The amendment which has been moved by my friend is that the panchayats should be empowered to lodge complaints against the lambardars and zaildars. What I wish to impress upon this House is this that the moment this Bill becomes law and the lambardars and zaildars come to know that the panchayats are being given such a power that they will be complaining against the lambardars and zaildars, it is possible that these classes may exercise their influence to see that the panchayats are not formed in the villages. On the other hand, the object which the Government have at present before them is to use all legitimate and reasonable means to make this Bill a success. Therefore I say that any criticism against the lambardars or zaildars will be extremely inopportune and most unfortunate. I would submit that the number of lambardars in the province is nearly 60,000. Do the honourable members imagine that when at the very commencement of a Bill they antagonise the sympathies of such a strong and powerful class in the rural areas, there is an iota of chance of this Bill becoming a success? Therefore I would submit that the object of this amendment is to defeat the objective which the Bill has before it. At the same time I would submit that the lambardars

[Raja Ghazanfar Ali Khan.]

are themselves entitled to become members of a panchayat, and there is a likelihood that quite a majority of the members of the panchayats will be lambardars themselves.

Naturally in an organization which is to contain such a large number of lambardars and zaildars, if you were to accept such an absurd amendment, I am sure the object which the Government has in view will greatly suffer. I would, however, like to submit that the lambardars are not after all such a bad class as my honourable friend painted them to be. The lambardars are very nice people. They are helping the administration in several ways and it is a very unjust criticism to make that lambardars are a horrible set of people. They are a very old, loyal and useful set of people.

(Honourable members : Question may now be put).

Sardar Lal Singh : The amendment under consideration seeks just to include the lambardars and zaildars so that they can also be subject to the disciplinary action whatever that be, by the panchayat. I was surprised when Raja Ghazanfar Ali Khan said that we shall be defeating the very purpose of the Bill. What my honourable friends are trying to do is to create a diarchy. The panchayat is the primary body politic of this country. They want to create a panchayat and they want to beat the drum saying, "we are creating a panchayat with a lot of power" and at the same time they want to exclude the lambardars who might be misconducting themselves under their very nose and just in the heart of the village they might be carrying on their nefarious activities. The very first thing that they would do would be to poke their nose in the election of the panchayat. Raja Ghazanfar Ali Khan has said that the lambardars are a popular set of people. If so, why should the Unionist Party oppose our position that these lambardars should be elected? Our suggestion that these lambardars should be elected by the people is not accepted by them.

Minister of Public Works : I may draw your attention that we are not now discussing the question of election of lambardars.

Sardar Lal Singh : The Honourable Minister has not appreciated my point at all. This involves a basic principle of legislation.

Raja Ghazanfar Ali Khan : On a point of order. This is casting a reflection on the decision of the House and its judgment that the lambardars should not be elected.

Sardar Lal Singh : There is one great reform which is sought to be made in this country and that is the separation of the judiciary from the executive. A judiciary is being created in the villages and the executive are being kept out of the purview of their discipline. This is cutting at the very root of the reform. My honourable friend from Gujrat was angry at the remarks of my honourable friend Munshi Hari Lal. I am a lambardar myself and I am ashamed that there are many lambardars in the villages who are carrying on under the very nose of the officials nefarious activities. If they are removed the village community will be more than half reformed and the Honourable Minister would be doing the Punjab villages a great benefit if the lambardars also are brought within the ambit of the clause under consideration.

Munshi Hari Lal : I want to make a reply to what the Honourable Minister has said.

Mr. Speaker : Only one member can reply. The honourable member is entitled to move his amendment without any speech.

Munshi Hari Lal : My amendment is more comprehensive than the amendment that is now before the House.

Mr. Speaker : I cannot allow a speech. The question is—

That in sub-clause (2), line 4 between the words "chaukidar" and "patwari" the word "lambardar" be inserted.

The motion was lost.

Munshi Hari Lal : I move—

That in sub-clause (2), line 4, between the words "patwari" and "or", the words "lambardar, zaildar, safedposh" be inserted.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I beg to move—

That in sub-clause (2), line 9, between the words "capacity" and "the" the following words be inserted:—

"Or that any Government official or servant has asked or compelled any person for begar or has acted contrary to any Government circular or announcement as to begar".

Sir, this sub-clause provides only for complaints against certain Government subordinates, but I would like to add that these panchayats should be authorized at the same time to make complaints against other Government officers as regards begar. I think it was in the last session that certain questions were put to the Government on the question of begar and the Government answered that it had issued circulars and announced them by beat of drum in the villages prohibiting begar, but we find that begar is still being continued in the same way as it was previously. It is for this reason that I am moving the insertion of these words in the clause so that when any Government official asks for begar in the village from any menial or scheduled caste or a kamin or even a zamindar, the panchayat should report the conduct of such official whether that official is a deputy commissioner or any one else. I hope the Government with all its professions that it is doing its best to suppress begar will accept this amendment and will try to be true to their professions.

Mr. Speaker : I think in substance, though not in form, it is a new clause. Question is—

That in sub-clause (2), line 9, between the words "capacity" and "the" the following words be inserted:—

"Or that any Government official or servant has asked or compelled any person for begar or has acted contrary to any Government circular or announcement as to begar".

The motion was lost.

Mr. Speaker : Question is—

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

The motion was carried.

Mr. Speaker : Question is—

That clause 23 stand part of the Bill.

The motion was carried.

Clause 24.

Mr. Speaker : Question is—

That clause 24 stand part of the Bill.

The motion was carried.

Clause 25.

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

That in sub-clause (1), line 8, the words "two-thirds" be omitted.

No speech is necessary to support this wholesome amendment and, therefore, I commend it to the acceptance of the House without a speech.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 8, the words "two-thirds" be omitted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, sub-clause (1) requires a two-thirds majority of the adult male taxpayers of the village for refusing a licence. In view of the conditions obtaining in the country as well as the professions of the Government that it wants to rid the province of this evil of intoxicants it is hardly necessary to point out that it is not desirable to make this wholesome provision subject to two-thirds majority. The Government should have come forward and introduced prohibition of its own accord instead of placing such obstacles in the way of the panchayats and villagers. You know, Sir, that the wily contractors can very easily manage to mislead some of the villagers who are mostly uneducated, and thus frustrate all attempts on the part of a panchayat to save the village from this evil if this condition of two-thirds majority is retained. It is, therefore, in the fitness of things that no licence for the sale of liquor, opium, etc., be granted even if a bare majority objects to it.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, I oppose the amendment. The provision at present in this clause is identical with that of section 21 of the last Act. When a private important right is to be taken away in a village and prohibition is to be started it is essential that a fairly large majority of people should vote in support of it. It is a matter of private right and people in some cases might resent any interference. I personally support prohibition, but it should be introduced with the consent of the people and we should prepare the public mind for it. If the proper atmosphere prevails in a particular village it would be easy to enforce prohibition and that is what the Bill lays down. As honourable members know without proper education of public opinion no such provision of law can be enforced. I know prohibition has been enforced in a certain province, but what is the result? Prohibition exists within certain local limits, but what "drunkard trains" come from other areas! Unless one has the support of public opinion no one can have any real prohibition and that is what the framer

of the last Act who was no less a person than the late Mian Sir Fazl-i-Hussain aimed at. Support of a majority of two-thirds should be an essential condition before prohibition is enforced in a local area. With these words I oppose the amendment.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*) Sir, I rise to support the amendment now before the House. It means that if any panchayat by a resolution confirmed by a majority of the adult male tax-payers of villages voting in a meeting prefers objection to the grant of the licence, it shall not be granted for the sale of any excisable articles in that village. On the other hand the Government is insisting on having two-third majority of the tax-payers for the stopping of grant of any licence for the excisable articles. In my opinion this attitude on the part of the Government is highly unjustified. Do they mean that unless and until two-thirds majority of the male tax-payers do not vote in favour of prohibition it should not be introduced? It is beyond my comprehension to think so. I think the Ministry has lost all sense of proportion.

Now the panchayats are being established to provide facilities to the villagers to settle their disputes and other matters concerning their villages. But I may tell them that liquor and other intoxicants more often than not lead to disputes and quarrels. As a matter of fact it is the mother of all evils. When people take liquor they become full of quarrel and offence. Even on slightest provocations they lose temper and jump at each others throats. In the circumstances I think even if a bear majority of the male tax-payers of a village vote in favour of objection to the grant of licence for excisable articles, it should not be granted.

Besides, I may point out that our Honourable Minister for Revenue is in the habit of professing that he is in favour of prohibition and even now the Honourable Minister for Public Works has also stated on the floor of the House that he is in favour of prohibition. If that is so, I fail to understand as to what prevents the Government from accepting this highly salutary amendment. I think the Ministers are afraid that if they introduced prohibition in the villages, they will lose the chance of securing votes in the next assembly elections as they did in the last (*Laughter*).

In the end I would again request the Honourable Minister in charge that this is a very salutary amendment and that if in any village a majority of the male tax-payers vote in favour of prohibition, no licence should be granted there for the sale of excisable articles. If it is accepted it will go a long way in decreasing the number of disputes and quarrels in the villages. With these remarks I support the amendment now before the House.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, the Honourable Minister has cited the old Village Panchayat Act that was passed in 1921 when the Montague-Chelmsford Reforms were just introduced in this province. Eighteen years after we are now under provincial autonomy. The political conditions in the Punjab and elsewhere have changed. Thousands of people courted imprisonment on the ground of prohibition and for the reason that there should be a stoppage of the sale of liquor in this province. My honourable friends who are adorning the official benches are here on account of the sacrifices of these people. When an Ordinance was issued, in 1930, about fifteen thousand persons were

[Munshi Hari Lal.]

jailed as they had picketed the liquor shops. My honourable friends opposite must be fully aware of it. After the lapse of 18 years we are told that we must stick to the old provision of 'two-thirds' and should not make any advance, as if provincial autonomy has not been introduced; as if the new Government of India Act has not come into force; as if we have not recognized on the floor of this House that there should be prohibition introduced in a part of the province. Resolution was passed and the Govt. have thereby recognized this principle but when the question of enforcing that principle comes, they shirk to enforce it and maintain that we should stick to the old provision of "two-thirds." Sir, the amendment moved by my honourable friend is very simple and innocent. It is that if the majority of the tax-payers of the village decide that there should be no grant of licence for selling excisable article, the decision of the majority should prevail and command respect. The majority of "two-thirds" should better be reserved for the removal of Ministers. But here it is a reform which aims at the prevalence of healthy atmosphere in villages. It is to prohibit the sale of excisable articles in villages. It is to humanize the villagers. It is to save their children from being orphaned. It is to save them from misery. It is for these reasons that we are pressing that the decision of the majority should be respected. If the "two-thirds" majority is to remain there the hands of the Panchayat shall remain tied. It shall never be able to object to the grant of a licence. I strongly support the amendment and request the Honourable Minister to accept it.

Minister for Public Works : Sir, before you propose the amendment from the Chair, I must inform the honourable members opposite that I am prepared to accept the amendment and that the decision by a bare majority shall be sufficient.

Mr. Speaker : Question is—

That in sub-clause (1), line 8, the words "two-thirds" be omitted.

The motion was carried.

Munshi Hari Lal : I move—

That in sub-clause (1), line 8, the word "male" be deleted.

This clause relates to the power to object to the grant of a licence for the sale of any excisable article. Ladies are more affected. There may be ladies who may be holding land and thus be paying taxes. When their husbands, their fathers, and their brothers are found addicted to drink and intoxicants, it is they who are mostly affected. Why should not the females have a right or franchise to vote against the grant of a licence. Why are they excluding females? If they satisfy the conditions, that is, if they are tax-payers, if they pay land revenue, why should they not have a voice in the matter and why should they not come in and protest? The word "male" as it stands only gives right to one sex and not to every tax-payer. Why this discrimination when the tax-payer is a female. I, therefore, want that the word "male" should be deleted and it should read, "majority of the adult tax-payers of the village."

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 8, the word "male" be deleted.

Minister of Public Works : I oppose the amendment. I would not like to enter into the arguments but I think that the last amendment that we have accepted makes the position clear. The conditions in the villages are such that I feel that at this stage it will be wise for the honourable member to accept my suggestion and not to press the amendment.

Rai Bahadur Mr. Mukand Lal Puri : I think the Honourable Minister of Public Works is unnecessarily nervous. If the amendment is accepted, it would not at all affect the electorate nor would it cause any unnecessary fuss in the village. You will be pleased to observe, Sir, that as the clause stands, it creates an unnecessarily invidious distinction against one sex. In the twentieth century and in the year 1939 it is outrageous to suggest that women should be excluded from participation in such matters. Women have got votes on the same conditions as men so far as the provincial legislatures are concerned and similarly in other legislative bodies. Why should women be excluded from a matter which concerns only the village in which they are residing? The fear of the Honourable Minister seems to be that if he accepts the amendment, the result might be that a resolution of the panchayat, might be endorsed only by a majority of women and thus prevent him from giving licence in any particular village.

It is not every adult woman in the village who is going to get a vote but only the woman who is a tax-payer. We know that in villages the land stands in the names of males and there are very few women who have got votes either as payers of land revenue or as payers of haisyat tax or income-tax. Therefore, it only means an addition of a few more names. The addition of those persons would be a very healthy addition to an electorate which is to deal with the question of prohibition and local option. It is the poor wife or the poor mother who has got a complaint against her son or husband and it is very necessary that she may be able to approach another lady who is a tax-payer—because the lady affected may not be a tax-payer—for the exercise of local option. Therefore, I would request the Government that, unless they believe in the eighteenth or early nineteenth century ideals that women should not come into public life, and that they should have no concern with these matters, they should not deny these elementary rights to them. Some of the Honourable Ministers, I know, cherish these old world ideas but we sitting on this side of the House certainly believe that women should not be kept away from legitimate activities. No harm will be done to women or even to most orthodox sentiments if they come to vote in these matters especially when they already do so in assembly election. Therefore, I would request the Honourable Minister of Public Works to accept this amendment which would not at all change the colour of the electorate; it would only mean the addition in every village of a few more voters to the hundreds of other male voters. With these words I support the amendment.

Shrimati Raghbir Kaur (Amritsar, Sikh Women), (*Punjab*) : Sir the object of the amendment now before the House is that the women tax-payers should also be permitted to vote in the meeting convened by the Panchayat to consider the advisability of granting a licence for the sale of liquor or other intoxicants in the village. I am sure the honourable members are fully aware of the evils of these intoxicating articles. They also know full well that those people who are addicted to drinking do not

(Sh. Raghbir Kaur)

even hesitate to sell the ornaments, utensils and other valuables of their wives. As a matter of fact it is the women who have to bear the brunt of the vicious habits of their husbands. It is a thousand pities that when the women ask their husbands to desist from taking to liquor or indulging in other intoxicants, the latter treat the former in a most inhuman and brutal manner. I am, therefore, of the opinion that the right of vote should be conferred upon the women so that they may be able to do their best in eradicating this pernicious evil from the villages.

Mr. Speaker : Question is—

That in sub-clause (1), line 8, the word "male" be deleted.

The motion was lost.

Munshi Hari Lal : My object in giving notice of the amendment¹ was that according to the conception of economics revenue is not considered as tax. As I am now informed by the Honourable Minister that tax-payer would mean land-revenue-payer as well, I do not want to move my amendment.

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

That in sub-clause (1), line 9, for the word "tax-payers" the word "inhabitants" be substituted.

Sir, I would like to submit that no definition of tax-payer has been laid down in the provisions of this Bill. In view of this it would be very difficult to find out in a village meeting as to who is or is not a tax-payer of a particular type. Besides, I see no reason why this invidious distinction should be made between a tax-payer and a non-tax-payer in a matter which vitally and equally concerns both of them. This argument that the grant of a licence for the sale of intoxicants is the sole concern of a tax-payer and the non-tax-payer has nothing to do with it, does not find favour with me. I am of the opinion that every inhabitant of the village should have the right to vote in a village meeting convened to decide in favour or against the grant of a licence for the sale of intoxicating drugs or opening of a liquor shop. With these words I commend this amendment to the House for acceptance.

3 P.M.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 9, for the word "tax-payers" the word "inhabitants" be substituted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural), (Urdu) : Sir, this amendment is necessary as a considerable part of the population in villages is landless and does not pay any direct tax. It is most desirable that if the policy of prohibition is to be introduced all the adult population in villages is consulted. Our Achhut brethren do not pay any tax although the majority of them are addicted to drink. It is essential to wean them from this habit. In these days there is a pronounced inclination to recognise adult franchise even for bigger Assemblies. The Government should not

¹That in sub-clause (1), line 9, for the word "tax-payers" the words "land revenue and tax-payers" be substituted.

hesitate to accept adult franchise in a very limited sphere. The Unionist party claims to be strongly in favour of democracy but when the question of showing practical proof of their sympathy with democracy arises, they treat democracy as a bogey. With these words, I again emphasise that public opinion should be freely consulted in this matter. I hope the Honourable Minister will readily agree to this amendment.

Mr. Speaker : The question is—

That in sub-clause (1), line 9, for the word "tax-payers" the word "inhabitants" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (1) as amended without the proviso stand part of the clause.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in proviso to sub-clause (1), line 6, for the word "or" the word "and" be substituted.

Sir, according to this proviso, the Deputy Commissioner or the Collector can reject the recommendations of the Panchayat on two grounds; first, if he finds that illicit distillation within the village has been committed and second, if he finds that any section of the villagers has connived at such illicit distillation. The object of my amendment is that instead of the word "or," the word "and" should be put and then according to it the Collector shall have the power to reject the recommendations of the Panchayat provided that illicit distillation has been committed in the village and at the same time certain people in that village have connived at that illicit distillation. If we are going to accept the proviso as it stands, then in that case it is just possible that there may not be any prohibition in any village at all, because on mere suspicion from the excise officer that a section of the village has connived at illicit distillation, the Collector would refuse the recommendation of the Panchayat. There might be a clear proof as to the committing of the offence of illicit distillation, but there cannot be any clear proof of some person conniving at illicit distillation. It is for this reason that I move this amendment, so that the object of this clause might not be defeated simply by the excise officers, or by certain other *goondas* or by certain other interested persons who do not want the shop to be removed from that village. It would be in the interest of the Government and of the people as well if this amendment is accepted.

Mr. Speaker : Clause under consideration, amendment moved—

That in proviso to sub-clause (1), line 6, for the word "or" the word "and" be substituted.

Minister for Public Works : Sir, I oppose the amendment.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, the opposition is quite surprising. There is no reason given. As a matter of fact the Government has no reason at all to advance. Does the Government want to give the powers to the informant or the *mukhbar* of the excise officer? Any *mukhbar* might inform the excise people, "Look here, so and so is

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conniving at illicit distillation," and then the Collector, in order to replenish the Treasury of the Government, might order the grant of a licence. In that case the recommendations of the Panchayat will stand rejected. If two conditions exist side by side, the Collector will find that there is a check upon him for the grant of a licence. The proviso is an exception. The Panchayat may recommend against the grant of licence; the majority of the people may wish that there should be no licence; still the power is given to the Collector to grant the licence in spite of the will of the majority of tax-payers and of the wishes of the Panchayat. The Collector enjoys the power of over-riding the wishes of the people. We submit that the Collector's discretion or the Collector's power should be curtailed. It should also be limited. It should also be hedged round. The Government says, "No," and wants to confer wide powers upon Collectors. I submit that it is quite reasonable that the Government should accept this amendment and should not give the Collector the power of riding over the decision of the Panchayat and the wishes of the people. With these words I support the amendment.

Mr. Speaker : The question is—

That in proviso to sub-clause (1), line 6, for the word "or" the word "and" be substituted.

The motion was lost.

Lala Duni Chand : My amendment No. 34 will come first.

Mr. Speaker : The honourable member's motion proposing omission of the whole proviso is not an amendment. I have more than once said that the deletion or omission of a clause is not an amendment.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) : Sir, I beg to move—

That in proviso to sub-clause (1), line 8, for the words "three years" the words "one year" be substituted.

(Urdu) : Sir, as far as clause 25 is concerned I think it throws much light on the mentality of the present Ministry that professes to introduce prohibition in the province. It is said that they are in favour of introducing prohibition but whenever any occasion comes they hesitate doing so. And they try to leave room for people to indulge in drinking. Similarly when we see their halting attitude in this matter we cease to hope for the best any further. Supposing we take no objection to two-thirds majority of the adult male tax-payers then the Government has got another excuse namely illicit distillation. It is said in the proviso that if the Collector finds that illicit distillation within the village has been committed or connived at by any section of the residents of the village, such finding of the Collector shall have effect for three years from the date thereof. This shows how far this Government is sincere and serious in introducing prohibition in the province. If they are really serious in doing so which I doubt very much, I would submit that they should look to the Bombay Government which has sacrificed its revenue of one and a half crores of rupees, simply to introduce prohibition there, irrespective of the fact whether or not two-thirds majority is in agreement in doing so. But what is done here? In our Panchayat Bill there are at least three loopholes which discourage prohibition. My

surprise knows no limits when I see that no serious efforts are being made by the Punjab Government which professes to be a Muslim League Government as well. Much is said when speeches in respect of prohibition are made so much so that references are made to late Sir Fazl-i-Husain. My submission is that if the present Government is not going to agree to our proposals they should encourage prohibition in the name of Islam at least. I want to point out that in the case of illicit distillation the offender should be given an exemplary punishment but our Government has provided in this clause that in case the Collector finds that illicit distillation within the village has been committed, a licence would be granted for the sale of liquor for three years. I, therefore, submit that this clause seems to be very strange and I am afraid the prestige of Panchayats will be at stake as far as this proviso is concerned because the final powers rest with the Collector. What to speak of three years period, even one year should not have been fixed in the clause. Anyhow, I consider one year period to be a lesser evil and therefore my amendment seeks that for the words "three years" the words "one year" be substituted. As a matter of fact the whole proviso seems to be redundant. Has the Government ever thought what would be the result of passing this proviso? The result will be that if a liquor shop is required in a Panchayat area and the licence has not been given, the people living in that area will start a private distillery and neighbouring villages will also follow suit. These are the defects which I wanted to point out.

Mr. Speaker : Question is—

That in proviso to sub-clause (1), line 8, for the words "three years" the words "one year" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That the proviso stand part of the clause.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I propose that the proviso to sub-clause (1) be omitted.

Before I proceed with my speech I should like to request the Honourable Minister for Public Works to accept this amendment in the same spirit in which he has accepted the preceding one. My amendment seeks the omission of the proviso as a whole. The position is that licence for the sale of any excisable articles can be granted at present. But the difficulty will arise when this Bill is passed. Then licence will not be granted if the majority so decides. I wonder why the Minister in charge has ignored the fact that Panchayats will not be so much powerful as to work independently. The Panchayats will have to work under the local authorities and therefore they will not have the courage to pass resolutions against the law of the land easily. And if at all a panchayat does so with the idea that prohibition would prove beneficial to the village the Deputy Commissioner has been given powers to over-ride its decision and he grants licence for the sale of any excisable articles in the village. My submission is that to give such powers to the Collector means only one thing, that is, whatever powers you give to the Panchayat with one hand they are taken away with the other. If smuggling takes place in a village it is up to the villagers to see whether they should pass such a resolution. I want to submit this much that the panchayats

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will deem it their duty to see that liquor and other excisable articles should not be illegally sold in the village and if at all they should be sold, they must be sold legally. On one hand if a Panchayat decides with a majority at its back that a liquor shop should not be opened in a village the Deputy Commissioner has been given powers to reject the decision of the Panchayat. In this way I think the prestige of Panchayats will be at stake. Apart from this the Panchayats will be in the know of the local affairs and the Deputy Commissioner on the other hand will not be enjoying this advantage. And if a person who has got access to the Deputy Commissioner makes a complaint to him to the effect that in such and such village illegal liquor is distilled and therefore a licence should be granted in order to start a liquor shop in that village while strictly speaking this is not the case what is to be done in such cases. In view of these considerations it does not seem equitable that the powers of panchayats should be decreased by adding this proviso to the clause under discussion. It is very natural that the Collector should be reluctant to do anything likely to cause a loss of income to the Government and, consequently, he will always be inclined to grant the licence. Therefore, to give the Collector this power will amount to only one thing, namely, whatever powers you give to the panchayat with one hand are taken away with the other. In view of these considerations I would say that since the Government has accepted the principle that the panchayat should be given some rights and powers in the matter of the grant of licence, it should not make those powers ineffective by means of this proviso.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, some time back the Assembly passed a resolution recommending to the Government that prohibition should be introduced in some districts of the province. It was a very useful and laudable proposal. But we all know that nothing has so far been done to give it a practical shape. The Government which is never tired of advertising its solicitude for the welfare of the zamindars has not raised its little finger to give effect to this recommendation which is sure to do a lot of good to that community. But this provision of the Bill provides the Government with an opportunity to make a beginning in this direction. It is possible that it may encourage some panchayats to make use of their powers and pass resolutions to the effect that no licence should be granted for the sale of intoxicants in their villages. That will strengthen the hands of the Government. But if this proviso is retained and the Deputy Commissioner is given the power to ignore the decision of the people the whole clauses will become useless and meaningless. It is within my knowledge that in certain villages in the Ludhiana district the people were deadly against any intoxicants being sold in their villages; so much so that they refused to let any house to the licensee contractors. But the Deputy Commissioner himself went to these places and compelled the village officials to make arrangements for the residence and shops of the contractors.

It should also be remembered that if a shop is closed it does not affect the income of the Government alone. The pockets of the officials and contractors are also affected. They will, therefore, have no scruples in thwarting all attempts to save the people from the evil of intoxicants, and if this proviso is retained it is very likely that they would get some bottles of country-made liquor from some State and place them in some house in the village concerned

to prove that illicit distillation is going on there. Again, they may get hold of some people to act as informers and depose that such and such a person has been carrying on illicit distillation with the connivance of two or three other villagers. That will be enough to justify the grant of a licence by the Deputy Commissioner. Thus if you do not omit this proviso you cannot expect to rid even a single village of this evil.

So far as illicit distillation is concerned let me make it clear that it shall continue to a certain extent in spite of all your efforts. Therefore, you should not use that as an excuse to put off the introduction of prohibition. You are free to make use of the law to punish the offenders. By all means send them to jails. Enrich your coffers with heavy fines if you so desire. But it is not desirable to act in such a way as would belie all your professions of sympathy with and solicitude for the welfare of the zamindar. With these words I request the Honourable Minister to accept the amendment.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*): I want to say only a few words with regard to this provision. You know that first of all a resolution has to be passed by the panchayat objecting to the grant of licence and then, to be effective, it has to be confirmed by a majority of the adult tax-payers. I think that should be enough and no such power as mentioned in the proviso should be given to the collector. You want to diffuse democratic ideas in the rural areas but if you retain this proviso you will be striking at the very root of democracy. It is an essential principle of democracy that the opinion of the voters should prevail and you should not do anything calculated to flout that opinion. To authorise the collector to over-ride the opinion of the voters and then to allow such an action to be effective for three years is really too much.

So far as illicit distillation is concerned there is no reason why you should punish the whole village for the crime of one or two persons. If there is illicit distillation it is not the villagers or the panchayat but the Excise Department that is to blame. This department can manage to place illicit liquor in the houses of the people and institute false cases against them. Then why can it not catch hold of those who really commit this offence? Surely it is the duty of the Government to check illicit distillation. With these words I support the amendment.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Sir, I beg to move—

That in sub-clause (2), line 3, the words "other than opium" be omitted.

Now Sir, it has been accepted by the Government that if any panchayat, by a resolution confirmed by a majority of the adult male tax payers of the village voting in a meeting, prefers objection to the grant of the licence, in that case no licence should be issued for the sale of any excisable articles in that village. I may submit that even if any panchayat passes such a resolution, still licence for opium would certainly be issued for that village. Let me point out that if a licence for liquor is stopped but a licence for opium is granted, in that case the disease would not be rooted out completely which

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we want to do. Generally people object to the taking of liquor and other intoxicants either on account of religious grounds or on account of economic grounds or of health. But in the villages objection is taken to the opening of excise shop because such shops attract badmashes and notorious characters. When such people come there for the purpose of buying such things they also come to know from each other about the financial position of the people living in the village where such shops are generally situated. Naturally the result is that after getting this information they commit robberies and other notorious deeds. In the circumstances if in any village license for liquor is stopped but license for opium is granted, it would be meaningless to prohibit the former license. Because in this way the disease cannot be rooted out completely. Notorious people and bad characters will still come there on the pretext of buying opium. Therefore it is necessary that where the majority of people decide against the issuing of a license for opium there license for opium should not be issued so that strangers and bad characters should not come there on the pretext of buying opium. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), line 3, the words, " other than Opium " be omitted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, I wish to say a few words in support of the amendment now before the House because the parliamentary Secretary has just now remarked that it is a central subject and that the Punjab Government has nothing to do with it. So far as I am aware the manufacture of opium is controlled by the Government of India but Provincial Governments have been authorised to control its sale. If the matter is otherwise even then I think this is a matter which requires serious consideration on the part of the Government. I may also point out that when the Bombay Government introduced prohibition they along with liquor prohibited the taking of opium, *bhang*, *charas* and other such intoxicants of this nature. If they obtained a special sanction of the Government of India, there is no reason why the Punjab Government should not do the same. If the Government is prepared to assure us that they would get the necessary sanction then, in that case we are prepared to withdraw this amendment. Let me also point out that opium is even more dangerous than liquor because it slowly undermines the bodies of those people who are addicted to it. I fail to understand why Government is insisting on giving licenses for opium in villages where licenses for liquor will not be issued. The Government is very careless and in the intoxication of their majority they even do not deem it proper to give a reply to our amendments. I think that it is not only an insult to the whole House, but it is an insult to the whole province. I warn them that if they go on in this way some day they will have to bitterly pay for it. In conclusion I once again request them to either clear their position or if they have not properly studied the matter, let it be postponed and it can be decided later on. With these remarks I support the amendment now before the House.

Sardar Partab Singh (Amritsar South, Sikh, Rural) (*Punjabi*): Sir I rise to support the amendment now before the House. The reason for my doing so is that opium produces a very bad effect on those who are addicted to it. I would quote a specific example in support of my argument. All the honourable members are fully aware of the fact that the Chinese are addicted to this habit more than others. Now what is their condition? Those people are notorious for their laziness. Similarly if this curse of opium is not done away with here in the Punjab I am afraid that the people of this province would also lose some of their cherished qualifications. The Punjab is the sword arm of India and if this evil is not rooted out, it is very likely that its people would also lose their proud title. So in view of keeping the Panjabis fit and strong it is highly essential that the words "other than opium" be omitted.

Besides, the opium eaters when they do not find any money to buy it get into the habit of stealing utensils and other articles of the people in order to supply their needs. That is it indirectly encourages stealing. I, therefore, request the Government that if a majority of the adult male tax payers so desire, no license for opium should be issued. With these words I support the amendment now before the House.

Mr. Speaker : The question is :

That in sub-clause (2), line 3, the words 'other than opium' be omitted.

The motion was lost.

Mr. Speaker : The question is :

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

The motion was carried.

Mr. Speaker : The question is :

That clause 25 as amended stand part of the Bill.

The motion was carried.

Clause 26.

Mr. Speaker : The question is—

That sub-clauses (1) and (2) stand part of the clause.

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): I beg to move for leave—

That at the end of sub-clause (3), the following new paragraph be added :—

"The District Magistrate or the Sessions Judge shall dispose of in accordance with law such pending cases which are affected by such withdrawal notification."

The motion was lost.

Mr. Speaker : The question is :

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

The motion was carried.

Mr. Speaker : The question is :

That clause 26 stand part of the Bill.

The motion was carried.

Clause 27.

Sardar Jogindar Singh Mann : I beg to move—

That in line 2, between the words "a" and "Panchayat", the word "special" be inserted.

Mr. Speaker : What is the meaning of the word 'special'? Does it mean particular or something else?

Sardar Jogindar Singh Mann : Yes, Sir, I mean particular.

Mr. Speaker : 'Special' would mean something else.

Sardar Jogindar Singh Mann : Then I would substitute the word 'particular' for the word 'special.'

Minister for Public Works : I have no objection to the word 'particular' being inserted.

Mr. Speaker : Question is—

That in line 2, between the words "a" and "Panchayat" the word "particular" be inserted.

The motion was carried.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I beg to move—

That in line 8, between the words "cases" and "as" the words "other than of political character" be inserted.

Sir, clause 27 seeks to empower a panchayat to take cognisance of and to try criminal cases under sections 379 and 411 of the Indian Penal Code, where the value of the stolen property does not exceed Rs. 250 and such other classes of criminal cases as Government may direct. Now the object of the amendment is to make the meanings of the words 'all such criminal cases' clear and unequivocal. As a matter of fact we want that cases 'other than of political character' should be tried by the panchayats, otherwise there is every likelihood of the panchayats being used as a political weapon by the Government. Besides, experience of past years shows that the party in power has invariably tried to wreak its vengeance on its political opponents by making certain laws and rules. Similarly we have apprehensions that in panchayats also the party in power may not use the powers of trying all such criminal cases against their political opponents. I have, therefore, endeavoured to improve upon this section by bringing forward the amendment now before the House. I hope the Honourable Minister would see his way to accept it.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 8, between the words "cases" and "as", the words "other than of political character" be inserted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I must say that the honourable mover of this amendment has expressed unnecessary fears. If he will see the clause as it stands, he will find that sections 379 and 411 have been mentioned. Neither of these two sections have anything political about them. The word "political" has been discussed on the floor of the House many times and we have not been able to come to any clear definition. Anyhow these sections are not of a political nature. Besides no offences in which imprisonment is compulsory will be tried by any of these panchayats and all political

offences under the Indian Penal Code are compulsorily punishable with imprisonment.

Mr. Dev Raj Sethi : What about section 108 ?

Minister : Probably you are referring to section 108 of the Criminal Procedure Code. I am referring to the Indian Penal Code. That has nothing to do with this. The fears expressed by him are unnecessary. The Panchayats have not come into existence and he is fearing ahead that they might use it as a political weapon. There is no idea whatever of using them as political weapons. There are sufficient arms in the legal armoury of the Government to take action if anybody acts against the law of the land. I, therefore, oppose the amendment.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) (*Urdu*) : Sir, I do not agree with the observations made by the Honourable Minister in regard to this clause. So far as the first portion of the clause, i.e., empowering of a panchayat to try criminal cases where the value of stolen property does not exceed Rs. 250 is concerned, we are in complete accord with it. But I fail to understand why it is being sought to confer upon the panchayats the powers to try such other classes of criminal cases as the Government may direct. This means that apart from the powers to try criminal cases relating to property offences under sections 379 and 411, Indian Penal Code, the panchayats are to be invested with wider powers to try other offences under the Indian Penal Code. The Honourable Minister has stated the sense of the section but I may point out that sense of a section is taken only when the letter of the law is not clear. We have, therefore, apprehensions that the powers given to panchayats would be used as a political weapon against other political parties. That is why we want that the criminal cases other than those relating to property offences, should be taken out of the jurisdiction of Panchayats. I am, therefore, of the opinion that the interpretation put by the Honourable Minister does not conform to our interpretation of the clause.

Mr. Speaker : Question is—

That in line 3, between the words "cases" and "as" the words "other than of political character" be inserted.

The motion was lost.

Mr. Speaker : Question is—

That clause 27 as amended stand part of the Bill.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, you will observe that it is practically the substitution of the present machinery of the administration of justice, as exists in this province, by a new machinery. You have nowhere provided that these panchayat officers will have any judicial experience. (*Minister for Public Works.* There is no question of panchayat officers). I meant the members of the panchayats and I said that you have not anywhere laid down that these members of the panchayat will have any judicial experience, or that they will be men of any specified standard of ability or of education. Some of them may be elected to these Panchayats, and if so they will be elected as members of the Panchayat not on account of any particular ability or experience, but on account of the influence which they command in their *ilqas*. So long as you give to these Panchayats powers to administer local affairs on

[R. B. Mukand Lal Puri.]

the sanitary and executive side; so long as you entrust to the members of the Panchayat the powers to settle petty disputes among the residents within the locality, it is a matter to which no legitimate objection can be taken. But the worst thing is that you propose to give these gentlemen powers, which in every civilized country are exercised by men specially trained for that work. You are certainly transgressing far beyond the object and the original intention of this Bill. If you will look at the clause as it has been proposed to be placed before the House, you will observe that—

Government may by notification empower a panchayat to take cognizance of and to try criminal cases under section 379 and 411 of the Indian Penal Code where the value of the stolen property does not exceed two hundred and fifty rupees

.....

Sir, you are giving very wide powers to the Panchayats. I submit that instead of thieves and receivers of stolen property being brought to book by being sentenced to substantial terms of imprisonment or by being given deterrent punishment, the small sentences given by Panchayats for serious offences of theft, etc., will encourage the local *badmashes* for whom deterrent punishment is absolutely necessary for the safety of the society. It is all right that the Panchayat takes upon itself the duty of deciding the disputes of ordinary nature, such as disputes of using harsh language or boundary disputes or similar petty disputes. But if you empower the Panchayats to deal with theft cases, thefts committed by the local *badmashes*, the result will be very bad, and the whole country-side will be victimized by these *badmashes*, I trust that this is not the intention of the honourable members either on this side of the House or on the opposite benches. This is not all. Kindly see what is further given in the original clause—

And such other classes of criminal cases as Government may direct, except any offence under the Indian Penal Code for which punishment of death, transportation or imprisonment is compulsory.

If you will study the Indian Penal Code you will find that there are very few offences for which punishment of imprisonment is compulsory. In most cases it has been laid down that a person may be punished with fine or imprisonment, or both and that the maximum imprisonment will extend to a particular period. For instance look at the punishment for theft under section 379, Indian Penal Code. It is punishable with three years imprisonment, with fine, or with both. Therefore the serious offences of theft should not be entrusted to the Panchayat. Similarly take the cases under Section 304, Indian Penal Code, culpable homicide not amounting to murder. The same punishment is provided under this section also. If the Government has any regard for the safety of the villagers and for good administration of justice, it should not give these wide powers to the Panchayat. Panchayats cannot deal effectively with local *badmashes* of whom they will be afraid. It is a retrograde step. My honourable friend the Minister for Public Works should prevent the terrorisation of the poor inhabitants of the villages by the more influential persons, like *zaildars* and *lambardars*. Sir, it is a matter of very great importance. It is immaterial whether you exercise local option by two-thirds majority, or whether you give in the matter of prohibition, the right of vote to tax-payers or to the adult inhabitants of the village; these are very trifling matters as compared with endangering

the liberty and property of the poor villagers. You are substituting for the present judicial administration of this province a system which is not in vogue in any other province and which is fraught with danger and is against all notions of equity and justice. (*Minister for Public Works*: The real system of the land). I quite appreciate the remark which has been made by the Honourable Minister. I also recall to my mind a similar statement made by the Honourable Minister for Development, Sir Chhotu Ram. The system of administration, which the Britishers have introduced in this country, and which has held sway for such a long time, is a little above us according to their notions. I can appreciate that point of view, although I regret to say, I do not share it. I would like to see the British ideas of justice and particularly the British method of administering justice to be maintained in this province. We do not wish to revert to old world ideas. I, therefore, submit that the powers contemplated in the clause should not be entrusted to the members of the Panchayat.

4 P.M.

These powers are liable to be abused and the local *badmashes*, will not get deterrent punishment and will be encouraged and will terrorize the countryside. I think this is not what the Government wants.

Mr. Speaker: The question is—

That clause 27 as amended stand part of the Bill.

The motion was carried.

Clause 28.

Munshi Hari Lal: I move—

That at the end of sub-clause (1), the words "unless for reasons to be recorded in writing the Magistrate directs otherwise" be added.

There may be reasons under which it may not appear advisable to the magistrate to transfer a case to a panchayat. Some discretion should be given to the magistrate not to transfer the case for reasons to be recorded in writing. I may illustrate it by stating that the magistrate in a certain instance may come to know that the panchayat to whom the case is to go is interested in the matter or that the panchayat has got prejudice against one or the other party. In such a case the magistrate may exercise his discretion and may refuse to transfer the case. He should be allowed to use his discretion but in the order he should record his reasons for doing so. This is my amendment.

Mr. Speaker: Clause under consideration, amendment moved—

That at the end of sub-clause (1), the words "unless for reasons to be recorded in writing the Magistrate directs otherwise" be added.

Minister of Public Works: I oppose the amendment. Ample powers are provided in Sections 62 and 63 for the right of transfer of cases and stay of proceedings. If we put down this provision at this stage, attempt will be made to evade cases being sent to the panchayats and some court will be reluctant to part with the powers. So I oppose the amendment. There is no likelihood of any hardship.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural), (*Urdu*): Sir, as regards this matter the reason given by the Minister in charge is, that if these amendments are inserted the result will be nothing, and the Panchayats would be deprived of their magisterial powers, therefore he is not going

[Pt. Bhagat Ram Sharma.]

to accept them. My submission is that Police as a matter of fact knows which magistrate is less competent as far as knowledge of law is concerned and they try their best to send their challans to him so that the case may end in conviction. No matter whether a case is strong or weak the police always try to get their cases convicted. This has been the behaviour of the Police for the last so many years. In view of these considerations, we proposed that legal training might be given to panches and sur-panches for some years so that they might judicially hear and decide the cases falling within their jurisdiction. But the Government opposed to this proposal as well. I am afraid when the Panchayats will have no experience of law how they would be able to understand legal points of a case.

The amendment was very simple and ordinary. It was to the effect that whenever a magistrate is of the opinion that it will not be desirable in the interest of justice to transfer such and such case to a Panchayat, it would not be necessary for him to transfer that case to Panchayat. It does not seem desirable and fair on the part of the Government to entrust the whole of the work to a magistrate. But my submission is that whenever he thinks that a Panchayat is competent enough as to hear a particular criminal case he should use his discretion and hence transfer that case to the Panchayat.

Mr. Speaker : The question is—

That at the end of sub-clause (1), the words " unless for reasons to be recorded in writing the Magistrate directs otherwise " be added.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadans, Urban) (Urdu) : I beg to move—

That in sub-clause (3), lines 4-5, the words " or to another court subordinate to him " be omitted.

As you are aware the object of the Panchayat Act is to improve the conditions of the people of countryside by investing them with local powers. I, therefore, submit that if powers are to be given to District Magistrate to transfer any criminal case from a panchayat to a court subordinate to him, the very object of the Bill will be defeated. With this view, I have moved this amendment and I hope it will not be opposed by the Minister-in charge.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (3), lines 4-5, the words " or to another court subordinate to him " be omitted.

Minister of Public Works : If the amendment is accepted, the result will be that the District Magistrate or the Sub-Divisional Magistrate will have no power left with him to transfer a case, pending in a panchayat, to a court. He would be able to transfer it from one panchayat to another,

but he would not be able to do so to a regular court. I, as one who wishes the panchayats to thrive, am in agreement with the wish that the time may come when panchayats may be competent to try all cases. The position at present is that there may be a class of cases that the District Magistrate may find it essential to take out of the purview of the panchayat, and may transfer it to the courts. It is a safeguard kept for communal cases or cases of such importance which another adjoining Panchayat within that atmosphere may not be able to try. In such extreme circumstances it should be open to the District Magistrate to take them away from the Panchayat and send them to a court of law. But we will see that this power is exercised in exceptional cases and that it does not in any way defeat the purpose of the Panchayats or curtail their powers. With this assurance, I hope, my honourable friend will not press this amendment.

Khan Sahib Khawaja Ghulam Samad (Urdu): Sir, as I submitted while moving this amendment, if the cases are allowed to be transferred from Panchayats to courts, the real object of this Bill will be defeated and the panchayats will become a mere farce. If you authorise the District Magistrate to transfer cases to the courts, certain parties will make it a point to approach him on the slightest pretext and thus indirectly strike at the root of this measure. This provision will serve as an encouragement to them to do so. I would, therefore, press this motion with all the emphasis at my command and request the Honourable Minister to accept it. Let the cases be transferred from one panchayat to another but not to a court. It may be said that this practice may give rise to some heart burning or rivalry between the panchayats. But let me submit that since no question of heart burning or rivalry arises between the courts where cases are daily being transferred from one court to another, there is no reason why it should be otherwise in the case of panchayats.

Mr. Speaker The question is—

That in sub-clause (3), lines 4-5, the words "or to another court subordinate to him" be omitted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 28 stand part of the Bill.

The motion was carried.

Clause 29.

Mr. Speaker : The question is—

That clause 29 stand part of the Bill.

The motion was carried.

Clause 80.

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

That in sub-clause (1), lines 9-10, the words "and shall.....Schedule III" be deleted.

[**L. Duni Chand**.]

One of the basic principles of this Bill is that those people who will have to go to panchayats for getting their disputes settled, should not be required to pay any fees for the instituting of cases there. But in this section it is provided that a person who wishes to institute any case before any panchayat, shall have to pay fees the amount of which will be decided by Government. What I want is that anybody who wishes to institute a civil or a criminal case before any panchayat should not be asked to pay any fees whatsoever.

Besides, I may point out that a tradition had been handed down to us from our forefathers that everybody should have the right to go to panchayats for settling his disputes and that he should not require to pay any fees for it. I wish to keep up the old tradition and I hope Government will do all that lies in their power to give effect to this tradition and that they will not ask the people to pay any fees for instituting cases before panchayats. With these words I move my amendment.

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

That in sub-clause (1), lines 9-10, the words "and shall..... Schedule III" be deleted.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, the object of the Panchayat Bill is that a person, who is aggrieved, should go to a Panch or to the Panchayat and obtain a speedy justice from their hands. But there is one anomaly in it. At the end of this Bill we have got a Schedule of offences which are cognizable by a Panchayat. In Schedule III, there are offences which are ordinarily cognizable under the Criminal Procedure Code and against which an aggrieved in the event of his preferring a complaint to a magistrate, is not required to pay any court-fee whatsoever.

Minister for Public Works : He has to pay many more fees.

Munshi Hari Lal : He may be paying many more fees. He may be corrupting the judicial moharrir, he may be giving something to the chap-rasi, etc. I may convince the Honourable Minister that these things will go on even under the Panchayat rule.

Minister for Public Works : I hope not.

Munshi Hari Lal : It is a pious hope—a hope of the present Unionist Government which is incapable of realisation and which, as it is, will not be realised. The whole administration from top to bottom is rotten and as the Government does not see to the eradication of the evils that are rampant, these evils will creep into the Panchayat. These are lingering evils and they will remain so unless the system of administration is radically changed. What I submit is that if I go to a magistrate and prefer a complaint for an offence which is cognizable, I have not to pay any court-fee whatsoever. But if I go to a panchayat, I have to pay a court-fee which may be prescribed by the Government. Is this (not an) anomaly? Such a provision will not be an improvement in the Bill and will not be providing facilities to the aggrieved to seek justice. The object of the Panchayat Bill is to provide facilities so that people should freely go and complain to the panches and should seek

redress for their grievances. Why impose a fine upon them and why should they pay a fee when they go and complain to the panchayat? Why should they not go to the magistrate and complain the matter to him and place their complaint before him and ask the magistrate under section 28 to transfer it to the panchayat? In that case they can evade the payment. In any cognizable offence the complainant will go to the magistrate and prefer the complaint without any fee whatsoever. I submit that there are so many anomalies in the retention of the fees. These should be looked into by the honourable Minister in charge of the Bill. He should be liberal enough to remit the fee.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural), (Urdu): Sir, I think perhaps the Honourable Minister in charge of the Bill is not aware that under the existing law no fee is charged for making a complaint in case of cognizable offences. It is a pity that contrary to this practice it has been provided in this clause that the complainant shall have to pay a fee of annas 8, as prescribed in schedule III of the Act, if he wishes to institute a criminal case. The professed aim of the Bill in establishing the panchayats is to help the poor people of rural areas in getting their grievances redressed without incurring much expenses. But here by levying a fee of annas eight for making a complaint for instituting a criminal case the Government intend to make the panchayats money-making concerns. I may point out that the poor villagers would be hard hit by the imposition of this fee. I cannot help saying that the Honourable Minister who has a great dislike for the banias, is himself acting like a big bania. He is out to make these institutions commercial concerns.

Mr. Speaker: The honourable member is guilty of repetition.

Pandit Bhagat Ram Sharma: Sir, I want to emphasise that the fee laid down in the clause would cause much hardship to the poor. Personally I do not mind if they enhance this fee of eight annas to one or two rupees. But they should look to the interests of the poor. They should shed off this bania mentality which they themselves profess to abhor so much. I, therefore, support the amendment under discussion.

Mr. Speaker: The question is—

That in sub-clause (1), lines 9-10, the words "and....., Schedule III" be deleted.

The motion was lost.

Mr. Speaker: The question is—

That clause 30 stand part of the Bill.

The motion was carried.

Clauses 31—33.

Mr. Speaker: The question is—

That clauses 31—33 stand part of the Bill.

The motion was carried.

Clause 34.

Mr. Speaker : The question is—

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

The motion was carried.

Lala Duni Chand : I beg to move—

That leave be granted to move the following :—

That after sub-clause (1), the following be added :—

“ But no accused shall be convicted, unless he has been informed beforehand to produce evidence in his defence on the date fixed. For the purpose of enquiry, the case against him shall be treated as a summons case.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

The House then adjourned till 12 noon on Tuesday, 5th December, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Tuesday, 5th December, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ENFORCEMENT OF PRINCES' PROTECTION ACT IN THE PUNJAB.

***5392. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether it is a fact that Princes Protection Act was enforced in the Punjab in the month of July, 1939, if so, the reasons for its enforcement, the number of persons who received warning under this Act, the total number of persons arrested while the Act was in force and the total number of persons out of them who were convicted ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes. The reasons leading to the enforcement of Princes' Protection Act in the Punjab are contained in the press *communiqué*, a copy of which is laid on the table. Orders under section 5 of the Indian States Protection Act, XI of 1934, were served on 8 persons. It is not in the public interest to give their names. No arrests were made.

COMMUNIQUE.

The Punjab Government have recently been disturbed by the growth in various districts in the province of movements directed against the administration of certain Indian States. The agitation sponsored by the Arya Samaj against the Hyderabad administration has been so well ventilated in the press and elsewhere that it would be superfluous to give details of its development and activities. But attacks have been levelled against other states besides Hyderabad. The Majlis-i-Ahrar has been interesting itself in Bahawalpur, and in a recent conference at Multan methods of helping the agitators in the State were discussed. Again Patiala State subjects, who are dissatisfied with certain decisions of the Patiala State Courts as regards tenancy rights, have been encouraged by political busy bodies in the Ludhiana district, with the result that recently a jatha marched through the Ferozepore, Ludhiana and Ambala districts, with the ostensible object of making representations to the Resident, Punjab States, in Simla. The grievances, if any, of these persons were no concern of residents in the Punjab; but this did not prevent certain of those residents from advising and supporting the jatha. In speeches delivered at political meetings in the Hissar district in the months of March and April, 1939, personal attacks were made on His Highness the Maharaja of Bikaner and no efforts were spared to bring the administration of that State into disrepute. Similarly, in a Lahore journal scandalous attacks have been made recently on the administration of Chamba State, and steps were taken to distribute a large number of copies of this journal *gratis* in the State with the obvious object of bringing the State Government into contempt.

2. The Punjab Government are fully sensible of their responsibilities to save the Governments of States in India from such organised attacks by residents in the Punjab. But apart from the embarrassment such attacks are bound to cause to the States concerned, this form of agitation has been found to involve grave dangers to the peace of the province itself. Experience shows that partisanship for or against any given State almost always assumes sooner or later a communal colour. Serious communal riots arising directly out of the Hyderabad agitation have already taken place in various parts of India and there has recently been one such riot in a Punjab district. Reports from several other districts show that by reason of the activities mentioned above communal bitterness has been dangerously intensified. Muslim opposition to the Hyderabad *Satyagraha* threatens grave consequences, as evidenced by a recent proposal to celebrate Hyderabad Day on June 23.

3. In these circumstances the Punjab Government consider it to be their duty to ensure that their officers have adequate powers to deal with any situation that may arise. They have decided, therefore, to bring sections 4 to 7 of the Indian States (Protection) Act, 1934, into force throughout the whole province for a period of one year. These sections will enable District Magistrates when the local situation demands to check while-speaking or to arrest *jathas* marching through areas where their presence is likely to intensify communal sentiment to danger point. It is permissible to hope that the powers which by notification are now to be conferred on District Magistrates may never have to be used; but in the circumstance explained Government are satisfied that the conferment of such powers is necessary not only in discharge of their responsibility to the States but also to ensure peace and tranquility within the Punjab.

COMPROMISE BETWEEN THE PUNJAB GOVERNMENT AND PUNJAB KISAN COMMITTEE.

*5393. **Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether it is a fact that some compromise has been effected between the Punjab Government and Punjab Kisan Committee; if so, what are the conditions of the compromise, (i) the total number of arrests during the Kisan agitation, (ii) the total number of deaths of Kisans in the Jail, (iii) the number of kisans who were placed in A and B Class after conviction and (iv) the total number of kisans released after the compromise?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of the honourable member is invited to the press *communiqué* issued by the Punjab Government on the 9th September, 1939.

(i) 2,108.

(ii) 4.

(iii) Class 'A'	..	..	..	..	1
Class 'B'	..	..	..	..	3

(iv) 1,145 apart from those released in the normal course.

Sardar Sohan Singh Josh : May I know the number of prisoners who died in the jail?

Parliamentary Secretary : Four.

Dr. Sant Ram Seth : May I know from which disease they died?

Parliamentary Secretary : I want notice of that.

Lala Duni Chand : Were any reservations made in regard to the release of Kisan prisoners when the compromise was arrived at?

Parliamentary Secretary : There was no question of a compromise. The *communiqué* issued by the Government stated that except for those who were ring-leaders the case of others was being sympathetically considered by Government.

Lala Duni Chand : What are the grounds for making this differentiation between those who have been released and those who are still in jail?

Parliamentary Secretary : Innocent people deserve different treatment from that given to malicious people.

Mr. Dev Raj Sethi : What is the number of the rest of them who are in jail at present?

Parliamentary Secretary : That question is not included in this particular question, but if my honourable friend wants that information and gives notice of it I shall be glad to answer it.

RETIREMENT OF GOVERNMENT SERVANTS AFTER 25 YEARS OF SERVICE.

***5394. Dr. Sant Ram Seth :** Will the Honourable Premier be pleased to state whether it is a fact that a circular has recently been issued by the Punjab Government to all the departments that every Government servant should retire from Government after completing 25 years service whether he may or may not have then attained the age of 55 years, if so, whether this circular is based on the recommendations made by the Unemployment Committee in its report?

Parliamentary Secretary (Mir Maqbool Mahmood) : The reply to the first portion of the question is in the negative and the latter portion of the question does not arise.

Lala Duni Chand : May I know if any extensions are being granted to those who have already served up to the age of 55?

Parliamentary Secretary : In very exceptional cases.

Lala Duni Chand : On the one side the policy of the Government appears to be that all those who have served for 25 years should be granted pension and made to retire, and on the other hand certain extensions have been made or are being made. How does Government reconcile the contradictory policy?

Parliamentary Secretary : No definite policy has so far been decided upon, but the question will come up for consideration along with the report of the Retrenchment Committee. After an expression of opinion by the House, Government will decide later as to what they intend to do in the matter.

Khan Sahib Khawaja Ghulam Samad : I want to know whether the bad reputation of a Government servant is taken into consideration when he attains the age of 55 at the time of retirement.

Parliamentary Secretary : If my honourable friend specifies what kind of bad reputation he means, I shall be able to give him an answer.

Khan Sahib Khawaja Ghulam Samad : Reputation for corruption.

Parliamentary Secretary : So far as reputation for corruption is concerned, the policy of Government is to treat all the cases with as much severity as the circumstances of the case demand.

**URDU, HINDI, GURMUKHI AND ENGLISH DAILIES, WEEKLIES
AND MONTHLIES PUBLISHED IN THE PUNJAB.**

***5420. Master Kabul Singh :** Will the Honourable Premier be pleased to state the number of Urdu, Hindi, Gurmukhi and English dailies, weeklies and monthlies published in the Punjab together with the names of the district from where these are published, the language in which they are printed, the dates when they were first brought out and their circulation and the names of their present editors?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan Daulatana): The attention of the honourable member is invited to answer given to parts (a) and (b) of the Assembly question No. *18 printed at page 247 of Debates of the Punjab Legislative Assembly, Volume I.

Lala Deshbandhu Gupta: Has there been no addition to that list since then?

Parliamentary Secretary: It is immaterial, but if he insists on this particular information I would like to have notice of that question.

Lala Deshbandhu Gupta: The notice is already there.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5475. Chaudhri Muhammad Hasan**: Will the Honourable Premier be pleased to state—

- (a) the number of arrests under the Defence of India Act made in Ludhiana district in the month of August and September, 1939;
- (b) whether the persons arrested were tried in courts and if so, the result of the trial in each case and the term during which trial in each case was concluded;
- (c) whether it is a fact that the accused in each of the aforesaid cases did not cross-examine the prosecution witnesses and did not offer any defence and if so, whether it has been ascertained why defence was not offered by them?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) There were two arrests under the Defence of India Rules in September after the promulgation of the Defence of India Ordinance which took place on September the 3rd so that no arrests under the Ordinance were possible in August.

(b) Yes. One person was arrested on the 22nd September, 1939, and the case against him is still pending in court. The other was arrested on the 30th September, 1939, and convicted and sentenced to two years' R. I. on the 11th October, 1939.

(c) The line taken by an accused person in defending himself is a matter for himself or his legal adviser, and it is not for Government to inquire into his reasons.

Mr. Dev Raj Sethi: How many arrests were made on the 3rd September?

Parliamentary Secretary: I should like to have notice of that question.

Lala Duni Chand: Will Government be pleased to accept our warm congratulations on those arrests? (*Laughter*).

Mr. Speaker: Order, order.

Lala Duni Chand: Is it a fact that the number of those arrests exceeds the total number of arrests made in all other provinces?

Parliamentary Secretary: I am not aware of that, but if persons in one province more than in any other take it into their head to defy the provisions of the law, they must accordingly be treated.

Lala Deshbandhu Gupta : Has Government ever considered the reasons as to why there have been so many arrests in this particular province ?

Parliamentary Secretary : That answer should come primarily from my honourable friends opposite.

Lala Deshbandhu Gupta : Do Government accept the inference that the rule in the Punjab is a repressive one and that civil liberties are very much curtailed ?

Mr. Speaker : Disallowed.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5476. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state if persons arrested so far in the Ludhiana district under the Defence of India Act belonged to any particular political organization ?

Parliamentary Secretary (Mir Maqbool Mahmood) : It is not for Government officials to ascertain to what political organisation arrested persons profess to belong.

Chaudhri Muhammad Hasan : Has it come to the notice of Government that the Ahrars who have been arrested under the Defence of India Act have been arrested as a result of the challenge thrown out by the Honourable Premier ?

Parliamentary Secretary : No, Sir.

Lala Deshbandhu Gupta : Is there any party rivalry behind the arrests of these Ahrars ?

Parliamentary Secretary : I repudiate that allegation most emphatically.

Lala Deshbandhu Gupta : Is there anything wrong particularly with the Ahrars ?

Parliamentary Secretary : The honourable member may address that question to the leaders of the movement.

Lala Deshbandhu Gupta : Have any instructions been issued to the effect that the Ahrars should be subjected to repression ?

Parliamentary Secretary : Nothing of the kind. Certain Ahrar leaders decided to court arrests for various reasons under the Defence of India Ordinance by speaking against recruitment. Those particular persons had obviously to get what they deserved under the law.

Sardar Hari Singh : May I know whether it is a fact that on the occasion of the recent bye-elections to the Assembly in Amritsar, the Honourable Premier threw out a challenge to the Ahrars to state the reasons in support of the anti-recruitment issue and whether in response to the challenge of the Premier the Ahrars gave arguments in support of the anti-recruitment issue and they were consequently arrested ?

Parliamentary Secretary : I think this question does not directly arise out of the main question. But I would be delighted to go out of my way, if it is permissible, to meet my honourable friend opposite. I am not here to quote the exact words from the speech of the Honourable Premier.

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on the occasion. I happened to be present then and so far as I can recollect, what he did was to give certain reasons why it was in the interests of all patriotic Indians to contribute towards the defence of their country whatever they could at this stage. He further said that those who were opposed to that were in his opinion not the best friends of the motherland. Apart from that I would submit that whatever insinuations there are in the question, it does not lie in the mouth of anybody to say that that is a reason for defying the law.

Pandit Shri Ram Sharma : May I know whether recruitment is being done in the Ludhiana district ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : What I want to ask is whether recruitment operations are in progress in those districts where these arrests are being made.

Chaudhri Muhammad Hasan : Is it a fact that these Ahrar leaders are prosecuted and persecuted for the simple reason that the Punjab Muslims attend in large numbers the public meetings addressed by them ?

Parliamentary Secretary : I strongly repudiate the insinuation in the question. It is not so and the result of the bye-elections is the best reply.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5497. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) the date of promulgation of Defence of India Ordinance, and the dates of its publication in the gazette and in the *Punjab Government Gazette*, separately ;
- (b) the number, districtwise, of persons arrested under the Defence of India Act for speeches made by them between 3rd to 10th September, 1939 ;
- (c) whether any warning was issued regarding violation of this law by the Honourable Premier through a *press communiqué*, if so, whether a copy of that warning will be laid on the table of the House ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I regret that the answer to this question is not yet ready.

Lala Deshbandhu Gupta : Is the number of arrests so very large that it has not been possible to collect the requisite information ?

Parliamentary Secretary : That information has been called for.

B.AS. AND F.AS. BELONGING TO SCHEDULED CASTES APPOINTED TO GAZETTED POSTS.

***5502. Chaudhri Faqir Chand :** Will the Honourable Premier be pleased to state the number of those B.As. and F.As. belonging to the scheduled castes in the Punjab who have been appointed to gazetted posts under the present Government ?

Parliamentary Secretary (Mir Maqbool Mahmood): I regret that I cannot undertake to collect this information as its collection would entail time and labour out of all proportion to the advantage to be gained therefrom.

Lala Duni Chand: Is it because the number of B. As. and F. As. belonging to the scheduled castes in the Punjab are too many or is it because the appointments held by these are too many?

Mr. Speaker: Strictly speaking, the Parliamentary Secretary's answer amounts to saying that it is not in the public interest to answer the question. Consequently I refuse to allow any supplementary questions.

Lala Duni Chand: I think the Parliamentary Secretary should thank the Honourable Speaker.

GOVERNMENT SERVANTS AND KHAKSAR MOVEMENT.

***5506. Chaudhri Kartar Singh**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the restrictions imposed under rule 20 of the Government Servants' Conduct Rules on Government servants joining the Khaksar movement have now been removed and that they have been permitted to join the movement if any one of them so desires;

(b) if answer to (a) above be in the affirmative, the reasons for the departure from the previous practice?

Parliamentary Secretary (Mir Maqbool Mahmood): Rule 20 of the Government Servants Conduct Rules applies to all political bodies, and no specific instructions under it were necessary by Government to make it applicable to the Khaksar movement. The ordinary rule is quite clear, and consequently there was never any necessity to issue special instructions, and the question of rescinding such instructions therefore does not arise.

ARREST OF MESSRS. INDAR SINGH, BIKRAMJIT SINGH AND OTHER CONGRESS WORKERS OF GUJRANWALA.

***5508. Chaudhri Krishna Gopal Dutt**: Will the Honourable Premier be pleased to state—

(a) the date on which Messrs. Indar Singh, Bikramjit Singh, Maulvi Abdul Sattar and Trilok Singh Gulshan, Congress Workers of Gujranwala, were arrested;

(b) the nature of charge against them;

(c) the date on which they delivered the speeches which led to their arrest?

Parliamentary Secretary (Mir Maqbool Mahmood):

(a) (1) Bikramjit Singh ..	..	} 25th September, 1939.
(2) Indar Singh	
(3) M. Abdul Sattar	} 28th September, 1939.
(4) Tirlok Singh Gulshan	

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(b) For delivering speeches calculated to prejudice the successful prosecution of the war in contravention of rule 38 of the Defence of India Rules.

(c) On the evening of the 3rd September, 1939. It may be mentioned for the information of the honourable member that the cases against all the four accused were withdrawn and the accused discharged by the District Magistrate, Gujranwala.

NOTICE SERVED UNDER DEFENCE OF INDIA RULES ON
CONGRESS WORKERS AT JAHANIAN.

***5512. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

(a) whether any notices have lately been served under the Defence of India Rules on Congress Workers at Jahanian, district Multan ;

(b) if the answer to (a) above be in the affirmative, the number of such notices and the names of the persons so served and the terms of these notices ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No.

(b) Does not arise.

PUBLISHING OF DEFENCE OF INDIA ORDINANCE AND RULES IN
Government of India Gazette (EXTRAORDINARY).

***5513. Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

(a) whether the Government is aware that the Defence of India Ordinance and the Rules were published in the *Government of India Gazette (Extraordinary)* on 3rd September, 1939 ;

(b) whether or not it is a fact that a number of Congress Workers have been arrested in the Punjab for making speeches on 3rd September, 1939, alleged to be offending against the Ordinance ; if so, how many such arrests were made and whether any conviction has followed ; and if so, the number of persons convicted and the term of sentence of each one of them ?

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

(b) Six persons were arrested as a result of the speeches made on the 3rd of September, 1939. Their political creeds are not known to Government. One person was convicted and sentenced to one year's rigorous imprisonment.

Sardar Hari Singh : At what hour was the ordinance issued ?

Parliamentary Secretary : I want notice of that question.

Sardar Hari Singh : On what date was the issue of the *Government Gazette* containing the ordinance received by the Punjab Government ?

Parliamentary Secretary : I am not sure of the exact date. I require notice.

Sardar Hari Singh : Is it true that it was received on the 3rd of September ?

Parliamentary Secretary : I think so. but I would like to have notice of that question for a more definite answer.

Dr. Gopi Chand Bhargava : What action does Government propose to take in regard to those persons who were arrested on the 3rd of September in view of the statement of the Honourable Premier on the floor of this House that if there had been any cases tried for speeches made on the 3rd of September they would be withdrawn ?

Parliamentary Secretary : This question does not arise out of this specific question. It is a request for action. But in spite of it, if the honourable member would take up that question with the Honourable Premier he will be in a position to throw more light in the matter.

Munshi Hari Lal : May I know whether this ordinance was issued after the declaration or before the declaration of war ?

Parliamentary Secretary : I have no definite information. I should like to have notice of this question.

Sardar Hari Singh : May I know whether the Parliamentary Secretary is aware of the fact that this ordinance promulgated in the Gazette of the 3rd of September was not known to the district authorities in the Punjab till the 8th September and yet action was taken against speakers on the basis of speeches made on days when even the district authorities themselves were not aware of the provisions of this ordinance ?

Parliamentary Secretary : I am sure that my honourable friend does not contend that ignorance of law is an excuse by itself. But if there are any specific cases of speeches having been delivered before the promulgation of the ordinance to which he would invite the attention of the Government, they will receive the necessary consideration.

Sardar Hari Singh : Is it not the duty of the Government before it takes action against persons to see that the promulgation of the ordinance has been made sufficiently known to the people especially in the countryside ?

Parliamentary Secretary : Publication in the Gazette is the usual course. If my honourable friend has any other specific suggestion to give in this connection Government might consider it for the future.

Sardar Hari Singh : May I know if it is not the general practice that a special and urgent legislation is made known to the people in the villages by beat of drum, so that people may not make any mistake ?

Dr. Gopi Chand Bhargava : May I know if the Parliamentary Secretary feels that the principle 'ignorance of law is no excuse' is to be applied even to cases where the speeches were made on the 3rd of September when the law was not promulgated ?

Parliamentary Secretary : I have already stated that if there are any cases based on speeches made before the law was promulgated—though I do not say whether there are or are not any such cases—Government would consider them if specific cases are brought to its notice.

Dr. Gopi Chand Bhargava : May I know whether the Parliamentary Secretary can give me the time of the speeches made on the 3rd for which six persons were arrested and also the time of the promulgation of the Ordinance?

Parliamentary Secretary : I want notice.

Munshi Hari Lal : Was this ordinance issued from Simla or Delhi? What place was it published from?

Premier : It was published in the Gazette Extraordinary on the 3rd.

Munshi Hari Lal : What was the place from which this Gazette Extraordinary was issued? Before giving a reply will you kindly read part (a) of the question? I want to know the place from which this Gazette issued.

Premier : My honourable friend is a lawyer of some repute—

Munshi Hari Lal : I am not here as a lawyer but as a member.

Premier : My honourable friend ought to know that the Gazette issues from the headquarters of the Government.

Dr. Gopi Chand Bhargava : May I know whether the Government thinks that a man should know all the laws as soon as they are promulgated or even as soon as the Government thinks of promulgating such laws?

Premier : Is my honourable friend quite certain that everybody in this province knows all the sections of the Indian Penal Code?

Dr. Gopi Chand Bhargava : While people were arrested when the law had not yet been promulgated and when even after promulgation people had not known of it why should not ignorance be an excuse?

Premier : The same principle applies to other laws.

ANTI-CORRUPTION DEPARTMENT.

***5522. Mian Sultan Mahmud Hotiana :** Will the Honourable Premier be pleased to state the details of the work done so far by the Anti-Corruption Department established by the Government to stamp out corruption from the various departments under them?

Parliamentary Secretary (Mir Maqbool Mahmood) : A reference is invited to the reply given a few days ago to question *5232.¹

Chaudhri Muhammad Hasan : Has the Government ever considered the insufficiency of the staff in this department?

Premier : Government has considered this question but Government has to devise what I might call a judicious means so as not to put too much burden on the provincial exchequer.

Pandit Shri Ram Sharma : May I know whether this department acts on its own initiative or on the receipt of complaints?

Premier : Heads of departments send complaints to this department.

Pandit Shri Ram Sharma : Are complaints from the public also entertained?

Premier : Yes.

Sardar Hari Singh : Have the Government reviewed the working of this department and are they satisfied with it ?

Premier : I am perfectly satisfied with its working and I wish there were more money to increase the staff.

Sardar Hari Singh : May I request the Honourable Premier to let the House know the various aspects of the *modus operandi* of this department and how it works ?

Premier : My honourable friend has probably forgotten that we published a *communiqué* and a copy of it was placed on the table of the House. He might refresh his memory by a reference to it.

Khan Sahib Khawaja Ghulam Samad : Has the Government issued any special instructions to the department to deal with the cases of gazetted officers only or whether they can take action against others also ?

Premier : They can take action against all Government servants, but since the number of officers in this department is restricted we have in the beginning suggested that only cases of importance should be taken up and as far as possible, cases of those people only who ordinarily escape the eye of the departmental heads or other agencies.

Chaudhri Muhammad Hasan : Can the Honourable Premier give the House the number of cases taken up by this department and investigated and enquired into ?

Premier : My honourable friend is referred to the answer to question No. 5232.¹

Sardar Hari Singh : May I ask whether he has received any communication or representation from the officer in charge of this department as to the handicaps that he has experienced ?

Mr. Speaker : That question does not arise out of the answer given by the honourable member.

Sardar Hari Singh : This supplementary question arises out of the details of the work done by the Department.

Mr. Speaker : Have any details been given ?

Sardar Hari Singh : May or may not be given.

Mr. Speaker : A supplementary question must arise out of the answer given to the original question. Facts stated in the original answer only may be further got explained by supplementary questions.

Mian Sultan Mahmud Hotiana : Will the Honourable Premier kindly state whether the number of cases investigated by the department is quite enough for this period ?

Mr. Speaker : That is a matter of opinion.

Mian Sultan Mahmud Hotiana : Where is this enquiry conducted at the headquarters or at the site ?

Premier : I have tried to explain that this enquiry is not held here but at the place of the officer concerned. As soon as the head of a department gets any information against an officer, that he is corrupt, the head

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of the department enquires into it and the subordinates also make confidential enquiries but when particulars are available and they proceed to find evidence, unfortunately respectable people who did not mind making a complaint are loathe to give evidence. In spite of that whatever has been done is quite enough even though they have not enough staff. Government is satisfied with the amount of work done.

Lala Duni Chand : Does there exist any arrangement according to which information of corruption cases pending in each district is given to this department ?

Mr. Speaker : The Honourable Premier has already replied to that question. Heads of departments concerned supply information to this department.

Lala Duni Chand : But how do they come to know of the cases that are pending. Most of these cases are pending in different districts. How do they come to know of them ?

Mr. Speaker : The Honourable Premier has explained that the Department, in charge of corruption, receives complaints against or information about corrupt officers from the heads of departments concerned and holds enquiries.

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Khaksar Movement.

***5526. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether Government are keeping watch on the Khaksar movement which has its centre in the province, if so, what are its aims and objects and what is the number of volunteers enrolled so far as Khaksars according to latest Government reports ;
- (b) how many rallies of these volunteers have taken place during this year in different places in the province ;
- (c) were any volunteers injured in these rallies and did such cases come to the notice of the Government ;
- (d) what is the estimate of the monthly expenses of this movement according to information collected by Government ;
- (e) who is financing the movement according to Government's information ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes. The aims and objects of the movement have been published, and the honourable member is referred to the literature published by the leader of the movement. The number of volunteers enrolled is not known, but they are believed not to be so great as the public imagines, or recent press announcements lead people to think.

(b) The labour and expense of collecting this information is not commensurate with its value.

(c) A few cases in which Khaksars were injured during rallies have come to the notice of Government.

(d) Government has no information on the subject.

(e) The Khaksar organisation has announced its intention not to collect subscriptions and it is presumed that members themselves finance the movement.

Lala Deshbandhu Gupta : May I know whether Government finds anything objectionable in the aims and objects as published by that organization ?

Parliamentary Secretary : As stated by the Honourable Premier yesterday in reply to a short notice question the aims and objects of this organization are primarily social reform.

Lala Deshbandhu Gupta : Is it not one of the aim and object of the organization to establish Islamic supremacy in the country by replacing the Government of the day ?

Premier : As far as I remember, I speak subject to correction, because I saw it long ago, their aim and object is the revival of Islamic glory.

Lala Deshbandhu Gupta : Read it first and then answer the question.

May I know what difficulty there was in collecting the information about the rallies that have taken place in the province? Were there so many rallies that it involved too much labour to collect the exact information ?

Premier : We cannot spend public money on collecting an information, which is of no use to anybody.

Lala Deshbandhu Gupta : Does the Honourable Premier mean to say that he does not keep a vigilant eye on the rallies that are being held in every part of the province ?

Premier : As already stated we keep a very vigilant eye on all organizations.

Lala Deshbandhu Gupta : How can he say as to how many rallies have taken place in all ?

Premier : It is not worth while to collect this information. There might have been small rallies in small villages.

Lala Deshbandhu Gupta : Is the Honourable Premier aware that in these rallies at times more than five thousand and sometimes even more people take part ?

Premier : If the honourable member will refer me to a particular rally, I might be able to give an answer after collecting the information.

Lala Deshbandhu Gupta : Did he not receive the Criminal Investigation Department reports concerning these rallies ?

Premier : I cannot divulge, what the Criminal Investigation Department has reported.

Lala Deshbandhu Gupta : Obviously the Honourable Premier has got the information, but he does not want to give it to the House.

Premier : I have not got that information which the honourable member wants.

Lala Deshbandhu Gupta : What actions were taken against the persons who injured several persons in these rallies? Were those injuries minor or of a serious nature?

Parliamentary Secretary : No other person was injured, except the volunteers. A few cases in which Khaksars were injured during rallies have come to the notice of Government.

Lala Deshbandhu Gupta : Did the infliction of these injuries mean the cognizable offences or non-cognizable offences?

Premier : People sometimes hurt when they lit off fire works. That is not a cognizable offence.

Lala Deshbandhu Gupta : Is it a fact that one person was also killed?

Parliamentary Secretary : We have no such information; but such cases have occurred in other provinces.

Lala Deshbandhu Gupta : Does the Parliamentary Secretary mean to say that he has information that certain persons were killed in the rallies in other provinces?

Parliamentary Secretary : I cannot answer for other provinces.

Lala Deshbandhu Gupta : Is it not a fact that one person was killed in one of the rallies?

Premier : We have no information. It was given in the papers that several Khaksars were shot down in Bulandshahr.

Lala Deshbandhu Gupta : Is it a fact that in these rallies one party is called *Kafir* and the other Muslim and the *Kafirs* are invariably defeated; and the victorious Muslim party ask the defeated *Kafir* party to embrace Islam?

Premier : I am not aware of such nomenclatures. We have got no knowledge of these things.

Lala Deshbandhu Gupta : Has this particular information not come to your knowledge?

Premier : No.

Khan Sahib Khawaja Ghulam Samad : May I know from the Honourable Premier, whether he can tell on the floor of this House, why this Khaksar organization is considered to be a *hauwa* by my honourable friend opposite?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : It might prove to be a *hauwa* for the Unionist Government.

Is it a fact that the founder of the Khaksar movement has claimed in his writings that the number of Khaksars has reached the figure of four lakhs?

Mr. Speaker : How does this question arise from the answer given by the Parliamentary Secretary?

Lala Deshbandhu Gupta : It arises from Part (a) of the question, which is as follows :—

What is the number of volunteers enrolled so far as Khaksars according to latest Government reports.

Mr. Speaker : The honourable member is giving instead of seeking information.

Lala Deshbandhu Gupta : Do Government consider the reports published in the *Civil and Military Gazette* and the *Statesman* that the number of these volunteers has gone up as high as 4 lakhs, correct or otherwise ?

Premier : My honourable friend did not listen to the answer to this question. It is stated very clearly that "the number of volunteers enrolled is not known, but they are believed not to be so great as the public imagines, or recent press announcements lead people to think."

Lala Deshbandhu Gupta : I want to know whether the figures mentioned by the founder of the organization and the Anglo-Indian newspapers are exaggerated ?

Premier : I am not in the confidence of the founder of this organization and the claim that they are large in number is not wholly correct.

Lala Deshbandhu Gupta : What is according to your information the correct figure ?

Khan Sahib Khawaja Ghulam Samad : May I know whether the leaders of other similar political organizations, mentioned by the Honourable Premier yesterday, had the courage to publish their own creeds, aims and objects, like the leader of the Khaksar movement ?

Mr. Speaker : Disallowed.

Lala Deshbandhu Gupta : May I know whether the Government has got any information on the point that this organisation is being financed by outside agencies ?

Parliamentary Secretary : This has already been answered. The organisation has announced its intention not to collect subscriptions and it is presumed that the members themselves finance the movement.

Lala Deshbandhu Gupta : Do the Government also hold that view ?

Mr. Speaker : Opinion cannot be asked.

Lala Deshbandhu Gupta : May I know whether it is a fact as announced by the Khaksar leader, that their permanent fund has come to Rs. 19 lakhs ?

Parliamentary Secretary : I have no auditors' report in my possession to answer that question. (*Laughter*).

Mr. Speaker : The next question.

DEMONSTRATIONS BY KHAKSARS.

***5527. Lala Deshbandhu Gupta :** Will the Honourable Premier be pleased to state—

- (a) whether Government are aware of the fact that a feeling of uneasiness is growing in the province on account of the growing number of the Khaksars and also on account of the demonstrations these Khaksars have been holding all over the province during the last one or two years ;
- (b) what steps have Government taken to check this growing menace to the peace and tranquility of the province, if nothing has been done so far, what do Government propose to do now ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Actually, the honourable member is in as good a position as I am to answer this part of the question. Government are aware that some sections of the public profess such uneasiness, and the holding of demonstrations by the Khaksars and other similar organisations does undoubtedly cause some feelings of bitterness.

(b) Measures to restrict the activities of all volunteer bodies are under consideration.

Lala Deshbandhu Gupta : What action has the Government taken to check the increasing bitterness which results from the movements of the Khaksars ?

Premier : I can only say this much off hand that the Government has instructed local officers to suggest to the leaders of these movements that they should avoid going into the streets or coming into clash with other people.

Lala Deshbandhu Gupta : Has the Honourable Premier been in correspondence or in contact with the Khaksar leader in any form ? Has this matter been discussed through some Parliamentary Secretary and with the Khaksar leader ?

Premier : What particular matter ?

Lala Deshbandhu Gupta : Has the question of this organisation assuming a dangerous form ever formed the subject matter of discussion between the Honourable Premier or his Parliamentary Secretary and the Khaksar leader ?

Premier : No.

Lala Deshbandhu Gupta : Is the Honourable Premier prepared to-day to divulge the correspondence that took place between the Khaksar leader and himself a year ago ?

Premier : No correspondence between myself and the Khaksar leader took place.

Lala Deshbandhu Gupta : Did any correspondence take place between the Parliamentary Secretary and the Khaksar leader ?

Premier : This question was answered yesterday.

Lala Deshbandhu Gupta : Is the Honourable Premier now prepared to take the House into his confidence, now that this organisation has assumed a dangerous turn, and place before the House the agreement that had taken place between the Government and the Khaksar leader?

Nawab Sir Shah Nawaz Khan : The House does not consider this to be the case.

Premier : The honourable member has drawn certain inferences and on the basis of those inferences he wants me to answer certain questions. I refuse to do so.

Lala Deshbandhu Gupta : Which inference drawn by me is wrong?

Premier : I am not prepared to reply to questions which are based on inferences whether they are right or wrong.

Dr. Sir Gokul Chand Narang : Is it not a fact that the Parliamentary Secretary, Mir Maqbool Mahmood, corrected a draft which was placed before him by the leader of the Khaksar movement? Let him get up and say 'yes' or 'no'. Is it not a fact that a draft of some sort of agreement was brought by the leader of this movement and it was revised by Mir Maqbool Mahmood and was finally passed? Is it not a fact?

Parliamentary Secretary : No draft was put up to me by the leader of Khaksar movement or ever corrected by me, but the leader of the Khaksar movement, along with certain other religious leaders, was informally consulted with regard to the proposed legislation concerning *zakaat* and *auqaf* in continuance of a conference which was held sometime back under the chairmanship of the Honourable Premier.

Dr. Sir Gokul Chand Narang : Is the Parliamentary Secretary aware of the fact that a clear and definite reference was made in one of the issues of the *Al-Islah* that he and the leader of the Khaksar movement considered a draft, it was revised by them and it was finally approved by the Parliamentary Secretary who has just answered the question?

Premier : What happened later?

Dr. Sir Gokul Chand Narang : Has it come to his notice?

Parliamentary Secretary : That particular cutting of the *Al-Islah* did not come to my notice but in my private capacity as Maqbool Mahmood. Allama Mashriqi wrote to me certain things about the impressions of the talk which I had with him when I saw him at his request in connection with the Muslim Auqaf Bill and then I wrote that he was mistaken and I did not talk to him in my capacity of being a Parliamentary Secretary, nor was an agreement reached.

Dr. Sir Gokul Chand Narang : Did Mir Maqbool Mahmood go to Ichhra in his private capacity or in the capacity of Parliamentary Secretary to discuss the question with him?

Parliamentary Secretary : It was long before Allama Mashriqi had become a person of interest of my honourable friend that I introduced a Bill called the Muslim Auqaf Bill which was circulated amongst Muslims and religious divines. Allama Mashriqi wrote to me that he wished to

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discuss that matter with me. It will interest my honourable friend that Allama Mashriqi and his father had been my neighbours for years at Amritsar and it was at Amritsar that he received education before he went to Europe.

Dr. Sir Gokul Chand Narang : So he went to pay a courtesy call and did not go there to discuss.

Mr. Speaker : Disallowed.

Parliamentary Secretary : I did not go to discuss any agreement.

Malik Barkat Ali : Will the Parliamentary Secretary be pleased to specify the section of the public which is alleged to be experiencing the uneasiness referred to in the question ?

Dr. Sir Gokul Chand Narang : Ahrars.

Malik Barkat Ali : I mean the specific section of the public which is alleged to be experiencing the feeling of uneasiness referred to in the question. I want to know this specific section of the public.

Premier : My honourable friend has just come in. If he had been here fifteen minutes ago, he would have found that there is great uneasiness in this House also.

Malik Barkat Ali : The Honourable Premier forgets that I have been here since the commencement of the question hour. (*Laughter*).

Dr. Gopi Chand Bhargava : Were any negotiations carried on between the Parliamentary Secretary and the Leader of the House and representatives of the Khaksar organisation in this Assembly Chamber and in his own room ?

Parliamentary Secretary : I have more than once seen the leader of the Khaksar movement in the Assembly Chamber. At one meeting he showed me a letter from the honourable Leader of the Opposition expressing sympathy with the demands of the Khaksars.

Dr. Gopi Chand Bhargava : Did he act there as Parliamentary Secretary or in his personal capacity ?

Parliamentary Secretary : He came to see me in office in connection with the Muslim Zakat and Aukaf Bills and in that connection he showed me a particular letter which he said he had received from the honourable member opposite. It is for him to say whether he showed me that letter as Parliamentary Secretary or as Mir Maqbool Mahmood.

Dr. Gopi Chand Bhargava : Is he still in charge of the Aukaf Bill ? (*Interruption*).

Mr. Speaker : No interruption please.

Dr. Gopi Chand Bhargava : I want to know whether the Parliamentary Secretary who was in charge of the Aukaf Bill last year is in charge of it this year as well.

Parliamentary Secretary : My honourable friend is aware that I introduced the Muslim Aukaf Bill last year and it is still under consideration.

Dr. Gopi Chand Bhargava : Were the discussions which took place in this Assembly building concerned with the Auqaf Bill or with this movement? There were some interviews which took place in this building in his own room between the Leader of the Khaksar movement and himself and that one evening, on which an interview also had taken place, a question was put by Sardar Hari Singh which was replied to. I want to know whether that interview was in connection with the Khaksar movement or in connection with the Auqaf Bill?

Parliamentary Secretary : It is impossible for me to say on which particular date he came to see me and what particular topic was discussed nor can I say that he did not talk to me of things outside the Bills that I had under consideration, i. e., the Zakat Bill and the Auqaf Bill, when he came to see me.

Subedar-Major Raja Farman Ali Khan : May I know if this question is being asked out of sympathy with the United Provinces Government? So far as we know, our Government have nothing to complain against the Khaksars.

Khan Sahib Khawaja Ghulam Samad : May I know what was the subject-matter of the letter written by the leader of the Opposition to the leader of the Khaksar movement?

Premier : So far as I recollect now the subject-matter of that letter was that the leader of the Opposition had whole-hearted sympathy with the demands made by the leader of the Khaksar movement and that he was prepared to help him in getting those demands from the Government.

Dr. Gopi Chand Bhargava : What is being said by the Honourable Premier is not correct.

Premier : I am afraid my honourable friend has probably forgotten what he actually wrote.

Dr. Gopi Chand Bhargava : I do not forget it. I never wrote it.

Lala Deshbandhu Gupta : May I know if the Government realises that the various quasi-military organizations that are cropping up in the province are the result of the latitude given to the Khaksar movement?

Mr. Speaker : I cannot allow it. This is a matter of opinion.

Khan Sahib Khawaja Ghulam Samad : May I know whether the letter written by the leader of the Opposition was dated before the Khaksars took any action in the United Provinces? (*Interruptions*).

Dr. Sir Gokul Chand Narang : Yesterday I put the following question to the Honourable Premier—

Is it a fact that Mir Maqbool Mahmood, the Parliamentary Secretary, was either deputed or voluntarily went to the headquarters of this movement at Ichhra and carried on negotiations with the leader of the movement with respect to the demands made by that leader?

The answer of the Premier was—

There is no question of any negotiations.

Then the question was—

Did he go there or not.

[Dr. Sir Gokul Chand Narang.]

The reply was—

Oh, yes. He went there but so far as the negotiations are concerned, there is no question. The leader asked for certain demands—those three demands—and he was asked to come and see the Parliamentary Secretary, so that the position could be explained to him. Some of them are outside the purview of Government for obvious reasons.

I ask the Parliamentary Secretary whether he is right or the Honourable Premier is right, so far as this question is concerned?

ADVOCATING VIOLENCE BY 'AL-ISLAH'.

*5528. **Lala Deshbandhu Gupta** : Will the Honourable Premier be pleased to state—

(a) whether Government are aware of the fact that 'Al-Islah' the official organ of the Khaksars has been openly advocating violence for the furtherance of its objects ;

(b) has the attention of the Government been drawn particularly to the extracts that have been recently published by the United Provinces Government from the said paper, if so, what action has Government taken against the said paper ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Government is aware that the *Al-Islah* has been publishing intemperate articles and vaguely threatening violence.

(b) It is not quite clear what extracts are referred to by the honourable member, but I may mention that the paper has been warned three times within the last few months.

Lala Deshbandhu Gupta : May I know whether the following particular extract has come to the notice of my honourable friend, the Parliamentary Secretary—

.....

Mr. Speaker : The honourable member is reading from a newspaper.

Lala Deshbandhu Gupta : The Parliamentary Secretary says that the paper has used only intemperate language. I want to know whether this particular extract has come to his notice or not ?

Khan Sahib Khawaja Ghulam Samad : On a point of order. May I know whether the honourable members are allowed to advance arguments while putting questions and to repeat speeches from certain papers ?

Lala Deshbandhu Gupta : I want to say that this is the paper which is preaching violence day in and day out ; while the Government are demanding securities from innocent nationalist papers they are doing nothing against this and yet claim that they are fair to all sections.

Mr. Speaker : Order, order. The honourable member should not make a speech.

**PROSECUTIONS UNDER SECTIONS 293 AND 294 OF THE INDIAN
PENAL CODE.**

***5532. Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

- (a) the number of prosecutions, if any, made under sections 293 and 294 of Indian Penal Code relating to the publication or sale of obscene matters, etc., since the present Government assumed the charge of its office ;
- (b) whether it is a fact that almost daily in the newspapers, particularly the vernacular newspapers, in pamphlets and on walls advertisements of medicines relating to sexual diseases are published and exhibited in most obscene language ;
- (c) if the reply to (b) above be in the affirmative, the action, if any, taken against any such advertiser or publisher, if no action has ever been taken the reasons for the same ;
- (d) whether the Government now contemplates to take any action under the law in this connexion, if so, what, if not, why not ?

Parliamentary Secretary : (Mir Maqbool Mahmood) : I regret that the answer to this question is not yet ready.

REMOVAL OF GRIEVANCES OF SCHEDULED CASTES.

***5543. Lala Harnam Das :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that a representation was made to the Honourable Premier by certain members of the scheduled castes on 4th September, 1938, at the gate of Zamindara Conference held at Lyallpur putting forth their demands and ventilating their grievances on which they were assured that their demands would be favourably considered and their grievances redressed ;
- (b) whether it is also a fact that a resolution to the effect that steps be taken to bring the scheduled castes on the level of other advanced communities was passed under the presidentship of the Honourable Premier in the same conference at Lyallpur ;
- (c) if the answer to (a) and (b) above be in the affirmative, whether the matter has received the consideration of the Government so far and if not, why not ?

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

(c) The attention of the honourable member is invited to the press note showing the steps taken for the improvement of the condition of the scheduled castes in the Punjab, which was published in various newspapers in March 1939. I lay a copy on the table.

Lala Harnam Das : Is the Parliamentary Secretary aware that in that representation the demand was made that the Achhuts be declared owners of those residential houses which they occupy ?

Mr. Speaker : May I ask the honourable member as to how the Government can do it, except by making the Achhuts owners of houses belonging to others ?

Lala Harnam Das : This question contains a reference to the demand which was made in that representation.

UPLIFT OF SCHEDULED CASTES.

What Punjab Government is doing.

Twofold Programme of Amelioration.

The efforts of the Punjab Government for the uplift of members of the scheduled castes divide themselves into two parts. The first part consists of measures intended to benefit these castes along with other poor and backward sections of society and the second part comprises measures of special help and protection for members of the scheduled castes as such.

To the first category belong, for instance, the Government's efforts to place schools, hospitals, good seed, pure drinking water, co-operative societies means of communication and other numerous facilities for physical, moral and economic self-advancement, within easy reach of the poor and the backward. To the same category belong the steps that have been taken to abolish begar (forcible exaction of labour) or to protect debtors from undue exploitation by money-lenders.

There is no doubt that members of the scheduled castes get their due share of the benefits accruing from all such measures. This has been further ensured by special measures which have been adopted for the benefit of these castes.

In the sphere of education, which is the basis of all progress, not only are public schools open to them, but private schools receiving grants-in-aid from the Government have also been warned that refusal to admit a member of the scheduled caste would make them liable to lose their grants. Further, as far as possible the recruitment of qualified candidates belonging to these castes to the various services of the Education Department is being encouraged. Children of these castes are exempt from the payment of fees in primary classes and are admitted at half the usual rate of fees in the secondary classes of Vernacular and Anglo-Vernacular Schools. The following scholarships are reserved for members of these castes :—

- (a) Thirty-seven high school scholarships. Of these 35 are of the value of Rs. 6 per mensem each and two, which are reserved for girls, of the value of Rs. 8 per mensem each.
- (b) Six scholarships (each of the value of Rs. 20 per mensem or Rs. 10 per mensem *plus* tuition fees) in the Intermediate and B.A. Classes. Subject to the vote of the Legislative Assembly, the number of these scholarships is being doubled with effect from April 1, 1939.
- (c) Two stipends of Rs. 20 per mensem each for those undergoing training at the Central Training College, Lahore. Subject to the vote of the Legislative Assembly, the number of these stipends is being doubled with effect from April 1, 1939.
- (d) Stipends of Rs. 5 per mensem each up to 20 in number for approved teachers receiving training in the Junior Vernacular and Senior Vernacular Classes.

Five per cent. of the admissions to the Senior Vernacular and Junior Vernacular Classes for men teachers are reserved for them.

Special watch is kept by the Education Department by means of statistical records over the progress of members of the depressed classes. According to these statistics the number of boys of these classes receiving education in recognised schools in the Punjab has risen from 23,483 in 1929 to 27,390 in 1938 and the number of girls from 465 to 1,283.

In Industrial Schools boys belonging to the scheduled castes are charged half the usual rate of fees. Three Silver Jubilee Scholarships in Industrial Schools have been reserved for them and all *Chamars* admitted to Class B of the Government Tanning Institute, Jullundur, are awarded a stipend of Rs. 10 per mensem each. This class was opened for the special benefit of *Chamars*. Members of the scheduled castes are also included among weavers who get stipends of an average value of Rs. 8 per mensem each in the Weaving Schools of the department and a scholarship of Rs. 15 per mensem each in Class C of the Government Demonstration Weaving factory, Shahdara. A number of stipends in Government Industrial and Technical Schools are also awarded on the basis of poverty. Boys belonging to scheduled castes generally secure a large share of them.

In the King Edward Medical College, Lahore, out of 40 seats allotted to "Hindus and others," one has been reserved for a member of the scheduled castes, provided a candidate with the minimum requisite qualifications is available. Two out of eight scholarships of Rs. 15 per mensem each, tenable for two years, have further been reserved for women of scheduled castes who received training as nurse dais.

In the Public Health Department the Government took in April, 1938, the important steps of issuing orders that members of the scheduled castes should enjoy the use of all public wells on the same terms as members of any other class. All Local Bodies were asked to put up notices to this effect on public wells in their charge. Subject to the vote of the Legislative Assembly, it is further proposed to spend Rs. 10,800 during the year 1939-40 on sinking wells for members of the scheduled castes where there are no public wells. This policy is to continue during future years.

In the sphere of Local Self-Government the Government has adopted a definite policy of nominating suitable members of the scheduled castes to Local Bodies where the numerical strength of these castes justifies their special representation. A recommendation has also been made to Local Bodies to treat the sweepers in their employ as permanent servants and give them the same privileges regarding leave and provident fund as other employees have.

The Co-operative Department is making special efforts to encourage the spirit of co-operative self-help among members of the scheduled castes. There are numerous co-operative societies, the membership of which is not restricted to a particular caste and members of the scheduled castes are freely admitted to them. Besides this, it was ascertained in December, 1938, that 383 co-operative societies, consisting exclusively of members of the scheduled castes, were functioning in the Province. These societies owned a total capital of Rs. 4,17,163 and had a total membership of well over 10,000.

Instructions have been issued in all Departments of the Government that the recruitment of members of scheduled castes to public services, including the police service, should be encouraged.

As far as the police service is concerned, the rules require that recruits shall be of good character, of certain minimum physical standards and of a type suitable for police service. There is no bar to the enrolment of members of any class or community as such. From time to time efforts have been made to obtain suitable recruits from amongst the scheduled castes through the Deputy Commissioner for Criminal Tribes and from other sources. Since October, 1937, sixteen members of the scheduled castes have been enlisted in the Police. One of them however, resigned because, according to himself, he was subjected to social ostracism, two were declared medically unfit and one failed to turn up for enrolment after his medical examination.

In the inferior establishment of the Public Works Department, Buildings and Roads Branch, the scheduled castes are adequately represented. Instructions have been issued to subordinate officers of this department that suitable members of the scheduled castes belonging to the agriculturist class should be given preference in appointments to the posts of Road Inspectors. The claims of members of these castes for clerical or superior posts will also be sympathetically considered, provided suitable candidates are forthcoming. The irrigated plantations of the Forest Department provide work for a fairly large number of members of the scheduled castes. Some *Od* families have settled down there as *Beldars* and residential quarters and medical aid are provided for them. In the Irrigation Branch of the Public Works Department the attention of Superintending Engineers has been drawn to the necessity of employing members of the scheduled castes in all cadres and a percentage of posts has been reserved for them, subject to candidates with the minimum requisite qualifications being available. Similarly in the Electricity Branch instructions have been issued that preference should be given to members of these castes in making appointments to clerical and non-technical posts. These efforts which all departments are making to improve the proportion of members of the scheduled castes in various cadres of public services are, however, being handicapped mainly by the dearth of qualified candidates belonging to these castes.

About 20,000 acres of land in the Lower Bari Doab Canal Colony were allotted to members of the "depressed classes." In this term were, however, included not only the scheduled castes, as defined in the Government of India (Scheduled Castes) Order of 1936, but also Indian Christians, most of whom would have belonged to the scheduled castes but for their conversion. About 8,000 acres of this land were allotted to these depressed class Christians, about 6,000 acres to *Ods* and the rest to other classes.

It may be mentioned that the Criminal Tribes Department of the Punjab Government is also making a valuable contribution to the uplift of members of the scheduled castes. Some of these castes are included in the Criminal Tribes which are the special charge of this Department and the efforts of the Departments are directed not only towards checking the hereditary criminal tendencies of the tribes concerned, but also towards educating their youths out of such tendencies and preparing them by means of suitable training to lead the lives of good and useful citizens. To mention only one aspect of the work that is being done under the auspices

of the Department, over 8,000 boys and about 1,000 girls belonging to the Criminal Tribes are at present attending school. Over 100 members of these tribes have passed the Middle School or higher examinations, four of them being graduates and one a Bachelor of Laws.

APPOINTMENT OF EXTRA ASSISTANT COMMISSIONERS FROM THE ARAIN COMMUNITY.

***5552. Shaikh Karamat Ali :** Will the Honourable Premier be pleased to state the number of Extra Assistant Commissioners appointed direct or by promotion from the 'Arain' community of Lahore during the last ten years and if none belonging to this community has been so appointed, the action Government intends to take ?

Parliamentary Secretary (Mir Maqbool Mahmood) : In selecting candidates for the post of Extra Assistant Commissioner Government take into consideration the following factors---

- (i) their merit ;
- (ii) the religion they profess ;
- (iii) whether they are zamindars or non-zamindars.

Government do not take into consideration any other factor and do not propose to attempt the individious and difficult task of securing the representation in this or any other service of the different sub-divisions of the main communities.

Mian Sultan Mahmud Hotiana : Is it a fact that there are some districts and families in the Punjab which receive a very large, too large, a share of the gazetted posts whilst there are others whose claims are never considered by Government ? Is it fair ?

Premier : I should ask my honourable friend to say clearly what he wants. There are only two ways of making recruitment to these posts. First in view of the candidates' ability, that is, through competition. The other way is to fix the share of various communities, Hindus, Sikhs, Muslims and scheduled castes. Evidently my honourable friend likes the latter way. So far as the names recommended by the Public Services Commission are concerned the Government accepts its recommendations and orders the appointment of candidates irrespective of their castes, Gujar, Ahir, Arain, Pathan, Rajput and the like. Now if my friend wishes that shares in these posts should be fixed tahsilwise and districtwise, that, I am afraid is not possible.

Mian Sultan Mahmud Hotiana : May I know why some districts get cent per cent opportunities while others do not get even a single post ? Is it suggested that all the inhabitants of the former districts are intellectually superior to every individual residing in the latter ?

Premier : This question had better be addressed to the Public Service Commission. I hope the commission acts in conformity with justice and equity. But if that is not the case I am not to blame.

Khan Sahib Khawaja Ghulam Samad : May I know from the Premier whether any candidate from the Muslims other than Jat has been accepted for the post of Extra Assistant Commissioner from the Ambala division ?

Premier : I am afraid I cannot give any figures off-hand ; but I had an opportunity to collect facts and figures sometime ago both with regard to gazetted posts and non-gazetted posts, and I was rather surprised to find that the impression of my honourable friend was not correct. I found that both in the gazetted as well as subordinate ranks Ambala division has got more than its due share.

(Khan Sahib Khawaja Ghulam Samad stood up.)

Mr. Speaker : Order, order. Will the honourable member please resume his seat ? I disallow any more supplementary questions.

Khan Sahib Khawaja Ghulam Samad : Shall I be able to put more supplementary questions the day after to-morrow ?

Mr. Speaker : On what question ?

Khan Sahib Khawaja Ghulam Samad : On this very question.

Mr. Speaker : No, the honourable member has already exceeded the limit.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION IN ESTABLISHMENT OF OFFICE OF SESSIONS JUDGE, LAHORE.

• **948. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Finance be pleased to state—

- (a) the number of graduates with their names employed by the District and Sessions Judge, Lahore, in his court and the courts subordinate thereto during the last 10 years ;
- (b) the number of graduates with their names employed in the court of Judge, Small Cause Court, Lahore, during the last 10 years ;
- (c) the posts with the scales of pay on which such graduates were employed ;
- (d) the number of agriculturists and non-agriculturists out of the graduates employed in the above mentioned offices ;
- (e) the period of candidature of each such graduate employed so far ;
- (f) the number of graduates who are working with or without pay at present in the said offices, the dates of their acceptance as candidates and the reasons for their not having been given a permanent chance so far ?

The Honourable Mr. Manohar Lal : I regret that this information cannot be collected without an expenditure of time and labour out of all proportion to the results.

SCALES OF PAY AND CONDITIONS OF SERVICE OF COPYISTS.

949. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Revenue be pleased to state whether Government are contemplating to revise the scales of pay and conditions of service of the copyists employed in the offices of the Deputy Commissioners and other executive officers and also in the High Court and the courts subordinate thereto with a view to bringing them on the permanent strength of these offices ?

The Honourable Dr. Sir Sundar Singh Majithia : Representations have been received from copyists praying for an increase in their pay and improvement of prospects of their service. The matter is under consideration.

COMMUNAL REPRESENTATION IN THE OFFICE OF SESSIONS JUDGE, LAHORE.

950. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Finance be pleased to state what action has so far been taken or is intended to be taken to remove the glaring disparity in the proportions of the various communities and classes, as disclosed in answer to my unstarred question No. 777¹, asked on 14th April 1939, in the establishment of the offices of the District and Sessions Judge, Lahore and Small Cause Court, Lahore, and whether Government intends to reserve a share for the communities under-represented in this branch of service in the new posts sanctioned or proposed to be sanctioned for these offices?

The Honourable Mr. Manohar Lal : Instructions have been issued to the officers concerned that in recruiting fresh candidates the principles laid down by Government regarding communal representations should be strictly followed so that any disparity in the proportions of members of the various communities and classes in the services or posts may be removed as early as possible.

CLOSURE OF INTERMEDIATE AND DEGREE GOVERNMENT COLLEGES.

951. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Education be pleased to state whether Government contemplates closing all Intermediate Government Colleges throughout the province, and, if so, when?

The Honourable Mian Abdul Haye : Answer to the first part of the question is in the negative; the second part does not arise.

DEGREE COLLEGE IN AMBALA DIVISION.

952. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister for Education be pleased to state—

- (a) whether Government are contemplating to open any degree college in the near future in Ambala division and, if so, in which district of the division;
- (b) whether it is intended to raise any national school in the said division to the standard of a degree college by giving it a substantial pecuniary help, if so, the name of that school?

The Honourable Mian Abdul Haye : (a) Government is considering the possibility of having a degree college at Rohtak when funds become available.

(b) The answer is in the negative.

**GRADES OF PAY OF NAIB-TAHSILDARS, SUB-INSPECTORS OF
POLICE AND SUB-INSPECTORS OF EXCISE.**

953. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Finance be pleased to state whether it is a fact that the grades of pay of the naib-tahsildars, sub-inspectors of police and sub-inspectors of excise were formerly the same and that the grades of pay of the excise sub-inspectors have recently been revised ; if so, why ?

The Honourable Mr. Manohar Lal : The scales of pay of naib-tahsildars, sub-inspectors of police and sub-inspectors of excise since the year 1920, are given below :—

Naib-Tahsildars.—In 1920, the scale of pay of naib-tahsildars was Rs. 80—5—120—5—140, with a selection grade Rs. 150. From the 1st April, 1930, this scale was revised to the present scale of Rs. 80—5—140—7½—185.

Sub-Inspectors of Police.—In 1920, the scale of pay of sub-inspectors of police was Rs. 80—10/5—108, with selection grades of Rs. 130, Rs. 140, Rs. 150 and Rs. 160. In 1928, this scale was revised to the present scale of Rs. 80—5—110/5—130, with selection grades as before.

Sub-Inspectors of Excise.—With effect from the 1st October, 1920, the scale of pay of excise sub-inspectors was raised from Rs. 60—4—100 (with no selection grade), to Rs. 80—5—140, with a selection grade of Rs. 150. But as a measure of economy this scale was revised from the 1st April, 1937 to the present scale of Rs. 65—4—105/5—115, with a selection grade of Rs. 125, for future entrants to the Excise Department. No such revision was considered advisable in the case of naib-tahsildars and sub-inspectors of police.

TEST WORKS IN HISSAR DISTRICT.

954. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of test works in the Hissar district in 1938-39 ;
- (b) the number of test works in the Rohtak district in this year and last year ;
- (c) whether the number of these test works has been reduced ; if so, reasons for this reduction ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The number of test works in 1938 varied from 4 to 17.

Famine was declared on 1st December 1938. The number of relief works during 1938 varied from 17 to 21.

During 1939 the number varied from 13 to 38.

(b) 1938 2

1939 Varied from 2 to 10.

(c) Owing to the fall in number of workers and good rainfall in the month of June, the number of relief works in the Hissar district was reduced to 13 and the number of test works in the Rohtak district was reduced to 3. Since then there has been no reduction.

RABI CROP IN HISSAR, ROHTAK AND GURGAON DISTRICTS.

955. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Revenue be pleased to state whether rabi crop has been sown this year in any part of Hissar, Rohtak and Gurgaon districts, if so, the area in each of these districts in which rabi crop has been sown?

The Honourable Dr. Sir Sundar Singh Majithia : Rabi crops have been sown in all the three districts. Exact figures are not available as sowings are in progress, but roughly speaking some 338,000 acres have been sown in Hissar, 218,000 acres in Rohtak and 382,000 acres in Gurgaon.

SUPPLY OF ARMS TO EXCISE OFFICIALS.

956. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Finance be pleased to state whether the excise officials whose duty is similar to that of the police are supplied with arms at Government expense or whether they have to keep arms at their own expense; if so, why and the action proposed to be taken?

The Honourable Mr. Manohar Lal : Excise officials as such are not supplied with arms and are not required to keep arms; so that no action is contemplated in this respect.

BARARA-SAUDHAURA ROAD.

957. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Public Works be pleased to state whether and when the Government propose to provincialize Barara-Saudhaura road?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : There is no intention at present to provincialize this road as there are numerous other roads in the province of greater importance which have yet to be taken over by Government.

958. Cancelled.

REMOVAL OF DISTILLERY IN KARNAL CITY.

959. Khan Sahib Khawaja Ghulam Samad : With reference to reply to my question No. 4487,¹ dated 31st March, 1939, will the Honourable Minister of Finance be pleased to state the steps so far taken to remove the distillery within the municipal limits of Karnal to a place outside these limits and at a distant place from the city?

The Honourable Mr. Manohar Lal : After personal inspection the Director of Public Health is of the opinion that the alleged offensive smell has been due, not to the distillery, but to the treatment of hides by *chamars* in the vicinity of the distillery drain and the pond into which it runs. The Director has been asked to cause further observations to be made by the Public Health staff over a period of two months and to report the result in due course for the consideration of Government.

PUNITIVE POLICE POST AT RAJA JANG.

960. Khan Sahib Khawaja Ghulam Samad : Will the Honourable Minister of Public Works be pleased to state whether all the residents of

¹Volume IX, page 11.

Raja Jang, where a punitive police post has recently been quartered, will be required to bear the cost of the post irrespective of the fact that they were innocent or guilty of the crimes for which the post had to be quartered?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The honourable member is invited to refer to the reply given to part (b) of question 4681¹ during the last budget session.

CONSTITUTION OF COMMITTEES BY THE CIVIL SURGEONS IN THE PUNJAB.

961. Khan Sahib Khawaja Ghulam Samad : With reference to the answer to starred question No. 4644,² asked by Lala Duni Chand on 12th April, 1939, will the Honourable Minister of Education be pleased to state whether any such committees have so far been constituted in the districts other than those mentioned in his reply and whether the Civil Surgeons of Karnal and Gurgaon have taken as members of such committees constituted by them all the members of Legislative Assembly of their district; if not, why, and the action which the Government proposes to take in the matter?

The Honourable Mian Abdul Haye : As already stated in my answer to starred question No. 4644² visiting committees for provincialized civil hospitals have been constituted in all districts in the province. The committees in the districts of Karnal and Gurgaon include all members of the Punjab Legislative Assembly who represent those districts.

962. Cancelled.

SUB-REGISTRARS IN SIALKOT DISTRICT.

963. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister for Public Works be pleased to state—

- (a) community-wise the number of Sub-Registrars in the Sialkot district;
- (b) when was the last appointment made to such a post in the Sialkot district; who has been appointed in this post and who was the last incumbent of this post;
- (c) the reasons why the Government has not appointed any Hindu or Sikh as Sub-Registrar in this district?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana :

(a) Muslims ..	..	..	..	..	3
Sikh ..	..	..	..	..	1

(b) The attention of the honourable member is invited to Punjab Government notifications Nos. 82-M-39/24872 and 81-M-39/24874, dated the 26th July 1939, which contain the required information.

(c) There is a Sikh Sub-Registrar.

¹Volume IX, page 516.

²Volume IX, page 486.

SUB-REGISTRARS IN GUJRAT DISTRICT.

964. Rai Bahadur Mr. Mukand Lal Puri: Will the Honourable Minister for Public Works be pleased to state—

- (a) community-wise the number of Sub-Registrars working in the Gujrat district;
- (b) the reasons, if any, for excluding non-Muslims from these appointments?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana:

- (a) Muslims 2
- (b) These appointments were made in 1935 and the claims of non-Muslims candidates were duly considered by Government at that time.

LAMBARDARS OF SARGODHA.

965. Rai Bahadur Mr. Mukand Lal Puri: Will the Honourable Minister of Revenue be pleased to state—

- (a) the name of the lambardar for the civil station of Sargodha;
- (b) the name of the lambardar for the town of Sargodha;
- (c) the proportion of the land revenue paid by the non-Muslims and Muslims in (i) the town and (ii) the civil station, Sargodha;
- (d) the reasons for excluding the non-Muslims from the lambardari?

The Honourable Dr. Sir Sundar Singh Majithia: (a) Shaikh Atta Ullah.

- (b) Mian Shamsheer Ali.
- (c) (i) Approximately eight to one.
- (ii) Approximately four to one.
- (d) *Sargodha town.*—No non-Muslim contested the vacancy on the death of Saleh Muhammad, and his son was appointed.

Sargodha Civil Station.—On the death of Shaikh Daswandhi, his son, two Anglo-Indians and a Sikh put forward their claims for the vacancy. The Sikh withdrew his claim and the son of the deceased lambardar was appointed on his merits.

HEADMASTERS OF THE RAWALPINDI DISTRICT BOARD SCHOOLS.

966. Rai Bahadur Mr. Mukand Lal Puri: Will the Honourable Minister of Education be pleased to state—

- (a) how many district board high schools are there in Rawalpindi district;
- (b) the communal proportion of the headmasters of these high schools
- (c) whether it is a fact that some of the Muslim headmasters of the Rawalpindi district board high schools are junior to non-Muslim headmasters of the Anglo-Vernacular Schools of other district boards in the same division;

- (d) if so, the reasons for superseding non-Muslim headmasters specially when the proportion of non-Muslim headmasters is not adequate?

The Honourable Mian Abdul Haye : (a) One.

(b) Muslim ..	..	..	..	..	Nil.
Hindu ..	..	..	..	..	One.
Sikh ..	..	..	..	..	Nil.

(c) The question does not arise as there is no Muslim headmaster in the District Board High School in the Rawalpindi district.

(d) Does not arise.

COMMUNAL REPRESENTATION IN THE DISTRICT BOARD, GUJRAT.

967. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister for Public Works be pleased to state—

(a) community-wise the total number of members of the District Board, Gujrat ;

(b) community-wise the number of those among them who are elected as well as those who are nominated ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) The total number of members of the District Board of Gujrat is 44, of whom 36 are elected, 4 appointed by name, and 4 appointed by office. Of the 40 non-official members, 36 are Muslims, 2 Sikhs, and 2 Hindus.

(b) All 36 Muslim members are elected ; the Sikh and Hindu members are appointed.

VACANCIES IN THE OFFICE OF DEPUTY COMMISSIONER, GUJRAT.

968. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister of Revenue be pleased to state—

(a) how many vacancies occurred in the English and Vernacular Office of Deputy Commissioner, Gujrat, during 1938 and 1939 ;

(b) whether these vacancies were reserved for any community ;

(c) whether the Deputy Commissioner has filled up these vacancies ; if so, how many have been filled up and from which community ; if not, why not ?

The Honourable Dr. Sir Sundar Singh Majithia :

(a) 1938..	..	..	..	..	9 vacancies.
1939..	..	..	..	..	2 vacancies.

(b) No.

(c) *First part.*—Yes. Eight out of 11 vacancies.

Second part.—These vacancies have been filled in as under :—

Muslims ..	..	..	..	..	5
Hindus ..	..	..	..	..	2
Sikh ..	..	..	..	..	1

The remaining three vacancies have not been filled permanently owing to appeals preferred by certain dismissed officials.

**COMMUNITY-WISE PROPORTION OF EMPLOYEES OF THE DISTRICT BOARD,
GUJRAT.**

969. Rai Bahadur Mr. Mukand Lal Puri: Will the Honourable Minister for Public Works be pleased to state—

- (a) the community to which the Secretary, the Municipal Engineer and the Medical Officer of Health of the District Board, Gujrat, belong ;
- (b) community-wise, the proportion of all the employees in the service of the District Board, Gujrat, excluding those employed in District Board Schools ;
- (c) community-wise the proportion of the employees in the District Board Schools in the Gujrat district ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana: (a) The Secretary and the District Engineer are Muslims. The Medical Officer of Health is not an employee of the District Board.

(b) Muslims	..	..	..	63·1%
Hindus	..	..	..	27·2%
Sikhs	..	..	..	9·7%
(c) Muslims	..	..	..	85·9%
Hindus	..	..	..	8·1%
Sikhs	..	..	..	4·6%
Christians and others	..	..	..	·4%

**COMMUNAL REPRESENTATION AMONG EMPLOYEES IN THE OFFICE
OF THE DEPUTY COMMISSIONER, GUJRAT.**

970. Rai Bahadur Mr. Mukand Lal Puri: Will the Honourable Minister of Revenue be pleased to state—

- (a) community-wise the number of employees excluding Chaprasis in the Vernacular establishment of the various offices under the Deputy Commissioner, Gujrat ;
- (b) community-wise the number of employees excluding chaprasis in the English establishment of the offices under the Deputy Commissioner, Gujrat ;
- (c) whether there are any vacancies in those offices ; if so, since when they have not been filled and why ;
- (d) community-wise the number of chaprasis employed in the district and tahsils of Gujrat who are under the Deputy Commissioner ?

The Honourable Dr. Sir Sundar Singh Majithia: (a) and (b) There are no separate English and Vernacular offices of the Deputy Commissioner. The number of employees community-wise is :—

Muslims	..	..	..	..	74
Hindus	..	..	..	..	23
Christians	..	..	..	..	3
Sikhs	..	..	..	..	5
Total					105

(c) Three vacancies occurred since 18th March, 1938, 7th March, 1939 and 1st July, 1939. These have not been filled permanently owing to appeals preferred by certain dismissed officials.

(d) Muslims ..	..	..	..	..	79
Hindus ..	..	..	..	..	3
Sikhs ..	..	..	..	..	6
					—
Total ..					88
					—

ADJOURNMENT MOTIONS.

GROWTH OF QUASI-MILITARY COMMUNAL ORGANIZATIONS.

Sardar Lal Singh : Sir, I beg to ask for leave—

Mr. Speaker : The honourable member's motion is out of order. The matter is neither urgent nor definite.

Sardar Lal Singh : The matter is very urgent.

Mr. Speaker : Not in my opinion. The honourable member may have the satisfaction of reading his adjournment motion.

Sardar Lal Singh : I do not simply want the satisfaction of reading it but I am prepared to prove that it is an urgent matter.

Mr. Speaker : No arguments at this stage. The honourable member may read his adjournment motion.

Sardar Lal Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the state of affairs, disclosed by the replies¹ given by the Honourable Premier to the short notice question of Rao Pohop Singh and others on Monday, the 4th December, 1939, showing that the Government remained inactive for over 1½ years in the matter of checking the growth of a certain quasi-military communal organization which continued to pursue its unlawful activities without hinderance or let until other rival communities in sheer self-preservation felt compelled to resort to forming similar organisations.

Mr. Speaker : The next motion.

Sardar Lal Singh : What is the Honourable Speaker's ruling on my motion ?

Mr. Speaker : According to rules after an adjournment motion has been read by the honourable member who had given notice, if the Speaker is of the opinion that it is in order he will read it out ; but not otherwise.

The following adjournment motions to move which leave was sought were ruled out of order by Mr. Speaker.

RELIEF TO ZAMINDARS OF LUDHLANA DISTRICT.

Chaudhri Muhammad Hasan : to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter

[Ch. Muhammad Hasan.]

of urgent public importance, namely, failure of the district authorities to obtain substantial relief for the zamindars of the Ludhiana District by not properly acquainting themselves with the helpless condition of the zamindars, consequent on the failure of the rains in the district during the last and the present season or year.

INCREASE IN CRIME IN LUDHIANA DISTRICT.

Chaudhri Muhammad Hasan to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the authorities to cope with the serious situation created by the growing sense of insecurity of life and property as a result of rapid increase in crime in the Ludhiana district during the present year as also evidenced by the statements laid on the Table in reply to my starred questions of 21st November 1939.

KHAKSAR MOVEMENT.

Lala Deshbandhu Gupta to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to suppress a violent military movement—the Khaksar movement—which constitutes a great danger to the peace and tranquillity of the province, as disclosed by the reply¹ given by the Honourable Premier to the short notice question put by Rao Pohop Singh on 4th December.

PREMIER'S ALLEGATIONS AGAINST BOMBAY GOVERNMENT.

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 unfortunate impression that has been created in the public mind as to the authenticity and correctness of official statements, by the serious allegation that was made by the Honourable Premier against the Bombay Government in the course of his reply to the debate on the adjournment motion on 20th November² which has on inquiry been proved to be wrong.

Premier : I have got a copy of the telegram from Bombay. The very person to whom he sent it has sent a copy of the telegram. I am very sorry and I am constrained to remark that the telegram did not contain facts.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) : I want to make a few remarks. When the Honourable Premier made the statement, I sent a telegram to Mr. K. M. Munshi at once. Then I wrote a letter as well.

Premier : Will the honourable member please read Lala Deshbandhu Gupta's telegram and judge for himself whether that telegram was according to facts ?

¹Page 1319 ante.

²Page 767 ante.

Dr. Gopi Chand Bhargava : Certainly, there is nothing wrong in it.

I will read out the two letters which the Public Relations Officer writes from the Secretariat of Bombay. The first letter reads :

Mr. K. M. Munshi has passed on your telegram regarding the alleged shooting of eight prisoners at Ahmedabad railway station. I am writing this to you in my private capacity. I made all the necessary enquiries and the allegations that the Government suppressed publication of this news is absolutely false. Practically every paper in the province of Bombay carry the news, and, as a matter of fact, several newspapers, Urdu newspapers especially, criticise the Government for not taking action to prevent such shootings. No official contradiction of this allegation by your Prime Minister could be made because no newspaper, either provincial or non-provincial has published the statement of your Prime Minister. If the allegation contained in the Prime Minister's statement had been published by any newspaper, an official contradiction would be justified.

The second letter reads—

In continuation of my yesterday's letter, I am herewith sending some newspaper cuttings which will belie the statements of the Prime Minister of the Punjab. I am sorry I am not able to send the cuttings from all the newspapers. The news was very widely published in almost every paper in the City and the province of Bombay. The cuttings will give you an idea as to what exactly happened.

These two letters are from the Government of Bombay, I will now read out a letter from Mr. Munshi, the ex-Minister of Bombay. It reads :

In continuation of the telegram sent by me, I send you herewith the following facts :—

Before I read out further, I may give you the wording of the telegram. It ran :

Incident was reported in papers ; sending cuttings.

The letter continues :

The incident mentioned therein occurred at 11 P.M. on 30th October, 1939. A full column about its facts appeared in an Ahmedabad paper entitled "Sandesh" the next day. On the 1st November it appeared in almost all the papers in Bombay.

I hope you must have received the newspaper cuttings sent by the Public Relations Officer of Bombay.

The Public Relations Officers has sent me cuttings from the *Sandesh* from the *Jam-e-Jamshed* of Bombay, also from the *Times of India*, dated the 31st October, and the *Bombay Chronicle* of the same date. He has also sent a cutting from the *Jam-e-Jamshed*, dated the 7th November, along with an English translation of it.

Premier : Has he sent cuttings from any Marhatta papers ?

Dr. Gopi Chand Bhargava : I am relating to you what has been received. It was said that the news had been suppressed by the Bombay Government. That is not a fact. The news was allowed to be printed and the Public Relations Officer of Bombay has sent us a few cuttings.

Premier : My honourable friends are unnecessarily labouring under a misapprehension. A copy of the telegram which my honourable friend sent to Bombay has been sent to me and I must again protest that that telegram was a blatant breach of confidence, because I referred to that matter in confidence to this House and I hoped that it would not be published.

Dr. Sir Gokul Chand Narang : (اسے کن سانسد محفل) :
 How can a matter be kept secret after it has been discussed in assemblies.

An Honourable Member : *Bare hole ho !*

Lala Deshbandhu Gupta : Is the Honourable Premier really serious ?

Premier : I had referred to the question in very guarded terms and in complete confidence. I made a similar request to the Press. I am grateful to the Punjab Press that they have shown real sense of responsibility as usual and they did not publish that part of the news.

Then my friends have got cuttings to show that the incident did happen. What I said was that the incident had happened and that the news was not published here. I also mentioned in my speech that no news agency sent the news to any of the Punjab papers, even the Associated Press of India did not send it. I am told by one of the press representatives that some veiled reference did appear in some Punjab papers, but it did not come to our notice. The news might have been published in Bombay. Naturally in Bombay the *Sandesh* published it, because the Government could not possibly suppress the *Sandesh*, but the news was not published elsewhere specially in this part of India, and where it was suppressed it was probably done at the hint of the Government. I also said that the Government would be perfectly justified in suppressing the news. I did not challenge their right to persuade the news agencies and request them not to publish the news which would have furthered communal bitterness. There would have been nothing wrong in their doing so. But my honourable friend here wants to scatter that bitterness and the telegram which he sent was wholly incorrect.

Lala Deshbandhu Gupta : May I invite your attention to the remarks that my honourable friend made on the day ? He is now shifting his ground. The telegram will also come before you. It was in order to refute my argument that the Punjab Government was trying to gag the Press, that he made the following remark on that day :

In other provinces my honourable friend knows perfectly well what has happened. He is always in the habit of making comparisons. These comparisons are odious and sometimes most embarrassing to me, but unfortunately when he professing himself to be a Congressman makes them, I think it is my duty also to give the true facts. I will give a recent instance of what has happened in some other province. I hope my honourable friends of the Press Gallery will not publish it, because it was not published by the Government concerned. There must be some good reasons for suppressing the news from the press. I do not blame the Government concerned for it. A few weeks ago, handcuffed prisoners were shot at and fired upon by the police at Ahmedabad railway station. There were several instantaneous deaths and nothing has appeared in the Press and that news has been suppressed and withheld. There are very odious and irksome comparisons, but in order to vindicate the position of myself and of my colleagues, I have to state true facts on the floor of this House.

He stated further :—

I have no other motives in giving out the news here. I am told by one of the press representatives that something of the kind did appear in the press, but I have never seen it and I ask my honourable friends here whether they know anything about this news. It is really a gruesome tale to tell. It must make one's hair stand on end.

Further on the Honourable Premier said :

It occurred at Ahmedabad railway station. *Evidently the Bombay Government had very good reasons to suppress the news.*

The question was not whether that incident occurred or not ; the question was whether the Bombay Government had any hand in suppressing and withholding the news from the public or not. And my honourable friend on that day alleged that the Bombay Government did suppress and withhold that information. I had expected that in such a serious matter as this the Honourable Premier, who holds a responsible position, would readily express regret for the incorrect statement that he had made about the administration of another province . There could be no other meaning in the statement that " the incident would make one's hair stand on end " than that the incident was so bad that the Bombay Government deliberately suppressed all information from the public. That was the allegation and I am surprised to find that the Honourable Premier instead of apologising to the House for having made a wrong and false statement, should have sought to justify his position to-day by shifting his ground. It is no defence to say that the incident did occur. We never said that the incident did not take place. All that we asked was whether he was in a position to prove the allegation that he made that the Bombay Government has suppressed and withheld the news from the public.

Premier : My honourable friend made a comparison with the Congress Governments and I told him what was happening in Congress provinces. So far as the Bombay Government is concerned, I may point out that I did not make a fling at that Government. I merely wanted to warn my honourable friend that he should not try to bring in other Governments and I also stated that if this case was suppressed by the Bombay Government that Government must have had good reasons for suppressing it.

Lala Deshbandhu Gupta : But they did not suppress it.

Premier : But the papers from which cuttings have been received were under the thumb of the Bombay Government.

Lala Deshbandhu Gupta : What about the Times of India and the Bombay Chronicle ?

Premier : They have copied it from the *Jam-e-Jamshed*.

Lala Deshbandhu Gupta : What is the date of the *Jam-e-Jamshed* ?

Premier : 7th November.

Dr. Gopi Chand Bhargava : There you are. The news was published in the Times of India and the Bombay Chronicle on the 31st October, while the *Jame-e-Jamshed* published it on the 7th November.

Premier : The honourable member referred to a paper called *Sandesh*. It is published in Ahmedabad and naturally it had the opportunity to publish the news first. This is what the paper says. It is a long statement and I will quote only the relevant portion :

In the meanwhile the prisoners began fleeing and hence the armed police had to resort to firing in self-defence. As a result of this firing four prisoners, Meghla, Khamisa Machhi, Khamisa Sheikh and Goshbaksha Khan died and six were injured.

Lala Deshbandhu Gupta : Is it suppression ?

Premier : Did any of my honourable friends read the news in the Punjab papers ?

Dr. Gopi Chand Bhargava : But they did not suppress the Punjab papers ?

Lala Deshbandhu Gupta : It was published in the paper called *Sandesh*, that very day.

Premier : Of which nobody has heard in this province.

Lala Deshbandhu Gupta : What about the Times of India and the Bombay Chronicle ?

Premier : It was published in three lines and probably after it was published in the *Sandesh*.

Dr. Gopi Chand Bhargava : Whatever it is, the news was published and even the *Sandesh* was a Government paper. So it is not suppression.

Mr. Speaker : Let us now take up the next item on the list of business.

Lala Deshbandhu Gupta : What is your ruling about the adjournment motion ?

Mr. Speaker : After hearing what has been said on the floor of the House, does any honourable member expect me to allow this adjournment motion ?

Lala Deshbandhu Gupta : But the Premier has not expressed regret.

Dr. Gopi Chand Bhargava : In view of the ruling from the Chair that Government truth is quite different from the real truth, we cannot say anything. (*Laughter.*)

VILLAGE PANCHAYAT BILL.

Clause 34.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move :—

That in sub-clause (3), line 2, between the words "subsection (1) and "the," the following words be inserted :—

"or none else stands as surety for the sum to cause the accused appear before the panchayat on any subsequent day or days to which trial may be adjourned."

There are two alternatives mentioned in the clause as it stands. That is, he may give his own recognisance or he may give his own recognisance with the surety. Now I want to suggest a third alternative namely that of surety alone. Now as the clause stands in case he does not give his own recognisance with or without surety he will be sent to the lock-up. But I want to provide that even in case he does not give his own recognisance, if a surety comes forward on his behalf, even then the man may be let on bail. Otherwise to take him to the judicial lock-up and again produce him before the panchayat would cost a lot of money to the Government. Each appearance will cost at least Rs. 5 or 6. So I want to save that expenditure to the Government and this will also reduce an otherwise long procedure. If the case is postponed for failure of the accused to give his own bond what shall be the result ? The accused shall have to be sent to the judicial lock-up and produced at the next hearing. That would cost the Government a lot of money. At the same time you know that judicial lock-ups are either at the tahsils headquarters or at the district headquarters. Some of the villages might be at a distance of 80 or 40 miles from the headquarters. In

that case the accused shall have to be sent to the taluk or the district headquarters. It is only to avoid that expense that I have proposed the third alternative. If the accused does not give his own recognizance, but somebody else comes forward and stands guarantee that the accused shall appear at the next hearing, there should be no harm in letting him off. In that case this third person guarantee should be quite sufficient to let him off on bail. It is for this reason that I have brought forward this amendment and there should be no harm if it is accepted.

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

That in sub-clause (3), line 2, between the words "subsection (1)" and "the" the following words be inserted:—

"or none else stands as surety for the sum to cause the accused appear before the Panchayat on any subsequent day or days to which trial may be adjourned."

Parliamentary Secretary (Shaikh Faiz Muhammad) : I appreciate the points raised by my honourable friends opposite but there is one thing which he seems to have overlooked. When an accused person is shown the courtesy of merely giving his own recognizance and he evades to give it, then there is something really wrong with him. Either he is thinking of absconding or treating the Panchayat with contempt. In such cases, my submission is that the accused cannot be given that concession that if he himself does not give his own recognizance and a third person comes and offers bail on his behalf that should be accepted. Personal bond ordinarily is regarded as a concession to the accused and if the Panchayat gives that concession and the accused does not avail himself of it, then he cannot be leniently dealt with as suggested by the mover.

Sardar Kapoor Singh : He is to be tried simply for petty offences.

Mr. Speaker : The question is—

That in sub-clause (3), line 2, between the words "subsection (1)" and "the" the following words be inserted:—

"or none else stands as surety for the sum to cause the accused appear before the Panchayat on any subsequent day or days to which trial may be adjourned."

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : Question is—

That clause 34 stand part of the Bill.

The motion was carried.

Clause 35.

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

That after sub-clause (2), the following proviso be added:—

"Provided that no order of dismissal shall be set aside, without notice to the accused, if it has been passed after his appearance before the Panchayat."

The motion was carried.

Mr. Speaker : Question is—

That clause 35 as amended stand part of the Bill.

The motion was carried.

Clause 36.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir I beg to move—

That in part (d) of sub-clause (1), line 2, for the figure "18," the figure "14" be substituted.

You will find that in the case of youthful offenders the age is not 18. I think that is 15. At the same time a jat boy at the age of 18 may be the father of children, if he is married. You cannot expect that a jat boy of 18 with children shall be amenable to his father especially in the villages. It is for this reason that I suggest that instead of 18 the figure 14 should be inserted. This is the case with youthful offenders too. If 18 is the age of minority that should not be the reason to include it in this Act.

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

That in part (d), of sub-clause (1), line 2, for the figure "18," the figure "14" be substituted.

Parliamentary Secretary (Shaikh Faiz Muhammad): The only argument that the honourable mover has advanced is that a boy of 18 may be capable of begetting children. I may state that even boys of 14 may beget children. In the Punjab at least they are sufficiently virile. But the reason for keeping this age is that a boy below 18 will be a minor according to the law. Therefore it is doubtful whether he will be in a position to execute a bond. That is why we bring in his father. To put the age below 18 is not therefore possible.

Mr. Speaker : Question is—

That in part (d) of sub-clause (1), line 2, for the figure "18," the figure "14" be substituted.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir I beg to move—

That in part (d), of sub-clause (1), lines 2-3, between the words "age" and "require," the words "and is living with his father as a member of joint family" be inserted.

Mr. Speaker : I do not think "joint" is a suitable word.

Sardar Kapoor Singh : That may be deleted. If the Government is prepared to accept the rest, I have no objection to omitting these words. It is just possible that in certain cases the father and the son may be living separately. It does not look proper that the father should be punished for the sins of the sons.

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

That in part (d) of sub-clause (1), lines 2-3, between the words "age" and "require" the words, "and is living with his father as a member of the family" be inserted.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : As a matter of fact, I do not see the necessity for this amendment. It is only a concession allowed, whether the father or the guardian wants to come forward or not will be his own choice. We have just put in a provision somewhat on the lines of section 562 of the Criminal Procedure Code. It is a concession to prevent the offenders from repeating an offence and if the father or the guardian whether living with him or separate has confidence in the person refraining from a certain act, he may come forward otherwise not. The fact whether he is living in the family or not does not matter. I oppose the amendment.

Mr. Speaker : Question is—

That in part (d) of sub-clause (1), lines 2-3, between the words "age" and "require", the words "and is living with his father as a member of the family" be inserted.

The motion was lost.

Lala Duni Chand (Ambala and Simla, General Rural) (*Urdu*) : Sir, I rise to oppose the whole clause on the ground that in connection with a criminal case no provision has been made for the right of appeal by the accused against the order of the panchayat. Though in certain cases right of revision has been conceded, this does not serve the purpose and is not sufficient. I may point out that in criminal cases if a 3rd or 2nd class magistrate passes a sentence of fine, ordinarily an appeal lies against this order to the district magistrate and in case a first class magistrate passes such an order an appeal lies before the sessions judge. It is, therefore, not desirable, that there should be no provision for an appeal against the order of a panchayat. I may also point out that under the provisions of the Bill the panchayats have been invested with very wide powers and under the section under discussion, a panchayat can sentence an accused to a fine of Rs. 50 and if so empowered by Government to a fine of Rs. 200. I am of the opinion that in view of this the accused should have a right to appeal against the order of the panchayat so that he may be able to prove that the punishment awarded to him was not justified. Besides, the right of revision which has been provided for has been hedged round. This should not be so. It would not be out of place to mention here that if the right of appeal is not conceded to the accused, the panchayats are likely to abuse their powers. I am sure, that the absence of such a right would result in miscarriage of justice. Only yesterday my learned friend Mr. Mukand Lal Puri, who is a legal luminary, remarked that the panchayats should not be invested with powers to try criminal cases. But I would not like to go so far. I simply want to provide a safeguard in this respect and that is that the accused should have the right of appeal against the order of the panchayat. Besides, as I have already stated many a time, the villagers are generally illiterate and therefore most of the panches are not expected to be highly educated or to possess sufficient legal acumen. If their decision is considered to be final, this would cause great hardship to the accused. In my opinion the lack of sufficient knowledge of law on the part of the panches makes the grant of the right of appeal to the accused all the more necessary. Moreover it is a fundamental principle of Jurisprudence that a person is considered to be innocent so long as the charge against him is not proved to the hilt. I, therefore, see no reason why the accused should be deprived of the right of appeal against the order of the panchayat. I

[L. Duni Chand.]

think he should be given an opportunity to appeal to the district magistrate, or even to the sessions judge, as the case may be, to prove his innocence and the imposition of fine as unjustified. The honourable members are aware that under the Indian Penal Code an accused can move a High Court even. In certain cases he can appeal to the highest tribunal of the province against the order of any magistrate if he fails to secure justice from the district magistrate or the sessions judge. In view of these considerations I strongly oppose the clause. But if the Honourable Minister is disposed to make a provision for the grant of the right of appeal to the accused, I am prepared to withdraw my opposition. With these words I close my remarks.

Mr. Speaker : The question is—

That clause 36 stand part of the Bill.

The motion was carried.

Clauses 37 and 38.

Mr. Speaker : The question is—

That clauses 37 and 38 stand part of the Bill.

The motion was carried.

Clause 39.

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

That in the beginning of the clause the following be added :—

“If no appeal has been filed by the accused from the order of conviction within the prescribed period of thirty days.”

(Urdu) : Sir, my object in moving this amendment is to give an opportunity to the Honourable Minister to rectify the wrong and the injustice he has already done to the accused in not providing for him the right of appeal against the order of the panchayat. I want this provision to be incorporated in the Bill before section 39. The amendment provides that the accused should have the right to file an appeal from the order of conviction within the prescribed period of thirty days. But if he fails to do so he should be permitted to file a revision petition. But as no right of appeal has been provided in the Bill, I have endeavoured to remove this flaw by proposing that the words suggested in the amendment should be added before section 39.

Mr. Speaker : Order, order. The honourable member's amendment is a new clause in substance. So, he must first ask for leave to move it.

Lala Duni Chand : Sir, it is not an independent and a new clause. It should be read with the clause that follows. Therefore, as the amendment stands, it does not fall within the meaning of a new clause.

Mr. Speaker : The honourable member's amendment is intended to provide a right of appeal. So, it can be moved independently as a new clause.

Lala Duni Chand : You have rejected so many amendments on the ground that they fall within the purview of a new clause. I will just tell you what is a new clause and what is not a new clause. I want to make it clear.

Mr. Speaker : I am thankful to the honourable member for his kind offer to give me a lesson ; but in my opinion his amendment is a new clause and, therefore, he should ask for leave to move it.

Lala Duni Chand : You are rejecting so many amendments.

Mr. Speaker : The honourable member has said so twice, but I did not reject a single new clause, everyone of which is put to the vote of the House and it is the House which gives or refuses to give leave to move it.

Lala Duni Chand : Only a little time ago you accepted a similar objection which was raised by Munshi Hari Lal.

Mr. Speaker : Each case is decided on its own merits.

Lala Duni Chand : I want to know whether the amendment, as it stands, falls within the purview of the sub-clause. I do not want to make any speech. I can merely ask for leave. My point is that you may not be in doubt in regard to the meaning of the sub-clause.

Munshi Hari Lal : On a point of order. You will be pleased to see that Rule 99 of our Rules of procedure contemplates a clause and not a sub-clause. It runs as follows :—

“ 99. (1) If notice of a new clause or a proposed amendment has not been given two clear days before the day on which the new clause is moved or consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the new clause..... ”

So, a sub-clause is not covered by the rule.

Mr. Speaker : May I invite the honourable member's attention to page 407 of May's Parliamentary Practice ? There he will find what a new clause means. It is not defined in our rules. Clause includes a sub-clause and *vice versa* and even a proviso if it is self-contained. In this case it is clear that the honourable member wishes this part to be added in the beginning of clause 89. It has certainly nothing to do with the rest of the clause. It is an independent motion and proposes to give indirectly a right of appeal, a matter which has been discussed on the floor of this House and rejected more than once. Consequently, it is out of order. The honourable member may move an independent motion.

Sardar Kapoor Singh : I beg to move—

That at the end of sub-clause (1), the following words be added :—

“ or may make any consequential or incidental order that may be just or proper.”

The district magistrate can either modify an order or even make such orders that might be necessary in certain cases. The accused might have paid fine in certain cases and in those cases it would be necessary to pass an order that the fine should be returned to the accused. (*Interruption*). Sometimes it might become necessary for the district magistrate to pass certain orders which might not be relating directly to conviction or acquittal. Certain consequential orders may have to be passed. The accused might have paid the fine and if he is acquitted by the district magistrate he shall have to pass an order with regard to the fine paid by the accused. It is for this reason that I have moved the amendment. The district magistrate in such cases may make a consequential order which he might deem necessary. I, therefore, expect that the Honourable Minister would accept this amendment.

Mr. Speaker : Question is—

That at the end of sub-clause (1), the following words be added :—

“or may make any consequential or incidental order that may be just or proper.”

The motion was lost.

Mr. Speaker : The question is—

That clause 39 stand part of the Bill.

The motion was carried.

Clause 40.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General Rural): I move—

That in part (a) of sub-clause (1), line 2, between the words “contracts” and “or,” the words “or for rent, overpayment of rent, customary agricultural dues recorded in the revenue records” be inserted.

I simply move the amendment without any speech.

Mr. Speaker : Clause under consideration, amendment moved—

That in part (a) of sub-clause (1), line 2, between the words “contracts” and “or,” the words “or for rent, overpayment of rent, customary agricultural dues recorded in the revenue records” be inserted.

Minister of Public Works : I oppose it. Cases of this type would be of very complicated nature and they are to be given to selected panchayats but not to all.

Mr. Speaker : The question is—

That in part (a) of sub-clause (1), line 2, between the words “contracts” and “or,” the words “or for rent, overpayment of rent, customary agricultural dues recorded in the revenue records” be inserted.

The motion was lost.

Mr. Dev Raj Sethi : I move—

That in sub-clause (1), line 16, between the words “compensation” and “does,” the words “or rent or overpayment of rent or customary agricultural dues recorded in the revenue records” be inserted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in sub-clause (2), line 2, for the word “one” the word “each” be substituted.

According to sub-clause (2) wide power is given to the panchayat over non-resident defendants. The point is that if one of the defendants happens to reside in the panchayat area and all other defendants do not reside in that area, then in that case the suit shall be triable by the panchayat. According to section 42, the civil court before

whom a civil suit triable by a panchayat is filed shall transfer that suit to the panchayat. So, if anybody files a suit in a civil court and in that suit 4 or 5 defendants do not belong to that area of the panchayat, but only one defendant happens to belong to that area, then even in that case the civil court shall be compelled to transfer that case to the panchayat. It shall not care for the convenience of those 4 or 5 defendants, but for the sake of one defendant only, the civil court shall have to transfer that case to the panchayat. Such wide powers are not given even by the Civil Procedure Code. According to section 20, the civil court has jurisdiction over non-resident defendants in those cases only, if either non-resident defendants agree to the jurisdiction of the court, or they are allowed to be party to the suit by leave of the Court. I am afraid if these words continue to remain as they are and if one defendant happens to belong to the panchayat area, then the whole clause will be misused by the plaintiff or the defendant. If anybody does not like that his case should be tried by a civil court, he may involve one person belonging to a panchayat area and he can make him as a defendant, the result would be that 4 or 5 defendants belonging to other district areas or other places will be required to go to that place and appear before the panchayat. I think it would be a great inconvenience to all those people. It would be better if the scope of this clause is confined only to those persons who are living in that particular area, because if my amendment is accepted, the panchayat shall have jurisdiction only if either the cause of action has arisen there or all the defendants are living in that panchayat area. In order to save non-residents from trouble, it would be better if my amendment is accepted.

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

That in sub-clause (2), line 2, for the word "one" the word "each" be substituted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, if we accept this amendment, the result would be that hardly a case will be found that would go to the panchayat, because it would really be difficult to find all the defendants residing in that particular area. As to the misuse and fears that the honourable member thinks that may come about, there is a provision for transfer of cases given to the district judge and when such cases are brought to his notice, he will take action. We need not worry about these extreme cases that have been cited. With these words I oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (2), line 2, for the word "one," the word "each" be substituted.

The motion was lost.

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

That in sub-clause (2), lines 2-3, between the words, "defendants" and "where" the words "sought to be made liable for the claim," be inserted.

(Urdu) : The object of my amendment is to remove a defect of the clause as it is. In many cases the plaintiff includes among the defendants persons against whom he, as a matter of fact, seeks no relief. According to the present words of the sub-clause if a defendant who is not sought to be

[L. Duni Chand.]

made liable for the claim, does not reside within the jurisdiction of a panchayat, the suit goes out of the jurisdiction of the panchayat. I want that the suit should be out of the jurisdiction of a panchayat only when a person who is sought to be made liable for the claim does not reside within the jurisdiction of the panchayat. Therefore, my amendment will make the sub-clause more sensible. I hope the Honourable Minister will accept it.

Minister for Public Works : I see no objection to the acceptance of this amendment.

Mr. Speaker : The question is—

That in sub-clause (2), lines 2-3, between the words "defendants" and "where," the words "sought to be made liable for the claim" be inserted.

The motion was carried.

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

That in sub-clause (2), lines 9-10, for the words "the cause.....limits" the words "any act connected with the contract price thereof or the movable property in question has taken place" be substituted.

The object underlying this amendment is the same as in the last amendment. If the present words are allowed to be retained, a suit will be within the jurisdiction of a panchayat irrespective of the fact that any act connected with the contract price thereof or the movable property in question has taken place within its jurisdiction or not. My point is that the present words of the clause do not carry out the object which is before my honourable friend the Minister in charge. The words which have been suggested by me fulfil that purpose. I hope the Honourable Minister will accept this amendment just as he accepted the former one moved by me.

Mr. Speaker : Sub-clause under consideration, amendment moved—

That in sub-clause (2), lines 9-10, for the words "the cause.....limits" the words "any act connected with the contract price thereof or the movable property in question has taken place" be substituted.

Minister for Public Works : I am afraid if we accept the amendment the language may become a little more vague. The present wording "cause of action" is the usual legal term. I think it is quite sufficient denoting the purpose we have in view.

Mr. Speaker : The question is—

That in sub-clause (2), lines 9-10, for the words "the cause.....limits" the words "any act connected with the contract price thereof or the movable property in question has taken place" be substituted.

The motion was lost.

Mr. Speaker : The question is—

That sub-clause (2) of clause 40 as amended stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That sub-clause (3) of clause 40 stand part of the clause.

The motion was carried.

Mr. Speaker : The question is—

That clause 40 as amended stand part of the Bill.

The motion was carried.

Clause 41.

Mr. Speaker : The question is—

That clause 41 stand part of the Bill.

The motion was carried.

Clause 42.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I beg to move—

That in sub-clause (1), line 4, between the words "shall" and "transfer" the words "after considering the objections of any of the parties to the suit" be inserted.

I would like to put this question to the Honourable Minister. Supposing the plaintiff belongs to one district and there are 4 or 5 defendants and three belong to some other district, but one of the defendants happens to belong to the district within the panchayat area in that district in which the suit has been filed. In that case will that suit be triable by the panchayat or not, because in my opinion according to the wording the suit shall be triable by the panchayat if one of the defendants happens to reside in the panchayat area. I would like to know from the Minister if that is the case.

Minister for Public Works : Read sub-clause (2).

Sardar Kapoor Singh : That power lies with the district judge. What is the objection to accepting the amendment that the civil court shall go through the objections of these parties? If the parties agree it should be tried by a civil court: why should not a civil court have the authority to hear the case. It is for this reason that I want this amendment to be accepted specially when they have rejected my first amendment. Instead of these persons going to the panchayat it is better that they should give reasons to the civil courts as to why they do not want their case to be tried by the panchayat and the civil judge should decide those objections. My honourable friend the Minister for Public Works is residing at Lahore, but if somebody involves him as a defendant in a case triable by a panchayat he shall have to appear before the panchayat in spite of the fact that he is residing here.

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

That in sub-clause (1), line 4, between the words "shall" and "transfer" the words "after considering the objections of any of the parties to the suit" be inserted.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, the object of the amendment has been made absolutely clear by Sardar Kapoor Singh. All that we want is that as the district magistrate has been empowered to hear objections before transferring a case to the panchayat similar powers may be given to the civil courts in the matter. With these words I support the amendment.

Mr. Speaker : The question is—

That in sub-clause (1), line 4, between the words "shall" and "transfer" the words "after considering the objections of any of the parties to the suit" be inserted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Khan Sahib Khawaja Ghulam Samad : I do not want to move the amendment standing in my name because similar amendments of mine were not accepted.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 42 stand part of the Bill.

The motion was carried.

Clause 43.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That at the end of the proviso to sub-clause (2) the following be added :—

“ The Collector may dispose of pending suits and applications affected by such withdrawal in accordance with law.”

It has been provided in sub-clause (2) of clause 43 that :

Government may by notification empower any panchayat to try any dispute or matter regarding which any suit or application may be made in a Revenue Court as defined in the Punjab Tenancy Act, 1887.

It shows that panchayats may be invested with the powers to try revenue cases. And by reading the proviso it is evident that those powers can also be withdrawn by the Government. My submission is that under such circumstances when the powers will be withdrawn by the Government, neither the district magistrate nor deputy commissioner can dispose of the pending revenue suits and applications. The collector should be invested with powers to dispose of such pending suits and applications affected by such withdrawal. There might be such cases, and I suggest that those cases may be disposed of by the collector, because you have made a provision in sub-clause (2) of clause 43. So it would be better, when certain panchayats are empowered with revenue powers, that there should be some provision that when these powers are withdrawn from the panchayats, the cases will be dealt with by the collector.

Mr. Speaker : Clause under consideration, amendment moved—

That at the end of the proviso to sub-clause (2) the following be added :—

“ The Collector may dispose of pending suits and applications affected by such withdrawal in accordance with law.”

Minister for Public Works : Who else will deal with them ? It is understood that there will be no lacuna or special flaw.

Munshi Hari Lal (South-Western Towns, General, Urban): In the previous sections whenever the powers are withdrawn from the panchayat, powers have been given to the district judge to withdraw the civil cases and to the deputy commissioner to withdraw the criminal cases and dispose of as they like. Now the question is, if powers of revenue courts are given to the panchayats and if the powers of a panchayat are withdrawn, where will those cases go? A special enactment is being passed, a special Act under which the panchayats are going to be invested with the powers of trying revenue cases. When those powers of the panchayat are withdrawn where will those cases go? The collector has no power to withdraw or transfer those cases to his own file. My friend's amendment is simply to provide for such an eventuality.

Mr. Speaker : The question is—

That at the end of the proviso to sub-clause (2) the following be added :—

"The Collector may dispose of pending suits and applications affected by such withdrawal in accordance with law."

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 43 stand part of the Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, I rise to oppose clause 43 so that I may tell the Honourable Minister of Public Works that if he had been a lawyer he would have added this sentence to the clause under discussion namely that those suits which cannot be heard by a small cause court should be excluded from the jurisdiction of panchayats. I being a lawyer can understand this difficulty much better than the Minister in charge. You are aware that there are three classes of suits, namely land suits, unclassified suits and small cause suits, and you might also be aware of the fact that in the Small Cause Court Act there is a list of those suits which have been excluded from the jurisdiction of small cause courts. The provision has been made to the effect that panchayats will not hear complicated cases and, therefore, the suits excluded from the jurisdiction of small cause courts should also be excluded from the jurisdiction of panchayats. I may submit to the Minister in charge that if he does not agree with me at present he shall have to amend this clause later on after this Bill is enacted. It is high time that the Honourable Minister should add that those cases will not be tried by the panchayats which could not be disposed of by small cause courts. It is better late than never and I am sure when this Bill becomes an Act the Minister in charge will realise the importance of the amendment under discussion and he will then see that the cases not cognizable by small cause courts should not be cognizable by panchayat also.

Mr. Speaker : The question is—

That clause 43 stand part of the Bill.

The motion was carried.

Clause 44.

Mr. Speaker : The question is—

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

The motion was carried.

Sardar Kapoor Singh : I beg to move—

That in sub-clause (2), between the word "section" and figure "59", the figure and word "46 or" be inserted.

Minister for Public Works : I am willing to accept the amendment.

Mr. Speaker : The question is—

That in sub-clause (2), between the word "section" and figure "59", the figure and word "46 or" be inserted.

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 44 as amended stand part of the Bill.

The motion was carried.

Clause 45.

Lala Duni Chand : I beg to move—

That at the end of sub-clause (1), the following be added:—

Provided that if the court-fee stamp is not available at the place where the panchayat ordinarily sits, the person receiving the petition shall accept an equivalent amount in cash.

Minister for Public Works : I am willing to accept the amendment.

Mr. Speaker : The question is—

That at the end of sub-clause (1), the following be added:—

'Provided that if the court-fee stamp is not available at the place where the panchayat ordinarily sits, the person receiving the petition shall accept an equivalent amount in cash.'

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 45 as amended stand part of the Bill.

The motion was carried.

Clause 46.

Mr. Speaker : Question is—

That clause 46 stand part of the Bill.

The motion was carried.

Clause 47.

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

That in lines 4-8, for the words "vexatious . . . in writing" the words "barred by limitation or discloses no basis for claim" be substituted.

(Urdu) : My object in moving this amendment is to save the panchayats from being placed in a difficult position. It is really asking too much to expect the panchayats to understand fully what is and what is not vexatious or frivolous. You should not make the law too intricate. Allow the panchayats to order the payment of compensation when it finds that a case does not disclose any basis for claim. I know that the words vexatious and frivolous occur in the Criminal Procedure Code. But the courts do not find any difficulty there in interpreting them correctly because there are so many rulings to guide them. The panchayats, however, cannot be expected to understand these intricacies. Therefore, I want to make their task easy by means of this amendment, and now it is up to you to accept or reject it.

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

That in lines 4-8; for the words "vexatious . . . in writing," the words "barred by limitation or discloses no basis for claim" be substituted.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana) : If you substitute these words, the clause will become meaningless.

Mr. Speaker : The amendment is out of order. Question is—

That clause 47 stand part of the Bill.

The motion was carried.

Clause 48.

Mr. Speaker : Question is—

That sub-clauses (1) and (2) stand part of the clause.

The motion was carried.

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

That in sub-clause (3), lines 10-11, for the words "30 days of the death" the words "the period prescribed by the Indian Limitation Act, 1908" be substituted.

(Urdu) : In the original clause the time within which an application to proceed with the case must be made is "30 days of the death". But my submission is that this is not sufficient. In certain cases the legal representatives do not come to know of the death for a month or so. In the Limitation Act the period allowed is 60 days and my proposal is that the same should be prescribed in this Bill also.

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

That in sub-clause (3), lines 10-11, for the words "30 days of the death" the words "the period prescribed by the Indian Limitation Act, 1908" be substituted.

Munshi Hari Lal (South-Western Towns, General, Urban) : The period of limitation provided by the existing clause is 30 days and I want that it should be 60 days. The period prescribed by the Indian Limitation Act is 90 days or six months. I know many cases dismissed for want of knowledge of the death of the party. Sufficient time should be given to the parties to apply to the panchayat. I think the sponsor of the Bill

[M. Hari Lal.]

has got some view in his mind when he adds to the clause the words "or within such future period as the panchayat may for sufficient cause allow". Instead of leaving the plaintiff or defendant to the mercy of the panchayat, I want a definite time and I want that there should be no ambiguity about it nor the panchayat be called upon to determine what sufficient cause is. Sufficient cause makes the restoration or cancellation of the order discretionary with the panchayat. Cause may be sufficient, it may not be sufficient, it is left to the panchayat. I want that in the Village Panchayat Bill which is to be administered in the villages and which is primarily an enactment for the benefit of the villagers,—poor ignorant villagers—a little more time should be given and I submit that the time instead of being 30 days should be 60 days.

Mr. Speaker : Question is—

That in sub-clause (3), lines 10-11, for the words "30 days of the death," the word "the period prescribed by the Indian Limitation Act, 1908" be substituted.

The motion was lost.

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

That in sub-clause (3), lines 10-11, for the words "within 30 days of the death" the words "within 60 days of the death" be substituted.

The motion was lost.

Mr. Speaker : Question is—

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

The motion was carried.

Mr. Speaker : Question is—

That clause 48 stand part of the Bill.

The motion was carried.

Clause 49.

Mr. Speaker : Question is—

That clause 49 stand part of the Bill.

The motion was carried.

Clause 50.

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

That in sub-clause (1), lines 2-5 the words "or if . . . his suit" be omitted.

(Urdu): I think the significance of my amendment can be understood better if I read out sub-clause (1) of clause 50. It is as follows:—

- (1) If the petitioner fails to appear on the date fixed for hearing or if in the opinion of the panchayat he shows negligence in prosecuting his suit, the panchayat may dismiss the suit, unless the defendant admits all or any part of the claim, when it shall be decreed accordingly.

Now my submission is that the following words "or if in the opinion of the panchayat he shows negligence in prosecuting his suit" be omitted from this sub-clause. I may point out that if any petitioner fails to appear

on the date fixed for hearing, the panchayat may dismiss the suit but I think it is dangerous to give this power to the panchayats that it may dismiss suits also on the plea that the petitioners are showing negligence in prosecuting their cases.

Besides, the procedure which has been laid down for trying civil or criminal cases under this Bill is not a very lengthy one. The suits will be tried summarily. As a matter of fact one of the objects of the Bill is that the panchayats after making some inquiries and after recording short statements of witnesses should decide cases promptly. In the panchayats no such procedure will be followed which is followed in the ordinary courts. Ordinarily when cases will be instituted before panchayats they would at once call upon the defendant to come and answer them, and after hearing them they would promptly decide cases. Now I may point out that it has not been provided in this Bill that in the panchayats that very procedure will be followed which is generally followed in the civil courts. The fact of the matter is that they will try cases very summarily and then they would decide the matter one way or the other. Like the civil courts no witnesses will be heard and the parties will not be allowed to bring out points of law before the panchayats. As such a procedure has not been laid down for the trying of cases by panchayats. I would submit that there is no justification for retaining the words referred to above in the sub-clause under consideration. I may also point out that nowhere is it provided in the Civil Procedure Code that if an appellant shows negligence in prosecuting his case, then his suit should be dismissed. I, therefore, request you not to give such a wide power to panchayats to dismiss the suits on the plea of negligence shown by the petitioners. Sometimes it may happen that the panchayat will not record any evidence but it will on one pretext or the other put forward this plea that as the petitioner has shown negligence in prosecuting his case so his case is dismissed. In my opinion this provision will give a handle to the panchayats to do whatever they like. In the circumstances I request the Government in the name of fair-play to accept this amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 2—5, the words “or if . . . his suit” be omitted.

Minister for Public Works : I oppose the amendment. I need not give any reasons. Due diligence in litigation is necessary.

Mr. Speaker : Question is—

That in sub-clause (1), lines 2—5 the words “or if . . . his suit” be omitted.

The motion was lost.

Mr. Speaker : Question is—

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

The motion was carried.

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

That in sub-clause (2), line 3, for the word “fifteen” the word “thirty” be substituted.

My object in moving the amendment is that if any panchayat dismisses any case on the ground that the petitioner failed to appear before it, in that case he should instead of 15 days be given thirty days in order to submit

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an application before the panchayat for restoring his case. I think a period of 15 days is too short a period and it is just possible that a petitioner may not know within this period whether his suit has been dismissed for failure to appear before the panchayat. Besides, sometimes a petitioner is under the impression that notice of suit has not been served on him, while as a matter of fact it is reported that it has been served. In view of this I think that if a period of 15 days is provided in the Bill, it will amount to injustice. In my opinion instead of 15 days, thirty days should be given to the petitioners to submit applications for restoring their dismissed cases.

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

That in sub-clause (2), line 3, for the word "fifteen", the word "thirty" be substituted.

Munshi Hari Lal (South-Western Towns, General, Urban) : My reason in supporting the amendment which has been moved by my honourable friend Lala Duni Chand and which also stands in my name that the period of 15 days should be substituted by 30 days is that the plaintiff and the defendant when they are standing at the bar to seek justice from a court or a panchayat should be treated equally. There should be no invidious distinction between the two. In the following clause when there is an *ex-parte* decree against the defendant, the time provided for is 30 days. Why should there be this discrimination between the two cases? In the Civil Procedure Code as well as in the Indian Limitation Act there is no distinction between the plaintiff and the defendant. Both are given equal opportunities when any order of dismissal stands against the plaintiff or any *ex-parte* decree stands against the defendant. Then why this distinction here? I cannot follow it. There is something in the mind of the sponsor of the Bill which is not clear. It is unfortunately to be found in all the legislative measures that have been passed in this Assembly. I will illustrate this by an example. A case is lodged before a civil court and the court transfers it to a panchayat as required by the preceding sections which have been passed by the House and a notice is issued to the petitioner by the panchayat to appear before it. It may be that a report be made by the process-server that the petitioner is not traceable and the petitioner comes to know of it 15 days after the order of dismissal of his case by the panchayat. In that case what will be the result? He is thrown at the mercy of the panchayat. He will seek the cancellation of the order and dismissal not as a matter of right but as a favour.

I submit that sufficient time should be given to the plaintiff, specially when sufficient time is being given to the defendant in the event of his seeking to get an *ex-parte* decree set aside. Both the plaintiff and the defendant should get similar treatment. If latitude is going to be allowed to the defendant, as is provided in the Bill, the same latitude should be allowed to the plaintiff. I have nothing more to say. What I say is this that the plaintiff and the defendant should be treated equally and in the case of the plaintiff also the time should be 30 days and not 15 days, because 15 days' time is inadequate for the plaintiff. He may be seriously ill and he may not be able to attend the court within 15 days. He may not be able to present his application within that time. What will be the result?

The result will be that he will be placed at the mercy of the panchayat, which will hear his case, and the panchayat may or may not extend the time. Why not fix the time by statute? Why should not the time limit be raised to 30 days? In a civil court 30 days are allowed for restoration application. Why not the same time be fixed here? The Government will be well advised, and the Government will not be losing anything if they are liberal enough to substitute 30 for 15.

Mr. Speaker : The question is—

That in sub-clause (2), line 3, for the word "fifteen", the word "thirty" be substituted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 50 stand part of the Bill.

The motion was carried.

Clause 51.

Mr. Speaker : The question is—

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

The motion was carried.

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

That in sub-clause (2), line 3, between the words "of" and "executing", the words "the decree passed after due service of the defendant or otherwise from the date of" be inserted.

Sir, the original sub-clause, as it stands, reads like this—

Any defendant against whom a civil suit has been decided *ex parte* may, within thirty days from the date of executing any process for enforcement of the decision or within such further period as the panchayat may for sufficient cause allow, apply orally or in writing to the panchayat to set aside the order. . .

and if my amendment is accepted the sub-clause will read like this—

Any defendant against whom a civil suit has been decided *ex parte* may, within thirty days from the date of the decree passed after due service of the defendant or otherwise from the date of executing any process for enforcement of the decision or within such further period as the panchayat may for sufficient cause allow, apply orally or in writing to the panchayat to set aside the order.

Sir, I have absolutely no grudge that the defendant should be shown some leniency, because against him an order stands. But I think that something must be allowed for the plaintiff as well. If the defendant is duly served with a notice, if he has received the summons or if the defendant has got the information of the institution of the suit against him and if a decree has been passed against him after due service, he should come within 30 days after the due service to get his order of decree vacated. He should not wait till the execution order is communicated to him. The execution of the decree may not be sued out for a number of months, or for a number of years. My object in moving this amendment is that in the case of due

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service on the defendant, the defendant should not be shown so much latitude and leniency. He should seek his remedy against the order which has been passed against him by the panchayat in his absence, within 30 days.

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

That in sub-clause (2), line 3, between the words, "of" and "executing", the words "the decree passed after due service of the defendant or otherwise from the date of" be inserted.

Minister for Public Works (Honourable Nawabzada Major Malik Khizar Hayat Khan, Tiwana) : Sir, I oppose the amendment moved by my honourable friend opposite. I do not think there is any necessity for it. There will be a great injustice done if this amendment is accepted. Generally the villagers have no knowledge of any decree against them until the attachment proceedings start. No undue leniency is shown to the defendants, and I daresay that if this amendment is accepted, it would result in undue hardship to them.

Mr. Speaker : The question is—

That in sub-clause (2), line 3, between the words "of" and "execution" the words "the decree passed after due service of the defendant or otherwise from the date of" be inserted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 51 stand part of the Bill.

The motion was carried.

Clause 52.

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

That leave be given for the following motion:—

That in the beginning of sub-clause (1), the following be added:—

The panchayat shall record parties' statements in full, frame issues, or at least specify the points arising in the case, give reasonable opportunity to the parties to produce their evidence and record material part of it.

The motion was lost.

Mr. Speaker : The question is—

That sub-clauses (1) and (2) stand part of the clause.

The motion was carried.

Munshi Hari Lal : I beg to ask for leave to move—

That for sub-clause (3), the following be substituted :—

- 3 P. M. (3) A decree passed by a Panchayat may be presented to the Collector of the district in which the Panchayat has passed the decree or would have passed the decree but for transfer of the suit and the Collector or the officer to whom the Collector may transfer the decree for execution shall proceed to recover the amount as if it were an arrear of land revenue."

It is a mere substitution. It is a not a new clause.

Mr. Speaker : A substitution is definitely a new clause. Question is—

That leave be granted to move—

That for sub-clause (3), the following be substituted :—

- (3) A decree passed by a Panchayat may be presented to the Collector of the District in which the Panchayat has passed the decree or would have passed the decree but for transfer of the suit and the Collector or the officer to whom the Collector may transfer the decree for execution shall proceed to recover the amount as if it were an arrear of land revenue.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad : I beg to ask for leave to move—

That for sub-clause (3), the following be substituted :—

- If the decree remains unsatisfied in whole or in part, the decree-holder may, with in one year of the passing of the decree, apply to the Panchayat passing the decree for execution and this Panchayat shall send a certificate to the collector specifying therein non-satisfaction of the decree either in whole or in part and the Collector shall if the decree is a money decree proceed to recover it as if it were an arrear of Land Revenue and if the decree is for any specific movable property he shall exercise the powers of a Civil Court.

The motion was lost.

Khan Sahib Khawaja Ghulam Samad : I beg to ask for leave to move—

That at the end, the following be added as a new sub-clause :—

- (4) If the Panchayat passes a money decree to be paid by instalment and the instalment is not paid on due date the Panchayat on application of the decreeholder after one month from the date fixed for payment of any instalment shall certify to the non-payment of instalment in whole or in part and send that certificate within one year to the Collector for execution of decree and the Collector on receipt of the certificate shall proceed to recover the unpaid instalment as if it were an arrear of Land Revenue.

The motion was lost.

Munshi Hari Lal : On a point of order. Why should not the House give the leave and discuss the principle?

Mr. Speaker : The question is—

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

Munshi Hari Lal : Sir, I object to sub-clause (3). We see every day that Bills are being introduced and more powers are being given to the collectors so much so that the execution of a decree is now more a matter for a collector or an assistant collector than for the civil court. Does it mean that the present Unionist Government is now backing out of the policy of which they had made so much display at Simla when the monsoon of

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agrarian Bills burst out and when powers were given to collectors? We find now that they are reverting to the old order because it is now the civil court that has to execute decrees of the panchayats. Why not give power to the collector so that decrees may be executed speedily and the plaintiff may enjoy its fruit earlier than he would do through the agency of the civil courts? So far as the civil court is concerned, he will have to go to the district judge. If he seeks execution against agricultural property, the case will again come to the collector. Instead of going to the collector through the door of the district judge's court, why should he not go to the collector direct and seek execution of the decree? People do not get their decrees realized? They go to the courts, they apply for execution of the decree and have to wait for a very long time before they can get the decretal amount or before they can get proper satisfaction. My amendment was overruled because it was not in order, but it is not consistent with the policy followed by the Unionist Government ever since their accession to power. Speedy disposal of execution applications should be kept in view. So far as the old law on this point is concerned, I believe that the present Government's predecessors were far wiser than they are at present. Section 41 of Village Panchayat Act says—

41. The Collector may recover the following as if they were arrears of land revenue :—
(2) Any fine (imposed) or (amount decreed) under Chapter IV.

Chapter IV deals with judicial functions. It would be much better if they maintain it. But instead of doing so the decree-holders are to face trouble. They will have to knock at the doors of the civil court and undergo the same hardship as the litigants and decree-holders in civil courts suffer. I, therefore, oppose the provision. The provision in the old Village Panchayat Act was far more useful and practicable than the one which is being proposed in this Bill. With these remarks I oppose the clause.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir, the reason for my opposing clause 52 is that it is necessary to lay down in this part of the Bill that the panchayats will afford such and such facilities to the litigants in the matter of leading evidence. I had tabled an amendment with a view to making it clear that the panchayats will give opportunity to the parties to a dispute to make full and detailed statements before them. In this way they will be satisfied that justice will be done to them. It may be laid down that only the most important part of evidence will be recorded and the rest will not be recorded. But no such safeguard has been provided. My point is that when we are empowering the panchayats to hear suits of the value of Rs. 250 and even Rs. 500, the parties should be satisfied that all efforts will be made to find out the truth and that they will be afforded full facilities to reply to the points at issue. The clause as at present worded does not lay down that these facilities will be afforded to the parties when their case comes up before a panchayat. Now, what happens in an ordinary court of law? I am sure even after the passage of this Bill, good many cases will still go to ordinary law courts. If a suit of the value of say five or ten rupees goes to a court the court will observe all the procedure laid down in the Civil Procedure Code. The parties will have the right to make statements and to get the points at issue fixed. After that it will be open to them to lead as much evidence as they like. But here in this clause a

sort of blank cheque is being offered to the panchayats. If a widow or an orphan or a poor man brings forward her or his suit before a panchayat, the panchayat will not be bound to observe any procedure. It may be said that procedure will be laid down in the rules made under the new Act. But the attitude taken up by the Government with respect to the numerous amendments tabled from this side of the House is a pointer to what is coming. No procedure will be laid down even under the rules. The rules will be surely as reactionary as is this Bill. As no suggestion made by us in regard to this clause has been considered by the Government, I strongly oppose this clause.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 52 stand part of the Bill.

The motion was carried.

Clause 53.

Mr. Speaker : Clause 53.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, my reason for opposing clause 53 is that justice is not being done to the litigants. Attempts are being made, it so appears, that every dispute brought forward before a panchayat, may be dismissed for one reason or another. I think that the scheme of this Bill seems to be in favour of dismissing most of the suits coming before panchayats. The value of the suits going to the panchayats has been placed at a fairly high level. But no right of appeal is being given to those who will go to panchayats to seek justice. This provision, I emphasise, is wholly unjust. I, therefore, oppose the entire clause.

Mr. Speaker : The question is—

That clause 53 stand part of the Bill.

The motion was carried.

Clause 54.

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

That in line 10, for the word "lawful" the word "legitimate" be substituted.

The object of this amendment is to help the Honourable Minister in charge of this Bill. If the word "lawful" is retained, the difficulty which my honourable friend wishes to avoid, will remain. It means that the Evidence Act will apply. By the substitution of the word "legitimate" I wish to lay down that it will be open to the panchayats to adopt any legitimate means to find out the truth. The word "lawful" will be an obstacle in the way of the panchayat. It will make it obligatory upon the panchayat to record evidence according to the procedure laid down in the Evidence Act. What I wish to be done is that the panchayat be allowed to take all

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steps which it deems necessary to determine who is in the right and who is in the wrong from among the parties to a dispute. The most important function of a panchayat is to get round all the difficulties which courts established according to the British pattern find in arriving at the true conclusions. The panchayat will be free from all those limitations which operate in the case of the courts which administer law according to the British standards. I want to provide that if the panchayat so desires, it may ascertain the truth from any gentleman of known integrity. In view of these considerations, I propose that the word "lawful" be replaced by the word "legitimate". This will make the work of the panchayats easier.

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

That in line 10, for the word "lawful" the word "legitimate" be substituted.

Minister for Public Works : We have the same purpose in view. It is a question of legal language whether the word "lawful" is better or the word "legitimate". Personally I would prefer the word "lawful". If the honourable member, being a lawyer of standing, presses the substitution of the other word I have no special objection.

Mr. Speaker : The word "legitimate" is probably wider.

Minister for Public Works : I accept the amendment.

Mr. Speaker : The question is—

That in line 10, for the word "lawful" the word "legitimate" be substituted.

The motion was carried.

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

That in line 12 between the words "with" and "justice" the words "the facts as ascertained and the law applicable and in accordance with principles of" be inserted.

Sir, I need hardly say that the acceptance of my amendment would go a long way in clarifying the clause under consideration, which runs as follows—

The provisions of the Code of Criminal Procedure, 1898, the Code of Civil Procedure, 1908, and of the Indian Evidence Act, 1872, shall not apply to proceedings before panchayats, save to the extent mentioned in this Act or as may be prescribed by Government by rules; but the panchayat shall ascertain the facts of every criminal case or civil suit by all lawful means in its power and thereafter pass such order, sentence or decree as may be in accordance with justice, equity and good conscience.

The last words of the clause are definitely legal terms. My submission is that cases are generally decided under two kinds of laws. One is common law and the other is chancery law. The expression "justice, equity and good conscience" is in fact found in the chancery law. But it would be immensely difficult for a panchayat to return verdict according to justice, equity and good conscience. Thus with a view to facilitate its work I propose the insertion of the words "the facts as ascertained and the law applicable and in accordance with the principles of". My contention is that every case should be decided on its own merits. If you allow the panchayats to make use of the chancery law it will give rise to great

complications and misunderstandings. This law is applicable only where we do not find any definite law. Let me give an instance of a case which has become time-barred and which should be dismissed. But the Panchayat may say that since the plaintiff is poor the dismissal of the case would make him suffer heavily. So he decides to pass a decree in favour of the plaintiff. Now this decision of his might be described to have been made in accordance with justice, equity and good conscience. The Honourable Minister has incorporated these words in the clause but he does not know that they are used only as a last resort. Let me inform him that clause 5 of the Laws Act provides that such and such cases should be decided according to custom prevailing in the Punjab. If the custom does not help the court to arrive at a certain definite conclusion then the latter is free to resort to the personal law, i.e., Hindu Law or Muhammadan Law. If the personal law is inapplicable the court then and only then is expected to make use of the chancery law. Now, if you persist in keeping the clause as it is, it will, I am sure, give rise to several misunderstandings. With these words I assure the Honourable Minister that the acceptance of my amendment will surely make the clause more sensible.

Mr. Speaker : The question is—

That in line 12, between the words "with" and "justice" the words "the facts as ascertained and the law applicable and in accordance with principles of" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 54 as amended stand part of the Bill.

The motion was carried.

Clause 55.

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

That in line 1, between the words "who" and "is" the words "himself or any of his relations" be inserted.

As far as this amendment is concerned I am sure the Minister in charge will accept it. It has been provided in clause 55—

No panch who is a party to, or is otherwise personally interested in, a criminal case or a civil suit shall sit on the panchayat which hears it and if by reason of the number of panches disqualified by this section their remains no quorum the panchayat shall send the case to the District Magistrate or District Judge as the case may be for disposal in accordance with law.

Only this much has been given in the clause under discussion that if a panch is personally interested in a criminal case he shall not sit on the panchayat which hears it. It has not been clearly expressed that if his brother or son is interested in that particular case what the position would be. No mention has been made to this effect in the clause. I, therefore, submit that this point should more clearly be expressed as to whether 'personally interested' includes the interests of the relations of that panch also. I hope that the Minister in charge will respond to my amendment.

Minister for Public Works : You will see the words "personally interested" are there : it means his relations also, for he must be interested in them.

Lala Duni Chand Personally means the man himself is interested and not his relations.

Minister : The word "relation" is very vague.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 1, between the words "who" and "is" the words "himself or any of his relations" be inserted.

Munshi Hari Lal (South-Western Towns, General, Urban) : If the idea is, as given by the Honourable Minister, that the word 'personally' will include the interest of the son and also the interest of the brother, I believe we will be going off the English language. 'Personallay' here may mean concerning the person. 'Personally' will not mean concerning the son, concerning the brother, and concerning near relations. What I submit is that if the Honourable Minister in charge of the Bill accepts the principle that the interests of the relations should also be included, in 'personally' let him be bold enough to say so, and to provide for it. If the words 'or is otherwise interested' are added, I can very well understand that the interests of brother, the interests of father, the interests of son and the interests of a near relation are covered. When we are to introduce the adjective and the adverb 'personally' that means an interest that concerns the person alone and not a person other than the person himself. This is the dictionary meaning. This is the meaning that every law court will put. This is the meaning that every lawyer will put. This is the meaning which every panchayat will put. The amendment by Lala Duni Chand is quite advisable and is in accordance with the views of the Honourable Minister who says that in this clause the interests of near relations are also included. I submit, Sir, that either the word 'personally' be omitted or the amendment of my honourable friend be accepted.

Mr. Speaker : The question is—

That in line 1, between the words "who" and "is" the words "himself or any of his relations" be inserted.

The motion was lost.

Mr. Speaker : The question is—

That clause 55 stand part of the Bill.

Pandit Bhagat Ram Sharma : I rise to oppose the clause.

Mr. Speaker : The honourable member should not bring in matters which have been discussed and decided already.

Pandit Bhagat Ram Sharma : I assure you that I will not bring them in again. As far as the dictionary meaning of the word 'personally' is concerned—

Mr. Speaker : That matter also has been discussed already.

Pandit Bhagat Ram Sharma : The whole clause as it stands clearly means that in any case which is pending before a panchayat if any person on the panchayat or a panch is interested indirectly in that case, the panchayat will be entitled to hear that case and decide it. After all the panches will be human beings and they will be amenable to the ordinary weaknesses which are found in all men. Under the circumstances, the wholesome principle which is laid down in the clause preceding that the

panches will be actuated by justice, equity and good conscience will be defeated. Even the ordinary procedure of law is shut up. In spite of all this the Honourable Minister in charge is committing this blunder. When all these people are to be actuated by the principles of equity and justice, he is not alive to this fact. After all, these people are human beings and they can be led away by their kiths and kins. They will not do their duty which is expected of them and they will not be able to administer justice. With these words I oppose the clause.

Mr. Speaker : The question is—

That clause 55 stand part of the Bill.

The motion was carried.

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

Clause 56.

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

That at the end of sub-clause (1), the words " but no compounding of any offence or compromise shall be allowed unless it is effected by means of a petition duly signed and presented by the parties " be added.

Sir, it is a matter of daily occurrence that when a case is compounded, one of the parties which considers itself to be comparatively loser comes before a court and lodges a complaint to the effect that no such compromise has been effected. The aggrieved person contends that he has been deceived by the other party and was forcibly made to affix his thumb-impression on a blank paper and that therefore he does not recognise the compromise. Personally I am strongly in favour of effecting compromises. But my submission is that they should be written and duly signed. Unless you definitely provide in the Bill that compromise should be effected by means of a petition duly signed and presented by the parties concerned you would not make the clause clear and definite. Although I know that generally these compromises are executed in writing yet the clause as it stands clearly shows that it leaves a chance for a verbal compromise. So in order to remove the ambiguity in the wording of the clause I feel constrained to press my amendment. If you do not accept it the lacuna in the clause would, instead of discouraging litigation, create chances for further suits. Supposing a compromise is verbally effected. Now a party comes before a court complaining that no such compromise has been executed. The result would be that a new civil suit would be filed. In this way the re-filing of the case would surely involve much waste of time, labour and money. If you are in favour of dispensing speedy justice then I am sure you would readily accept my amendment. Otherwise I will feel constrained to say that the Government itself wants to protract and prolong the proceedings of the panchayats.

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

That at the end of sub-clause (1), the words " but no compounding of any offence or compromise shall be allowed unless it is effected by means of a petition duly signed and presented by the parties " be added.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): I do not think this amendment is necessary. It will be for the panchayat to decide. It may, as is now done in criminal courts, have a written compromise if it so wishes. The parties can give the statements and if the fact of the compromise is endorsed—just as in a court where it is valid—that should be enough here also. When the panchayat, composing of the elected representatives of the people, endorses the compromise, it is certainly better than somebody else putting it in writing for the parties and later on some one saying that he did not put his thumb-mark on it. It gives rise to misunderstanding. The panchayat's certificate of compromise is a better safeguard than anything else. I therefore oppose the amendment.

Mr. Deputy Speaker : Question is—

That at the end of sub-clause (1), the words "but no compounding of any offence or compromise shall be allowed unless it is effected by means of a petition duly signed and presented by the parties" be added.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I move for leave to move the following amendment—

That for sub-clause (1), the following be substituted :—

Where it is proved to its satisfaction that a case has been compounded or a suit has been adjusted wholly or in part by oath or by Compounding of any lawful agreement, compromise or satisfaction, the Panchayat shall order such compounding or agreement, compromise of satisfaction to be recorded and shall pass an order or decree in accordance therewith so far as it relates to the case or suit :

Provided that when the Panchayat does not permit a case to be compounded or it does not pass a decree in accordance with the agreement, compromise or satisfaction, it shall record its reasons in writing.

The motion was lost.

Mr. Deputy Speaker : Question is—

That sub-clauses (1) and (2) stand part of the clause.

The motion was carried.

Mr. Deputy Speaker : Question is—

That clause 56 stand part of the Bill.

The motion was carried.

Clause 57.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural): Sir, I beg to move—

That in line 4, between the words "shall" and "be", the words "except with the leave of the panchayat" be inserted.

(Urdu): My honourable friend Lala Duni Chand is going to move an amendment to the effect that this clause may be omitted. But I know that it will not be accepted by the Government. It will be said that neither the civil nor the criminal law nor the Limitation Act will be applicable to the proceedings before the panchayats and, therefore, there can be no need of a lawyer. But I submit that even then the assistance of a lawyer will be necessary in certain cases. So far as ordinary cases of loans, etc., are

concerned the panchayats may not require the assistance of a lawyer, but there may arise questions as to the validity of a compromise and the panchayat may require the help of a lawyer in regard to the legal aspect of that compromise. Similarly, there can be many other complicated questions about which the panchayat will stand in need of the legal opinion. Hence this amendment.

Then, Sir, clause 58 lays down that a lawyer or his clerk or even a petition-writer cannot act as the agent of any party. But you know that in every village there are certain uneducated "professional lawyers", and by placing these restrictions on lawyers you will enhance the importance of those professionals who will play havoc in the villages. Naturally the result will be that those people would become vakils in the panchayats who even do not know the A, B, C of law. I, therefore, submit that it would be much better if in special cases the panchayats allow the legal practitioners to appear before them. If this amendment is carried it will give discretion to the panchayat to allow legal practitioners to appear before them with their leave. I would, therefore, request the Minister in charge to agree to this amendment.

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

That in line 4, between the words "shall" and "be" the words "except with the leave of the Panchayat" be inserted.

Munshi Hari Lal (South-Western Towns, General, Urban): Sir, Whenever I hear the word 'legal practitioners' uttered in the House, I find a wave of antipathy in the Unionist benches. I do not know why I. Probably they think that when a legal practitioner appears before the panchayats he will not give any assistance to the panchayat or the parties. I will submit my reasons why a legal practitioner should be allowed. My honourable friend has moved an amendment which gives power to the panchayats, to permit legal practitioners to appear before them. They are not to appear as a matter of right. The practitioner when permitted will be a henchman of the panchayat. He will be dependent upon the panchayat. He will be at the mercy of the panchayat. He will not be able to serve so much the party as his own interests. Power of permission is to be given to the panchayat. We have just now passed clause 48. It says that no civil suit of the nature laid down in the Section shall lie before the panchayat. The Panchayat Act is like the Small Cause Court Act. The cases that are cognizable by the small cause court, are exempted from the jurisdiction of the ordinary courts. Does my honourable friend the Minister in charge and the Honourable Minister who sits by him know that complicated cases arise out of contracts? The panchayats will be hearing cases, not only simple cases of money, but cases which would be far more complicated.

Shaikh Faiz Muhammad : There is a misunderstanding. Cases enumerated in section 48 will not be tried by the panchayats.

Munshi Hari Lal : My honourable friend has not followed me. I said that these cases do not fall within the jurisdiction of the panchayat. I say it at the top of my voice and if my honourable friend has not followed me I repeat it that cases other than those enumerated in Section 48 are cognizable by panchayats. I gave one type of cases arising out of contract

(Mr. Hari Lal.)

which do not fall within the exceptions provided in section 43. In cases under the law of contract, there arise intricacies and even the courts presided over by Judges who have studied law and have experience are sometimes bewildered to solve the riddles, involved therein. Does not my honourable friend know that cases covered by the Contract Act are cognizable by the panchayats, because they are not excepted under section 43? Then there may be the question of custom. Does my honourable friend mean to say that the panchayats are not going to take cognizance of the cases in which substantially, collaterally, directly or indirectly, the question of custom is involved? I was giving you cases in which complications might arise and where the need of the lawyer might be felt. What is the rule laid down for the decision of such cases? The sponsors of the Bill say that the rule will be the rule of equity, justice and good conscience. These are the words that have been borrowed from the English Law and in England they relate to cases falling outside the jurisdiction of the common law. Cases are decided according to the principles of equity, justice and good conscience by the Chancery courts and they are persons who are far more experienced than the persons who administer common law. My honourable friend thinks that it would be easy for our panches to administer justice according to these principles. But when intricate questions come before the courts, even the most astute lawyers, having years of experience at their back, are not able to answer satisfactorily such questions. Under the Bill you are giving powers to panches to settle knotty questions. There is a possibility of their finding it difficult to solve such questions, where is the harm to give them the assistance of the lawyers, if they want to seek light

4 p. m.

from them? The Punjab Relief of Indebtedness Act was passed in 1934. It is to relieve the debtors and the agriculturists. It is for their relief that the debt conciliation boards are set up. Even in these cases coming before the boards we find that there is a provision and according to section 24 of the Relief of Indebtedness Act any party may with the permission of the board be represented by a legal practitioner.

Minister for Public Works : It is a sheer waste of time of the House. The legal practitioner cannot appear before the panchayat.

Munshi Hari Lal : I am pained to hear such words from the Honourable Minister. My honourable friend conveniently forgets that by debarring the legal practitioner from appearing before the panchayat he is inflicting injustice on the people. I may point out to him that he is denying that very justice to the villagers, for which he and his friend are pining day in and day out and for the administration of which he wants to make the panchayat very efficient.

It should be within the discretion of the panchayat to permit a lawyer to appear before them or not. It should be the panchayat who should decide whether in a particular case or whether in a particular type of cases a lawyer is required to state before them the proposition and the facts so that they may be able to administer justice. What does the phrase, justice, equity and good conscience mean? I submit that the panchayat will have to decide cases of complicated nature and it would be in the

interest of justice that a lawyer should be allowed to appear before them in order to clear the intricate points. Of course it would be within the discretion of the panchayat to allow or permit a lawyer in a particular case or not. If you are going to administer justice to the litigants and the litigants stand in need of the assistance of a lawyer, they should be permitted to have a lawyer. What we demand is that the panchayat should have discretion in allowing or refusing the appearance of a lawyer. The hands of the panchayat should not be tied down. The Panchayat should have discretion in this matter and whenever they feel the need of the services of lawyer, they should have them. With these words I support the amendment.

Pandit Bhagat Ram Sharma (Kangra, West, General, Rural.) (Urdu) : Mr. Deputy Speaker, it is a matter of gratification that a practising lawyer of your calibre and personality is occupying the presidential Chair of the Assembly at the time when a matter which vitally concerns the lawyers is under discussion. (Hear, hear). You are aware, Sir, that the institution of lawyers has been brought into existence with a view to render help in the administration of justice. (Voices from the Ministerial benches : Question) I would ask my honourable friends to enquire from Chaudhri Sir Chhotu Ram if he can deny this fact.

Mr. Deputy Speaker : I would request the honourable members not to interrupt.

Pandit Bhagat Ram Sharma : I was submitting that the institution of legal practitioners was created to render assistance in the administration of justice. I fail to understand why the Unionist Government is afraid of the legal practitioners appearing before the panchayats. Heavens would not fall down if this wholesome amendment is accepted. It is a pity that the Government are denying the people the help of legal knowledge which they could avail themselves of in order to secure justice at the hands of the panchayats. I may point out to the honourable members that the panchayats have been invested with powers to try civil and criminal cases. They are empowered to adjudicate cases under section 379 and 411, Indian Penal Code. In view of this it becomes all the more incumbent upon the Government to permit the accused to get himself represented by a legal practitioner, so that the latter may clarify the intricacies of law and put the case of his client in a lucid manner. Mr. Deputy Speaker, you being a practising lawyer, are fully aware of the conditions prevailing in the villages. You know what sort of panches would be available to serve on the panchayats. None can gainsay the facts that the villagers are steeped in ignorance. The panches who would be elected to the panchayats, would not be highly educated or possess sufficient legal knowledge to administer even-handed justice. If the legal practitioners are debarred from appearing before the panchayats, I shudder to think of the verdicts given by them. In this connection I am reminded of an honorary magistrate in my district. He was invested with powers to try criminal and civil cases. But, unfortunately he was illiterate and therefore, completely ignorant of all knowledge of law. Whenever he had to decide the cases, he would invariably ask his reader as to what the *Lal Kitab* (Indian Penal Code) said on the matter. (Laughter). I am of the opinion that we are going to have panches of the same type.

Minister for Public Works : But there would be no *Lal Kitab* with the panchayats.

Pandit Bhagat Ram Sahrma : Yes, such things are expected of the Unionist Government. We know how laws are enacted here in the Assembly. Government want that there should be no *Lal Kitab* for the panchayats so that the latter while adjudicating criminal cases, may have a free hand in giving arbitrary judgments.

Minister for Public Works : But they would start with clean slate and clear conscience.

Pandit Bhagat Ram Sharma : We often hear such pious hopes and platitudes. Well, Sir, we fully realise that when there would be no justice there would be no need of legal practitioners to appear before the panchayats. Such irregularities are expected during the regime of the Unionist Government. However I would assert that no harm would result if a person who stood accused before a panchayat was permitted to avail himself of the services of a legal practitioner to clear himself. With these words I support the amendment now before the House.

Mr. Deputy Speaker : The question is—

That in line 4, between the words "shall" and "be," the words "except with the leave of the Panchayat" be inserted.

The Assembly divided. Ayes : 22. Noes 72.

AYES.

Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.

Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Partab Singh, Sardar.
Sahib Ram, Chaudhri.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sardar Sahib
Sardar.
Sant Ram Seth, Dr.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, the Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gur-
daspur).
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, Khan
Sahib Sayed.
Balwant Singh, Sardar.

Bhagwant Singh, Rai.	Muhammad Sarfraz Khan, Chaudhri.
Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Faiz Muhammad, Shaikh.	Muhammad Yusuf Khan, Khan.
Faqir Hussain Khan, Chaudhri.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Fateh Sher Khan, Malik.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Muzaffar Khan, Khan Bahadur Nawab.
Fazal Din, Khan Sahib Chaudhri.	Nasir-ud-Din, Chaudhri.
Fazi Karim Bakhsh, Mian.	Nasir-ud-Din Shah, Pir.
Few, Mr. E.	Naunihal Singh Mann, Lieutenant Sardar.
Ghazanfar Ali Khan, Raja.	Nawazish Ali Shah, Sayed.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.	Pir Muhammad, Khan Sahib Chaudhri.
Ghulam Rasul, Chaudhri.	Pritam Singh Siddhu, Sardar.
Ghulam Samad, Khan Sahib Khawaja.	Ram Sarup, Chaudhri.
Gopal Singh (American), Sardar	Ranpat Singh, Chaudhri.
Hans Raj, Bhagat.	Ripudaman Singh, Rai Sahib Thakur.
Hari Chand, Rai Sahib Rai.	Roberts, Sir William.
Harnam Singh, Captain Sodhi.	Sadiq Hassan, Shaikh.
Het Ram, Rai Sahib Chaudhri.	Sahib Dad Khan, Khan Sahib Chaudhri.
Indar Singh, Sardar.	Shahadat Khan, Khan Sahib Rai.
Jogindar Singh Man, Sardar.	Sikander Hyat-Khan, The Honourable Major Sir.
Karamat Ali, Shaikh.	Singha, Diwan Bahadur S. P.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.	Sultan Mahmood Hotiana, Mian.
Kishan Das, Seth.	Sundar Singh, Majithia, The Honourable Dr. Sir.
Manohar Lal, The Honourable Mr.	Suraj Mal, Chaudhri.
Maqbool Mahmood, Mir.	Talib Hussain Khan, Khan.
Muhammad Amin, Khan Sahib Shaikh.	Tara Singh, Sardar.
Muhammad Ashraf, Chaudhri.	Tikka Ram, Chaudhri.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Ujjal Singh, Sardar Bahadur Sardar.
Muhammad Jamal Khan Leghari, Nawab Sir.	
Muhammad Qasim, Chaudhri.	
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	

Mr. Speaker : The question is —

That clause 57 stand part of the Bill.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, I rise to oppose clause 57 as a whole. I think this clause should be wiped out of this Bill, and I have very good reasons for saying so. I am confident that there will be no difficulty in making my lawyer friends in this House understand my point of view and I also hope that if the non-lawyers members of this House will listen to my arguments, they too will be able to appreciate the true position. Anyway I will make an attempt to show that this clause deserves to be turned down by the House.

(L. Duni Chand.)

I may be allowed to submit that I am aware of certain Acts under which lawyers are not permitted to appear and defend cases. But nonetheless I am of the opinion that lawyers should be allowed to appear before panchayats. In the first place I would like to enlighten the House as to what kind of cases—civil and criminal both—will be heard by the panchayats. The panchayats constituted by this Bill will not be ordinary panchayats. They will be given wide powers pertaining to civil as well as criminal cases. In addition to this, the panchayats will be entrusted with administrative powers. A perusal of sections 21 and 22 will reveal that the panchayats will be empowered to open or close thoroughfares, to demolish buildings belonging to others and do so many other things. It will be within the jurisdiction of panchayats to try all criminal cases excepting those which are specifically excluded. For instance all those offences, the punishment for which is not to be imprisonment or transportation for life, will be compulsorily tried by the panchayats. I may point out that there are ninety per cent sections in the Indian Penal Code under which it is not obligatory on courts to pass sentence of imprisonment. It means that cases under all such sections of the Indian Penal Code will come up before the panchayats. Then, civil suits up to the value of Rs. 250 will also be triable by the panchayats. Further, the Government wishes to retain the right of extending this limit to Rs. 500. I am of the opinion that after the passage of this Bill 95 per cent of cases will go to the panchayats. I think that the British system of jurisprudence has done great harm to this country inasmuch as it has increased litigation out of all proportion. I have always striven during my practice at the bar that the growing litigation should be lessened. When you know that the panchayats will exercise wide powers you must provide some advisory agency for them. If this Bill had come up twenty years ago, I would have agreed with you that legal practitioners should not be allowed to appear before panchayats. But in view of the present state of the legal profession, I think lawyers should be allowed to appear before the panchayats. In these days if there are a hundred legal practitioners in a district, only five or seven among them are such who earn 4 to 5 hundred rupees. There may be hardly ten or fifteen who may be earning something between a hundred and a hundred and fifty rupees. *(At this stage Mr. Speaker resumed the Chair.)*

Sixty per cent of lawyers are not earning even forty to fifty rupees a month. The rest, that is, forty per cent of them do not earn even ten to fifteen rupees a month. There is a large number of lawyers who are not earning even a pice in these days. And it is clear that in future if there is any scope for lawyers that is in the rural areas. We find that in the courts of honorary magistrates in rural areas dozens of lawyers are to be found. I do not propose that we should make it possible for these lawyers to earn a hundred or two hundred rupees each. What I want is that these people should get a living wage. There are hundreds of lawyers in the Punjab who are practically starving in these days. I want that those lawyers who belong to villages and may be doing their farming work, to supplement their income should be enabled to add fifteen or twenty rupees to their income. The condition of some professions in these days is really pitiable. Especially medical and legal practitioners are in a bad way. If my friends on the Government

benches agree to providing a chance of earning livelihood to these people in rural areas, I think, there will be no harm. If it is feared that the lawyers will introduce their clever practices into the panchayats which they have learnt at the urban bars, that fear is unfounded. They will do nothing of the sort. In panchayats they will say only reasonable things and try to explain the implications of law in a reasonable way. Moreover, my friends are making a new experiment by enacting this Bill. All the deputy commissioners who have so far exercised the power of constituting panchayats have expressed the opinion that the panchayat system has proved a failure. Why have the deputy commissioners expressed this opinion? They know that up to the present time the villagers who are appointed as members of the panchayats do not realise their responsibility. The Government, therefore, is making a bold experiment by giving such wide powers to the panchayats. It is, therefore necessary that some persons who may be in a position to explain all the implications of law before the panchayats, are allowed to appear before them.

Mr. Speaker : The honourable member is repeating his arguments again and again.

Lala Duni Chand : I have not repeated a single argument, I wish you to point out any. I am giving new arguments and I have taken every care in advancing them. I may tell you that I am extremely afraid of you. I have not repeated a single argument and I challenge you to point out what I have repeated.

Mr. Speaker : The honourable member has over and over again said that as panchayats do not know law, lawyers should be allowed to give them legal advice.

Lala Duni Chand : This was for the first time, that I said it. Before this I did not say anything about it.

(Voices.—The honourable member may be asked to withdraw the word, 'challenge')

Mr. Speaker : Has the honourable member challenged my remarks? If so, he will please withdraw his challenge.

Lala Duni Chand : I do not want to offend you, so I withdraw it. (Urdu): Sir, I was saying that it is necessary that there should be an agency which may be employed to explain the implications of the law before the panchayats. There can be no fear that if lawyers are allowed to appear before panchayats the latter will be tempted to abuse their powers, or that the lawyers will corrupt the members of the panchayats. The lawyers, on the other hand, will render every help to the panchayats so that the latter may discharge their responsibility with efficiency. With these words, I oppose clause 57.

Mr. Speaker : The question is—

That clause 57 stand part of the Bill.

(*Voices from the Opposition Benches.*—Only one honourable member has spoken so far.)

(*Voices from the Treasury Benches.*—Question may now be put.)

Mr. Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Speaker : The question is—

That clause 57 stand part of the Bill.

The motion was carried.

The Assembly then adjourned till 12 noon, on Thursday, 7th December, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 7th December, 1939.

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

STARRED QUESTIONS AND ANSWERS.

ARREST OF S. RATTAN SINGH.

*5565. **Sardar Partab Singh** : Will the Honourable Premier be pleased to state—

(a) whether it is a fact that one S. Rattan Singh of village Mandhali, district Jullundur, has been arrested by the police ; if so, the date of his arrest and the law under which the arrest has been made ;

(b) where is he at present locked up ;

(c) whether he was ever kept in the Lahore Fort ; if so, the period of his lock up there ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes ; on 13th October 1939 under rule 129 of the Defence of India Rules.

(b) and (c) He has been *detained* in Lahore Fort since 25th October, 1939 under section 2 of the Punjab Criminal Law (Amendment) Act.

PERSONS ARRESTED OR INTERNED UNDER DEFENCE OF INDIA ORDINANCE OR ACT.

*5587. **Chaudhri Muhammad Abdul Rahman Khan** : Will the Honourable Premier be pleased to state—

(a) the following particulars about persons arrested or interned in the province under the Defence of India Ordinance or Act :
(i) names, (ii) the name of the party to which the prisoner or the internee belongs, (iii) the date of arrest or internment, (iv) the class allotted in the jail, (v) the date of the delivery of speech on the score of which the arrest or internment took place ;

(b) whether in any case the arrest was made in consequence of a speech delivered prior to the issuing of the Defence of India Ordinance ; if so, the justification for that arrest ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I regret the required information is not yet ready.

CORRUPTION CASES.

***5594. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Premier be pleased to state—

- (a) the number of corruption cases tried since April, 1937 up-to-date ;
- (b) the number of cases in which the culprits were convicted ;
- (c) whether the number of corruption cases in the present year shows any increase on that of the last year ?

Parliamentary Secretary (Mir Maqbool Mahmood) : A statement showing the action taken against corrupt officials in the Punjab during the financial year 1937-38 was forwarded as usual to the Secretary of the Assembly, for the information of honourable members, in July last. The statement for 1938-39 is under preparation and will in due course be given to members in the same way. These statements do not include particulars of those cases which failed in the courts, but the information which they contain is in considerable detail and will probably serve the honourable member's purpose.

***5599. Postponed.**

USE OF THE WORD "MUSLIM" INSTEAD OF THE WORD "MUHAMMADAN".

***5627. Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

- (a) whether any representation has been made by the Muslims of different places in the province asking him to issue instructions to all Government Departments and institutions that the word "Muslim", must be used instead of "Muhammadan", wherever the necessity arises for such use ;
- (b) if the reply to (a) above be in the affirmative, the action taken thereon ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b) No such representations are traceable but Government has recently issued instructions to the effect that the word "Muslim" be used by all Government Department.

MEMORIALS AGAINST THE ORDERS OF HEADS OF DEPARTMENTS.

***5629. Shaikh Karamat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that memorials addressed to a Minister of the Government or to the Punjab Government appealing against the orders of the heads of departments are more often than not withheld by the heads of the departments ;
- (b) whether he is aware of the fact that the above often results in grave injustice to the memorialists ;
- (c) whether he is prepared to issue definite orders to the effect that in future all memorials addressed to the Punjab Government or any Minister of the Government should be sent up for orders and should not be detained or delayed by heads of departments ; if not, why not ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Not so far as I am aware.

(b) No.

(c) The question is being examined.

PROMOTION OF GOVERNMENT SERVANTS WITH WAR SERVICE.

***5630. Shaikh Karamat Ali**: Will the Honourable Premier be pleased to state—

(a) whether it is a fact that in 1914 or thereabout (during the Great War) the Punjab Government issued a circular to the effect that Government servants with war services to their credit should be given preference in the matter of promotion over the heads of others with no war services to their credit;

(b) whether it is a fact that this circular is not being considered by the heads of departments while granting promotions; if so, why;

(c) whether it is a fact that for want of definite instructions on the subject many heads of departments fail to do justice to the war claims of great many of the Government servants with better records than their seniors; if so, the action the Government intends to take in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) No. Instructions were issued in December 1917 that in selecting persons for appointment to posts under the Punjab Government preference should be shown to men with war services, but it was never the intention that in the matter of promotion such persons should be given preferential treatment over other officials in the service.

(b) and (c) Do not arise.

DEMANDING OF SECURITY FROM PANJABER "SHER-I-GURMUKHI" AND "DUKHI DUNYA."

***5639. Master Kabul Singh**: Will the Honourable Premier be pleased to state—

(a) whether any security has been demanded from *Panjabee Sher-i-Gurmukhi* weekly published in Lahore and also from *Dukhi Dunya*, a Gurmukhi weekly, published in Jullundur;

(b) if so, the date when orders demanding securities were passed and the articles on the basis of which these orders were passed;

(c) whether these papers have since deposited security or have ceased publication?

Parliamentary Secretary (Khan Bahadur Mian Ahmad Yar Khan, Daulatana): (a) Yes.

(b) 26th July and 5th September, 1939, respectively. It is not in the public interest to lay the objectionable articles on the table of the House.

(c) No. They have closed down.

Master Kabul Singh : Is it a fact that two or three pictures of the ex-Babar Akalis and Congress workers, on account of the publication of which security was demanded from *Dukhi Dunya*, appeared in other newspapers as well ?

Parliamentary Secretary : The articles on the basis of which security was demanded are known to the publisher. It is not necessary for me to say on the basis of what articles security was demanded.

Master Kabul Singh : Is it a fact that Sardar Hari Singh Sundh, Sardar Munsha Singh and Sardar Sunder Singh are no longer Babar Akalis and are working as Congressmen ?

Parliamentary Secretary : May be.

Pandit Shri Ram Sharma : Has the security been demanded for publishing some articles or for printing the pictures ?

Parliamentary Secretary : The publisher concerned knows that fully.

Pandit Shri Ram Sharma : Does not my honourable friend know whether it was for publishing some articles or pictures that the security was demanded ?

Parliamentary Secretary : I have already answered.

Pandit Shri Ram Sharma : The question is this : Whether the publication of articles or that of the pictures was objectionable. I have not asked what was the nature of the articles and the pictures.

Parliamentary Secretary : Yes. Ask the publisher who is your friend.

Pandit Shri Ram Sharma : Under what rule does the Parliamentary Secretary say : " Ask the publisher " when a question is being put to him on the floor of the Assembly ?

Lala Duni Chand : May I know if it is opposed to public interest to let the honourable members of this House know the contents or the nature of the articles.

Parliamentary Secretary : It is not necessary.

Lala Duni Chand : What objection has the Parliamentary Secretary to disclose the nature of those articles ?

Parliamentary Secretary : I have already stated that it is not in public interest to give further publicity to those articles.

Pandit Shri Ram Sharma : On a point of order, Sir. May I know if the Parliamentary Secretary is in order to say that the reply may be had from a third person if the question is addressed to him ?

Master Kabul Singh : May I know if any warning was given to the Punjabi Sher before demanding security ?

Parliamentary Secretary : I am not sure.

EXEMPTION FROM LICENCE FEES FOR MILITARY OFFICERS.

***5670. Khan Haibat Khan Daga :** Will the Honourable Premier be pleased to state—

- whether it is a fact that Military Officers are exempt from paying licence fee for keeping arms ;
- whether they have been asking from time to time for exemption from the payment of fee for shooting licence also ;
- if answer to (a) and (b) above be in the affirmative, the action taken or intended to be taken on their representation ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Speaking broadly, this is so.

(b) Only one petition on this subject has recently been received by Government from certain Military Officers, residing in the Kangra district.

(c) As the proposed exemption would tend to defeat the object, viz. the preservation of wild life for which the Act was passed, Government find themselves unable to adopt the exemption suggested.

CONVICTIONS UNDER THE DEFENCE OF INDIA ORDINANCE AND ACT.

***5682. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- the number of convictions under the Defence of India Ordinance and Act in the Punjab up till 31st October, 1939 ;
- how many convicts out of these have been given A or B class ;
- how many convicts out of these mentioned in (a) have been given A or B class in Multan district ?

The Honourable Mr. Manohar Lal : (a) 40.

(b) Class ' A '	1
Class ' B '	1
(c) None.	

CASES REGISTERED UNDER THE DEFENCE OF INDIA ORDINANCE.

***5740. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state the number of cases registered under the Defence of India Ordinance from the 1st September, 1939, up to 1st November, 1939, by the Punjab Government in the Punjab giving fullest details of the names of the persons proceeded against along with the names of the districts in which they were registered ?

Parliamentary Secretary (Mir Maqbool Mahmood) : I regret that the answer to this Question is not yet ready.

K. B. MIAN AHMAD YAR KHAN DAULATANA'S VISIT TO DHARAMSALA.

***5747. Pandit Bhagat Ram Sharma :** Will the Honourable Premier be pleased to state—

- whether it is a fact that Nawab Ahmad Yar Khan Daulatana visited Palampur in the district Kangra during the summer months of this year ;

[Pt. Bhagat Ram Sharma.]

(b) whether this visit was on official business ;

(c) whether he along with Chaudhri Sir Chhotu Ram visited Palampur tahsil of district Kangra during the last summer and addressed a public meeting at Saliana in that tahsil ;

(d) how much amount, if any, was drawn by each of them by way of travelling allowance for their visit to Saliana ?

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

(b) No.

(c) No.

(d) None, as far as the Parliamentary Secretary, Political, is concerned. Such travelling allowances as was due under the rules and within the vote of the Assembly was paid to the Honourable Minister of Development.

Pandit Bhagat Ram Sharma : With reference to part (b), may I know from the Parliamentary Secretary whether the visit of the Secretary was in connection with the district board elections ?

Parliamentary Secretary : I have already said that it was not in connection with any official visit.

Pandit Bhagat Ram Sharma : May I know whether the Chief Secretary of the Unionist Party was participating in the district board elections while at Palampur ?

Mr. Speaker : Disallowed.

Pandit Bhagat Ram Sharma : May I know the approximate amount drawn by the Minister as travelling allowance in connection with the official business for which the Minister went there ?

Parliamentary Secretary : If my honourable friend gives notice I will answer that question.

Pandit Bhagat Ram Sharma : May I know whether the visit was official or private ?

Parliamentary Secretary : It was official so far as the Minister for Development is concerned.

Pandit Bhagat Ram Sharma : May I know the official business which was transacted ?

Parliamentary Secretary : If a notice is given I will consider the reply.

Mr. Dev Raj Sethi : What was the approximate amount drawn by the Minister ?

Parliamentary Secretary : Such travelling allowances as was due under the rules and within the vote of the Assembly was paid to the Minister.

Mr. Dev Raj Sethi : What was the amount ?

Pandit Shri Ram Sharma : May I now ask to whether addressing of public meetings was also part of official duties ?

Mr. Speaker : Disallowed.

Pandit Bhagat Ram Sharma : It is clear from the reply to part (d) of the question that a certain amount of travelling allowance has been drawn by the Honourable Minister. However, the Parliamentary Secretary is not in a position to say how much. May I know the reason why he is not in a position to do so? Is it because the Honourable Minister did not transact any official business?

Mr. Speaker : Please avoid insinuations.

Lala Duni Chand : The original question asked is whether the visit related to official business. If the question related to official business, how does the Parliamentary Secretary say that he wants fresh notice. The question is already there. He was requested to let the House know what was the official business and he says he wants fresh notice.

SARDAR RATTAN SINGH OF VILLAGE MANDHALI.

***5752. Sardar Partab Singh :** Will the Honourable Premier be pleased to state—

(a) whether Sardar Rattan Singh of village Mandhali, district Jullundur, arrested by the police under the Defence of India Act on 13th September, 1939, is interned in the Lahore Fort ;

(b) whether it is a fact that he has been abused and tortured there ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) He was arrested on the 18th October, 1939, and not the 13th September. He is detained in Lahore Fort.

(b) No.

Sardar Hari Singh : With reference to answer to part (b) of the question, will the Parliamentary Secretary state whether it is a fact that the answer is based on the statement of the officer in charge against whom serious allegations of torture of the man in custody are made ?

Parliamentary Secretary : We have made enquiries through the usual channel, but if the honourable member has any special complaint, I will endeavour to examine it.

Sardar Hari Singh : I want to know as to who investigated the allegation of torture.

Parliamentary Secretary : I cannot give that information off-hand, but if the honourable member gives notice I shall find out.

SUPPLY CONTRACTORS IN CONNECTION WITH FAMINE IN HISSAR DISTRICT.

***4701. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state the names of contractors approved by the Government for supplying fodder, baskets, and spades to the famine-stricken area of the Hissar district and the total price of fodder and other material supplied by them so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The appointments of contractors are made by the local authorities and do not require the approval of Government.

[Raja Ghazanfar Ali Khan.]

The total price paid by the Deputy Commissioner, Hissar, to contractors for supply of fodder, baskets and spades amounted to Rs. 7,20,904. In addition to this the Fodder Adviser purchased 21 lakhs maunds of fodder for the distressed areas; the price of which used in the Hissar district has not been separately calculated.

Pandit Shri Ram Sharma : May I know the name of the local authority who is supposed to approve of these contracts?

Parliamentary Secretary : The Fodder Adviser.

Pandit Shri Ram Sharma : May I know the names of the contractors who are at present supplying fodder?

Parliamentary Secretary : How can I tell the names of the contractors when they are not submitted to the Government for approval?

Pandit Shri Ram Sharma : Is not the Fodder Adviser, who generally approves of those contracts, working under the administrative control of the Punjab Government?

Parliamentary Secretary : If he is under the Government it does not mean that he should consult the Government even with regard to unimportant and minute details. If my honourable friend wants to know the names I would require notice.

Pandit Shri Ram Sharma : The notice is already there. In the main question the Honourable Minister has been asked to state the names of the contractors.

Parliamentary Secretary : Yes, but approved by the Government.

ACHHUT CLERKS IN RELIEF WORKS IN HISSAR DISTRICT.

***4703. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state the number of clerks belonging to the *Achhut* community employed in the relief works in the Hissar district?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :—Three.

Sardar Mula Singh : What is the total number of clerks employed in the relief works in the Hissar district?

Parliamentary Secretary : If the honourable member gives notice I shall be glad to supply the required information.

REPRESENTATION OF TENANTS OF VILLAGE SADALPUR, DISTRICT HISSAR.

***4807. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state whether he received a representation of the tenants of village Sadalpur, district Hissar, through me on 22nd March, 1939, praying that *taccavi* loans may be advanced to them; if so, the action taken upon that representation?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. The representation has been forwarded to the Commissioner, Ambala division, for disposal.

Pandit Shri Ram Sharma : What was the result of the enquiry ?

Parliamentary Secretary : I cannot say anything about it. The distribution of taccavi loans is the concern of the local authorities.

Pandit Bhagat Ram Sharma : Does or does not the Government enjoy any powers in the matter ?

Parliamentary Secretary : The Government gives the money but it is distributed by the local authorities.

Pandit Shri Ram Sharma : What was the result of the representation that was forwarded to the Commissioner ? Was or was not any taccavi advanced to them ?

Parliamentary Secretary : If you look at the original question this information was not demanded. It was asked as to what action has been taken, and the reply is that the money was sanctioned by the Government for the purpose.

Pandit Shri Ram Sharma : Then what was the result of that 'action'?

Parliamentary Secretary : I have stated all the facts and now the honourable member can judge from those facts what the result was.

DESTRUCTION OF CROPS BY MONKEYS IN ILAQA NEAR DHUMRAI
BRIDGE, UPPER BARI DOAB
CANAL.

***4857. Chaudhri Ali Akbar :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that between Bhimpur and Dhumrai bridges on the main line of the Upper Bari Doab Canal there is a very large number of old and huge trees which are giving shelter to a large number of monkeys and other wild beasts ;
- (b) whether he is also aware of the fact that these monkeys and the wild beasts join to destroy the crops in the fields in the vicinity of this jungle as has been represented to the Government for a number of times by the zamindars concerned ;
- (c) if the answer to the above be in the affirmative, the action that the Government proposes to take in the matter with a view to protecting the crops of the zamindars from destruction by these monkeys and wild beasts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) It is a fact that between Bhimpur and Dhumrai bridges on the Main Line of the Upper Bari Doab Canal there are Canal plantations just as exist elsewhere on this Canal, and such plantations naturally give shelter to monkeys but not to other wild beasts.

(b) Monkeys of course damage zamindar's crops ; this happens every day in the adjoining provinces of U. P. and Delhi.

(c) Government cannot undertake to protect the crops of zamindars from monkeys. Orders are being issued to remove, so far as it is possible, fruit bearing trees which harbour monkeys.

Lala Duni Chand : It appears from the question as put that the monkeys and other wild animals enter into a conspiracy to destroy the crops of the zamindars. Has Government ever considered the necessity of starting prosecutions against these animals for the destruction of the crops? (*Laughter*).

Parliamentary Secretary : We are already prosecuting certain other species of animals. (*Laughter*.)

COMPLAINTS AGAINST THE CONTRACTOR AT JHAJJAR.

***4896. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that the President, Municipal Committee, Jhajjar, and a large number of zamindars of the locality approached the Deputy Commissioner, Rohtak, and the Famine Relief Officer while they were in camp at Jhajjar to request them to see for themselves that the contractor for the supply of fodder at Jhajjar was guilty of exacting two annas per rupee on the distribution of fodder *taccavi* on 28th March, 1939 ;

(b) what action these officers took on the complaint made to them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The complaint was made to the Assistant Commissioner and the tahsildar of Jhajjar in camp. No complaint was made to the Deputy Commissioner, nor was he at Jhajjar on that date ;

(b) Enquiries were instituted by these officers personally and promptly but the allegations were found to be incorrect.

Pandit Shri Ram Sharma : Is this statement based on the reply given by those particular officers against whom the complaint was made ?

Parliamentary Secretary : I have already stated that the officers to whom the complaints were made instituted an enquiry at once and found them to be baseless.

Pandit Shri Ram Sharma : May I know the names of those officers who at once held the enquiry and found those allegations to be baseless ?

Parliamentary Secretary : I have stated that it was held by the Assistant Commissioner.

Pandit Shri Ram Sharma : Is it a fact that the Assistant Commissioner told the people that the tahsildar would enquire into the matter and the latter informed them that it was to be done by the former, and yet none of them visited the spot ?

Parliamentary Secretary : The fact is that the Assistant Commissioner went there to make the necessary enquiries. The rest is a mere yarn woven by certain persons out of their heads.

Pandit Shri Ram Sharma : What were the chief points which they wanted to be enquired into ?

Parliamentary Secretary : I cannot give that information without notice.

Pandit Shri Ram Sharma : Is it or is it not a fact that the President, Municipal Committee, Jhajjar and other villagers made a complaint to the effect that the contractor for the supply of fodder had arranged a certain agent to exact 2 annas per rupee on the distribution of taccavi ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is he or is he not aware of this fact ?

Parliamentary Secretary : I have already stated that necessary action was taken immediately on the receipt of the complaint which was found to be baseless.

Pandit Shri Ram Sharma : The Famine Incharge stated that if he personally visited the spot where the agent in question was sitting for the purpose the latter would surely slip away ? Now I ask as to whether the Government is aware of all these facts.

Parliamentary Secretary : I cannot tell without notice.

Dr. Gopi Chand Bhargava : May I know to what question has the honourable parliamentary Secretary replied ? The question was whether such and such complaint was made. He said that he does not know the nature of the complaint. Has he read the question and has he replied to the question ?

Parliamentary Secretary : I would request my honourable friend to state what particular part of the question I have not replied.

Dr. Gopi Chand Bhargava : The honourable member wanted to know what was the nature of the complaint ; the Parliamentary Secretary says he wants notice of that question.

Parliamentary Secretary : The question was whether it is a fact that the president of the Municipal Committee, Jhajjar and a large number of zamindars approached the Deputy Commissioner, Rohtak and the Famine Relief Officer to see if these two contractors for the supply of fodder were guilty of extracting two annas per rupee. I have replied that the complaint was made, it was promptly enquired into personally by the officer to whom this complaint was made.

Dr. Gopi Chand Bhargava : Then what did he refer to when he said that he did not know the nature of the complaint ?

Parliamentary Secretary : I referred to the complaint that the honourable questioner described in nearly two hundred words. The particular complaint referred to in the original question was looked into.

Dr. Gopi Chand Bhargava : Did not the honourable member refer to the same complaint ?

Parliamentary Secretary : But he referred to some other complaint.

Dr. Gopi Chand Bhargava : Which complaint ?

Parliamentary Secretary : I do not know, but it is not the same as contained in the original question.

Pandit Shri Ram Sharma : Is it not a fact that I enquired if these people said that they would show that the contractor was charging two annas extra. This is given in my question and this is what I asked.

Parliamentary Secretary : And this is what I have replied to that the officers enquired personally into the complaints but these allegations were found to be wrong.

Pandit Shri Ram Sharma : Is it a fact that the officers concerned went with the complainants.

Parliamentary Secretary : It is difficult to say who were with them or behind them and it is wrong for the honourable member either to say so.

Pandit Shri Ram Sharma : I am asking about the people who went to him to show the facts. I want to know whether it is a fact that the officer went with these people and enquired into the matter and found the allegation wrong ?

Parliamentary Secretary : Whether the officer went with the people or a little after I cannot say. I said that the complaint was made and promptly and personally they went to enquire. I cannot say more than this.

Pandit Shri Ram Sharma : When you say he went promptly to the spot may I know whether he went with the complainants ?

Minister : I have nothing to add to the replies already given.

Pandit Shri Ram Sharma : The Honourable Minister could have said this earlier to save himself from the awkward position.

WATER-LOGGING TROUBLE IN CERTAIN VILLAGES IN SHEIKHUPURA DISTRICT.

***4925. Sardar Hari Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether damage done to agriculture by *sem* or water-logging to the villages Chuharkana, Isarke and Bandoke, and neighbouring villages in the Sheikhupura district has been brought to his notice ;
- (b) whether he has instituted inquiries as to the extent of damage done, if so, the result of the inquiries made ;
- (c) the action taken or proposed to be taken to help those whose lands have been spoiled by water-logging ?

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

(b) Yes. A comparison of areas classed as 'thur' shows the following percentage increase in these areas between 1931-32 and 1937-38 :—

	Per cent.		
Chuharkana and Isarke	50
Bandoke	170

The position, though serious, is not as alarming as the increase in 'thur' figures would indicate, as much of the damage has occurred in 'banjar'

land. The area under irrigation has, however, increased during the same period as follows :—

Name of village.	1930-31.	1937-38.	Increase percentage.
			Per cent.
Chuharkana	321	379	18
Isarke	715	1,316	84
Bandoke	1,161	1,408	21

(c) An extensive network of drains has been constructed in this area which has lowered the subsoil water level below the root zone for crops. Reclamation by suitable crop rotation can now be commenced when a reclamation department has been set up to deal with this and similar affected areas.

RESULT OF THE DEPARTMENTAL INQUIRY AGAINST B. VIDYA PARKASH,
MOTOR LICENCE CLERK, AMBALA.

***4931. K. S. Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- the result of the departmental inquiry against B. Vidya Parkash, Motor Licence Clerk, Ambala ;
- whether he would be pleased to lay the report and the proceedings of the inquiry on the table of the House ;
- the reasons for the delay of the report, if any ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The pay of the clerk has been reduced by Rs. 10 per mensem, his transfer to another district has been ordered and he is not again to be entrusted with motor licensing work.

(b) It is not customary or desirable in the public interest to place copies of departmental enquiry proceedings on the table of the house.

(c) There was no delay in the submission of the report.

NUMBER OF LAMBARDARS SUSPENDED DURING THE YEAR 1938 FOR NOT
DEPOSITING THE LAND REVENUE IN THE TREASURY IN TIME.

***4937. Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state the number of lambardars in the whole province suspended during the year 1938 for not depositing the land revenue in the treasury in time ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that Government do not feel justified in calling for them.

Sardar Sohan Singh Josh : Can you give the information in relation to any one particular district ?

Parliamentary Secretary : If you ask about any one particular district, it will be replied.

Pandit Bhagat Ram Sharma : Is the Parliamentary Secretary aware that an official list is prepared of all those lambardars who are not in a position to pay their revenue ?

Parliamentary Secretary : I would thank my honourable friend for the information, if it were true.

Pandit Bhagat Ram Sharma : May I know whether any list is kept by the tahsildars of all those lambardars ?

Mr. Speaker : From which part of the answer does this question arise ? The Parliamentary Secretary has declined to answer it on the ground that the amount of labour required shall be too much.

Pandit Bhagat Ram Sharma : He has given no specific reason. He said that the amount of labour spent will be too much.

Mr. Speaker : By all this he meant to say that it was not in the public interest to answer the question.

Pandit Bhagat Ram Sharma : If this is your ruling then I will not pursue the matter.

Parliamentary Secretary : The number of lambardars in the province is nearly 80,000 and it is not worth while for the Government to collect figures about the number of those suspended for not paying revenue.

Sardar Sohan Singh Josh : Is the number of suspensions very great ?

Parliamentary Secretary : That may be very small, but that will be known to the Government after enquiry.

Dr. Gopi Chand Bhargava : What is the usual number of such lambardars who do not pay land revenue in time ?

Minister for Revenue : That information can be obtained from Government reports.

Dr. Gopi Chand Bhargava : May I know if the Government expects that the number would be very large this time ?

Parliamentary Secretary : The Government is expecting nothing of that kind.

Sardar Hari Singh : May I know whether the number of lambardars suspended and particulars of suspensions are not supplied to the office of the Financial Commissioner and Commissioner ?

Parliamentary Secretary : No, Sir.

Sardar Hari Singh : Are they not available in the Deputy Commissioner's office ?

Minister : No, but they can be called for by the Financial Commissioners and the Commissioners.

FAULTY ARRANGEMENTS AT GOVERNMENT DUMPS IN HISSAR.

***4979. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether he has received a telegram from the Secretary, Congress Famine Committee, Hissar, alleging faulty arrangements at Government Dumps as regards fodder supply ; if so, whether he has instituted an inquiry into the matter and, if so, with what result ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. On enquiry it appears that no fodder *parchis* have been dishonoured though in some cases supplies were found to be insufficient for a few days for want of adequate transport facilities.

(ii) Some cases of corruption also came to notice. With a view to tightening up control, fodder dumps have now been placed under the exclusive charge of the Fodder Adviser, as dual control by the Fodder Adviser and the Deputy Commissioners was found to be unsatisfactory.

(iii) As the arrangements at Ding and Kalanwali, which were being managed by private contractors, were not satisfactory they have been taken over by Government. The allegations in regard to losses and inconvenience to people going to Jhumpa Jamalpur, Barwala and Bhawani Khera are however not correct.

(iv) The allegations in the telegram from the Secretary of the Congress Famine Committee seem to have been exaggerated, as another telegram from a non-official of Hissar states that the present arrangements have met with popular approval. The telegram, to which the Honourable member refers, was perhaps inspired by disappointed fodder contractors.

Sardar Hari Singh : May I ask from whom the second telegram was received ? Was it not inspired by the Officer in charge of dumping arrangements ?

Parliamentary Secretary : This was from the inhabitants of that area.

Sardar Hari Singh : Who are the signatories to this telegram ?

Parliamentary Secretary : Names are not given.

Sardar Hari Singh : And yet you believed in that telegram ?

Minister for Revenue : Anybody can give a telegram and it is accepted.

Sardar Hari Singh : So this was an anonymous telegram.

Parliamentary Secretary : I am sorry I cannot give the name of the signatories straightaway, though it would not be difficult to do so.

Pandit Shri Ram Sharma : Can I know by whom were the complaints made ?

Parliamentary Secretary : The Congress telegram contained a suggestion. It stated " dual control system unsatisfactory. Kindly restore Deputy Commissioner's control." The Government instead of restoring Deputy Commissioner's control have put it under the control of the Fodder Adviser whom they considered more suitable. Therefore the real complaint of the Congress has been removed.

Dr. Gopi Chand Bhargava : May I know whether there was any conflict between the Deputy Commissioner and the Fodder Adviser ?

Parliamentary Secretary : No.

Minister : It was found convenient. The Fodder Adviser can deal with the question much better than the Deputy Commissioner.

Dr. Gopi Chand Bhargava : Where was the diarchy in this matter ?

Minister : First arrangements were made by the Deputy Commissioner and the Fodder Adviser. It was found that it entailed some difficulty for the Deputy Commissioner to look after so many things. Therefore we thought it advisable to put it in the charge of the Fodder Adviser.

Dr. Gopi Chand Bhargava : The Government therefore considered this diarchical system wrong.

Parliamentary Secretary : Therefore we have removed it.

Dr. Gopi Chand Bhargava : Why has it been put under the Fodder Adviser and not the Deputy Commissioner ?

Parliamentary Secretary : Because Government considered that the Fodder Adviser would be more suitable.

Dr. Gopi Chand Bhargava : Fodder Adviser may be more suitable for advising the Government about the quality of fodder only.

Parliamentary Secretary : In all matters Government thought the Fodder Adviser would be more suitable.

Pandit Shri Ram Sharma : Can I know who enquired into this complaint ? Fodder Adviser or some one else ?

Parliamentary Secretary : There was no complaint. The only complaint was against dual control and it was removed.

DAMAGE TO CROPS IN CERTAIN VILLAGES OF DISTRICT SHEIKHUPURA.

*4995. **Sardar Sohan Singh Josh :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether he is aware of the fact that the crops have been completely damaged due to hailstorm in the first week of April, 1939, in the villages in Chak No. 10, Thothian and Chak No. 79, Nawau Kot, thana Sangla Hill, District Sheikhpura ;

(b) whether any reports have been made to him in this connection ;

(c) the action he has taken or proposes to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) In chaks Nos. 10 and 79 the area destroyed was 193 and 118 acres only out of a total cultivated area of 978 and 594 acres respectively ;

(b) Yes.

(c) Attention is invited to the detailed statement regarding hailstorms laid by me on the table of the House on 24th April, 1939.

The following relief has been granted :—

	<i>Chak</i> No. 10 R. B.	<i>Chak</i> No. 79 R. B.
	Rs.	Rs.
Amount of land revenue re- mitted.	1,716	1,088
Amount of abiana remitted ..	992	628
Total ..	2,708	1,656

RESTORATION OF TREES OF SPONTANEOUS GROWTH TO THE PEOPLE
OF KANGRA DISTRICT.

***5026. Pandit Bhagat Ram Sharma :** Will the Honourable Minister of Development be pleased to state—

- whether or not as a result of the recommendations of the Punjab Forest Commission, 1937-38, the Punjab Government has restored the trees of spontaneous growth, growing on the lands assessed to land revenue and belonging to people of Kangra district to their present proprietors ;
- whether or not village *shamilats* have been declared community forests and placed under the supervision of the village communities as a result of these recommendations ;
- if the answers to (a) and (b) above be in the negative, the action the Government intends to take to give practical shape to the said recommendations ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Not yet.

(b) The Punjab Forest Committee did not recommend village *shamilats* being declared community forests and placed under the supervision of village communities ; all that they contemplated was the possibility of closer association between the Forest Department and the right-holders, with management by the former on lines approved by the latter.

(c) The Committee's proposals have been the subject of the most careful consideration and as they involve questions of considerable complexity, local enquiries are being made to ascertain how far they are feasible and what effect can be given to them.

Pandit Bhagat Ram Sharma : May I know with respect to part (a) of the question whether the Government is aware that the Forest Commission recommended the restoration of the trees standing on private areas ?

Minister : My answer is quite clear. The Punjab Forest Committee did not recommend village *shamilats* being declared community forests.

Pandit Bhagat Ram Sharma : My question is whether the Forest Commission did recommend the restoration of trees standing on private lands.

Minister : My answer is "not yet."

Pandit Bhagat Ram Sharma : When will they be restored ?

Minister : It is not possible to give any date by which possession will be restored.

Pandit Bhagat Ram Sharma : May I know what are the practical difficulties in the way of the Government in restoring them ?

Minister : No answer can be given to that question. There are so many difficulties that I cannot enumerate them here.

Pandit Shri Ram Sharma : Can he mention one or two important ones.

Minister : No.

Pandit Bhagat Ram Sharma : May I know if the Honourable Minister considers it fair and equitable that trees standing on areas assessed to land revenue should not be given over to the owners ?

Mr. Speaker : That is a question of opinion.

Pandit Bhagat Ram Sharma : Does it appeal to the sense of justice of the Honourable Minister ?

Mr. Speaker : Again, that is a matter of opinion.

Pandit Shri Ram Sharma : Does the Honourable Minister know the difficulties of the people concerned ?

Minister : Yes.

Pandit Shri Ram Sharma : What is the difficulty in enumerating those difficulties ?

Mr. Speaker : Disallowed.

LAND POSSESSED BY DOGRAS IN THE AMBALA AND ROHTAK DISTRICTS.

***5042. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Premier be pleased to state—

- (a) the total population of Dogras in Ambala and Rohtak districts ;
- (b) total area of land possessed by Dogras in the Ambala and Rohtak districts ;
- (c) total area of land sold or auctioned in the execution of money decrees given against them in the above districts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 49.

(b) 568 acres.

(c) Nil.

FICTITIOUS ENTRIES IN MUNICIPAL TEST WORKS IN SIRSA.

***5059. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Sub-Divisional Officer, Sirsa (Hissar), checked the accounts of the local municipal famine

test works in the month of April, 1939, and found, as remarked by him in writing that wrong and fictitious entries had been made in these accounts ; if so, whether any explanation was called from the sub-overseer and the municipal commissioner who are alleged to be responsible for making these wrong and fictitious entries and whether any punishment was awarded to them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The Sub-Divisional Officer checked registers and found 93 present against a register entry of 104.

An enquiry is proceeding.

Pandit Shri Ram Sharma : May I know whether the enquiry is still going on, even though the Sub-Divisional Officer noticed it as long ago as April, 1939 ?

Parliamentary Secretary : The municipal committee has delayed the submission of the accounts, but the Deputy Commissioner is doing his utmost to expedite the report.

Pandit Shri Ram Sharma : My question is whether it is a fact that this complaint arose in April, 1939 and in spite of the fact that nine months have elapsed no action has been taken.

Parliamentary Secretary : I have said that the committee has not submitted the accounts to the Deputy Commissioner who is however trying to expedite the matter.

Pandit Shri Ram Sharma : Have you not yet been able to find out who is responsible ?

Parliamentary Secretary : I have submitted that the municipal committee has not submitted its accounts.

IMPORTING AND DISTRIBUTION OF FODDER IN ROHTAK DISTRICT BY THE CONTRACTORS.

***5061. Pandit Shri Ram Sharma** : Will the Honourable Minister of Revenue be pleased to state—

- (a) the quantity of fodder imported so far in Rohtak district on passes allowing concessions in railway freight as well as on ordinary railway freight since the date when concessions in freight were sanctioned ?
- (b) the quantity of fodder distributed by the contractors during this period ;
- (c) whether there has been found any difference between the quantity of fodder actually imported into the said district by the contractors and the quantity of fodder actually distributed by them on taccavi chits ; and if so, the reasons for this difference and whether any attempt has been made to account for this difference ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The contractors imported 1,074,693 maunds of fodder at concession rates. Information regarding imports at ordinary rates is not available.

[Raja Ghazanfar Ali Khan.]

(b) the quantity distributed as taccavi from contractors fodder dumps is 944,852 maunds.

(c) The difference represents sales for cash, wastage, shortage in weight when loaded loose in wagons, and the amount still left with the contractors

Pandit Shri Ram Sharma : May I know if any enquiry was made by the Government in this connection?

Parliamentary Secretary : About what?

Pandit Shri Ram Sharma : About the distribution of fodder by the Government on taccavi chits and about the complaints made in this respect?

Parliamentary Secretary : I have clearly stated in my reply that 90 per cent of the imported fodder has been duly distributed and the Government is enquiring into the reasons for the remaining 10 per cent not having been distributed.

Pandit Shri Ram Sharma : Is it a fact that the real cause has not been found out as yet?

Parliamentary Secretary : Not yet.

Pandit Shri Ram Sharma : May I know if Mr. K. C. Chaudhri, I.C.S., conducted an inquiry and his report was submitted to the Government which has been sitting over that report for so many months?

Parliamentary Secretary : That is entirely wrong.

Pandit Shri Ram Sharma : Is it a fact that people have been complaining that the taccavi chits had been bought by the fodder contractors, at two annas less per rupee and that is why the Government is sitting over the matter?

Pandit Shri Ram Sharma : I want to ask if the Government have made an inquiry concerning this matter?

Parliamentary Secretary : Enquiry about what?

Pandit Shri Ram Sharma : About this matter that there is a difference between the quantity of fodder that has been imported by the contractors and the quantity that has actually been distributed by them to the people; why the whole of the fodder has not been distributed?

Parliamentary Secretary : I have already made it clear in my reply that 924,000 maunds of *bhusa* was imported, out of which 90 per cent has been duly distributed among the people and the Government is making enquiry about the remaining 10 per cent of *bhusa* that has not been distributed. The Government always makes inquiries about such matters.

Lala Bhagat Ram Choda : Was not that quantity of *bhusa* swept away by the wind storm? (*Laughter*).

Pandit Shri Ram Sharma : Was any enquiry made by the Government about this?

Minister of Revenue : An enquiry was held.

Pandit Shri Ram Sharma : But I want to ask if an inquiry was held by Mr. K. C. Chaudhri, I.C.S., Famine Relief Incharge?

Parliamentary Secretary :] I have nothing to add to the answer already given.

Dr. Sir Gokul Chand Narang : I should like this question to be answered by the Honourable Minister himself.

Parliamentary Secretary : How can you force any particular person to answer ?

Dr. Sir Gokul Chand Narang : Let him refuse to answer if he likes. I have made a request to him. The question is whether the enquiry referred to by the honourable member on this side was or was not made. Is the Honourable Minister in a position to say anything ?

Parliamentary Secretary : If the honourable member is anxious to know, I am prepared to oblige him, but if he insists that a particular person should reply, then I have nothing to say.

Dr. Sir Gokul Chand Narang : The honourable member has been pressing for an answer but no satisfactory answer has yet been vouchsafed to him. It was in the interest of fairness that I requested the Honourable Minister himself to give an answer to his question. It is an important question. Let him say whether there was any enquiry conducted by Mr. K. C. Chaudhri, I.C.S., or not. Why is the Honourable Minister silent ?

Parliamentary Secretary : I have already said that if the Honourable Member would mention any particular complaint or the nature of the complaint about which the enquiry was made I will be prepared to answer.

Pandit Shri Ram Sharma : The complaint that was mentioned in my question was that a considerable quantity of fodder was imported by the contractors but the whole quantity had not been distributed to the people. Was any inquiry held by Mr. K. C. Chaudhri, I.C.S., and did he submit his report to the Government which is sitting over it up till now ?

Parliamentary Secretary : I have already stated that the Government has been making inquiries about the distribution of fodder in the districts of Rohtak and Hissar. The complaints referred to by the honourable member are naturally included in those inquiries.

Dr. Sir Gokul Chand Narang : The question is about the enquiry particularly connected with the name of Mr. K. C. Chaudhri.

Parliamentary Secretary : Yes, Mr. Chaudhri held many enquiries.

Pandit Shri Ram Sharma : Then what was the result ?

REPRESENTATIONS TO BRING GREY CANALS DEPARTMENT UNDER IRRIGATION DEPARTMENT.

*5110. **Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state whether any representations have ever been made to him or the Financial Commissioner or the Commissioner, Jullundur division, or the Deputy Commissioner, Ferozepore, that the Grey Canals Department may be brought under the Irrigation Department, Punjab ; if so, what action was taken and if no action was taken, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Yes. The matters raised are under the active consideration of Government.

Pir Akbar Ali: Is it a fact that these Grey Canals are zamindara canals and the Government has nothing to do with them excepting management?

Minister for Revenue: Yes.

Pir Akbar Ali: May I know how the Government is considering the question of taking them over under their own administration? Have they asked the zamindars whether they are willing to hand them over?

Minister: The Irrigators' Committee has simply to fix rates and nothing more nor less.

Pir Akbar Ali: Has the Government consulted the zamindars if they are willing?

Minister: When that question is taken up we will make enquiries.

REMISSION OF LAND REVENUE IN HOSHIARPUR DISTRICT.

***5115. Sardar Hari Singh**: Will the Honourable Minister for Revenue be pleased to state the amount of remission in land revenue allowed in Hoshiarpur district in *rabi* instalment—

- (a) due to *kharaba*;
- (b) due to hailstorm;
- (c) due to damage done by 'tela' to mango crop?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Nil.

Sardar Hari Singh: May I ask whether the statement enumerating the damages done by the three causes enumerated in my question was forwarded to the Financial Commissioner and the Honourable Minister.

Parliamentary Secretary: I have already stated that no remission was granted because none was permissible.

Sardar Hari Singh: He has not followed my question. I ask whether the statement was at all forwarded to the Government by the Deputy Commissioner?

Minister for Revenue: I am very sorry that I cannot oblige my honourable friend by giving information on a document which has been submitted by the Deputy Commissioner to the Government. Such papers are not placed on the table.

Sardar Hari Singh: My question is only whether the document was at all received or not?

Minister: It is received and duly considered.

INQUIRY AGAINST KHAIR-UD-DIN, DAROGHA, GHAGGAR.

***5203. Lala Duni Chand**: Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the inquiry against Darogha at Ghaggar has been completed since a question No. 4454 starred of 6th April, 1939, regarding this matter was answered on the floor of this House in the last session of the Assembly;

(b) the result thereof ?

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

(b) The allegations were not proved.

Lala Duni Chand : May I know if it is true that the complaint was signed by about two hundred persons belonging to all communities ?

Parliamentary Secretary : I do not know how many people signed the complaint, but what I know is that the tahsildar who enquired into it examined about 120 witnesses and then the Sub-Divisional Officer personally examined another 17 witnesses and he found that the allegations were not true.

Lala Duni Chand : May I know if the statement of 125 witnesses recorded by the tahsildar and 17 witnesses recorded by the Sub-Divisional Officer were also supported by lots of documents ?

Parliamentary Secretary : I am afraid I cannot answer that question off-hand.

Lala Duni Chand : Has the Government considered whether in view of the fact that as many as 142 people came forward to make statements the complaint can be held to be false ?

Mr. Speaker : That is an argument, not a question.

Lala Duni Chand : In view of the material supplied, has the Government considered the question how in such circumstances the complaint could be false ?

Parliamentary Secretary : I am afraid this will not help anybody. What I have placed before the House is that the tahsildar made full enquiry and the proof of that is that he examined as many as 117 witnesses. I have also said that the Sub-Divisional Officer himself examined 17 witnesses and after taking into consideration the evidence recorded by them, they found that the charges were not proved.

Lala Duni Chand : Is it true that the complaint related to dozens of specific and definite instances of corruption and each instance was supported by a large number of witnesses and documents ?

Parliamentary Secretary : I have not denied that.

Dr. Gopi Chand Bhargava : May I know whether any person out of these who made the complaint was examined as a witness by the tahsildar or the Sub-Divisional Officer ?

Parliamentary Secretary : I am not in a position to give the names of those persons who were examined.

Dr. Gopi Chand Bhargava : My question is whether the complainants were called upon to prove their allegations ?

Parliamentary Secretary : The complainants must have been examined. One of the complainants was the *zaildar* and the Deputy Commissioner made enquiries whether he should be prosecuted or not, but later he was let off.

Lala Duni Chand : May I know whether the Parliamentary Secretary, or the Honourable Minister for Revenue or any other member of the Government has looked at that report or evidence ?

Lala Duni Chand : May I know if in view of the declaration of the Government that a complaint made by 5 persons will be given due consideration, there is a case in which 142 witnesses came forward to make statements, how the Government reconcile that policy with this case as revealed ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know the number of those complainants whose evidence was recorded by the Sub-Divisional Officer or the tahsildar ?

Parliamentary Secretary : I regret I cannot give that information without notice.

Pandit Shri Ram Sharma : The complainants have stated that none of them was called upon to give evidence in the matter.

Parliamentary Secretary : So far as I know the statements were recorded.

Pandit Shri Ram Sharma : Then how many of them were asked to give evidence ?

Parliamentary Secretary : I cannot give their names and addresses offhand.

Lala Duni Chand : Is it true that the complaint related to about 22 villages in regard to the supply of irrigation water and all those persons to whom the water was supplied were complainants and they came forward to give evidence ?

Parliamentary Secretary : I am glad that my honourable friend has given me this information. I am obliged for that.

Pandit Shri Ram Sharma : May I enquire from the honourable Parliamentary Secretary as to whether his statement is based on the result of the enquiry instituted by those officers ?

Parliamentary Secretary : When I make a statement my honourable friends should accept it just as I accept all their statements.

Pandit Shri Ram Sharma : Is the reply based on facts received or the results of a mental exercise ?

Parliamentary Secretary : The replies are not prepared in the same manner as questions are. Much consideration is devoted to their preparation.

Dr. Gopi Chand Bhargava : May I ask which of the three statements is correct ? The first one was, 'he does not know the names'; the second was, 'must have been examined' and the third was, 'they were examined'.

Parliamentary Secretary : In my opinion there is no inconsistency in these three statements.

Dr. Gopi Chand Bhargava : Then all the three are correct, is that so ?

Lala Duni Chand : May I know whether—

Mr. Speaker : I cannot allow any further supplementary questions.

Lala Duni Chand : You will be pleased to realise that it is a very important matter.

Mr. Speaker : Honourable members, who have given notices of other starred questions also have a right that their questions in to-day's list may be asked and answered. If the honourable member and some of his colleagues are allowed to go on asking supplementary questions on one question only, the whole hour for questions shall be hardly enough for them. So, it is my duty to protect their right.

Lala Duni Chand : In view of the importance of the question I want to put more supplementary questions.

Mr. Speaker : The honourable member may put further questions by giving fresh notice.

Lala Duni Chand : Why should the matter not be pursued to-morrow ?

Mr. Speaker : No. I cannot allow that.

SHORT-NOTICE QUESTIONS AND ANSWERS.

DEFENCE OF INDIA ACT.

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state the date on which the Defence of India Act was promulgated in the district of Gurgaon ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Chapter I of the Defence of India Act, 1939, was brought into force throughout British India on the 29th September 1939. Later, on the 14th November 1939, the provisions of Chapters II and IV were likewise enforced.

Pandit Shri Ram Sharma : Was this Act simultaneously promulgated in all the districts of the province ?

Parliamentary Secretary : Not only in all the districts of this province but also throughout British India.

ADDITIONAL EUROPEAN OFFICERS, PUNJAB SECRETARIAT.

Lala Deshbandhu Gupta : Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that owing to the outbreak of war two additional European officers have recently been posted in the Secretariat of the Punjab Government ;
- (b) if so, their names, pay, functions and tenure of office ;
- (c) whether these appointments were made by the Punjab Government or by His Excellency the Governor in exercise of his special powers under the Government of India Act ;
- (d) whether these officers are authorised to deal direct with His Excellency the Governor over the head of the Ministry ;
- (e) whether these appointments have been made directly or indirectly on the suggestion of the Government of India ?

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

[Premier.]

(b) Mr. J. D. Anderson, C.I.E., I.C.S., Joint Chief Secretary to Government, Punjab.

Pay — Rs. 8,000 per mensem plus £ 13-6-8 per mensem overseas pay.

Functions—To deal with subjects which have been brought into being by the war.

Tenure of office—(Not known). Mr. Anderson has been appointed for six months.

(c) By the Punjab Government.

(d) No.

(e) No.

Dr. Gopi Chand Bhargava : May I know what are the functions or responsibilities of the provincial Government as far as the war is concerned? It is a Central subject.

Premier : I refer my honourable friend to the Government of India Act as amended by Parliament recently.

Sardar Hari Singh : What is that extra work with which the Secretariat is burdened on account of war?

Premier : The extra work to which we attend is references received from the Government of India regarding war, and we work as agents of the Government of India to carry out these functions, such as, war publicity, dissemination of correct news and also watching of press and control of prices and also to look after control boards and also other allied subjects which have arisen on account of war.

Sardar Sohan Singh Josh : Will these officers have anything to do with the Criminal Investigation Department?

Premier : No. They are capable of carrying on their own work without any assistance.

TRADE EMPLOYEES BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I beg to present the Report of the select committee on the Punjab Trade Employees Bill.

1 p. m.

PRIMARY EDUCATION BILL.

Minister for Education (The Honourable Mian Abdul Haye) : Sir, I beg to present the Report of the select committee on the Punjab Primary Education Bill.

VILLAGE PANCHAYAT BILL.

Clause 58.

Mr. Speaker : The Assembly will resume discussion on the Punjab Village Panchayat Bill. In amendment No. 1 to clause 58 to be moved by Pandit Muni Lal Kalia the words to be omitted should begin with the word 'or' and not 'and.'

Minister for Public Works : Yes, it should begin with the word 'or' and not 'and.'

Pandit Muni Lal Kalia : Sir, I beg to move—

That in sub-clause (1), lines 1—2, the words "or Panchayat" be omitted.

As the marginal note shows, clause 58 deals with the appearance of women before panchayat, while in the subject matter of the clause exemption is extended besides women to other persons as well. The words 'or any other person with the consent of the panchayat' be omitted so that the clause may only deal with the appearance of women. It was so in earlier enactments. My idea in moving this amendment is that cases are to be tried by the panchayats in villages : it is but desirable that persons should come before panchayats and make statements as regards the truth or otherwise of the allegations in the presence of others. In case there is this provision then any person who does not want to make a statement in the presence of the whole village or wants to make a statement which is not true to his knowledge he can do so by evading his presence and can by influencing the panchayat, if he happens to be big man ask that his presence may be exempted. If we want to have speedy justice and the right sort of justice, in that case any person who wants to get his dispute settled in the village must have the courage to appear before the panchayat and ask for relief. It is a different thing if a person is ill or is otherwise unable to attend ; but to give such vast powers to the panchayat that any person may be exempted with the consent of the panchayat is not a healthy provision. I think that the words proposed may be omitted and some other provision like the one given in the Civil Procedure Code be made so that only a person who is really unable to attend, may be given permission to absent himself. With these words I move my amendment.

Mr. Speaker : The honourable member's amendment, as drafted, means that exemption should be limited only to women.

Pandit Muni Lal Kalia : Not exactly so.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), lines 1-2, the words "or Panchayat" be omitted.

Minister for Development : As far as I can recollect this provision to give power to the panchayats to exempt certain persons from appearing before the panchayats was made at the suggestion of one of the honourable members opposite in the select committee—Sardar Sampuran Singh, I think, was the member who made this suggestion to provide for hard cases when a man may be absent due to illness. I think it is a discretion that should vest in the panchayats to meet such cases. If this discretion is taken away it may result in hardship. I therefore oppose the amendment.

Mr. Speaker : The question is—

That in sub-clause (1), lines 1-2, the words "or Panchayat" be omitted.

The motion was lost.

Mr. Speaker : Pandit Muni Lal Kalia's next amendment proposes the substitution of a new clause.

Pandit Muni Lal Kalia : It covers the same provision already made ; it is not new. It is only a substitution clause.

Mr. Speaker : I have more than once tried to explain and have also referred honourable members to page 407 of May's Parliamentary Practice where it is expressly said that substitution clause is a new clause. At least it is treated as such for the purposes of discussion and debate.

Pandit Muni Lal Kalia : I beg to ask for leave to move—

That for sub-clause (1), the following be substituted :—

“ A woman or any other person, who is a party to any civil, criminal or administrative proceeding before a Panchayat, may be permitted to appear through an agent duly authorised :

Provided that in the case of (a) the woman ordinarily observes purdah in the village and does not desire to appear in person, and (b) the person, who is suffering from illness or is otherwise unable to attend in person. ”

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : Sub-clause (2).

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : The legal practitioners are debarred from appearing before the panchayats, and by sub-clause (2) of clause 58, the legal practitioners are also debarred from being agents of any party to the suit. I do not care so much about the legal practitioner's appearance before the panchayat but as for the clerks to legal practitioners and the petition-writers it would be a hard case if they are not allowed to act as agents to the parties in suit. These persons are not always so conversant with the law as the lawyers and they would be just like any other agents. If other persons are allowed to appear before the panchayat and these clerks and petition-writers are not allowed to appear before the panchayats then several agents may crop up and start a profession of their own ; for this reason it would be better if my honourable friend the Minister will see his way to move a Government amendment to exclude petition-writers and the clerks from the operation of sub-clause (2).

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 58 stand part of the Bill.

The motion was carried.

Clause 59.

Mr. Speaker : Clause 59.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : Sir, clause 59 as it stands, is repugnant to the provisions of the existing Indian law. The panchayat cannot have any jurisdiction to try criminal cases or civil cases of any kind, so long as this jurisdiction is vested in courts constituted under the codes.

Mr. Speaker : That matter will be decided by courts or by higher executive authorities. Unless a law is passed and enforced the question of its repugnance cannot and does not arise. Therefore, the objection—assuming

it for the sake of argument to be valid—can be decided only by courts; or the Governor might refuse to give his assent or refer the case to the Governor-General.

Pandit Muni Lal Kalia : I am only submitting one point and that is that we should defer the discussion of this clause. We should wait till we get the necessary sanction from the Governor.

Mr. Speaker : But we need not wait.

Pandit Muni Lal Kalia : We cannot move it. We cannot have a jurisdiction which under the law we cannot do.

Mr. Speaker : What is your authority?

Pandit Muni Lal Kalia : Section 107 of the Government of India Act.

Mr. Speaker : What that section lays down is that any law which is repugnant to the existing Indian law will be void. So, unless a law is passed and enforced how can it be said that it is repugnant to the existing law. In my opinion unless both laws are in force the question of repugnancy cannot arise.

Pandit Muni Lal Kalia : My only question is whether the provisions of the Panchayat Act are void or not.

Mr. Speaker : That question does not arise at this stage as the Panchayat Bill may not become law.

Pandit Muni Lal Kalia : I want a ruling. Is there any use in discussing a provision, which is void on the face of it.

Mr. Speaker : I do not think I have jurisdiction to hold that the Bill is void. It is for the Governor or the Governor-General or for the courts to say so.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : I beg to move—

That in line 14, between the words "writing" and "direct", the words "stating therein the date of presentation and return of the petition" be inserted.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I accept the amendment.

The motion was carried.

Mr. Speaker : Question is—

That clause 59 as amended stand part of the Bill.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : I oppose the clause. This clause contemplates that parties be directed to another court. It says :—

If at any time it appears to a panchayat—

- (a) that it has no jurisdiction to try a criminal case or a civil suit;
- (b) that a criminal case or a civil suit if of such a nature or of such difficulty that it should be tried by another court; or
- (c) that it is unable to hear a criminal case by reason of the number of panches disqualified from taking part in the proceedings under section 55,

it shall by order in writing direct the complainant or the petitioner, as the case may be, to present the complaint or petition to another court.

[Pt. Muni Lal Kalia.]

The panchayat cannot do what is contained in the concluding words of this clause. When the panchayat itself is not competent to entertain a complaint, the question of its directing the party to another court does not arise. In support of this I will draw your kind attention first to section 4 (h) of the Criminal Procedure Code where the word complaint is defined :—

“Complaint” means the allegation made orally or in writing to a magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but it does not include the report of a police officer.

Now for action to be taken under this code how is the machinery of law to be moved ? It is given in section 5 which says :—

- (1) All offences under the Indian Penal Code shall be investigated, inquired into, tried and otherwise dealt with according to the provisions hereinafter contained.
- (2) All offences under any other law shall be investigated, inquired into, tried and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

Section 6 lays down five classes of courts to try cases under the Indian Penal Code :—

- I.—Courts of Session :
- II.—Presidency Magistrates :
- III.—Magistrates of the first class :
- IV.—Magistrates of the second class :
- V.—Magistrates of the third class.

May I ask the Honourable Minister in charge of the Bill to which class of courts the panchayat belongs ? (*Interruption*).

Of course the section also says, “ Besides the High Courts and the Courts constituted under any law other than this Code for the time being in force”. But that does not help us much. You may say that the Panchayat Bill is a special law. But all offences given in the schedule under Indian Penal Code, cannot be tried by these panchayats because section 5 of the Criminal Procedure Code acts as a bar.

I may also invite your kind attention to section 107 of the Government of India Act :—

If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian Law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail, and the Provincial law shall, to the extent of the repugnance, be void.

Now the Indian Penal Code and the Civil Procedure Code are subjects mentioned in the concurrent list in schedule VII and when a subject is mentioned in the concurrent list, a departure from the provisions cannot be made straightaway by way of expediency or repugnancy, by a provincial legislature. According to the existing Indian law the offences mentioned

in the Indian Penal Code are to be tried by the courts constituted and according to the procedure as laid down in the Criminal Procedure Code. Clause 54 of the Bill says :—

The provisions of the Code of Criminal Procedure, 1898, the Code of Civil Procedure, 1908, and of the Indian Evidence Act, 1872, shall not apply to proceedings before panchayats, save to the extent mentioned in this Act or as may be prescribed by Government by rules; but the panchayat shall ascertain the facts of every criminal case or civil suit by all lawful means in its power and thereafter pass such order, sentence or decree as may be in accordance with justice, equity and good conscience.

Therefore it is clear that the procedure laid down in the Criminal Procedure Code will not be followed by the panchayats. When a complaint under the Penal Code cannot be entertained by the panchayat because it is not one of the courts mentioned in section 6 of the Criminal Procedure Code, I fail to understand how this power can be given to them to entertain criminal complaints or civil suits. So I oppose the clause on the ground that the panchayat cannot entertain a complaint or a suit and therefore the question of its directing the complainant or the plaintiff to another court does not arise. It is suggested that this objection does not arise at this stage and should not now be taken and it is later on for the Governor or the Governor-General or the courts to raise the objection. But I submit that if it is going to be decided that the law is bad, why should the time of the House be wasted now? If we find that a thing is unconstitutional we should take objection at the earliest opportunity. Otherwise it will be negligence on the part of the House. There are also sections 108 and 109 which say that certain things should not be legislated unless previous sanction is obtained. Then there is also section 107 (2), where a certain course is prescribed. I therefore submit that we should not leave to the courts or the High Court or some other higher authorities to say that the Punjab Legislative Assembly has committed an unconstitutional thing. Section 107 of the Government of India Act, 1935, is divided into different sub-sections. The second stage is governed by sub-section (2). It is as follows :—

- (2) Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter than if the Provincial law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or of His Majesty, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may by any time enact further legislation with respect to the same matter :

Provided that no Bill or amendment for making any provision repugnant to any provincial law, which, having been so reserved, has received the assent of the Governor-General or of His Majesty, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

This provision is with regard to a matter which has been passed and is awaiting consideration by the Governor-General. I doubt the power of this legislature to make a law which is altogether inconsistent with existing Indian law. The proper thing is to amend the Criminal Procedure Code and not do as is sought to be done. This introduces in our machinery a power for enabling the provincial legislature to supersede existing Indian law in an unconstitutional manner. This impairs the uniformity and, therefore, this clause, as it stands, should not remain as part of the Bill (*cheers*).

Mr. Speaker : The question is—

That clause 59, as amended, stand part of the Bill.

The motion was carried.

Clause 60.

Mr. Speaker : The question is—

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

The motion was carried.

Pandit Muni Lal Kalia : I move—

That in sub-clause (2), lines 5—9, for the words "take rupees," the following be substituted :—

"after giving such person an opportunity to explain impose a fine not exceeding rupees ten."

Sub-clause (2) reads as follows :—

(2) If any person whom the panchayat summons by written order to appear or give evidence or to produce any document before it wilfully fails to obey such summons, the panchayat may take cognizance of such disobedience and after giving such person an opportunity to explain may sentence any person convicted thereof to a fine not exceeding twenty-five rupees.

A person should be given an opportunity to explain and the fine should not exceed rupees ten because fine of rupees twenty-five is too much.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 5—9, for the words "take rupees," the following be substituted :—

"after giving such person an opportunity to explain, impose a fine not exceeding rupees ten."

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, I would like to submit that the panchayats should be invested with such powers as are absolutely necessary for the efficient discharge of their duties. I, therefore, do not favour the idea that wider powers should be conferred upon them. They have already been empowered to try criminal and civil cases. I have serious doubts that the panchayats would not abuse these powers. The clause now before the House seeks to invest them with the power of inflicting a fine of Rs. 25, on a person guilty of wilful disobedience of their order. I am of the opinion that the panchayats would be tempted to exercise this power very frequently and there is every likelihood of their abusing this power. I do admit that they require some power to enforce obedience to their orders but this does not mean that excessive powers should be granted to them for this purpose. I would, therefore, suggest that they should be empowered to inflict a fine of Rs. 10 only, for, a fine of Rs. 25 will be harsh, excessive and unjustified in view of the poor condition of the villagers. I have genuine misgivings that this power would be abused by the panchayats. With these words I commend the amendment for the acceptance of this House.

Mr. Speaker : The question is—

That in sub-clause (2), lines 5—9, for the words "take rupees," the following be substituted :—

"after giving such person an opportunity to explain, impose a fine not exceeding rupees ten."

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 60 stand part of the Bill.

The motion was carried.

Clause 61.

Mr. Speaker : The question is—

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

The motion was carried.

Pandit Muni Lal Kalra (Ludhiana and Ferozepore, General, Rural) :
I beg to move—

That in sub-clause (2), lines 5—7, for the words 'but . . . do so' the words 'or through post' be substituted.

The sub-clause as it stands at present provides that the summons shall ordinarily be served by one of the chaukidars or by any other person willing to do so. The second method is liable to be misused by interested persons and the summons may not be served at all on the persons concerned. This may lead to the defendant not receiving any notice at all and yet the case being decided *ex-parte*. It is, therefore, desirable that the summons should be served either by the chaukidar or it should be served through post as is the procedure everywhere. There should be only two ways of serving the summons, one through some reliable agency of its own and the other through post. The provision that the panchayat may have the summons served by any other person will only complicate matter and increase the work of the panchayats. It is for this reason that I move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (2), lines 5—7, for the words 'but do so', the words 'or through post' be substituted.

Minister for Public Works : I do not see any need for this amendment. In many villages there are no post offices and even if there are in some, there is likely to be trouble because the service of the summons may not be properly effected. The present arrangement is quite satisfactory and I do not therefore see any necessity for the amendment.

Mr. Speaker : Question is—

That in sub-clause (2), lines 5—7, for the words 'but . . . do so,' the words 'or through post' be substituted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 61 stand part of the Bill.

The motion was carried.

Clause 62.

Pandit Muni Lal Kalia : I beg to move—

That in sub-clause (1), line 3, the word 'interested' be omitted.

The motion was carried.

Pandit Muni Lal Kalia : I beg to move—

That in sub-clause (1), line 7, the words 'under this section' be omitted.

These words are not necessary.

Mr. Speaker : Clause under consideration, amendment moved—

That in sub-clause (1), line 7, the words 'under this section' be omitted.

Minister for Public Works : I think the words should remain, otherwise the sense will not be very clear.

Mr. Speaker : The question is—

That in sub-clause (1), line 7, the words 'under this section' be omitted.

The motion was lost.

Mr. Speaker : The question is—

That clause 62 as amended stand part of the Bill.

The motion was carried.

Clause 63.

Pandit Muni Lal Kalia : I beg to move—

That leave be granted to move the following new sub-clause:—

(2) on the transfer of such case, or suit, the Panchayat or the court to which it is transferred, shall hear such case or suit anew as if such case or suit was instituted before it.

The motion was lost.

Mr. Speaker : The question is—

That clause 63 stand part of the Bill.

The motion was carried.

Clause 64.

Pandit Muni Lal Kalia : I beg to move—

That in line 1, for the word 'inflicting' the word 'imposing' be substituted.

The motion was carried.

Mr. Speaker : The question is—

That clause 64 as amended stand part of the Bill.

The motion was carried.

Clauses 65—67.

Mr. Speaker : The question is—

That clauses 65—67 stand part of the Bill.

The motion was carried.

Clause 68.

Pandit Muni Lal Kalia : I move—

That in part (a), line 2, for the words "other than," the words "including one-half of the" be substituted.

Mr. Speaker : Clause under consideration amendment moved—

That in part (a), line 2, for the words "other than," the words "including one-half of the" be substituted.

Minister of Public Works : I oppose the amendment. If my honourable friend will refer to section 136 of the Government of India Act, he will find that this is one of the sources of provincial revenue. As such, we cannot give a share of it to the panchayats.

Mr. Speaker : The question is—

That in part (a), line 2, for the words "other than," the words "including one-half of the" be substituted.

The motion was lost.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : I move—

That at the end of part (c) the following be added :—

if the majority of the voters of the village agree.

Part (c) of clause 68 requires that the balances and proceeds of all funds which in the opinion of the Collector were or are being collected for the common secular purposes of the village shall be credited to the panchayat fund. My objection to this is that sometimes certain donations are made for special purposes in the villages. Sometimes it happens that special funds are collected for digging a well or having something else like that for the comfort of villagers. If for that special purpose the money is handed over to the panchayat, perhaps that would not make so much difference but as it is laid down it means that any such fund—it may be for any special purpose—would vest in the hands of the panchayat to be spent on any purpose that they like. That is rather very hard for the donors and for the people who have taken the initiative and trouble to collect those funds. Under the circumstances I would propose that this part (c) of clause 68 be omitted altogether so that the special objective in view may be carried out by the people.

Mr. Speaker : But the amendment is that certain words be added.

Sardar Sampuran Singh : If the majority of the voters of the village agree to the change of the purposes, then it may be done, i.e., such funds may be handed over to the panchayat.

Mr. Speaker : Clause under consideration, amendment moved—

That at the end of part (c) the following be added :—

if the majority of the voters of the village agree.

Minister of Public Works : I am afraid my honourable friend over there has got unnecessary fears. The object of this clause is that malba, about which we hear so much that it is being misused and that some people are deriving undue benefits out of it, might be taken over by the panchayat. The words "common secular purposes of the village" define it. There would be no object of that clause if the purpose for which a particular fund is collected is changed. If there is a fund existing for the common good of the village, the people's representatives should take it over. It is known that these funds go waste and the elected representatives of the people will take over these funds and use them to the best interests of the villagers.

Similarly, if there is any other fund of this type, that will also be taken over but if there is a particular gentleman who is charitably inclined and sets up a trust, the object of this clause is not to touch that trust, what to say of changing its purpose from one sort to another. That is not intended

[Minister of Public Works.]

at all. That will be the private concern of those individuals and the panchayat shall have nothing to do with it. It is only a common fund, which might have been collected for the common good of the village, and about which the Collector will decide, after hearing all the objections that it should vest in the representatives of the people. I think the panchayat is the proper body to deal with such funds. We know that nobody worries about these funds and they go waste. Malba is one of these funds. Many honourable members opposite have been complaining that malba funds are misused.

Sardar Sampuran Singh : We want to abolish that.

Minister of Public Works : Do abolish it but as long as it is there, the omission or addition proposed is not going to affect the levy or otherwise of malba. It is levied under different rules and as long as those rules are there malba will be levied. We want only to prevent the misuse so that it may be spent on villagers themselves, and I hope the honourable member would not press the amendment.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*) : Sir, the arguments that have been advanced by the Honourable Minister against this amendment really go to support it. The mover of the amendment, Sardar Sampuran Singh is not opposed to the balance or proceeds of a common fund being credited to the panchayat fund. What he wants is that they should be so credited with the consent of the voters and not by the orders of the collector. The Honourable Minister has said that the object which the Government has in view is that the malba may be handed over to the panchayat, but let me tell him that the people as well as all the members of the congress party are opposed to the levy of malba and we know that once we agree to its being credited to the panchayat it will assume the form of permanent legal dues.

Minister of Public Works : That is why the word malba as such does not find a place there.

Sardar Kapoor Singh : Then better accept the amendment. The collector might at any time say that malba is a common fund and, therefore, it should go to the panchayat. Why should the Government insist on giving this power to the collector and not to the voters ?

You know, Sir, that quarrels and differences often arise with regard to the balance left with lambardars of even the common funds raised on various occasions if village people are not consulted as sometimes there is a donation for a certain purpose or there may be a common subscription raised to perform a *yagya* at the time of some epidemic among the cattle. If there is a balance in such a case let it be used by the panchayat for common good

2 p. m.

of the village, but it should be done with the consent of the voters so that there may not be any quarrels or murmurings. The collector should not be allowed unrestricted discretion in the matter.

Mr. Speaker : The question is—

That at the end of part (c), the following be added :—
if a majority of the voters of the village agree.

The Assembly divided: Ayes 25, Noes 61.

AYES.

Bhagat Ram Sharma, Pandit.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Hasan, Chaudhri.
 Muhammad Iftikhar-ud-Din, Mian.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Shri Ram Sharma, Pandit.
 Sohan Singh, Josh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
 Balwant Singh, Sardar.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Haibat Khan Dahi, Khan.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.

Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Munammad Serfraz Khan, Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh-Sidhu, Sardar.

Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashid. Latif Baji, Begum.
 Riasat Ali, Khan Bahadur Chaudhri.
 Ripudaman Singh, Rai Sahib 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.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

Mr. Speaker : The question is—

That clause 68 stand part of the Bill.

The motion was carried.

Clause 69

Mr. Speaker : The question is—

That clause 69 stand part of the Bill.

The motion was carried.

Clause 70.

Mr. Speaker : Question is—

That sub-clauses (1) and (2) stand part of the clause.

The motion was carried.

Pandit Muni Lal Kalia : Sir, I beg to move—

That in sub-clause (3), lines 5-6, the words "or to.....officer" be omitted.

Sub-clause (3) says that the Deputy Commissioner may delegate any of his powers, other than those described in section 78, to an Assistant Commissioner or Extra Assistant Commissioner or to an officer not below the rank of District Panchayat Officer. My object in moving this amendment is that such powers should only be confined to the Assistant Commissioner or to the Extra Assistant Commissioner and not to the Panchayat Officer, because in that case there will be certain other defects and complications.

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

That in sub-clause (3), lines 5-6, the words "or to.....officer" be omitted.

Minister for Public Works : I do not think we need omit these words. The delegation will only take place wherever it is found essential. When the Collector is delegating authority I am sure he will take due care to see that no mis-carriage of justice takes place and he will only delegate the authority in certain cases when he has confidence in a particular officer.

Mr. Speaker : The question is—

That in sub-clause (3), lines 5-6, the words "or to.....officer" be omitted.

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

That clause 70 stand part of the Bill.

The motion was carried.

Clause 71.

Pandit Muni Lal Kalia : Sir, I beg to move—

That in lines 6—10, for the words “ and.....institution ” the words “ records property, works or institution maintained, owned or ” be substituted.

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

That in lines 6—10, for the words “ and.....institution,” the words “ records, property, works or institution maintained, owned or ” be substituted.

Minister for Public Works : I oppose the amendment ; the clause as it stands is good enough.

Mr. Speaker : The question is—

That in lines 6—10, for the words “ and.....institution,” the words “ records, property, works or institution maintained, owned or ” be substituted.

The motion was lost.

Mr. Speaker : The question is—

That clause 71 stand part of the Bill.

The motion was carried.

Clause 72.

Lala Duni Chand : I beg to ask for leave to move—

That at the end the following be added :—

It shall however be open to any member of the public to inspect the books, proceedings or record of a Panchayat on payment of Re. 1 as inspection fee.

The motion was lost.

Mr. Speaker : The question is—

That clause 72 stand part of the Bill.

The motion was carried.

Clauses 73 and 74.

Mr. Speaker : The question is—

That clauses 73 and 74 stand part of the Bill.

The motion was carried.

Clause 75.

Pandit Muni Lal Kalia : I beg to move—

That in line 6, the word “ executive ” be deleted.

Mr. Speaker : Clause under consideration, amendment moved—

That in line 6, the word ‘ executive ’ be deleted.

Minister for Public Works : I oppose the amendment. The clause is very innocent. Government will have the power to call for the records of the panchayat in administrative matters only. Records of judicial—civil and criminal—cases will be revisable by the courts concerned, if there is any revision application. But this power is regarding the executive functions. I think the word 'executive' should be allowed to stand.

Mr. Speaker : The question is—

That the word 'executive' be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 75 stand part of the Bill.

The motion was carried.

Clauses 76—78.

Mr. Speaker : The question is—

That clauses 76—78 stand part of the Bill.

The motion was carried.

Clause 79.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
I beg to move—

That in lines 2—7, the words "other than.....jurisdiction" be omitted

The Honourable Minister in charge will agree with me that this provision is retrogressive as compared with the provisions, already there in the existing Panchayat Act, because this means that whatever fine is imposed by the panchayat or whatever decree is passed by it that should have no force and the panchayat will have no power to recover it as if it was arrears of land revenue. It is really strange that after giving so many powers to the village panchayat and after adopting procedure for rough and ready justice, there should be no provision to the effect that a decree passed by the panchayat will be realisable or the fines imposed by the panchayat will be recoverable by the panchayat. These provisions at present do exist in the present law and I do not understand why a distinction between the arrears of land revenue and the fines or the decretal amount should be made. If it is because of the poverty of the people or due to the indebtedness of the people, then the realisation should stand at par whether it is Government money or whether it is land revenue. It is not right that in one case Government can do whatever it likes when it is the question of land revenue and they will not do it when the question relates to a decree passed by or fines imposed by the panchayat. That means that powers exercisable by panchayats are bogus. There may be any amount of fine imposed but it cannot be realised. It will be said that the property is inalienable and it cannot be auctioned or that it is household property, and so on. So that all the provisions that at present exist with regard to the attachment and sale of property will also prevail in the case of the judgments given by the panchayat. If the Government mean to do something in this case, if they want to give some sanctity to the orders of the panchayat, then they should place the orders of the panchayat at par with powers for recovery of land revenue. The Honourable Minister in charge of the Bill may consider this as a progressive Bill, but I think it is a retrogressive measure. In the other provincial enactments the fines

imposed by the panchayats are realisable as if they are arrears of land revenue, but in our case it is a novel procedure and a departure from the procedure adopted everywhere else. With these words I move my amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in lines 2—7, the words 'other than jurisdiction' be omitted.

Minister for Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana) : I oppose the amendment. The reasons are obvious. At present all the decrees passed by civil courts as well as fines imposed by criminal courts are not realisable as arrears of land revenue and no agricultural land is attached and sold in pursuance of those decrees. Now by transferring to these panchayats powers to try civil suits we have specified that we do not propose to give them power to realise them as arrears of land revenue. Therefore there is no change. What the clause seeks to lay down is to maintain the *status quo*, so that there will be no more liability than what exists at present. If the amendment is accepted, it will mean that all the decrees and fines imposed by the panchayats will be realisable as if they were arrears of land revenue. The object is not to make any change in case of other decrees. I cannot accept the amendment.

Mr. Speaker : The question is—

That in lines 2—7, the words 'other than jurisdiction' be omitted.

The motion was lost.

Mr. Speaker : The question is—

That clause 79 stand part of the Bill.

The motion was carried.

Clauses 80—81.

Mr. Speaker : The question is—

That clauses 80 and 81 stand part of the Bill.

The motion was carried.

New clause 81-A.

Pandit Muni Lala Kalia : I beg to move—

That leave be given to move the following new clause at the end of clause 81 :—

81-A. Every case or suit of the nature specified in chapters V and VI pending in any court and cognizable by a village panchayat and all proceedings arising from and incidental to any such case or suit shall be tried, heard and determined by such court or any other court having jurisdiction to try, hear or determine the same, as if this Act had not been passed.

The Assembly divided : Ayes 20, Noes 67.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Duni Chand, Lala.
Duni Chand, Mrs.
Gopi Chand Bhargava, Dr.
Hari Singh, Sardar.

Harnam Das, Lala.
Jalal-ud-Din Amber, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Krishna Gopal Dutt, Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.

Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Sampuran Singh, Sardar.

Santokh Singh, Sardar Sahib Sar-
dar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdas-
pur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Badar Mohy-ud-din Qadri, Khan
Sahib Sayed.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
Faiz Muhammad Shaikh.
Farman Ali Khan, Subedar-Major
Raja.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazal Din Khan Sahib Chaudhri.
Ghazanfar Ali Khan, Raja.
Ghulam Samad, Khan Sahib Kha-
waja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Haibat Khan Daha, Khan.
Hans Raj, Bhagat.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh Bedi, Tikka.
Jagjit Singh, Man, Sardar.
Khizar Hayat Khan Tiwana, The
Honourable Major Nawabzada
Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr.
Maqbool Mahmood, Mir.
Muhammad Akram Khan, Khan
Bahadur Raja.

Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gur-
chani Khan Bahadur Sardar.
Muhammad Hayat Khan Noon,
Nawab Malik Sir.
Muhammad Hussain, Chaudhri.
Muhammad Saadat Ali Khan,
Khan Bahadur Khan.
Muhammad Sarfraz Khan, Chau-
dhri.
Muhammad Sarfraz Khan, Raja.
Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Ali Khan Qizilbash, Sar-
dar.
Muzaffar Khan, Khan Bahadur
Captain Malik.
Muzaffar Khan, Khan Bahadur
Nawab.
Nasir-ud-Din, Chaudhri.
Nasir-ud-Din Shah, Pir.
Nasrullah Khan, Rana.
Nawazish Ali Shah, Sayed.
Nur Ahmad Khan, Khan Bahadur
Mian.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pohop Singh, Rao.
Prem Singh, Chaudhri.
Ram Sarup, Chaudhri.
Ranpat Singh, Chaudhri.
Ripudaman Singh, Rai Sahib Tha-
kur.
Sahib Dad Khan, Khan Sahib
Chaudhri.
Shah Nawaz, Mrs. J. A.
Shah Nawaz Khan, Nawab Sir.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Sumer Singh, Chaudhri.

Sundar Singh Majithia, The Hon-
ourable Dr. Sir.
Tara Singh, Sardar.
Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur Sar-
dar.
Wali Muhammad Sayyal Hiraj,
Sardar.

Clause 82.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
I move—

That at the end of sub-clause (1), the following proviso be added :—

Provided that draft rules shall be placed on the table of the Legislative Assembly and not enforced prior to their discussion in the Assembly.

Clause 82 deals with power to make rules and is one of the most important clauses of the Bill. It is a kind of residuary clause which is in effect a second Village Panchayat Bill. There are about 30 clauses in the Bill, such as clauses 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 40, 41, 43, 45, 52, 54, 61, 66, 69, 70, 71, 73, 74, 75, 78, 82 and 83, where power is given, to the Government in one form or other to make rules. My amendment suggests that those rules shall be placed on the table of the Assembly and discussed before they are enforced. When an amendment was moved at a certain stage that the powers of the panchayat should be restricted and that some provision should be made to protect the rights and interests of the minorities or scheduled castes, an assurance was given on the floor of the House that Government will keep that point in view at the time of making the rules. But I do not think that the Honourable Minister even remembers the number of assurances that he has given at the time of the passing of the several clauses. There are no less than 35 clauses in which power is taken to make the rules. I only want an opportunity to be given to this House to discuss those rules. I claim that in all fairness the Honourable Minister will concede this right of the Assembly so that when we find that the rules framed are inconsistent with the provisions of the Bill we may change them, we may also know that he has no ulterior motive in taking these powers unto himself. Similar provisions exist in the Bombay act and provisions to this end exist in some of our laws as well. There is no provision made as to previous publication. I, therefore, move the amendment.

Mr. Speaker : As the amendment is a new clause, the honourable member should first obtain leave of the House for moving it. Question is—

That leave be given to add the following clause at the end of sub-clause (1) :—

Provided that draft rules shall be placed on the table of the Legislative Assembly and not enforced prior to their discussion in the Assembly.

The Assembly divided : Ayes 27, Noes 53.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Balbir Singh, Rao Bahadur Captain
Rao.

Bhagat Ram Sharma, Pandit.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.

Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.

Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Itikhar-ud-Din, Mian.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Sahib Ram, Chaudhri.
 Sampuran Singh, Sardar.
 Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdas-
 pur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chau-
 dhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major
 Raja.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Haibat Khan, Daba, Khan.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan
 Bahadur Raja.

Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gurchani,
 Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Cap-
 tain Malik.
 Nasrullah Khan, Rana.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib
 Thakur.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj,
 Sardar.

Mr. Speaker : Sub-clause (1).

Pandit Muni Lal Kalia : The sub-clause empowers the Government to make rules for carrying out the purposes of this measure. A comparative study of the Panchayat Acts in different provinces of the country shows that many of the powers which are now being taken by the Government in this province are as a matter of fact part of the statute law in other provinces. There are several sections relating to elections, number of seats, the method of election, the disqualifications of candidates and other provisions regarding the election machinery. All these things are provided for in the Acts themselves. Whereas in this province the Government proposes to reserve to itself the power to make rules for dealing with these matters. Furthermore, it does not want the legislature to discuss these rules. Take for instance the clause which says that the results of elections shall be reported to the prescribed authority and no election shall be valid until it has been confirmed by the prescribed authority. The House is in the dark as to who will be the prescribed authority, whether it will be the panchayat officer or the assistant panchayat officer or some clerk in the office of the panchayat. The Honourable Minister assures us that due regard will be had to the suggestions made and that the Government will keep in view the objections raised in the House. But when the House suggests that such things should be discussed in the House, permission to make the suggestion is refused. Take another instance. Clause 9 deals with casual vacancies, how they are to be filled, whether elections should be held or whether the vacancy should be filled by nomination and so on. It means that the whole procedure which is laid down for the ordinary election of panches may be superseded and any other method may be adopted for the filling of casual vacancies.

The Government wants power under clauses 7 and 8 for holding elections and for removal of panches. What will be the frame work of those rules? Some departmental hand, a beauracrat will make these rules. There will be departmental mentality behind it.

Clause 8 was one of the most controversial clauses and sub-clause (1) to it has not been, up to this time, adopted by this House and it is only to-day that in the proposed clause 8 the Government wants power with regard to this matter. The House should know what those powers are and how powers will be exercised and whether they will be exercised with political ends. Certain people do not happen to see eye to eye with the Government of the day and there should be some safeguards. Doubts can only be removed if it is discussed before this House.

Mr. Speaker : The honourable member is repeating his arguments in support of his new clause.

Pandit Muni Lal Kalia : I am taking different clauses under which the Government wants these powers. I am dealing with clause 8, so there is no question of repetition. Sub-clause (1) is a general one. Sub-clauses (2) and (8) are particular ones so that so far as sub-clause (1) is concerned, I am only inviting the attention of the House to the vast rule-making powers which the Government wants to possess and I am only quoting some of the clauses. Take the case of clauses 12 and 13. They relate to—

Mr. Speaker : The same arguments and remarks apply to all clauses.

Pandit Muni Lal Kalia : No, the wording of the clauses is different and so the reasons. I will not repeat the same argument but so far as the different clauses are concerned I have to invite the attention of the House to their effect. Clauses 12 and 13 relate to incorporation of panchayats and meetings of the panchayats, how are the minutes to be maintained, what is to be the time of meetings and what are to be the intervals between the meetings. All these points are to be considered. These things are incorporated in the Municipal and District Board Acts. If reference is made to Bombay, C.P. and Madras Acts, you will find that all the provisions are provided in the enacting part. I want to draw the attention of the House to one of the bold steps taken by the Government in taking all these powers to itself. Clauses 18, 19 and 20 relate to punishment and dismissal of servants, compulsory duties of the panchayat and functions of the district board which may be delegated to the panchayats. There was lot of discussion with regard to compulsory duties of the panchayats and on more than one occasion assurance was given by the Honourable Minister in charge that the Government will keep in view that thing but what is the position up till now? Nothing has been done with regard to the use of wells and with regard to the use of *shamilat deh*. Clauses 50, 52 and 54 are most important clauses in the Bill and I think in this case the House is being deprived of the right of discussion. With these words I oppose subclause.

Dr. Gopi Chand Bhargava (Lahore, General, Urban) (*Urdu*) : Sir we know that the Government can enact any law with the help of the majority which it has at its back. There is, however, an important thing which reveals the real intention of Government about a law or as to how that law is to be worked. That important thing is the rules which are made under an Act. It is, I submit, the right of this House that it is made aware of the rules which Government proposes to make under the new Act. This would show how the Government intends to work this measure. For instance, it is laid down in the Bill :—

Government may make rules regulating the election, suspension or removal of a sarpanch and of a *naib-sarpanch*.

Surely, this House has a right to know as to how this Act is going to work, how the panches will be appointed; how they will be elected. This House has a right to insist that adult franchise should be the basis in such elections. The Government may, I fear, fix some property qualifications and in this way deprive a large number of people from the right to vote. It is common knowledge that there are usually several parties in a village. Government may make rules under which it may be possible for the dominant party in a panchayat to tyrannise over another party which is in a minority. We are giving very wide powers to the panchayats. They will hear criminal cases and will have the power to inflict punishments of fine. Then there is another provision in this clause, namely, that if any one is guilty of breach of any rules made under the Act, he shall be punished with a fine which may extend to twenty-five rupees. Now, this provision may become a real hardship. If an officer comes to see how many people have the right of vote according to the qualifications provided under rules, and another person may point out that he has a right to vote under the rules, he may be punished for the breach of the rules if the officer thinks that he

has not the right. Then we do not know what will be the powers of a sarpanch and a naib-sarpanch. That has got to be fixed under rules. It was necessary that the Government had come before this House with their rules so that we could have had the opportunity of dissuading them on certain points if we could. We know the Government's mind ; but at least we could have the satisfaction of doing our best in the matter. We want that only such rules be made as may not prove harmful to the interest of the general public. The Government ought to have made its mind clear in this matter by incorporating the rules in this Bill so that this Bill may have become a self-contained measure. In that case it would have been clear to the people how this Act is going to affect their rights. We are asked to-day to work in the dark. We do not know how the Government is going to work this Act. We suspect that Government will be making jobbery, nepotism and corruption common by making rules of a particular type. We, therefore, demand the right to know the rules here on the floor of the Assembly in order to see whether they clash with the interests of the public or not.

In conclusion, let me point out to them that it is absolutely essential to acquaint those people with the nature of the proposed rules which are going to affect them. Had the Government thought it fit to grant us the privilege of considering the rules that are intended to be made under the Act we would have refrained from taking objection to the rule-making power of the Government. But now we feel obliged to raise our voice against the arbitrary attitude adopted by the Government so that people outside the House may come to know as to what is being done here. With these words I oppose the clause under consideration.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*) : Sir at the very outset I draw your attention to sub-clause (1) which reads as follows :—

Government may make any rules consistent with this Act to carry out the purposes thereof; and may provide that the breach of any such rules shall be punishable with a fine which may extend to twenty-five rupees.

Further on there is sub-clause (3) with a long list of purposes to carry out which the Government may make rules in particular. That list covers all the purposes about which there can be a legitimate necessity, for making rules and, therefore, there is no reason why the Government should be given unlimited powers to make any rules at its sweet will as provided in sub-clause (1). This demand for unlimited and unrestricted powers surely indicates some ulterior motive. It appears that the Government does not want to appoint panchayat officers only to supervise the working of panchayats but wants to use them for harassing its political opponents. The officer will be entitled to summon any person to appear before him and make a statement, and the Government can make such rules under sub-clause (1) as will give him ample chance to harass the people. This shows what potentialities for mischief are latent in this sub-clause.

The panchayat officer of my district prepared a leaflet which, I think, he sent to Sardar Joginder Singh Mann also because his amendments contain all the proposals of the said officer. These amendments are an index of the mentality of the officer concerned as well as his desire for unlimited powers to intimidate the people.

Minister of Public Works : But I have not accepted those amendments.

Sardar Kapoor Singh : The Honourable Minister says that he has not accepted those amendments. But may I remind him that he accepted the amendment relating to the words 'special and particular' only too readily and with his eyes shut ?

As regards the other amendments they were never moved by my honourable friend Sardar Jogindar Singh Mann. How, then could you accept or reject them ? This shows that the Sardar Sahib acted more reasonably than the Honourable Minister. Thus in view of the mentality of the panchayat officers it is not desirable to give the Government unrestricted discretion to make rules.

Then again, the sub-clause in question is not confined to the grant of powers to make the most drastic rules, but there is also the provision that a breach of any of those rules shall be punishable with a fine to the extent of twenty-five rupees. This would mean that a panchayat officer can one day issue summons to me and the next day inflict on me a fine of Rs. 25, howsoever unreasonable the orders of the panchayat officer may be. If the Government has no wish to make unreasonable and unnecessarily stringent rules and if it has no desire to forge weapons in the form of these rules to harass the public then why should it be reluctant to submit the rules to the vote of the House ? In view of these facts and the attitude of the Government it is the duty of the members of this House to reject sub-clause (1).

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): There is no doubt about the fact that all the rules or by-laws that are made under a certain Act are considered to be the most essential and important part of the latter. Their legality or validity cannot be questioned with impunity. But in spite of all this they have got a secondary position as compared with the Act itself. Now my contention is that if before its enactment an Act is introduced in the House in the form of a Bill for careful consideration and deliberation then why should not the rules made thereunder be placed before the Assembly especially when their validity also happens to be undisputed and unquestioned. Our past experience is that whenever the Government has tried to make use of its rule-making power it has almost invariably framed such rules as have definitely gone beyond the scope of the Act itself. I fail to understand why the Government is not prepared to place the rules especially when these rules become part of the substantive law before the House for consideration when it can get the Bill itself through the House by means of the numerical strength of its following. Most probably it wants to come in by the back door. I have good reasons to believe that the Government wants to retain wide powers to itself by means of such rules. It was incumbent on the Government to disarm us of the fears and doubts that are lurking in our mind in the matter and acquaint us with the rules that are intended to be framed under the Act. The Government is awfully mistaken if it thinks that the introduction of the rules in the House would necessarily result in an emanation of a series of notices of amendments from the Opposition. If this at all happens the Government is strong enough to dispose of such amendments in no time. It may rest assured that as many days as have been spent

on the consideration of the Bill will not be required in the case of the consideration of the rules. Anyway the House should have the right to carefully consider the rules in question. They should be placed before the Assembly immediately after the passage of the Bill. If the Government persists in retaining to itself the rule-making power, then I am obliged to submit that there is something black in the matter. I, therefore, respectfully submit that the rules should be placed before the House.

Mr. Speaker : The question is—

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

The Assembly divided : Ayes 72, Noes 25.

AYES

Abdul Hamid Khan, Sufi.
 Abdul Haye, The Honourable Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Farman Ali Khan, Subedar-Major Raja.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Halbat Khan Daha, Khan.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.

Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shefi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qazilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.

Pir Muhammad, Khan Sahib Chaudhri.

Pohop Singh, Rao.

Prem Singh, Chaudhri.

Ram Sarup, Chaudhri.

Ranpat Singh, Chaudhri.

Rashida Latif Baji, Begum.

Riasat Ali, Khan Bahadur Chaudhri.

Ripudaman Singh, Rai Sahib Thakur.

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.

Sunder Singh Majithia, The Honourable Dr. Sir.

Suraj Mal, Chaudhri.

Tara Singh, Sardar.

Tikka Ram, Chaudhri.

Ujjal Singh, Sardar Bahadur Sardar.

Wali Muhammad Sayyal Hiraj, Sardar.

NOES

Abdul Aziz, Mian.

Bhagat Ram Sharma, Pandit.

Chanan Singh, Sardar.

Dev Raj Sethi, Mr.

Duni Chand, Lala.

Faqir Chand, Chaudhri.

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.

Krishna Gopal Dutt, Chaudhri.

Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Alam, Dr. Shaikh.

Mula Singh, Sardar.

Muni Lal Kalia, Pandit.

Partab Singh, Sardar.

Prem Singh, Mahant.

Rur Singh, Sardar.

Sahib Ram, Chaudhri.

Santokh Singh, Sardar Sahib Sardar.

Sudarshan, Seth.

Mr. Speaker : The question is—

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

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, sub-clause (2) reads thus :—

All acts authorised or enjoined under this Act shall be held to be authorised or enjoined subject to such rules.

Under clause 82 power is being sought to frame rules which according to sub-clause (2) will affect the acts authorised or enjoined under this Act. From this clause it is very clear that rules which will be framed by Government will be outside the scope of the Bill.

From the wording of sub-clause (2) it is clear that the rule-making power of the Government which is to be taken under this clause will be outside the Bill itself. There are certain matters which are provided for in the Act and rules will be made under this Act. The Act was discussed clause by clause before this House. If the rules were to be made within the Act or with respect to the provisions which are already put before the House and discussed, we would not have grudged but as this sub-clause stands, it clearly shows that the Government is seeking to get the power of making

rules by which they can even nullify the provisions of the Act to some extent. "All acts authorised or enjoined under this Act shall be held to be authorised or enjoined subject to such rules." So that while framing rules they can even nullify the provisions which we have discussed, and the whole purpose of the Bill will be lost. If the Government Minister can nullify the whole thing which is done here in this House, I think it is a sheer waste of the time of the House to discuss any Bill and pass it, when by this simple clause the whole power is being transferred into the hands of Government. When from this House it is urged that these rules should be put before the House so that we may be in a position to know what type of rules they are and to what extent they nullify the provisions of the law that is passed by this House, what is the attitude of Government on this simple matter? It is to be regretted that they do not even allow us to have a discussion on that important clause whereby the present Government will take the whole power of undoing the provisions which have been discussed in this House. Under the circumstances we cannot but strongly oppose this sub-clause (2) which seeks to give unlimited powers in the hands of the present Government which has by its conduct proved itself unfit to hold any such powers. Those powers are liable to be misused by Government who have in the past used such powers in order to increase their party power and to kill the political adversaries who want to do actual service to the poor tillers of the soil. But intoxicated as they are with the power of government they do not even care for the interests of the poor people, and whenever any little opportunity is given to them in the form of any power they have misused it and not used it for the benefit of the poor people who really deserve the help of the Government at this critical stage when their condition is going from bad to worse every day. With these remarks I oppose sub-clause (2).

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*): Sir. I would like to make one or two observations with regard to this sub-clause. I admit it is perfectly right to grant powers to the Government or its officers under this Bill, the provisions of which have been thoroughly discussed on the floor of the House. But I see no justification in powers being conferred on them by virtue of rules framed arbitrarily by the Government. Again I see no reason why the Assembly should not have a hand in framing these rules. I think it would be absolutely unfair on the part of the Government to make rules which will have the force of law without even consulting this House. I am of the opinion that the provisions of the Act and the rules made thereunder supplement one another. It is, therefore, an anomaly that on the one hand we are given an opportunity to discuss the provisions of this Bill at length, while on the other hand we are deprived of the right to have our say in the framing of rules which constitute an important part of the Bill. This is an extraordinary inconsistency on the part of the Government. I, therefore, urge upon the Government the desirability of taking the legislature into confidence while framing these rules. With these words I oppose the subclause under consideration.

Mr. Speaker : The question is—

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

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
I move—

That in sub-clause (3), lines 1-2, between the words "prejudice" and "the," the word "to" be inserted.

The motion was carried.

Mr. Speaker : Question is—

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

The motion was carried.

Mr. Speaker : Question is—

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

The motion was carried.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, if you read part (a) of this sub-clause you will find that it covers also part (b). Clause 8 of the Bill also deals with persons who may not hold office. Clause 10 also empowers the deputy commissioner to appoint members of a panchayat and fill vacancies. So there is no need for this part (b) here. We find that the Government is anxious to have these powers but it does not care to see whether those powers are conferred on it by another clause. It wants the same powers to be conferred by so many clauses. I therefore think that part (b) should be deleted altogether.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : Sir, this part (b) of sub-clause (3) of clause 82 does not mention anything about provision of safeguards for the proper representation of scheduled castes and other minorities on the panchayat.

Mr. Speaker : Question is—

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

The motion was carried.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
Sir I move—

That leave be granted to add the following new part after (b) of sub-clause (3) :—

(c) providing safeguards for the proper representation of scheduled castes and other minorities on the panchayat.

The Assembly divided : Ayes 24, Noes 65.

AYES.

Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
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.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Sahib Ram, Chaudhri.
Santokh Singh, Sardar Sahib Sar-
dar.
Sudarshan, Seth.

NOES.

- Abdul Haye, The Honourable Mian.
 Abdul Bahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dassandha Singh, Sardar.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fasil 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 Manvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 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 Captain Malik.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ram Sarup, Chaudhri.
 Ranpat Singh Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sadiq Hassan, Shaikh.
 Shaib 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.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Surej Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

Mr. Speaker : The question is—

That parts (c) to (e) of sub-clause (3) stand part of the sub-clause.

The motion was carried.

Mr. Speaker : Part (f).

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Under clause 69

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the panchayats are empowered to levy any tax upon the people in the panchayat area with the previous sanction of the Government. In every Act where there is such a provision for the imposition of a tax, whether it be by a local body or by any other institution, there is also a provision giving a right of appeal against the assessment. Take the present Bill itself. The functions of the panchayats can be divided into various parts, namely, administrative, judicial (civil and criminal) and taxation. It is provided that in the exercise of the administrative functions any person aggrieved by the orders of a panchayat has got a right of appeal. In the same way any person aggrieved by the judicial decisions of the panchayats, whether civil or criminal, can file a revision petition before the district magistrate or the district judge. Similarly, Government should have made a provision in the Bill providing for a right of appeal for a person who has got a grievance against the assessment order of the panchayat. That has not been done in this Bill. Instead of providing for an appeal in the Bill itself, the Government proposes to provide for it by rules and the legislature will have no voice to raise against such rules. I submit that it is extremely necessary that a provision should have been made in clause 69 itself providing for a right of appeal. Because such a provision has not been made, and because the Government proposes to take powers to frame rules on this subject according to its own whims and fancies that I oppose the earlier portion of this part of the sub-clause, that is, 'regulating the assessment and collection of taxes, appeals against assessments and collection of taxes.' As to the latter part which deals with the proper custody and maintenance of the panchayat funds, I have nothing to say against it.

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, General, Rural) : It appears to me that under this rule-making power the Government wishes to take powers to impose new taxes; and not only to impose new taxes itself, but to delegate to these panchayats the power to impose taxes. I submit that whenever a new tax is to be imposed it must be done by this Assembly. At least this Assembly should decide the amount of taxes to be levied or the maximum tax that can be levied and the nature of the tax.

Minister for Public Works : The nature of the tax is specified in clause 69.

Rai Bahadur Mr. Mukand Lal Puri : Very well.* Let us see what clause 69 says. It reads as follows—

Minister for Public Works : But that clause has been passed by the Assembly. It is too late now to object to the question of taxation.

Rai Bahadur Mr. Mukand Lal Puri : The Honourable Minister has not, unfortunately, understood my point. Clause 69 to which my attention has been drawn reads as follows :—

- (1) A panchayat may, with the previous sanction of Government, levy any tax which the provincial legislature has power to impose in the province under the Government of India Act, 1935 :
- Provided that a panchayat may exempt any person from the payment of all or part of any such tax as may be prescribed which may be due from him on any such conditions as it may impose.

(2) Government may at any time withdraw the sanction so given, and the tax shall thereupon cease to be levied.

This legislation which creates the panchayats with extensive powers also gives them power to impose taxation. I am opposed to any power of taxation being given to a subordinate body unless the nature of the taxation is specified in the law itself.

Mr. Speaker : Clause 69 has been passed by the House. So, the honourable member is not in order in discussing it. The sub-clause under consideration only deals with the regulation of assessment, collection of taxes and the custody and maintenance of the panchayat funds. It has nothing to do with the imposition of taxes.

Rai Bahadur Mr. Mukand Lal Puri : What I am objecting to is the proposal to give extensive powers under the rule-making powers.

Mr. Speaker : But the honourable member is referring to clause 69.

Rai Bahadur Mr. Mukand Lal Puri : My submission is that the Government without disclosing its intentions is taking power to make rules for regulating the assessment and collection of taxes. Before it can ask the House to give it power to frame rules, it should indicate the nature of taxes which it proposes to delegate to the panchayats to levy.

The House should know what is the maximum amount of taxation which these panchayats will be able to levy so that before this House gives them power to legislate by their rule-making power, it may be in a position to judge whether the powers—

Mr. Speaker : This point also has already been discussed. The motion for leave to move the new clause that all rules made by the Government under the Act should be placed before the Assembly, was moved but it was turned down by the House.

Rai Bahadur Mr. Mukand Lal Puri : That is my reason for objecting to the inclusion of this clause. It has so often been observed that the democratic Government is practically being defeated by the rule-making power of the Government.

Mr. Speaker : It is not the power of rule-making in general that is under consideration.

Rai Bahadur Mr. Mukand Lal Puri : This House should refuse to the Government the power to frame any rules regulating the assessment and collection of taxes whose nature or amount is not indicated to the House or with respect to which the Government has not taken the House into its confidence. The Government may, as soon as the Act is passed, authorise a panchayat to tax *per capita* every inhabitant living in a particular part of the country at a certain sum of money per head. It may tax every cattle which exists in that part of the locality. It may tax, if it is permissible under the rules, every person who walks on the roads which lie in that locality and the amount of the tax may also be left entirely to the discretion of these panchayats. That is a power which should only be given to the Government after it has given to the House some views as to the amount of taxation that would be necessary, the manner in which that taxation is to be collected and the necessity for that taxation. In this case the Government is not taking the power to itself but the Government is taking a power to

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

delegate its functions to a panchayat. It is not known whether they will put maximum limit on the powers of the panchayats in respect of amount of taxation, whether they would fix any limit as to the nature of subjects on which these panchayats might tax the people and also as to the manner in which they might collect. These are very extensive powers which should only be given after the Government has made out a case. Whenever the Government wants money, it is its duty to come to the legislature and ask for that money and justify that tax on the floor of the House. If you pass this clause you give them a *carte-blanche* and they, while sitting comfortably in their ministerial rooms, can give sanction to these panchayats to impose taxation on the inhabitants of this province on any scale authorised by Government to tax individuals, give them authority to tax cattle and give them other powers which might cause widespread confusion and discontent. I, therefore, urge upon the House to delete the clause.

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu): There is no gainsaying the fact that clause 69 of the Bill confers on the Government the power to levy a tax. But its nature and the manner in which it may be levied have not been made clear. Now the Government want to make up this deficiency by taking this power under this sub-clause. I may point out that according to the sound principle, that is, no taxation without representation, this House which is representative of the people of the Punjab has a right to discuss the advisability or otherwise of a tax which the Honourable Minister for Public Works may like to levy on the people. Let me also submit that my honourable friend Major Khizar Hayat may be representing his constituency in this House, but his being a Minister does not mean that he represents the whole province in this House. I would go a step further and say that even the Ministry as a whole does not represent the masses, although it rules the province. I would therefore urge upon the Honourable Minister in charge of the Bill not to go against the healthy principle referred to by me. The tax should be levied with the consent of those who represent the people of the province in the House. I hope the Honourable Minister would see the force of my arguments and would accept my amendment.

Mr. Speaker : The question is—

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

The Assembly divided Ayes 67, Noes 26.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Anant Ram, Chaudhri.

Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Farman Ali, Khan, Subedar-Major Raja.
Fazal Karim Bakhsh, Mian.

Ghazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khawaja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Hans Raj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Het Ram, Rai Sahib Chaudhri.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchari, Khan Bahadur Sardar.
 Muhammad Hussain Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 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.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Pritam Singh Siddhu, Sardar.
 Rani Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 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.

NOES

Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 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.
 Kertar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Hussain, Sardar.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalra, Pandit.
 Partab Singh, Sardar.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sardar.
 Sudarshan, Seth.

Mr. Speaker : The question is—

That parts (g), (h) and (j) stand part of sub-clause (3)

The motion was carried.

Mr. Speaker : Part (k),

Rai Bahadur Mr. Mukand Lal Puri (Rawalpindi Division, (General), Rural) : Sir, you will see that part (k) provides that the Government may make rules regulating the procedure of a panchayat in the exercise of its judicial powers under this Act. I am anxious that the system of judicial administration in this province, as has been introduced by the British and as has been carried on for the last 80 years or so should not be impaired in any way. Even if the panchayats are to be given judicial powers—and I know that they have been given powers under the Act, both on the civil side as well as on the criminal side, the procedure, which these panchayats should follow, should approximate as far as possible to the procedure which obtains in all civilised countries in the trial of judicial cases. I am not wedded to any particular kind of procedure, e.g., the procedure laid down in the Civil Procedure Code or in the Criminal Procedure Code, but, that a definite and fairly precise procedure should be prescribed which the panchayats should be bound to follow, is the point which, I wish to emphasize. Therefore, my object in taking the time of the House and in speaking on this clause is to emphasise on the Government the absolute necessity of prescribing a regular procedure to which a meticulous observance by the panchayats should be compelled. That would not only give a certain amount of protection to the litigants who appear before the panchayats, but would afford very good material for the exercise of revisional powers by superior authorities either by way of appeal or by way of revision. Unless a definite judicial procedure is prescribed, the decision of these panchayats would be a mere farce. You will agree that the Punjab does not want to adopt the methods of judicial administration which obtain in some of the frontiers of our province. We do not want to adopt anything like *jirgas*. The Government, while prescribing the procedure or making the rules for the panchayats, would, I hope, compel the panchayats to observe a regular procedure.

Mr. Speaker : The question is—

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

The motion was carried.

The Assembly then adjourned till 2-30 p.m. on Friday, 8th December, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 8th December, 1939.

*The Assembly met in the Assembly Chamber at 2.30 p.m. of the clock.
Mr. Speaker in the Chair.*

HEARNWAH (GREY CANALS, FEROZEPORE).

***5207. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) total area commanded on Hearnwah (Grey Canals, Ferozepore), village-wise ;
- (b) total area irrigated (matured) on Hearnwah in 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938 and 1939 village-wise ;
- (c) the full and share supply of Hearnwah ;
- (d) the daily discharge of Hearnwah from 1st July, 1939, to 15th September, 1939 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b). A statement is placed on the table.

(c) Three and two feet, respectively.

(d) Hearnwah is a distributary of Barnaswah canal. No discharge of the distributaries is taken by the Grey Canals Department, but I am enquiring into the facts revealed by the figures.

Captain Sodhi Harnam Singh : May I know whether any discharge is taken ?

Parliamentary Secretary : I have said no discharge of the distributaries is taken by the Grey Canals Department but I am enquiring into the facts revealed by the figures.

Captain Sodhi Harnam Singh : What are the figures for the last year ?

Minister for Revenue : I am afraid I cannot give you any figures.

Statement showing the commanded and matured area on Harnwah.

No.	Vil e.	Command- ed area.	MATURED AREA IN GHUMAON.								
			1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.	1938-39.
1	Lohgarh ..	240	200	137	78	89	62	71	148	126	107
2	Ratta Khara Baja Kotwal ..	120	1	42	24	63	52	16	84	78	49
3	Kada Bora ..	360	2	234	12	151	91	117	410	193	62
4	Sultankhanwala ..	1,500	291	627	263	830	231	391	1,163	1,056	164
5	Bhamba Landa ..	240	..	32	42	59	17	..	..	..	4
6	Itanwali ..	430	134	240	138	150	97	75	229	103	36
7	Uggoki ..	240	..	25	12	..	..	..	14	125	..
8	Borawali ..	120	..	..	..	..	..	..	9	14	..
9	Sar Singhwala ..	..	..	..	4	..	..	2	..	15	11
10	Feroze Shah ..	..	..	283	1	48	21	14	14	9	..
11	Karmunwala ..	..	..	..	..	..	..	..	6	..	..
12	Kohala ..	..	..	..	..	..	..	..	3	..	32
13	Bharana ..	..	..	..	..	..	..	62	149	129	54
14	Chak Paharsinghwala ..	..	..	..	..	22	13	24	45	42	15
15	Ratta Khara ..	..	..	18	..	..	..	..	..	..	..
	Total ..	3,250	628	1,438	574	1,412	584	772	2,274	1,890	534

HEARNWAH.

*5208. **Captain Sodhi Harnam Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) the size of the head of Hearnwah ;
- (b) discharge of Hearnwah at full supply, and also at share supply ;
- (c) the number and size of outlets on Hearnwah including Shaikh Sultankhanwala and on its distributaries (Shaikh Ittanwali and Bhamb Landa), and their (outlets) discharge at full supply and also at share supply ;
- (d) the number of days for which Hearnwah got supply this season (1939) and what was its daily discharge ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Two days of 8 feet 2 inches each.

(b) Full supply 120 cusecs. For share supply no figures are at present available.

(c) A statement is laid on the table. No record of the discharge of outlets is kept.

(d) 90 days. The discharge of the various distributaries has not been taken.

Statement showing the number and size of outlets on Hearnwah, Sultankhanwala, Ittanwali, and Bhamba Landa Branches of Barnaswah Canal.

No.	Size of outlets.	No.	Size of outlets.
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HEARNWAH BRANCH.

1	9½' × 6" × 2'.	8	9' × 9" × 2'.
2	10' × 11" × 2'—4".	9	12½' × 1' × 1'—3".
3	10½' × 10" × 2'—7".	10	9½' × 1½' × 2½'.
4	8½' × 1'—3" × 1'—9".	11	9½' × 2' × 2'—11".
5	10½' × 1' × 1'—8".	12	11½' × 2' × 1½'.
6	10' × 1½' × 1½'.	13	10' × 1½' × 1½'.
7	10½' × 2' × 2'—2".	14	10' × 1'—1" × 1'—4".

ITTANWALI BRANCH.

1	6'—3" × 1'—4" × 1'—9".	5	6'—6" × 1'—4" × 1'—10".
2	6'—3" × 1'—4" × 1'—10".	6	7'—6" × 11' × 1'—10".
3	7' × 1'—4" × 1'—10".	7	8' × 1' × 1'.
4	6'—6" × 1'—4" × 1'—10".		

No.	Size of outlets.	No.	Size of outlets.
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BHAWRA LANA BRANCH.

1	10' x 1½' x 1½'.	6	7' x 1'-4" x 1'-9".
2	6½' x 1'-10" x 1'-10".	7	10' x 1'-3" x 1'-3".
3	7' x 1'-2" x 1'-9".	8	10' x 1' x 1'.
4	7' x 1'-2" x 1'-9".	9	10' x 1' x 1'.
5	6'-2" x 1'-4" x 1'-10".	10	10' x 9" x 1'.

SULTANHANWALA BRANCH.

1	8' x 8" x 1'.	24	4' x 9" x 1'-4".
2	10' x 9" x 9'-9".	25	12' x 9" x 9".
3	8' x 1'-4" x 1'-4".	26	3' x 7" x 11".
4	11' x 5" x 5".	27	6' x 6" x 1'.
5	6' x 1'-1" x 2".	28	15' x 9" x 1'.
6	10' x 9" x 9".	29	6' x 11" x 1'.
7	10' x 6" x 6".	30	7' x 11" x 11".
8	7' x 1' x 2'-4".	31	8'-6" x 1'-4" x 1'-6".
9	3' x 1½' x 2½'.	32	6'-6" x 9'-9" x 2'-7".
10	6' x 1½' x 2'-1".	33	4'-6" x 2'-2" x 2'-7".
11	12' x 1' x 1½'.	34	15½' x 10" x 11".
12	14' x 7" x 6".	35	15' x 1'-8" x 2'.
13	8' x 1' x 1'-2".	36	6'-6" x 1'-3" x 1'.
14	6' x 10' x 1½'.	37	16' x 9" x 8½".
15	12' x 6" x 1'-2".	38	8' x 1'-8" x 1'-7".
16	15' x 7" x 1'.	39	7' x 5' x 3".
17	11' x 1½' x 1'-8".	40	8' x 5" x 5".
18	Not available.	41	3'-8" x 2' x 2½'.
19	6' x 6" x 7".	42	8' x 9" x 9".
20	5' x 1'-7" x 1'-5".	43	8' x 5" x 5".
21	7' x 11" x 1'-7".	44	8½' x 1½' x 1½'.
22	9' x 1'-7" x 2'-5".	45	8' x 1½' x 1½'.
23	15' x 8" x 1'	46	5' x 4½' x 3½'.

No.	Size of outlets.	No.	Size of outlets.
47	15½' × 2'—2" × 2½'.	54	5' × 1' × 1'.
48	15' × 9" × 9".	55	12' × 10" × 10".
49	4' × 2'—7" × 3'—2".	56	11' × 5" × 5".
50	5' × 2'—7" × 3'.	57	5½' × 1½' × 1'—1".
51	5½' × 1' × 1'—1".	58	5½' × 1½' × 1'—8".
52	5½' × 1' × 1'.	59	4' × 2'—1" × 2'—1".
53	5' × 1' × 1½'.	60	12' × 21" × 21".

PROSECUTIONS AND CONVICTIONS UNDER THE CHOS ACT OF 1900
IN AMBALA DISTRICT.

***5230. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- the number of prosecutions and convictions respectively under the Chos Act of 1900 in Ambala district for the period between 1st April and 30th September, 1939 ;
- the total amount of fines imposed in this connection ;
- whether it is a fact that all the above-mentioned cases have been tried summarily without any opportunity being given to the accused persons to defend themselves ; if so, the action Government intend to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 84 prosecutions and 55 convictions.

(b) Rs. 1,205.

(c) No. 53 out of the 55 cases were tried summarily but every opportunity was afforded to the accused persons to defend themselves. Two cases were tried by the Tahsildar and Naib-Tahsildar, Kharar.

PLANTING OF JHUNDS IN AMBALA DISTRICT.

***5235. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- whether any Inspector to plant *jhunds* in order to protect certain villages and their lands from the action of hill torrents has been appointed in Ambala district ;
- whether it has come to the notice of the Government that the planting of *jhunds* in certain *nadis* in Ambala district has been resented on the ground that the planting of *jhunds* instead of protecting the villages and their lands does injury to them ;
- whether it is a fact that the planting of *jhunds* in the *nadi* of Sialba, tahsil Kharar, has diverted the said hill torrent towards the *abadi* of the village and has resulted in a great deal of damage ;

[L. Duni Chand.]

(d) if so, the action the Government proposes to take to remove the above-mentioned grievances ?

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

(b) No.

(c) No damage has been done to the village *abadi* in consequence of the planting of *jhunds*.

(d) Does not arise.

Lala Duni Chand: May I know what is your source of information when you say that no damage has been caused ?

Parliamentary Secretary: I have said that no damage has been done to the village *abadi* in consequence of the planting of *jhunds*.

Lala Duni Chand: Will the Parliamentary Secretary attach any importance or value to the fact that I myself went to the village and saw the damage done ?

Parliamentary Secretary: My reply is based on the report supplied by the local officers who have examined the spot as well as the papers.

Lala Duni Chand: Does the Parliamentary Secretary say that untrue reports are not made ?

Parliamentary Secretary: Unfortunately I must place more reliance on the information supplied by the officers who are experts in the matter than on a layman, however cautious he may be.

Lala Duni Chand: May I know if it is a question of experts ? The damage has been done, houses have been destroyed : where is the question of experts ?

Mr. Speaker: I would request honourable members not to bring in, if possible, their personal knowledge.

Sardar Sohan Singh Josh: Did you hear the Parliamentary Secretary say that he relied more on the officials than on laymen ?

Lala Duni Chand: What are we to do if we know facts ?

Mr. Speaker: Honourable members are not here as parties, but as representatives or advocates.

DOMINANT TRIBES IN HANSI AND SIRSA TAHSILS.

*5292. **Khan Sahib Chaudhri Sahib Dad Khan**: Will the Honourable Minister of Revenue be pleased to state the names of villages with the dominant tribes inhabiting them in Hansi and Sirsa tahsils of Hissar district where village tanks have been excavated as famine relief works in 1938 and in 1939 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): No village tank was excavated in 1938.

A statement¹ relating to the year 1939 is laid on the table.

¹Placed in the Assembly Library.

Khan Sahib Chaudhri Sahib Dad Khan : Will the Parliamentary Secretary go through the list and say whether justice has been done to all?

Parliamentary Secretary : I have gone through the list and I see no reason to doubt that justice has been done.

RESUMPTION OF PRESENT GRANTS.

***5293. Khan Sahib Chaudhri Sahib Dad Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how much land given as peasant grant, has so far been resumed in the first instance during the period from 1933 to 31st March, 1939, in the Rakh Pir Mahal area in the Lyallpur district on the non-fulfilment of conditions under the Colony Act with the names of grantees whose lands have been resumed ; and their full address ;
- (b) in how many such cases lesser penalty was imposed instead of resumption of land in the first instance with the names of grantees and their full address ;
- (c) does Government intend to reconsider the cases where land granted has been resumed in the first instance ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :

(a) *First Part.*—Six squares of land.

Second Part.—A statement is laid on the table.

(b) None.

(c) No, because the action taken was not irregular. In two cases grants were restored but had to be renewed again because of continued breaches of conditions.

Statement.

Name of grantee.	Chak No.	Area.	Address in home district.
M. Ahmad Khan, son of Sohne Khan.	690-G. B. ..	One square ..	Resident of Salimpur, tahsil and district Ludhiana.
M. Karim Khan, son of Balwant (caste Meo).	675-G. B. ..	One square ..	Resident of Rangala, tahsil Nuh, district Gurgaon.
M. Muhammad Ali Khan, son of Allah Dad Khan (caste Rajput).	682-G. B. ..	One square ..	Resident of Rulli, tahsil and district Rohtak.
S. Budha Singh, son of Bir Singh (Rajput).	683-G. B. ..	One square ..	Ghandran, tahsil Nurpur, district Kangra.
M. Mehtab Khan, son of Kore (caste Meo).	675-G. B. ..	One square ..	Resident of Bhiru, tahsil Ferozpur-Jhirka, district Gurgaon.
S. Sunder Singh, Punjab Singh, sons of Ganda Singh (caste Jat Sikh).	669-G. B. ..	one square ..	Qilla Chuhar Singh, tahsil Chhilian, district Lahore.

**REPORT OF THE INQUIRY COMMITTEE ON THE PROBLEM OF LOW
WATER LEVEL IN THE DOABA.**

***5300. Sardar Harjab Singh :** Will the Honourable Minister of Revenue be pleased to state whether the Inquiry Committee which was appointed to find out remedies for the low water level in the Doaba has now submitted its report ; if so, what are its findings ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes.

Second part.—The findings of the committee were that the contributory causes of the fall in the level of the water table were :—

- (i) Denudation ;
- (ii) Diminution in rainfall ;
- (iii) Increase in the number of wells ; and
- (iv) The construction of the Sirhind Canal to some extent.

Sardar Hari Singh : May I ask what action Government proposes to take on the basis of the report of that committee ? May I know if Government at all wants to take any action in the matter ?

Parliamentary Secretary : Government convened a conference consisting of officials and non-officials to look into this question and to suggest what remedy Government should adopt and the different remedies suggested are being put into practice and the Government are considering putting them into operation.

Sardar Hari Singh : When was that conference of officials and non-officials held ? Was it before the appointment of the sub-division or after ?

Minister for Revenue : After that.

Sardar Hari Singh : In what month ?

Minister : I cannot give you the month.

Sardar Hari Singh : Was it this year ?

Minister : It was certainly not a hundred of years ago.

Parliamentary Secretary : It was at Simla on Friday, the 27th May, 1938.

Sardar Hari Singh : Is it not a fact that the sub-division, Jullundur, was opened after that conference ?

Minister : The sub-division could not be opened immediately on the report being received. The sub-division had to be opened after the Chief Engineer took sanction of the Government to do so.

Sardar Hari Singh : May I ask whether any conference of the officials and non-officials had been held after receiving the report of the sub-division ?

Minister : I do not think there is any necessity of having any further inquiries on the subject because men who are experts in the matter are doing it.

Sardar Hari Singh : May I know if Government is making this report as the basis for action in the matter ?

Minister : At any rate the report has to be the basis of any instructions that are to be issued.

Sardar Hari Singh : Will the Parliamentary Secretary be pleased to say whether the recommendation of the conference of officials and non-officials held in 1938 was that the proposal of the committee be put into practice ?

Minister : The conference looked into the matter and after that the officer had been appointed.

Sardar Hari Singh : I want to know whether the recommendations of the report are going to be acted upon ?

Minister : May I know why it is insinuated that we are not going to act on the report ?

Sardar Hari Singh : The Honourable Minister cannot put questions : he can only answer.

Minister : That is what I say that Government are going to do something on the subject. That is in your mind as well as in mine.

Sardar Hari Singh : May I know what is the main recommendation made by the sub-division ?

Minister : I cannot lay the report before the House, when it is just at present being considered.

Sardar Hari Singh : I do not want you to lay the report on the table of the House. May I ask you just to let us know the main recommendations made in that report ?

Minister : Will you put a new question on the subject ?

Sardar Hari Singh : May I ask whether a *communiqué* informing the people of the Doaba that a canal was going to be taken out of the River Sutlej near Rupar to irrigate more land was issued after the report was received ?

Minister : It is not a question of issuing a *communiqué* on the subject of taking water from the Beas. My friend knows that the river water does not only belong to the Punjab, it belongs to other irrigators as well. The proposal was to take water for seepage canal and not for irrigation.

Sardar Hari Singh : I want to know whether that was the main recommendation of the committee ?

Minister : May have been.

Sardar Hari Singh : May I know whether that seepage canal is going to help the people of Hoshiarpur ?

Minister : Seepage canal means the water that percolates and goes into the well.

DISMISSAL OF LAMBARDARS OF VILLAGE BHITEWADH.

*5307. **Sardar Sohan Singh Josh :** Will the Honourable Minister of Revenue be pleased to state—

(a) the number and the names of the lambardars of the village Bhitewadh, tahsil Ajnala, district Amritsar, who were dismissed during the last six months ;

[S. Sohan Singh Josh.]

(b) the reasons for their dismissal;

(c) the names of the persons replacing them with their qualifications?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) None.

(b) and (c) Do not arise.

Sardar Sohan Singh Josh: I have not followed the Parliamentary Secretary. Does he mean that no lambardar was dismissed?

Parliamentary Secretary: None.

Sardar Sohan Singh Josh: Does he mean to say that no lambardar was suspended either, or do I understand that suspension and dismissal mean the same thing?

Minister for Revenue If the honourable member wants to know the number of suspensions, I require notice for that.

RECOMMENDATIONS OF LAND REVENUE COMMITTEE.

*5317. **Sardar Harjab Singh**: Will the Honourable Minister of Revenue be pleased to state whether the Government intends to act upon the recommendations of the Land Revenue Committee which has recently submitted its report; if so, when?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The attention of the honourable member is invited to the proceedings of Government, dated the September 12th, 1939, on the Land Revenue Committee Report a copy of which has since been supplied to him.

EXPENDITURE ON FODDER SUPPLIED IN HISSAR DISTRICT.

*5324. **Chaudhri Suraj Mal**: Will the Honourable Minister of Revenue be pleased to state—

(a) the total expenditure on fodder advanced as *taccavi* from 1st July, 1938, to 31st August, 1939, to the zamindars of the famine-stricken area in Hissar district;

(b) the cost of overhead charges including the total of the salaries of Fodder Adviser and his staff since their appointment to 31st August, 1939?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Rs. 18,67,292.

(b) Rs. 58,281.

Pandit Shri Ram Sharma: May I know whether the reply given by the Parliamentary Secretary is in connection with fodder *taccavi* or whether cattle *taccavi* is also included in it?

Minister for Revenue: All *taccavis*.

Pandit Shri Ram Sharma: May I know what sort of *taccavi* loans have been included in the reply given by the Parliamentary Secretary?

Minister : As the question was in regard to fodder the reply has also been given about fodder.

SUPPLY OF WATER FOR IRRIGATION TO SOUTH-WESTERN PUNJAB BY
TUBE-WELLS.

***5325. Chaudhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that a special officer was appointed to examine the possibilities of supplying water to the south-western Punjab by tube-wells sunk along the banks of the Western Jumna Canal ; if so, whether that officer has submitted any report about the matter ;
- (b) if the answer to (a) above be in the affirmative, whether Government has considered that report ; and if so, with what result ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) (1) Yes.

(2) A report on a preliminary survey has been received and is promising.

(b) More detailed surveys are required but have been suspended since it would be very difficult, expensive and even impossible to obtain power plant to work any wells which might be built.

APPOINTMENT OF UNTRAINED TAHSILDARS AS EXTRA TAHSILDARS
ON FULL PAY.

***5333. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any untrained tahsildar candidates have been appointed as officiating extra-tahsildars on full pay and are allowed travelling allowances in the Ambala division ; if so, how many and what is the period of settlement training they have undergone ;
- (b) whether it is a fact that the tahsildar candidates are usually required to undergo settlement training for a period of one year and a further training as naib-tahsildars for a period of two years before they are appointed as tahsildars ;
- (c) whether any tahsildar candidates who had undergone the prescribed settlement training and had spent major portion of their training as naib-tahsildars were available for appointment in the division under reference ; if so, how many ;
- (d) if the reply to (a) and (c) above be in the affirmative, the reasons why untrained people were appointed when trained ones were available ;
- (e) what steps, if any, does the Government propose to take in order to put an end to such preferential treatment in future ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) (i) Yes, but the posts were after a short period reduced to those of naib-tahsildars.

[R. Ghazanfar Ali Khan.]

(ii) Six.

(iii) About three months.

(b) Yes.

(c) There were six such tahsildar candidates but they were not readily available because for administrative reasons it was preferable not to disturb the continuity of their training.

(d) and (e) Do not arise.

IRRIGATION OF LANDS BY HEADWORKS PALLAH MARI.

***5365. Khan Haibat Khan Daba :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the proprietors of the villages of Shah Qudus Khaga, Nur Shah, Ghulam Shah, Burana Sani, Akbar Shah, Chhajju Deh and Chakar Ghazi Khanana, tahsil Mailsi, submitted several applications during the course of the last few years to the authorities concerned stating that the means of irrigation under the Headworks Pallah Mari were highly unsatisfactory and that they should be compensated for the loss suffered by them due to this new scheme of irrigation ;

(b) if the answer to (a) is in the affirmative, what action, if any, did the Government take or intends to take now in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): I regret the answer to this question is not yet complete. It will be communicated to the honourable member when ready.

MALIKANA RATES AND PROPRIETARY RIGHTS.

***5366. Khan Haibat Khan Daba :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether in the case of civil and military grants the grantees are given proprietary rights on the payment of fixed *malikana* amounts ;

(b) whether in the case of literary grants the grantees will not be given proprietary rights ;

(c) that *malikana* rates are charged from literary grantees along with land revenue dues ;

(d) that these *malikana* rates are not less than the rates at which average Government lands, particularly in Nili Bar, are being given on lease ;

(e) whether the Government intends to consider the question of giving proprietary rights to literary grantees ; as in the case of the civil and military grantees of land ;

(f) if the answer to (e) is in the negative, the steps Government wishes to take in respect of the *malikana* dues chargeable on the literary grants ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes, on payment of the fixed purchase price.

(b) No, because if they were granted such rights, the special conditions attaching to the grants could not be enforced.

(c) Yes.

(d) The rate of *malikana* charged from literate grantees in a colony is less than the average rate of temporary cultivation rent in that colony. It is considerably less than the average rate of temporary cultivation rent in the Nili Bar Colony, which is Rs. 4 per allotted acre or Rs. 9-8-0 per matured acre.

(e) No, for the reasons given under (b) above.

(f) The *malikana* rates payable by literate grantees are the same as those payable by all peasant grantees in the colonies in which they are situated. They were accepted by the grantees when they received their grants and Government see no reason to alter them now.

COMPENSATION PAID FOR LAND ACQUIRED AT TRIMMU HEAD,
HAVELI PROJECT.

***5370. Mr. Dev Raj Sethi:** Will the Honourable Minister of Revenue be pleased to state—

(a) the entire area of land enclosed between the guide banks raised at the Trimmu Head, Haveli Project;

(b) the area of land owned by private landlords between the same guide banks;

(c) the names of villages and *mauzas* enclosed therein;

(d) the number of tenant families who were cultivating those lands;

(e) the number of wells, houses, cottages, trees, etc., on the said enclosed area?

(f) whether these lands, etc., were acquired before the commencement of operations, if not, why not;

(g) if the answer to (f) above be in the affirmative, whether any compensation has been paid to the owners for the lands, trees, wells, houses, etc., which have already been submerged or are likely to be submerged under water; if so, to how many, if not, why not;

(h) the actual number of owners to whom no compensation has been paid;

(i) whether any lands have been provided or other arrangements made for the tenants of the said enclosed area?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) and (b) 870 acres, owned by land owners.

(c) Binda Malkana and Dhuin Mohammad.

(d) 91.

(e) Wells 7; Houses 91; Trees 242.

[Raja Ghazanfar Ali Khan.]

(f) Yes.

(g) Yes.

(h) 78 owners have not so far received compensation, because they insist upon receiving land instead of cash.

(i) The owners whose land exceeds Rs. 2,500 in value have been given notice to apply for land which will be given from the Crown waste area as near to their former homes as is possible.

Sardar Sohan Singh Josh : May I ask with reference to part (h) of the question the number of the families to whom no compensation has been paid ?

Parliamentary Secretary : I have already said the number is 78.

Sardar Sohan Singh Josh : I want to know what will be given to them, land or money ?

Parliamentary Secretary : Lands will be provided to them out of Crown waste lands as near their houses as possible.

Mr. Dev Raj Sethi : May I know what arrangement has been made for the maintenance of 91 homeless families ?

Parliamentary Secretary : The Government will give land or money to the proprietors as the case may be.

COMPENSATION PAID FOR THE RABI CROPS DESTROYED WITHIN GUIDE BANKS, TRIMMU WEIR.

***5371. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the date in April-May, 1989, when the sluice gates of the Trimmu Weir were closed resulting in rise of water level in the enclosed lands within the guide banks ;
- (b) whether any previous notice was given to the cultivators and other inhabitants of the area about the heading-up ;
- (c) whether any measures were adopted to help the inhabitants of the area before or at the time of or after the heading-up ;
- (d) whether any estimate of the rabi crops submerged under water as a result of the heading-up has been prepared ; if so, how much ;
- (e) has any compensation been paid for the rabi crops thus destroyed ; if so, how much, if not, why not ;
- (f) does the Government intend to compensate landlords and the tenants adversely affected by it ; if so, when and in what manner ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 26th April, 1989.

(b) No. None of the inhabitants lived or cultivated land within the guide banks.

(c) }
 (d) } Do not arise.
 (e) }
 (f) }

COMPENSATION FOR EARTH DUG FOR RAISING GUIDE BANKS
AT TRIMMU HEAD.

***5372. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the total dimensions of the guide banks raised at the Trimmu Head, Haveli Project, in Jhang district ;
- (b) the volume of earth used in raising these banks ;
- (c) whether the earth dug from neighbouring lands was owned by private landlords ; if so,
- (d) whether any compensation was given to them or their permission obtained by the Government before the commencement of digging operations ; if not, why not ;
- (e) whether the Government intends to compensate the sufferers now ; if so, when and in what manner ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (c) No.

(a) }
 (b) } Do not arise.
 (d) }
 (e) }

EATING OF CROPS BY *Kungi* IN LAHORE DISTRICT.

***5400. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that *kungi* has spoiled the rabi crop this year in Lahore district ; if so, whether any remission has been granted in land revenue and *abiana* in this respect and if so, how much, respectively, and if not, why not ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes.

There have been remitted.—

		Rs.
Land Revenue	..	1,02,854
and Abiana	..	2,06,499
Total	..	3,09,353

Dr. Gopi Chand Bhargava : May I know the dates when the land revenue was remitted and when the *abiana* was remitted.

Parliamentary Secretary : I am sorry I cannot give the exact dates.

VACANCIES IN THE IRRIGATION DEPARTMENT AND CLAIMS
OF SCHEDULED CLASSES.

***5472. Seth Kishan Das :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the Chief Engineer, Irrigation Works, Punjab, addressed a letter No. 4708-S.-Est.-C., dated 9th August, 1939, to the Secretary, Punjab Ad-Dharm Achhut Federation, Jullundur City, informing him of certain vacancies in his department to be filled by members of the scheduled castes ; if so, the names of the candidates selected, the vacancies filled by them and the places to which they have been posted, and if the vacancies have not been filled so far, the reasons therefor and whether or not these are proposed to be filled ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—No. The Secretary, Punjab Ad-Dharm Achhut Federation, Jullundur City, was simply informed that applications of Ad-Dharm candidates received from him had been circulated amongst all Superintending Engineers, Irrigation Branch, Punjab, for consideration.

Second part.—(a) B. Krisban Dutt belonging to the scheduled caste of Megh.

(b) Temporary clerk from 2nd September, 1939, to 7th October, 1939.

(c) Sheikhpura Division, Upper Chenab Canal.

Third part.—In view of the reply to first part of the question, this does not arise.

Dr. Gopi Chand Bhargava : May I know whether the applications were invited or they were forwarded without invitation ?

Parliamentary Secretary : So far as I know, the applications were forwarded by the federation.

Lala Harnam Das : May I know as to what is the proportionate representation for the Achhuts in the services of the Irrigation Department ?

Parliamentary Secretary : There is no fixed proportion. The general policy of the Government is that wherever a suitable candidate belonging to the scheduled castes is available he should be given a chance. That policy is followed in this department too.

Lala Harnam Das : May I know the number of vacancies that are intended to be filled by the Achhut candidates ?

Parliamentary Secretary : The Government send all the applications to Superintending Engineers with instructions to appoint suitable candidates from among them and one candidate was appointed.

Sardar Mula Singh : Is it a fact that these orders are not being carried out by the officers concerned ?

Parliamentary Secretary : No, it is not a fact.

**CORRUPTION AMONG THE SUBORDINATE STAFF IN THE OFFICE OF
DEPUTY COMMISSIONER, LUDHIANA.**

***5477. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of corruption cases detected by the present Deputy Commissioner, Ludhiana, among his subordinate staff and the number of those among them against whom departmental inquiry was held with the result of inquiry in each such case ;
- (b) the number of appeals filed by those who were punished with the number of those that were accepted ;
- (c) whether any member of the staff, who was found to be corrupt, was challaned to take his trial in a court of law ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Seven cases of corruption were brought to the notice of the present Deputy Commissioner. Departmental inquiries were held in all these cases with the result that in two, the officials at fault were dismissed and in one degraded. Three cases were filed: two for want of proof and one on account of the offender having retired. The remaining one case is still under inquiry.

(b) In the two cases of dismissal, appeals were filed : one was accepted.

(c) No.

Chaudhri Muhammad Hasan : In view of this number of corruption cases, has the Parliamentary Secretary cared to know the reasons for the corruption ?

Parliamentary Secretary : I am afraid I cannot answer this question. The reasons are too well known.

Chaudhri Muhammad Hasan : Is one of the reasons the relaxation of control over the subordinate staff by the Deputy Commissioner ?

Mr. Speaker : Disallowed.

Khan Sahib Khawaja Ghulam Samad : May I know whether action against these persons was taken *suo motu* by the deputy commissioner or it was taken on the application of the public ?

Parliamentary Secretary : Yes.

Khan Sahib Khawaja Ghulam Samad : I am unable to understand the reply of the Parliamentary Secretary. My question was whether the action was taken against corrupt people by the Deputy Commissioner, Ludhiana, *suo motu* or on the application of the public. The Parliamentary Secretary says "yes" which is meaningless.

Parliamentary Secretary : Both.

Chaudhri Muhammad Hasan : How many cases were brought to notice by the public ?

Parliamentary Secretary : I am afraid I cannot answer it without notice.

FAILURE OF KHARIF CROPS IN NILI BAR, LOWER BARI DOAB
AND HAVELI PROJECT CANAL AREAS.

***5482. Khan Haibat Khan Dahi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that there was practically no rainfall during last summer in the Western Punjab, in Nili Bar, Lower Bari Doab Canal and Haveli Project Canal areas ;
- (b) that cotton has been badly attacked by *tela* in these areas and the crop is much below average ;
- (c) that *jowar* and other fodder crops have failed, thus necessitating an extra expenditure to the zamindars in the purchase of fodder ;
- (d) if the answers to (a), (b) and (c) above be in the affirmative, the manner in which relief is intended to be afforded to the zamindars concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Rain-fall has been deficient in the Montgomery and Multan districts.

(b) Cotton has been attacked by *tela* but the damage has been considerable only in parts of the Lower Bari Doab Colony, Montgomery district. In the Multan district crops have been saved by dew. No damage has been done in the Haveli Project area of the Jhang and Muzaffargarh districts.

(c) Fodder crops have been poor in parts of the Montgomery and Multan districts but definite information will be available after the girdawari.

(d) The question of granting relief will be considered in due course according to rules after the results of the girdawari are known.

REPRESENTATIONS FOR REMISSION IN LAND REVENUE FOR
SOME VILLAGES OF FEROZEPUR DISTRICT.

***5483. Sardar Rur Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that recently representations have been made to Deputy Commissioner, Ferozepore, and the Revenue Minister by the inhabitants of some villages of Ferozepore district such as Kokri Kalan, etc., requesting remission in land revenue for the failure of *fusal kharif* on account of want of rain ;
- (b) if so, what action has been taken or is proposed to be taken ; if no action is contemplated, reasons therefor ?

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

(b) The representations are being examined and relief, where necessary, will be given in due course according to rules after the results of the girdawari are known.

Chaudhri Muhammad Hasan : How long will it take the Government to examine these recommendations ?

Parliamentary Secretary : Generally the reports are received about the middle of December.

Chaudhri Muhammad Hasan : Since how long have these recommendations been under the consideration of the Government ?

Parliamentary Secretary : I have stated that the reports are received by the Government about the middle of December. That means that reports have not been received so far.

Sardar Rur Singh : Is the Government aware of the fact that the ilaqa surrounding the village Khokhri Kalan is not a canal irrigated area ?

Parliamentary Secretary : It does not arise out of the original question.

Sardar Rur Singh : Is it within the knowledge of the Government that as many as four crops have failed in that ilaqa ?

Parliamentary Secretary : I have already stated that on the receipt of the *girdawari* reports the Government will be able to judge the extent of the damage done and relief to be given.

CLOSING OF TEST WORKS IN HISSAR DISTRICT.

***5492. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state whether Hissar is still a "famine" area; if so, whether any of the test works, spinning centres and concentration camps started there as measures of relief have now been closed; and if so, why ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Yes.

Second part.—Owing to the fall in the number of workers at relief works and good rainfall in the month of June, the number of relief works was reduced to 18. Since then there has been no reduction.

Spinning centres will be revived as soon as cotton is available.

There was good rainfall in June : and the concentration camps were closed by September 17th.

Khan Sahib Chaudhri Sahib Dad Khan : May I know if cotton is available now or not ?

Parliamentary Secretary : It seems to be available now.

Dr. Gopi Chand Bhargava : What was the number of relief centres or test works last year or in the beginning of this year ?

Parliamentary Secretary : I want notice of that question. I have already stated that the number of relief works has now been reduced to 18.

Dr. Gopi Chand Bhargava : What was the number of labourers last year and what is it now ?

Parliamentary Secretary : I am afraid I must ask for notice of it.

Dr. Gopi Chand Bhargava : Why is the number of test works reduced ?

Khan Sahib Khawaja Ghulam Samad : When will the spinning centres be revived ?

Parliamentary Secretary : Very soon.

Khan Sahib Khawaja Ghulam Samad : Will the Government please expedite ?

Parliamentary Secretary : Yes.

Dr. Gopi Chand Bhargava : May I know how many bales of cotton were ginned and pressed in Ambala division and Ferozepore block in October and November ?

3 P.M.

Parliamentary Secretary : I want notice.

Dr. Gopi Chand Bhargava : Was it zero ? How does the honourable member say that no cotton was available ?

Parliamentary Secretary : I want notice.

Dr. Gopi Chand Bhargava : Reply given is that spinning centres have been closed because cotton was not available. I want to know why cotton was not available ? Was there no cotton in the Punjab ? Could they not have bought it from Hissar centre ?

Minister for Revenue : I do not know whether it would have been cheaper.

Dr. Gopi Chand Bhargava : Could you get none in Hissar ?

Minister : The report shows that none was available unless it was at a heavy cost.

Dr. Gopi Chand Bhargava : Have the Government fixed any limit at which they would buy ?

Minister : We buy at market rates.

Dr. Gopi Chand Bhargava : When it is the market rate at which they buy, what is the reason for not buying it ?

Minister : Is my honourable friend also prepared to give me money wherewith to buy ?

Dr. Gopi Chand Bhargava : Then it means that it was on account of money that you did not buy cotton ?

Minister : Not exactly that, but money is also one of the considerations.

Dr. Gopi Chand Bhargava : It means that the Government does not want to spend any money on spinning centres.

Minister : No. We will start these works again, because they are useful.

Dr. Gopi Chand Bhargava : When can the money be available for this purpose ?

Minister : Please put this question to my honourable friend here.

Dr. Gopi Chand Bhargava : What were the wages paid last year ?

Minister : They were about two annas.

Dr. Gopi Chand Bhargava : What is it now ?

Minister : According to the Famine Code. It is based on the price of the cereal given to the men.

Dr. Gopi Chand Bhargava : Have the prices of cereals gone up or down ?

Minister : They have gone up now.

Dr. Gopi Chand Bhargava : I want to know the wage now ?

Minister : It is about two annas or nine pies.

Dr. Gopi Chand Bhargava : Is the Honourable Minister quite certain that it is not less than two annas ?

Minister : It may be less, but it is according to the Famine Code and we have got to go according to the Code. Last time, we did not go according to the Famine Code, we raised it to two annas, because that was the request of the people, but we find now that the Famine Code rates are quite suitable. They rise and fall with the prices.

Dr. Gopi Chand Bhargava : And therefore I want to know whether it is higher or lower than last year ?

Minister : Slightly lower.

Dr. Gopi Chand Bhargava : And the prices have gone up ? Does the Government think it quite equitable ?

Mr. Speaker : That is a matter of opinion.

Minister : There is no question of equity in this matter. As soon as the prices go up, the wages also go up.

Dr. Gopi Chand Bhargava : Does the Honourable Minister mean to say that the prices in October or September, when the wages were reduced were lower than what they used to be before ?

Minister for Finance : Give me permission to print notes to coin money.

Minister for Development : There is no money. We want pots of money.

Lala Duni Chand : In the first instance it was stated that cotton was not available, a little later it was stated that money was not available. May I know from the Honourable Minister whether this is not a case of the cat coming out of the bag ?

Minister for Revenue : There is no cat to come out of the bag. It is all empty.

Dr. Gopi Chand Bhargava : May I know whether the death rate has gone up this year in this ilaqa ?

Minister : Reports show that there have been no deaths on the test works.

Dr. Gopi Chand Bhargava : I want to know the death rate in the villages and whether it has gone up or down.

Minister : I am afraid I cannot satisfy the curiosity of my honourable friend, but I may inform him that people who had gone to the United Provinces have come back to their homes suffering from malaria.

Dr. Gopi Chand Bhargava : Is it not a fact that people have left the district and the population has gone down ?

Minister : They have come back from the United Provinces.

FAMINE CONDITIONS IN KARNAL AND ROHTAK.

***5504. Chaudhri Faqir Chand :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that on account of drought severe famine conditions are prevailing in the districts of Karnal and Rohtak where there has been no *kharif* crop and where no fodder is available for the cattle ; if so, the action Government proposes to take to help the zamindars in this predicament ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : *First part.*—Karnal—no.

Rohtak—Famine conditions prevail in Jhajjar and part of Rohtak tahsil.

Second part.—Relief measures continue in the Rohtak district.

Pandit Shri Ram Sharma : Can I know if there is famine in the tahsil of Jhajjar and Rohtak according to the report of the Government ?

Parliamentary Secretary : I have already stated that there is famine, though I cannot say whether the conditions are better or worse.

Pandit Shri Ram Sharma : What are the conditions now ?

Minister for Revenue : Probably they are about the same.

Pandit Shri Ram Sharma : Are the Government aware that a considerable portion of the population of Jhajjar has left their homes ?

Minister : We have received no such information.

Pandit Shri Ram Sharma : May I know whether one of them has come down here and sitting with my honourable friend ?

Minister for Development : They have been here many times before now.

Parliamentary Secretary : But many people on the other side have come after the famine.

FAILURE OF CROPS IN FEROZEPUR DISTRICT.

***5518. Sardar Rur Singh :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government is aware that *rabi* and *kharif* crops have totally failed for want of rain in Ferozepore district ;
- (b) whether Government is aware of the fact that last year also both these crops totally failed for want of rain ;
- (c) if the answers to (a) and (b) above be in the affirmative, whether Government is prepared to give remission in land revenue in Ferozepore district ; if not, the reason therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Owing to the paucity of rains some barani crops in rabi and kharif 1989 were below average but the irrigated crops were good.

(b) Crops for Rabi 1988 in irrigated and unirrigated areas were normal. In Kharif 1988 irrigated crops were normal but some barani crops were damaged to some extent.

(c) The question of granting relief will be considered in due course according to rules after the results of the girdawari for Kharif 1989 are known.

Pir Akbar Ali : Will the Parliamentary Secretary be pleased to say in which villages there was a barani kharif crop in the Ferozepore district?

Parliamentary Secretary : I am sorry I cannot give names of the villages without notice.

Pir Akbar Ali : Will the Parliamentary Secretary please give the name of the tahsil in the Ferozepore district or the thana? He has been pleased to say that barani crop was below average in the district; then, there must be some kharif crop.

Parliamentary Secretary : If my honourable friend wants more detailed information regarding names of tahsils, etc., I shall be too glad, to give him names if he puts another question.

Pir Akbar Ali : I want to know whether there was any Kharif crop anywhere. There was no rain at all and how could there be any kharif crop?

Minister for Revenue : There were rains at some places.

Pir Akbar Ali : My honourable friend could have said that the kharif crop failed.

Parliamentary Secretary : How is it a question?

Mr. Speaker : The honourable member is giving information.

Pir Akbar Ali : I am criticizing the information given, the wrong information given. I am not giving any information.

Sardar Rur Singh : May I conclude from the reply given by the Parliamentary Secretary that the Government does not intend to give any remission in land revenue in Ferozepore district?

Parliamentary Secretary : ہاں، ہاں (Yes from it).

Pir Akbar Ali : Will the Government be pleased to state whether remission has been given to Ferozepore district in any year in the past?

Parliamentary Secretary : I want notice of that question. If my honourable friend wants to know whether remission has or has not been given since the British came into this country, I cannot say offhand.

Lala Duni Chand : May I know if the Government is aware of the danger that is likely if no relief is granted, that is, this district which is already criminal, will become more criminal for want of relief in the way of remissions?

Parliamentary Secretary : There are men who are criminal without their being—(Interruptions).

REMISSION ON DESTRUCTION OF RABI CROPS BY KUNGI IN MONTGOMERY DISTRICT.

***5537. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that the *rabi* crop of 1939 has been totally destroyed by *kungi* in the Montgomery district ;
- (b) whether it is a fact that the zamindars of Montgomery personally represented their grievances to him when he recently went on a tour to Montgomery ;
- (c) whether it is a fact that the local revenue officers have also reported that *rabi* crop this year has been destroyed and have recommended to Government to grant remission in land revenue to the zamindars of that district ;
- (d) the action taken on the representation of the zamindars referred to in (b) and the recommendation of the local revenue officers mentioned in (c) and the amount of remission, if granted ; if no action has been taken, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The damage by *kungi* was four annas in a rupee.

(b) Yes.

(c) and (d) The question of granting relief is under consideration.

Mian Sultan Mahmud Hotiana : Is it a fact that this question has been under the consideration of the Government for the last nine months and if so, what are the obstacles in the way of the Government that do not let it decide the matter ?

Mian Sultan Mahmud Hotiana : Is it a fact that the Budget does not allow them to give remission at this time of the year ?

Parliamentary Secretary : The Government would not care for the Budget. They will give relief, where necessary, according to the rules.

Mr. Speaker : Was not the Budget passed by this Assembly ?

Parliamentary Secretary : Relief will be granted according to the rules.

Mr. Speaker : Will the honourable member realize his duty and withdraw his remark ? The Budget is passed by this Assembly. (*Cheers from Opposition benches.*)

Sardar Sohan Singh Josh : Are we to understand that the Government is going to play ducks and drakes with the money entrusted to them ?

Parliamentary Secretary : In obedience to the Chair, I am prepared to withdraw what I said which was this, that the Government will grant relief in accordance with the rules. If the Honourable Speaker thinks that this is a statement which is wrong, then I am prepared to withdraw it.

Mr. Speaker : I am not concerned whether it is right or wrong. All I say is that it was not parliamentary to say that the Government would not care for the Budget.

Parliamentary Secretary : I have already said that the Government will grant relief according to the rules.

Mian Sultan Mahmud Hotiana : What are the things that stand in their way to decide this matter which has taken over eight months ?

Parliamentary Secretary : I am very sorry if it has taken a long time but let me assure my honourable friend that the Government are making thorough investigation. It is quite possible that some reports, according to the Government, may not be quite satisfactory and they may have asked officers to look into the matter further. The Government will lose no time in granting relief which is necessary under the rules.

Pandit Shri Ram Sharma : May I inquire from the Parliamentary Secretary as to what words he has withdrawn ?

Mr. Speaker : Order please. That does not arise.

Mian Sultan Mahmud Hotiana : Is it a fact that remission in land revenue has been given in Lahore district due to destruction of crops by Kungi while no remission has been allowed in Montgomery district where also crops have been destroyed by Kungi ?

Parliamentary Secretary : Since Lahore district is concerned in the question I would like to have notice of this question.

Mian Sultan Mahmud Hotiana : The Parliamentary Secretary has, in answer to question No. 5400¹ asked by Dr. Gopi Chand Bhargava, given the condition of the crop destroyed by kungi and now he wants notice of this question.

Minister of Revenue : Supplementary questions were asked when Doctor Sahib's question was put and answered.

Mian Sultan Mahmud Hotiana : How long would it take to decide the matter ?

Parliamentary Secretary : It will not take long. The Government is more anxious than any other member of the House to grant relief according to the rules. I can assure the honourable member that the Government will not lose a minute in granting relief as soon as proper reports are received.

Mian Sultan Mahmud Hotiana : Can we expect that this remission will be granted from the next revenue ?

Minister : Whenever relief is allowed to be given for a certain harvest and it is not given in the same harvest, we generally consider the question of giving relief from the next.

Mian Sultan Mahmud Hotiana : Will it be given from this kharif crop or from the next rabi crop ?

Minister : I am afraid I cannot commit the Government. You will be losing your own case if you press the point.

Khan Sahib Khawaja Ghulam Samad : Should the people wait till the sanction of the next Budget ?

Tikka Jagjit Singh Bedi : The Parliamentary Secretary said that the damage by Kungi was four annas in a rupee. This information was received sometime ago. How long will it take, according to the rules, to decide the matter ?

Parliamentary Secretary : I said that the damage by Kungi was four annas in a rupee and the Government are making further enquiries and relief will be granted according to the rules. (*Interruptions*). The Government are making inquiries through the Deputy Commissioner. After him the Commissioner and the Financial Commissioner, Revenue, will enquire into the matter. When the inquiry is completed by these officers, complete papers will come up before the Government and they will decide what action should be taken.

Pir Akbar Ali : If the loss is four annas in a rupee, will the Government then be prepared to give relief ?

Mr. Speaker : Hypothetical question. Disallowed.

Pir Akbar Ali : It is not a hypothetical question. The answer is there.

Lala Duni Chand : Will the Government be pleased to take note of the fact that there is a manifestation—

Mr. Speaker : Is that a question ?

Lala Duni Chand : Yes, Sir.

Mr. Speaker : No, it is not.

Lala Duni Chand : Will the Government take note of the fact that there is manifestation of spirit of unrest on the Unionist Party benches ?

Mr. Speaker : Order please. This is not the first time that the honourable member has made such a remark.

Lala Duni Chand : Will you kindly allow me to point out—

Mr. Speaker : I will not allow. The honourable member has made a remark and the matter ends there.

Lala Duni Chand : I want to know what is wrong about it. (*Interruptions*.)

Khan Sahib Khawaja Ghulam Samad : Do the Government generally give relief when there is loss of four annas in the rupee ?

Mr. Speaker : Disallowed.

Tikka Jagjit Singh Bedi : I want to ask the Parliamentary Secretary whether he thinks that the Deputy Commissioners are the final authorities for laying down rules of remission in land revenue ?

Parliamentary Secretary : I have already described the procedure in detail and I will not take further time of the House.

Mian Abdul Rab : The Parliamentary Secretary was pleased to say that the case regarding relief to be given was under consideration for the last nine months. May I ask him how long it will take for the Government to arrive at a decision ?

Mr. Speaker : This question has been asked and answered.

Mian Abdul Rab : How much more time will be taken ?

Parliamentary Secretary : I did not say nine months. (*Laughter.*)

RELIEF FOR SCARCITY OF FODDER IN BEIT ILAQA NEAR THE
SUTLEJ.

***5538. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that for want of floods this year in the river Sutlej the Beit *ilaqa* is lying dry and there have been no crops and fodder of any kind ;
- (b) whether he is aware of the fact that the inhabitants and the cattle of that *ilaqa* are experiencing great difficulty and are in a serious predicament ; if so, what relief, if any, Government has given to the sufferers and if no relief has been given, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) and (b). It is not correct to say that there have been no crops and no fodder : but it has been a bad year and when girdawari is completed the question of remissions, if any, will receive due consideration.

PENSION TO REVENUE PATWARIS.

***5539. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister of Revenue be pleased to state whether he has recently received any representation from the Revenue Patwaris' Association requesting that the patwaris be granted pension on retirement from service ; if so, the action taken on that representation ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—So far as I recollect no.

Second part.—does not arise.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary be pleased to say whether this question of pension to low paid people is under the consideration of the Government or not ?

Parliamentary Secretary : Which question ?

Mian Sultan Mahmud Hotiana : Whether the question of pension to patwaris is under consideration ?

Parliamentary Secretary : I do not think that it is under the active consideration of the Government just at present.

ADMISSION TO PATWAR SCHOOL AT MULTAN.

***5545. Lala Harnam Das :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of candidates for patwarship admitted from the Multan division, district-wise, in the school of patwaris recently opened at Multan ;
- (b) the number of scheduled castes candidates who applied for admission to the above-mentioned school with the number of those admitted, district-wise, and if no candidate belonging to the scheduled castes has been admitted to the said school, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :—

(a) Multan	..	..	..	114
Lyallpur ..	..	..	..	17
Montgomery	..	..	..	7
Muzaffargarh	..	..	..	21
Dera Ghazi Khan	..	..	..	46
Jhang ..	..	..	..	18

(b) None because none applied.

FAMINE CONDITIONS IN SHEHNA ILAQA.

***5550. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that famine conditions have prevailed in Shehna *ilaga* of Ludhiana district for a long time now ;

(b) if so, the reasons for which the said *ilaga* has not been declared a famine area so far ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No.

(b) Does not arise.

Chaudhri Muhammad Hasan : Is it a fact that six consecutive crops have failed in that particular area ?

Parliamentary Secretary : I have already said that there is no famine.

Chaudhri Muhammad Hasan : I want to know whether it has come to the notice of the Government that six consecutive crops have failed in that particular area ?

Parliamentary Secretary : The question relates to famine and my answer is that there is no famine.

Chaudhri Muhammad Hasan : My question is that in order to ascertain whether that area should be declared a famine area, whether the Government knows that the crops of that area have failed one after the other ?

Parliamentary Secretary : Had they failed, that area would have been declared as a famine area.

Chaudhri Muhammad Hasan : Has it come to the notice of the Government that six consecutive crops have failed ?

Parliamentary Secretary : It has not come to the notice of the Government.

Chaudhri Muhammad Hasan : Has it not been brought to the notice of the Government by the Deputy Commissioner or the Revenue Assistant of that district ?

Lala Duni Chand : May I know the test or the criterion for declaring a particular area as a famine-stricken area ?

Parliamentary Secretary : The honorable member may see the Famine Code.

Chaudhri Muhammad Hasan : Is it contained in the rules that six consecutive crops must fail before a particular area is to be declared a famine area ?

Mr. Speaker : The honourable member may refer to rules on the subject.

REMISSIONS GRANTED TO VARIOUS VILLAGES IN TAHSIL ZIRA.

***5555. Sayad Amjad Ali Shah :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the amount remitted to various villages in tahsil Zira on account of the hailstorm early this year ;
- (b) the amount which was given as gratuitous relief to the said villages on the above occasion ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Rs. 5,488-1-8.

(b) Rs. 6,459.

Pir Akbar Ali : May I know whether the villages in the Ferozepore tahsil, in which conditions are the same as prevailing in tahsil Zira, were given any remissions ?

Parliamentary Secretary : This does not arise out of this question.

REMISSIONS AND GRATUITOUS RELIEF GRANTED TO VILLAGES IN ZIRA TAHSIL.

***5556. Sayad Amjad Ali Shah :** Will the Honourable Minister for Revenue be pleased to state the names of the villages in tahsil Zira which were granted remissions in land revenue and water rate and were also given gratuitous relief in the years 1937, 1938 and 1939 ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : A statement is laid on the table.

List showing the villages of Zira Tahsil to which remissions and gratuitous relief were granted during the years 1937 to 1939.

Name of year.	Name of villages in which land revenue was remitted.	Name of villages in which water rate was remitted.	Name of villages where gratuitous relief was given.
1937 ..	..	..	..
1938 ..	Masitan ..	..	Masitan ..
1939 ..	Zira, Narang Singhwala, Botianwala, Zira Nawana.	..	..
1939 ..	Jhanda-Baga-Purana, Longiwind, Dargah Saidan, Daulewala, Masitan, Mastewala, Qadarwala, Fatehpur Jhugian, Charagh Shahwala, Shadiwal, Kishanpura, Brahmke, Musewala, Kot Sadar Khan, Jafarwala, Bajek, Nurpore, Kaila, Rasulpore, Kasana, Pindori Arain, Aminwala and Dharamkot.	Jhanda-Baga-Purana, Longiwind, Dargah Saidan, Daulewala, Mastewala, Qadarwala, Fatehpur Jhugian, Charagh Shahwala, Shadiwal, Kishanpura, Brahmke, Musewala, Bajek, Noorpur, Kot Sadar Khan, Jafarwala, Kaila, Rasulpur, Dharamkot.	Daulewala, Masitan, Mastewala, Qadarwala, Fatehpur Jhugian, Charagh Shahwala, Shadiwal, Kishanpura, Brahmke, Musewala, Kot Sadar Khan, Jafarwala, Bajek, Nurpore, Kaila, Rasulpore, Kasana, Pindori Arain, Aminwala.

BHAKRA DAM SCHEME.

***5557. Chaudhri Suraj Mal :** Will the Honourable Minister of Revenue be pleased to state the stage at which the negotiations with the Raja of Bilaspur State about the Bhakra Dam Scheme have reached by now ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Owing to the war and the fact that an alternative scheme is under examination, negotiations with the Bilaspur Durbar are at the moment in a state of suspense but have in no sense been broken off.

Pandit Shri Ram Sharma : May I know if, before the war broke out, negotiations were continuing between the Bilaspur Durbar and the Punjab Government ?

Parliamentary Secretary : May I inform my honourable friend that I would not like to be dragged into a long discussion over this question.

Pandit Shri Ram Sharma : My honourable friend has himself said that negotiations were continuing between the Bilaspur Durbar and the Punjab Government before the war broke out.

Parliamentary Secretary : I respectfully submit that I have no intention of answering any other question on this subject.

Pandit Shri Ram Sharma : I want to know when the negotiations were discontinued.

On a point of order. The Parliamentary Secretary first gave an answer and then he said that he was not prepared to answer any question. If he had not begun answering the question, the thing would have ended there.

Mr. Speaker : Ask the question and wait for its answer.

Pandit Shri Ram Sharma : But why does he not answer now when he has begun answering the question ?

Minister for Revenue : He is answering it by silence.

Lala Duni Chand : Will the Honourable Parliamentary Secretary enlighten the House as to how the war stands in the way of these negotiations ?

Mr. Speaker : Disallowed.

REPRESENTATIONS MADE AGAINST DAFADAR AND CHAUKIDAR BY THE
INHABITANTS OF CHUHAR CHAK, THANA MEHNA.

***5564. Sardar Rur Singh :** Will the Honourable Premier be pleased to state—

- (a) whether the Government is aware that representations have recently been made by the inhabitants of Chuhar Chak, thana Mehna, tahsil Moga, district Ferozepore, to the Tahsildar, Moga, Deputy Commissioner, Ferozepore, and the Honourable Premier, presenting their grievances about a *dafadar* named Munshi and his son who is a *chaukidar* ;

(b) whether the Government is also aware that the inhabitants of Chuhar Chak on account of the above-mentioned grievances, protested against the chaukidara tax and launched *Satyagraha*, with the result that about three hundred and forty of them were arrested;

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

Parliamentary Secretary (Mir Maqbool Mahmood): (a) Representations were made to the local officers who are making inquiries.

(b) and (c). The attention of the honourable member is invited to the answer to question No. *5097.

Sardar Rur Singh: Is it a fact that the son of Munshi Dafedar stated most solemnly in presence of the Deputy Commissioner of Ferozepore district that he had not worked as Chowkidar and in spite of that his pay was realised from the inhabitants?

Parliamentary Secretary: I want notice of this question. I do not know whether it is a fact that the son of Munshi Dafedar made the statement before the Deputy Commissioner.

ZAILDARS, SUB-REGISTRARS, JAGIRDARS AND SUFEDPOSHES.

***5590. Chaudhri Muhammad Abdul Rahman Khan**: Will the Honourable Minister for Revenue be pleased to lay a statement on the table of the House—

(a) showing district-wise the number of the following in the province in April, 1937, and at the present moment; (i) zaildars, (ii) sub-registrars, (iii) jagirdars and (iv) sufedposhes, and

(b) state whether there has been any increase or decrease in their number; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable. I regret that the Government do not feel justified in calling for them.

SLIDING SCALE SYSTEM.

***5593. Chaudhri Muhammad Abdul Rahman Khan**: Will the Honourable Minister for Revenue be pleased to state—

(a) whether in view of the decrease of the prices of agricultural produce since April, 1937, up to date, the sliding scale system has been introduced in any district; if so, into which districts and regarding which harvest;

(b) whether this system has caused any loss to the Government revenues; if so, how much?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The sliding scale of assessment was introduced in the Lower Bari Doab Canal Colony with effect from rabi 1934, in the Nili Bar Colony with effect from rabi 1937, and in the Lyallpur district and the Rakh Branch Colony Circle of the Sheikhpura district with effect from kharif 1936. Since April 1937 it has been introduced in the Lahore and Chunian tahsils (excluding urban

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areas) of Lahore district with effect from rabi 1939 and in the Kasur tahsil (excluding urban areas) of that district with effect from kharif 1939.

(b) The sliding scale of assessment permits the fixation of the commutation prices at a scale somewhat above that which would probably be sanctioned if there were no sliding scale. Taking, however, the maximum theoretical demand, the reduction of assessment made in the areas under the sliding scale of assessment from rabi 1937 to rabi 1939 (both inclusive) amounts to over Rs. 1,68,00,000.

A statement showing the remissions sanctioned due to the fall in prices as compared with the prices assumed at settlement in the districts in which the sliding scale has not been introduced, is laid on the table.

Lala Bhagat Ram Choda: Is it the intention of Government to increase land revenue in view of a rise in prices of agricultural produce?

Statement showing remission granted on account of the fall in prices, since April, 1937.

						Rs.
Rabi, 1937	..	..	..	..	..	<i>Nil.</i>
Kharif, 1937—						
Rohtak	..	..	..	..	..	8,719
Ambala	..	..	..	..	..	29,648
Jhang	..	..	..	..	..	55,276
Muzaffargarh	..	..	..	..	..	813
				Total	..	94,456
Rabi, 1938—						
Sheikhupura	..	..	..	..	..	48,900
Gujrat	..	..	..	..	..	93,232
Shahpur	..	..	..	..	..	60,167
Mianwali	..	..	..	..	..	27,577
Jhang	..	..	..	..	..	1,25,661
Multan	..	..	..	..	..	69,816
Muzaffargarh	..	..	..	..	..	32,770
				Total	..	4,58,113
Kharif, 1938—						
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

Rabi, 1939—

Sheikhpura	50,439
Gujrat	2,03,394
Shahpur	1,63,582
Mianwali	2,142
Montgomery	1,671
Jhang	67,189
Multan	63,900
Muzaffargarh	15,787
Total	5,68,113
Total since rabi 1937	16,08,858

SCARCITY OF WATER IN ILAQA BEIT, GARHI MANSWAL, DISTRICT
HOSHIARPUR.

*5596. **Chaudhri Muhammad Abdul Rahman Khan:** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that the inhabitants of *ilaqa Beit, Garhi Manswal, district Hoshiarpur*, have several times during the last few years, drawn the attention of the district officers and the Punjab Government towards their difficulties in respect of the scarcity of water—drinking water as well as water for purposes of irrigation; if so, the action taken by the district authorities or Government so far to redress their grievances?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): *First part.*—Yes.

Second part.—Government have sanctioned a scheme for the supply of drinking water to the 82 villages including village Garhi Manswal in the *ilaqa beit* and the work is in progress.

Irrigation of this *ilaqa* has been found to be impracticable.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: May I ask the Parliamentary Secretary what is the cost of the scheme?

Parliamentary Secretary: About Rs. 6,08,680.

ADJOURNMENT MOTION.

ALLEGED LOOT IN FAMINE RELIEF WORK OF DISTRICT ROHTAK.

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 suppression of the report of enquiry that was held by Mr. K. C. Chowdhry, I. C. S., Famine Relief In-charge into the scandalous loot in the Famine Relief Work of District Rohtak as clear from the supplementary answers of the Parliamentary Secretary, Revenue, to my starred question No. 5061.¹

Raja Ghazanfar Ali Khan (Parliamentary Secretary): Sir, so far as the adjournment motion is concerned I submit that it should be declared out of order. As a matter of fact this adjournment motion is based on the

¹Page 1453 ante.

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answer given to a particular question. That question did not relate to the report submitted by Mr. Chowdhry; that question has nothing to do with it. I would submit that Government have said nothing in the answers to supplementary questions which should warrant an adjournment motion. There is nothing in the answers which shows that Government had any intention of suppressing the report. As a matter of fact an attempt was made to have the report laid on the floor of the House. But the question did not relate to it at all. I do not know how the adjournment motion arises. It does not satisfy any of the conditions. It merely relates to the failure of the Government to lay the report, submitted by Mr. Chowdhry, on the table of the House. I would submit that the matter is neither urgent nor of public importance because it was sometime ago that Mr. Chowdhry did enquire into certain matters. If my honourable friend has any intention of forcing the Government to lay the report on the floor of the House then the right thing for him is to move a resolution.

Mr. Speaker : When was the report made by Mr. Chowdhry ?

Raja Ghazanfar Ali Khan : Mr. Chowdhry was expected to write the report and submit it to Government. Mr. Chowdhry, who was an Assistant Commissioner, was asked to look into certain complaints forwarded to Government. After making enquiries, he submitted the report to the Deputy Commissioner. The Deputy Commissioner looked into the report and then forwarded it to the Commissioner. The Commissioner after his remarks sent it on to the Financial Commissioner. The Financial Commissioner, after looking through the report, was of the opinion that the report was not complete and directed the Deputy Commissioner to hold further enquiries. That is the position. I do not understand how this provides an occasion for moving an adjournment motion.

Mr. Speaker : When was this report made ?

Parliamentary Secretary : Sometime in August.

Mr. Speaker : Then there is no question of urgency.

Pandit Shri Ram Sharma (Urdu) : The urgency of the matter lies in the fact that yesterday in reply to my supplementary questions the Parliamentary Secretary was pleased to reveal that an enquiry was conducted by a certain officer who as a result thereof submitted a report in the matter to the higher authorities. At first no satisfactory answer was vouchsafed to me and the Government tried its best to evade the matter. But when I asked the Parliamentary Secretary as to whether the enquiry in question was held through Mr. K. C. Chowdhry, I. C. S., he was pleased to remark that he had nothing to add to the answer already given. It was only on the interference of Dr. Sir Gokul Chand Narang that he admitted that the said officer had held many enquiries. Anyway I was not favoured with any satisfactory answer with regard to the result of those enquiries. In my main question I had asked the Government to state the quantity of fodder imported as well as distributed so far by the contractors in the Rohtak district. The answer that was given in reply to my question was that 90 per cent. of the imported fodder had been duly distributed and the Government had been enquiring into the reasons for the non-distribution of the remaining 10 per cent. fodder. Now the fact is that the people

of that ilaqa had been clamouring to the effect that the taccavi chits were being sold at 2 annas less per rupee to the fodder contractors. When Mr. Chowdhry visited several villages to enquire into the matter hundreds of people flocked to him in order to lodge their complaints with him. It is an admitted fact that the said officer submitted a report to the Government. Now my contention is that the Government is unnecessarily sitting over the matter.

Mr. Speaker : The Parliamentary Secretary has stated that certain complaints were referred to Mr. Chowdhry, who went into them and submitted his report to the Deputy Commissioner. The Deputy Commissioner sent it up to the Commissioner and the Financial Commissioner ; but it was considered to be incomplete and was therefore sent back to the Deputy Commissioner for completion.

Pandit Shri Ram Sharma : My submission is that the said report is being suppressed for reasons best known to the Government. And it is a fact that a member of the P. C. S. that is, the Additional District Magistrate, Rohtak, has been entrusted with this work with a view to suppress the whole scandal.

Mr. Speaker : That is an insinuation, which should not have been made.

Pandit Shri Ram Sharma : Now, Sir, the urgency of the matter lies in the fact that the Government deputed Mr. Chowdhry, I. C. S., to hold an enquiry into this scandalous loot and he after having satisfied himself about the matter submitted a report which is being suppressed.

Parliamentary Secretary : How did the honourable member come to know that Mr. Chowdhry did submit a report ? It was a confidential document.

Pandit Shri Ram Sharma : My submission is based on facts.

Mr. Speaker : The honourable member is proceeding on an assumption.

Pandit Shri Ram Sharma : My objection is that when an enquiry was held—

Mr. Speaker : How can the honourable member claim that his information is absolutely correct ?

Pandit Shri Ram Sharma : What I want to point out is that a question of misappropriation and embezzlement of public money is involved.

Mr. Speaker : That is the honourable member's allegation.

Pandit Shri Ram Sharma : My statement is based on what has been admitted by the Parliamentary Secretary. He says that Mr. Chowdhry held an enquiry, submitted his report, but since it was incomplete the Government thought it fit to send it back for so called completion. But my contention is that since the enquiry brought into light cases of misappropriation of thousands of rupees by their own men the Government deemed it fit to suppress the report submitted by the officer in question and hence that plea.

Mr. Speaker : That is the honourable member's inference ; it may be right or wrong.

Pandit Shri Ram Sharma : Sir, my submission is that the Assistant Commissioner deputed to the famine-stricken area was directed to institute an inquiry into the allegations made by the people and he in fact did so in compliance with the orders of the Government.

Mr. Speaker : The honourable member is not saying this on his personal knowledge.

Pandit Shri Ram Sharma : Then let the Parliamentary Secretary come forward and deny the fact. In that case I shall most willingly withdraw my adjournment motion.

Premier : I have no intention to add to what my honourable friend here has said but I want to put one question to the honourable member opposite through you. I would like to ask where the honourable member saw that report and how he learnt the details of the report (*Opposition benches* : Oh, oh). That is a very pertinent question as to how he came to know of it : the document was absolutely confidential.

Pandit Shri Rma Sharma : It is not in the public interest to disclose it. (*Laughter*).

Premier : Then either the honourable member has not seen the report or he has used some unfair methods to see the report.

Dr. Gopi Chand Bhargava : Sir, the facts are that a representation was made to the officers and then a question was put as somebody had told us that such and such thing had happened. In reply to that question the honourable Parliamentary Secretary admitted that an enquiry had been held and that a report had been submitted. There can be one of two things : either Government thinks that the representation made showed that there was embezzlement of a large amount of money or the report says that the embezzlement was there though of less amount of money. That is why they have sent the report back for further enquiries. He might have said that there was no embezzlement at all. They have sent it back to proper quarters to verify the complaints made in the representation. Therefore the information which we have got was given by the Parliamentary Secretary. The representation is a public representation. There is no question of divulging official secrets.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The question was whether it is a fact that Mr. K. C. Chaudhry was deputed by Government to make an enquiry into this particular matter mentioned in this particular question.

Dr. Gopi Chand Bhargava : Yes, the question was this, and the reply was, if I remember aright, that many enquiries were made and this enquiry was also made.

Parliamentary Secretary : Will you kindly read out the answer ?

Dr. Gopi Chand Bhargava : Have you corrected the report ?

Parliamentary Secretary : I have not looked into it.

Dr. Gopi Chand Bhargava : Then I cannot quote from an unauthorised report. I can only say what I heard, and I heard that many enquiries have been made and this enquiry may also be included among them.

Parliamentary Secretary : May I authorise the honourable member, the Leader of the Opposition, to take the uncorrected report and quote from it ?

Dr. Gopi Chand Bhargava : The question is about the enquiry particularly connected with the name of Mr. K. C. Chaudhry.

Parliamentary Secretary : Yes, Mr. Chaudhry held many enquiries, and they do not exclude this enquiry.

Premier : But my question is this, how did my honourable friend come to know all the details which he has mentioned in this House ?

Dr. Gopi Chand Bhargava : He is basing his questions on the information that he has found out. He does not say that he knows anything personally. He is drawing inferences.

Premier : My honourable friend has no business to draw inferences that there was evidence that an embezzlement had taken place, as if he had read the report which is confidential.

Dr. Gopi Chand Bhargava : The honourable member's point was that a report had been made to the effect that the contractor was charging two annas per maund from those who went there to take—

Premier : I am afraid my honourable friend is trying to confuse the issue. My question is a simple one. Where did the honourable get all the details which he has given here ? If he got them from the report, how did he secure that report ?

Sardar Sampuran Singh : The question is the result of ignorance of the fact that this enquiry was held openly and hundreds of people joined it and the member who put the question had personal knowledge of the evidence given there. There is nothing confidential about it.

Premier : My honourable friend has unnecessarily taken up the cudgels on behalf of the honourable member who has put the question. I am asking him whether he has seen the report or not.

Diwan Chaman Lall : My honourable friend is not here to be cross-examined. He is not a witness in a witness box.

Dr. Gopi Chand Bhargava : Pandit Shri Ram Sharma asked :

The complaint that had been mentioned in my question was that a considerable quantity of fodder was imported by the contractors but insufficient quantity had been distributed to the people. Was any inquiry held by Mr. K. C. Chaudhry, I.C.S., and did he submit his report to the Government who is sitting over it up till now ?

The honourable Parliamentary Secretary said :

I have already stated that the Government has been making enquiries about the distribution of fodder in the districts of Rohtak and Hissar. The complaints referred to by the honourable member are naturally included in those enquiries.

That is one reply. I will read out another reply to a question put by Dr. Sir Gokul Chand Narang. Dr. Narang asked :

The question is about the enquiry particularly connected with the name of Mr. K. C. Chaudhry.

The Parliamentary Secretary replied :

Yes, Mr. Chaudhry held many enquiries.

[Dr. Gopi Chand Bhargava.]

As there were several complaints about embezzlement, and as the answer says that Mr. Chaudhry held many enquiries, naturally the honourable member draws the inference that Mr. Chaudhry did enquire into such and such complaints.

Parliamentary Secretary : The honourable the Leader of the Opposition has quoted the replies given by me to certain supplementary questions and there I have said that Mr. Chaudhry has made several enquiries, and I repeat that statement. Mr. Chaudhry was one of those officers who were deputed to look into several matters connected with famine in Rohtak district. Therefore he made enquiries into whatever came to his notice. But what I am anxious to know is, how does my honourable friend conclude from my replies that there was any attempt to suppress the report submitted by Mr. Chaudhry? Secondly, how does my friend know that Mr. Chaudhry submitted a report, the details of which he has tried to describe here on the floor of this House? Although the enquiry was public and the statements made there were public, the report was not public. How has my friend come to know as to what that confidential document contains?

Dr. Gopi Chand Bhargava : Even if the report is confidential, the information given by the honourable member is not wrong. Does he deny the correctness of the information we have got?

Mr. Speaker : The motion is out of order.

VILLAGE PANCHAYAT BILL.

Clause 82.

Mr. Speaker : The Assembly will now resume discussion of the Punjab Village Panchayat Bill.

The question is—

That part (i) of sub-clause (3) of clause 82 stand part of the sub-clause.

Dr. Gopi Chand Bhargava : So far as this part (i) is concerned, it is meaningless. It says: "regulating the mode of assembling the adult male voters and recording their votes under section 7."

Minister for Public Works : There is a misprint here. '7' should really be '25'. I therefore move—

That for the figure '7' the figure '25' be substituted.

The motion was carried.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : The question is—

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

Sardar Kapoor Singh : In sub-clause (1) Government has been given immense powers to make rules about any matter which is consistent with this Act, and then according to sub-clause (3) there are many purposes for which the Government can make rules under this Act. After

sub-clause (1) when Government has got general powers to make any rules about any matter which seems consistent with this clause, there is no need of having this part which says "for any other purposes not included in the above for carrying out the purposes of this Act." This power has been given already by sub-clause (1). At the same time you will find that this part is vague. Government wants to have wide powers and wants to make rules about any matter. Specially when we know that according to sub-clause (2) all acts under this Act shall be subject to such rules, why should Government be given such general powers as is proposed to be given by part (m) of this sub-clause?

Minister of Public Works : I have no objection to omitting this clause.

Mr. Speaker : The question is—

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

The motion was lost.

Mr. Speaker : The question is—

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

The motion was carried.

Mr. Speaker : As regards Lala Harnam Das's amendment¹ it was disposed of yesterday. Amendment No. 3 of Pandit Muni Lal Kalia, reads—

That after part (b) of sub-clause (3), the following new part be added :—

(c) Providing safeguards for the proper representation of scheduled castes and other minorities on the panchayat.

As the two amendments are substantially identical I pointed out yesterday that they will go together. As one of them has been rejected by the House, the other cannot be allowed to be moved.

Dr. Gopi Chand Bhargava : If you see the division list you will find that even the Parliamentary Secretary who represents the scheduled castes did not vote against this amendment yesterday. It shows that there is a difference between these two amendments. This amendment concerns the scheduled castes only whereas the other amendment concerned both scheduled castes and other minorities. The "other minorities" are excluded in this amendment and the Government may therefore be prepared to accept it. Further the Honourable Minister in his speech said that he would keep this point in view when rules are made. But we want that a statutory provision be made in this respect. As this amendment is restrictive in its scope it may be permitted to be moved.

Minister of Public Works (The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana): Sir, as you would recollect, the House decided this matter yesterday after a division. Whether a particular member voted on this side or on that side, does not affect the issue. The House has given its verdict on this issue and another amendment on the same subject is out of order.

¹That at the end of part (n) of sub-clause (3), the following be added :—

"and specially providing for the representation of every adult belonging to Scheduled Castes."

[Minister of Public Works.]

As for the assurance I have given on the floor of this House I repeat it again that Government will take special care to safeguard the interests of the minorities when framing the rules. But that does not alter the validity or otherwise of this amendment.

Dr. Gopi Chand Bhargava : The honourable minister's assurance means nothing. He may not remain in office after the Bill is passed. We therefore want a statutory provision.

Mr. Speaker : As the two amendments are substantially identical, and one of them has been disallowed by the House, I cannot allow the other one to be moved.

Lala Harnam Das : On a point of order. Sir, my amendment is quite different from the one mentioned by you. My amendment relates to the representation of every adult belonging to the scheduled castes.

Mr. Speaker : Order please. I have given my ruling. Question is—

That clause 82 as amended stand part of the Bill.

Lala Harnam Das : If I am not given an opportunity to have my say, then there is no use of my sitting here. I therefore walk out as a protest.

(Lala Harnam Das then left the Chamber).

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*) : Sir, I would like to analyse the various parts of clause 82 so that the House may come to know the exact implications of the provisions that are being sought to be made therein. The first part of the clause that has already been accepted provides "the Government may make any rules consistent with this Act to carry out the purposes thereof." It goes without saying that the Government is not at all authorised to frame such rules as may go beyond the scope of enabling the Act passed by the House to be carried into effect. Rules made should always be consistent with the powers and spirit of the original Act. Then I fail to understand the necessity of making such a provision. It makes one suspect that something ulterior is responsible for keeping this sub-clause in the Bill.

Then sub-clause (2) reads as follows :—

All acts authorised or enjoined under this Act shall be held to be authorized or enjoined subject to such rules.

In other words, all the acts done by the panchayats in the execution of the present Act would be considered to have been done in accordance with the rules framed thereunder. If the Government had provided that the rules would have the same force as the Act itself would have, then it could be very well understood and we would not have objected to this provision. But here a very interesting situation is being created by giving a secondary position to the enabling Act as compared with the subsidiary legislation. The constitutional position under the sub-clause, as it stands, is that the rules will have greater force than the Act itself. Let us see whether such an anomaly exists in any of the Acts passed by other provincial legislatures. Although this anomaly already exists in the Punjab in the form of an Act from which this sub-clause has been reproduced yet I am positively certain that no such provision can be found in any of the Acts of the

other provinces. Let us take the instance of Bengal first. In Bengal rules with regard to panchayats are made under section 101 of Bengal Village Self-Government Act, 1919. It is stated therein :

4 P. M.

The Provincial Government may, after previous publication make rules to carry out the purposes of this Act.

In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules.

Then the details are given as to on what matters the Government can make rules but nowhere is it stated that the rules made under the above mentioned Act shall have priority over other provisions of the original Act as is being done here in the Punjab. Similarly in Assam the same procedure is provided because the same Act which is enforced in Bengal, is in force in Assam as well.

In the Central Provinces the Government is authorised to make rules under clause 68 of the Central Provinces Village Panchayat Act. It is stated therein :

The Provincial Government may make rules consistently with this Act to carry out the purposes and objects thereof.

In particular and without prejudice to the generality of the foregoing power the Provincial Government may make rules.

Now, it is quite apparent from these quotations that nowhere is it provided that the rules framed under this section shall have more force than the provisions of this Act.

Then in Madras the Government is authorised to frame rules under clause 78 of the Madras Village Courts Act :

The Governor in Council may make rules to carry out all or any of the purposes of the Act.

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

In short in all the Panchayat Acts which are in force in India, except that of the Punjab, nowhere has it been provided that the rules framed by Government shall have priority over the provisions of those Acts.

Now I may point out that there were two alternatives open to the Government. In the first place the Government could have made rules under this clause after their previous publication. Secondly, if they did not want to publish those rules they could very well have placed them on the table of the House and they could have allowed the honourable members to move amendments to them. But the Government have done nothing of the sort. Obviously it means that they will frame whatever rules they deem fit and as soon as they are made they would be enforced. As a matter of fact my honourable friends opposite do not think it advisable to publish such rules and at the same time they also wish to give them priority over the acts which will be enjoined under this Act. This is a thing which we want to oppose, although it has been passed, because my honourable friends over there have a majority in the House and they can get anything passed on their strength. In other words it means that even though we may be opposed to all the rules thus framed, still as the majority wants them so they will be enforced. I once more wish to make it clear

[Dr. Gopi Chand Bhargava.]

that we are opposed to all such methods and I would request the honourable members not to agree to this clause.

There is yet another thing which I wish to bring to your notice. That is that many clauses have already been passed and under this clause the Government is authorised to make any rules consistent with this Act to carry out the purposes thereof. Obviously it means that the Government can make whatever rules they wish to make under the authority of this clause. Then there is sub-clause (3) wherein it is stated :

In particular and without prejudice to the generality of the foregoing power, Government may make rules :

Then the details are given in regard to which the Government can make rules. In my opinion the mentioning of these details is absolutely unnecessary, because the Government is authorised to make any rules consistent with this Act. In that case there is no need of detailing these things as have been detailed in sub-clause (3). We see absolutely no reason why this clause should be made so lengthy. There was no necessity of going into the details of the matters.

Further, I wish to say a few words as regards the procedure that will be adopted for enforcing these rules. In this connection I may point out that when the Indian Penal Code was framed along with it the Criminal Procedure Code was also made to make it clear as to how the Penal Code would be carried into effect. Similarly, the Civil Procedure Code was also made with a view to lay down the procedure in which the civil law would be applied. But this Panchayat Act is being framed but no procedure is laid down as to the way in which this Act would be enforced and the way in which the panchayat would carry on their judicial functions. As a matter of fact the Government do not wish to lay down that procedure before the House although they have given powers to the panchayats to try civil and criminal cases. They wish to reserve this rule-making power to themselves. The contention of my honourable friends opposite is that when the Act is passed they would frame the rules and we would have no other alternative but to obey them. And if perchance we disobey them we would be punished with a fine which may extend to Rs. 25. Such is the attitude of the Government in as much as they neither agree to the previous publication of the rules nor do they agree to place them before the House when they are framed.

There is yet another thing which I wish to bring to your notice. That is that the Government should have published a general clause whereby they could have made rules. But my friends are not doing any such thing and they have provided that all acts authorised or enjoined under this Act shall be held to be authorised or enjoined subject to such rules. It means that the Government have reserved the power of making rules to themselves and such rules will have priority to many laws. In this connection I may point out that whenever Government issues any ordinance it is bound to come before the Legislative Assembly after 6 months. But it is very strange that neither the Government will publish the rules nor will they place them before the House. In other words it means that such rules will be more sacred than the ordinance that these would be polluted

if placed on the table of the House. If this clause is passed it will give power to the Government to make rules which will have more force than many laws. The House is given absolutely no chance to study those rules and to amend them if it so desires.

Mr. Speaker : The honourable member is opposing the whole Bill. He is not speaking to the clause under consideration.

Dr. Gopi Chand Bhargava : I am only opposing this clause regarding making rules. I am saying that Government should not be given such powers as they want to take under this clause.

Mr. Speaker : The honourable member may object to the powers conferred by this clause.

Dr. Gopi Chand Bhargava : But by the power of making rules taken by them the Act becomes a secondary thing and the rules become the primary thing. I am not opposing the whole Bill. That will be at the third reading.

I may submit that neither has it been laid down in this clause that the rules would be published nor is it provided that they would be placed on the table of the House. As a matter of fact the Government will frame these rules and we will have absolutely no say in the matter. How strange it is ! Let me point out that if we wish to make any amendment in any law we can make it but we cannot amend these rules. Although we know that there is one course open to us in which we can amend them, i.e., by moving a resolution, but it is next to impossible to move and carry out any resolution in this House. The present attitude of the Government is such that we can never hope to get any resolution passed in this House. In short our objection is that under the clause as it stands the Government will make such rules which will have priority over this law and therefore I oppose it.

Pandit Bhagat Ram Sharma (Kangra West, General, Rural) : I should like to point out the inconsistency between sub-clauses (1) and (2) of this clause. Sub-clause (1) says that rules can be made consistent with this Act. Sub-clause (2) says that all acts authorised or enjoined under this Act shall be *subject to such rules*. The question is whether the rules will have greater importance or the provisions of this Act. Yesterday I brought to the notice of the House that sub-clause (2) supersedes sub-clause (1) and that it gave power to Government to frame rules which could nullify the provisions of this Act. To-day I shall quote certain authorities to prove my contention. Suppose the Government frames rules which are contradictory to the provisions of the clauses of this Bill. When the question of interpretation comes, the courts will be put to a great deal of difficulty. If a rule is contradictory to a provision in this law, the question will arise whether the rule has greater force or the provision of the law. In this connection I may quote Maxwell's Interpretation of Statutes. It is clearly stated in that book that if there is a conflict between one of these rules framed under the law and a section of the Act itself, then it must be dealt with in the same spirit as a conflict between two sections. It is also stated that if a reconciliation is impossible, the subordinate provision must give way to the principal one.

Mr. Speaker : What has the Honourable Minister to say in this connection ?

Minister for Public Works : You need not take up the time of the House over this question if you think that sub-clause (2) is inconsistent with sub-clause (1). I am prepared to omit it.

Pandit Bhagat Ram Sharma : I will not press my point any further as the Honourable Minister agrees to the omission of sub-clause (2).

Mr. Speaker : Perhaps the drafting committee will do the needful.

Pandit Bhagat Ram Sharma : It is a pity that a considerable time of the House should have been wasted on this point. Yesterday also this inconsistency was brought to the notice of the Honourable Minister, but he refused to listen to the words of honourable members on this side of the House.

Mr. Speaker : The Honourable member did not raise this point yesterday. I waited to see whether he would do so.

Pandit Bhagat Ram Sharma : I did raise this point, Sir.

Mr. Speaker : Now the matter is settled. Therefore, it is unnecessary to pursue the point any further.

Lala Duni Chand (Ambala and Simla, General, Rural) (*Urdu*) : Sir, the main reason why I have risen to oppose clause 82 is that when my honourable friend Pandit Muni Lal Kalia requested the Government, in the form of an amendment, to agree to place the rules which the Government will frame under this Bill before the Assembly for discussion and approval of this House, the Government did not condescend to satisfy the Opposition by accepting this ordinary amendment. As a matter of fact there are two parts of this measure. One part is the Bill that will soon be passed into an Act. The other part consists of the rules that the Government will frame under that Act. I am afraid that the Government will add, in the form of the rules, to the objectionable features that are already being given to us in this Bill. The result will be that the Bill will become even more dangerous than it is at present.

Mr. Speaker : The honourable member is quite within his rights to say that, because Pandit Muni Lal Kalia's amendment was not accepted, he is opposed to the whole clause. But he should not give the same arguments for opposing the clause as were given for Pandit Muni Lal Kalia's amendment.

Lala Duni Chand : I know you will not allow me to do that. I shall take pretty good care not to refer to those arguments. I wish to inform the House, through you, Sir, that the Government has reserved wide powers to frame rules of which we know nothing at present. For instance, the Government will determine the method of electing panches and sarpanches. It will also decide as to what should be the qualifications of a voter. All that we have been told is that there will be elections. But that is only an eyewash because we do not know what will be the agency of those elections and how the elections will be held. It is clear, therefore, that a question of principle is involved in this matter. Again, we want to see whether the Government will actually act on the principle of election which it has accepted while framing the rules. The only way to see this

was to require the presentation of the rules before this Assembly for approval. But the Government does not agree to this.

Furthermore, the Government has the power to appoint the "prescribed authority" which will be empowered to cancel the election. But it has not told us as to who will be appointed as the "prescribed authority" by the Government. Will it be a petty official or some responsible high officer? I am afraid the Government will give these powers to some naib-tahsildar as it has done in the past. The "prescribed authority" should be such as enjoys the confidence of the public. Clause 70 gives certain power to the local Government and the local Government may delegate this power to the Commissioner and the Commissioner may delegate this power to the Deputy Commissioner who in turn may give this power to an Assistant Collector. Is it not strange that the power which this House gives to the local Government should ultimately be exercised by the naib-tahsildar?

Now, we have to see how many powers are reserved by Government for itself; what are the powers which may be given to the Commissioner and what are the powers which may be vested in the Deputy Commissioner; which are the powers which will be exercised by the Assistant Collector, second and third grade. The Government has laid much stress on the fact that they have reserved the powers for themselves. But if the Honourable Minister for Public Works had reserved the powers for himself, there would have been no objection as he, after all, is a responsible Minister. He could have been expected to make rules with great care. But in the present circumstances we find that he has the intention of giving these powers to some officers further below, namely, the tahsildar or the naib-tahsildar. We all know that the rules made under an Act are more important than the Act itself. It is the rules which determine the usefulness or uselessness of an Act. The Honourable Minister for Public Works has kindly consented to leave out sub-clause (2). If he further agrees that the rules made under the Act will be brought forward before this House for its approval, it will be very good. With these words, I oppose clause 82 as I have no intention of repeating my arguments. (*Laughter.*)

Mr. Speaker : It is not clear whether sub-clause (2) can be omitted by the drafting committee. Therefore, I suggest that the Honourable Minister in charge, if he likes, may propose the omission of sub-clause (2). I allow him to do so as a special case.

Minister of Public Works : With your permission I move—

That sub-clause (2) of clause 82 be omitted.

The motion was carried.

Mr. Speaker : The question is—

That clause 82, as amended stand part of the Bill.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, I, too have stood up to oppose clause 82. My reasons are these. The object underlying the Bill is professed to be this that local self-government is introduced into villages.

Mr. Speaker : The honourable member is discussing the whole Bill. At this stage he should speak on clause 82 only.

Mr. Dev Raj Sethi : Let me speak two or three sentences and you will see that I am not irrelevant. The object underlying this Bill appears to be nothing more than doing propaganda for the party in power.

Mr. Speaker : The honourable member is not relevant.

Mr. Dev Raj Sethi : I am afraid that the rule-making power taken under this clause will be used for party propaganda. When the Marketing Bill came up before this House, the Government gave an undertaking that the rules will be enforced after bringing them up before this House. Now in clause 69, it has been laid down that the panchayats will be empowered to impose as many taxes as is in the power of the Punjab Assembly to impose. Then, it has been laid down that the panchayats will have the power to exempt certain persons from taxation. I am afraid the rule-making power under this clause will be used in such a way as to exempt those people from taxation who may be supporters of the party in power.

Mr. Speaker : The honourable member is discussing clause 69, not 82.

Mr. Dev Raj Sethi : It has been laid down in (f) under sub-clause (3) of clause 82 that the rules will be made by Government regulating the assessment and collection of taxes by panchayats. Now, I am afraid that this power may be misused. The power for levying taxes has been given to the panchayats under clause 69. I have, therefore, to mention the clause. My fear is that invidious distinction will be made between one man and another.

Then, it has not been made clear what will be the franchise according to which the panchayats will be elected. It has not been recognised that adult franchise will be introduced or that women will have a right to vote. In short I would say that the rule-making powers which have been incorporated in this clause are both drastic and vague. We cannot support this clause unless and until it is agreed that the rules are presented before this House for approval before they are finally enforced. I, therefore, oppose the whole clause.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (*Urdu*) : Sir, if the rule-making powers given under clause 82 had not been excessive, too excessive, I would not have taken the time of the House to speak on it. Mr. Speaker, you are an able legal luminary and you have great experience as Speaker, you are aware that the rule-making power is in the nature of a subsidiary legislation, a secondary provision for the purpose of laying down practice and procedure. But what do we find in the present clause? Take for instance sub-clause (1). Although sub-clause (2) has been left out, this sub-clause empowers Government to make *any rules consistent with this Act* to carry out the purposes of this Act. Now, this is a very wide power. Further, it may be seen that sub-clause (1) of clause 82 covers all the provisions which are given under sub-clause (3). Therefore, one of the two is unnecessary, either sub-clause (1) or sub-clause (3). Draftsmen usually take particular care in not incorporating unnecessary provisions. But this is due to bad drafting of the Bill.

Now, I would show how differently the rule-making power is used in other provinces. I will not waste the time of the House by repeating the instances quoted by my leader, Dr. Gopi Chand Bhargava. I will only

refer you to an amendment carried out recently in the Bombay Village Panchayat Act. The Bombay Government have taken some power but they have done so in definite and clear words. They have not used ambiguous and wild expressions just as has been done by the Punjab Government. I will draw your attention to the amendment made in Section 108 of the Bombay Act. It is—

In clause (b) for the words "regulating the manner in which the Collector shall nominate the holder or his representative" the words "prescribing the number of seats to be reserved for the representatives of women, Muhammadans, Harijans or backward tribes in each village panchayat" shall be substituted.

The former words were considered by the Assembly as too wide. The words appearing later were substituted on account of this reason. I have only given you one instance. The Bombay Government has similarly amended many other clauses curtailing definitely the rule-making powers of Government. It is, therefore, necessary that the rule-making power of the Punjab Government is also curtailed to remove certain misunderstandings which are likely to crop up. We should discourage this back-door legislation, it is a new kind of despotism which the bureaucracy wants to gain through the Assembly. Not themselves responsible, they use the responsible Ministers as their instruments for doing most irresponsible things. If we were asked to divide this Bill into two parts so that one would represent the body and the other the soul, we might easily say that the soul of this measure is represented by clause 82 and the rest of the Bill is no more than a mere skeleton. Here the House is to decide what powers are to be given to the Government and how much responsibility is going to be handed over to the panchayat. Therefore, this clause deserves special attention and some time will have to be spent on its consideration. In the course of the discussion on the various clauses the Honourable Minister has more than once tried to tell us how this measure will work, but in spite of that nobody has been made any the wiser as to who is going to have the real power. If he had made it clear as to whether the real power is going to be given to the panchayats or to be retained by the Government and its officers much of the uncertainty would have been dispelled.

Sir, this Government has brought forward some other Bills also, and they are a clear index of the tendency of the Government so far as legislation is concerned. The tendency as revealed by these Bills, is to restrict the scope of the actual Act and to reserve the real powers for the rules to be made by the Government under that Act. This tendency of the Government is not in keeping with the accepted tenets of legislation and has been severely criticised by Rt. Hon'ble Hewart, Lord Chief Justice of England, in his book "New Despotism." Let me draw your attention to the opinion of authorities as to the scope of subsidiary legislation. In his "Legislative Drafting and Forms" Sir Alison Russell says:—

Subsidiary legislation under powers conferred by an Act is usually made in one of the following ways:—

- (a) Proclamation.
- (b) Rules.
- (c) Regulations.
- (d) Order.
- (e) Notice.
- (f) By-laws.

[Pt. Muni Lal Kalia.]

But no panchayat can make by-laws of its own. So all powers have been collected at the centre, and we find in this case that this is the thing which we should not at all, intentionally or even unintentionally, give to the Government. He goes on to say—

Great care must be exercised to see that subsidiary legislation is made strictly in accordance with the powers and in the spirit of the enabling Act. Otherwise it may be quashed or treated as unenforceable by the courts.

Then there is one thing more which is very important, and that is with regard to the meaning of terms or expressions in subsidiary legislation. It is as follows :—

A term or expression used in subsidiary legislation, unless the contrary appears has the same meaning as in the Act conferring the power to make the subsidiary legislation.

With regard to the rules and regulations he says :—

As regards the use of words "rules" or "regulations" there has always been great variation in practice. Sometimes similar provisions of subsidiary legislation are called "rules" and sometimes they are called "regulations". Considerable confusion is caused by the indiscriminate use of these terms, and it is desirable that a uniform practice be adopted. It is suggested, therefore, that "rules" should be used for subsidiary legislation dealing with procedure; and "regulations" for the subsidiary legislation of a general nature.

This last portion is very important and I wish the Honourable Minister had paid a little attention to it. Then again :—

Where the rules are almost of sufficient importance to form part of the Act, they may be placed in a schedule; it being declared that unless and until other provision is made, the rules in the schedule are to take effect.

Now, can anybody deny that the rules to be made under this Act are going to be not only of the same importance as the Act but even of much more importance than all the provisions of the Act? Then why not include them in the Act or, at least, place them before the House? The following passage will show how much care has to be taken in the case of rules and how much importance is usually attached to them :—

It is desirable that all subsidiary legislation be given a short title. Otherwise it may be necessary to cite them in some such way as "The rules made under the provision of the above-mentioned Act, published in the _____ Gazette, No. _____, and dated the _____ day of _____."

With regard to orders, notices and by-laws he says :—

An Act usually prescribes an order to be made for matters which are not important enough to be dealt with in rules; such matters as the appointment of officials to carry the provisions of an Act into effect, or the appointment of the date on which an Act is to come into force.....

An Act frequently provides that some authority may direct some act or thing by notice. For example that the authority may declare an Act to come in force on the publication of a notice to that effect,

and

The enactment of by-laws is the way in which such public bodies as township authorities having subsidiary law-making powers, usually exercise those powers.

This shows that not only more importance has to be attached to the enabling Act but also that it is desirable to include the rules in the Act. My honourable friends opposite might refer you to the enactments like the Arms Act in which there is a separate chapter regarding the rules and they

have separate entity, but I would submit that the case of the Arms Act is not at par with that of the measure under consideration. Here you had better look to the District Boards Act and the Municipal Act for an analogy in which comparatively very little has been left to the rule-making powers of the Government.

I would like to refer you to a passage in Maxwell's Interpretation of Statutes which leaves no doubt as to the relative position of the enabling Act and the Rules. It reads—

Rules made under an Act which prescribes that they shall be laid before Parliament for a prescribed number of days, during which period they may be annulled by a resolution of either House, but that if not so annulled they are to be of the same effect as if contained in the Act, and are to be judicially noticed, must be treated for all purposes of construction or obligation or otherwise, exactly as if they were in the Act. If there is a conflict between one of these rules and a section of the Act, it must be dealt with in the same spirit as a conflict between two sections of the Act would be dealt with. If reconciliation is impossible, the subordinate provision must give way and probably the rule would be treated as subordinate to the section.

But what do we find in the case of the Bill under consideration? The Government has reserved all the powers for itself by clause 82 which has become as important as the whole Bill. That is why I say that every part of this clause should be opposed. If you read part (a) of sub-clause (3) you will find that it is a repetition of what is contained in sub-clause (1). Then part (c) relates to the election, suspension or removal of a sarpanch and of a naib-sarpanch.

Parliamentary Secretary (Shaikh Faiz Muhammad): On a point of order. Exactly the same thing has been said by the honourable Leader of the Opposition. Those very things are now being repeated by my honourable friend.

Pandit Muni Lal Kalra: I am very cautious so far as repetition is concerned. Words like 'of', 'is', 'about' etc., have, perforce, to be repeated, but I never repeat the substance of any argument.

Again, we have been told that there will be no nominated member and everything will be in the hands of the elected representatives of the people. But this provision too is as vague as others. We have not been told whether or not women will be eligible for the membership of panchayats, and, similarly, there are many other points which have not been made clear. The Government could not be sure of itself even with regard to clause 8 (1). Not only are some powers in this connection sought to be taken in clause 82 but the Parliamentary Secretary has moved an amendment to clause (8) which is more objectionable than the original clause. My honourable friend Sardar Hari Singh has also given notice of an amendment to that clause and it is yet to be seen which of the two amendments is going to be accepted.

Then the Government wants powers to regulate the functions and powers of a panch or a naib-sarpanch. I say why not make them clear in the Act itself? Take the instance of municipal committees. You will find that powers to presidents and vice-presidents have been given there in clear terms. But as far as this Bill is concerned we are not aware of the duties of panches and sarpanches and the law is silent about this matter.

[Pt. Muni Lal Kalia.]

No mention has been made with regard to their duties. As far as clause (e) is concerned, it reads :—

(e) regulating the exercise by a panchayat of any of its powers under this Act and in particular its power to sue and to acquire, hold or transfer property and to enter into contracts ;

Now, Sir, let me submit a word in connection with contracts.

Premier : Sir, I think it would take much time of the House to discuss these controversial points at this stage. I, therefore, suggest to my honourable friend, through you that he may discuss these points with the Minister in charge outside this House. My submission is that you may take up to-day's business and postpone these points for another occasion. The honourable member can draw your attention to these important points when the Government has arrived at a decision in this matter.

Pandit Muni Lal Kalia : Sir, if I discuss this matter with the Minister in charge outside the House, I alone will be able to discuss it. But if I raise a discussion on this matter here in this House we will be benefited by the advice and consultation of other members as well.

Premier : You may discuss it here if you insist upon doing so.

Pandit Muni Lal Kalia : Sir, as you have got a vast experience in these things, you may guide us as far as these controversial points are concerned. If I discuss it outside the House, I am afraid, I will not be able to draw your attention to it and thus I will be deprived of your advice in this matter.

Premier : I was submitting that the matter under discussion is a most important matter as it concerns the rules. In discussing it outside the House he may not draw your attention to the points, but he will be in a position to discuss it with us to his entire satisfaction. I, therefore, suggest to the Minister incharge to move that this matter be postponed at this stage for the time being.

Mian Abdul Aziz : The Premier stated just now that these can be considered amicably and can be discussed and adjusted properly. Do these remarks apply to clause 82 only ?

Premier : Yes to clause 82 as also to clause 8 which still remains to be discussed.

Mian Abdul Aziz : So the remarks of the Premier apply to the whole clause 82.

Minister for Public Works : In view of the suggestion made by the Honourable the Premier I would suggest that we might defer the consideration of this Bill so that I might get an opportunity of discussing in detail the suggestions made by the honourable member, as well as clause 8 which was postponed for discussion also with the honourable members opposite. After these discussions the Bill can be taken up. I move that the next item on the agenda be now taken into consideration.

Pandit Muni Lal Kalia (Urdu) : If clause 82 is to be discussed later on, very well, we will do so on Sunday. But, are you going to defer clause 82 only or clause 8 as well ?

Premier : The Honourable Minister has already promised to discuss clause 8 with the Leader of the Opposition. If there are any amendments they can be adjusted and it will save the time of the House.

Pandit Muni Lal Kalia : Will the Schedule be also discussed later on ?

Mian Abdul Aziz : I would like to point out that in schedule I, I have not been able to understand one thing.

Minister for Public Works : When we come to the schedule I will satisfy the honourable member's curiosity.

Mian Abdul Aziz : There are some misprints on certain pages.

Minister : When we reach the particular item the honourable member will have ample opportunity of pointing out any clerical errors or misprints or he can make any other suggestions.

Mr. Speaker : Does the Honourable Premier mean that consideration of clause 82 as well as of clause 8 be postponed ?

Premier : There is one other way out of the difficulty. If my honourable friend the Leader of the Opposition agrees that so far as clause 8 and this clause are concerned they can go out and discuss the matter, with a representative of the Government perhaps it may be possible to come to some sort of arrangement before we disperse.

Dr. Gopi Chand Bhargava : My point is that this clause 8 was postponed by mutual agreement. Some of my friends met the Minister and he promised to send a draft to us for consideration. Instead of the draft being sent to us he has put in his amendment. We received another amendment yesterday and the proposal put forward by him is more unacceptable than the original clause. Therefore, if the Minister wants to consult me, I have no objection, or if you like, let it be discussed on the floor of the House if it is convenient to you.

Premier : If you like to discuss it on the floor of the House it will take time. I wanted to save the time of the House. If they take a few members and discuss it outside they might come to some agreement and it will save the time of the House. If they do not come to any agreement then it will have to be discussed in the House.

Dr. Gopi Chand Bhargava : Then they will not be able to take part in the proceedings which are yet to follow.

Premier : That is an ordinary sort of motion—

Mr. Speaker : According to parliamentary practice, we cannot postpone discussion.

Minister for Public Works : I was only trying to [accommodate my honourable friend opposite.

Dr. Gopi Chand Bhargava : I never objected to its postponement if under the rules you can do it.

Minister : Mr. Speaker says you cannot do it according to rules.

Pandit Muni Lal Kalia (Urdu) : Well, I was referring to sub-clause (f).

Mr. Speaker : It is highly irregular to discuss each sub-clause separately.

Pandit Muni Lal Kalia : I will not name (e) and (f).

Mr. Speaker : The honourable member has to argue why clause 82 should not stand part of the Bill. He should not discuss separately every sub-clause of clause 82. It is open to the honourable member to say that he is opposed to the retention of clause 82, because to-day is a cloudy day ; but he is not entitled to discuss every part of it in detail and separately.

Pandit Muni Lala Kalia : Do I take it that I should not say what has already been said ? (*Urdu*) : Sir, we do not know on whom taxes will be imposed nor do we know in what manner they are to be imposed. We are unaware even of the basis on which these taxes are proposed to be levied and whether those who pay will have any representation on the panchayat.

Mr. Speaker : How is it relevant ?

Pandit Muni Lal Kalia : The Government is going to have rule-making power with regard to taxation and that provides another cause for opposing the clause.

Mr. Speaker : The honourable member will know when rules are published.

Pandit Muni Lal Kalia : Knowledge alone will not do.

Mr. Speaker : I agree. But the honourable member can say that in one sentence.

Pandit Muni Lal Kalia : Experienced speakers like you can do that but I have to explain my point of view in my own way.

Then, Sir, you know that generally the words "after previous publication" are used in respect of the rules to be made under every Act. Section 21 of the General Clauses Act makes it clear how previous publication takes place. But here in this Act these words have been very conveniently omitted. Therefore, this is the only time when we can give expression to our opinions and apprehensions.

Again, some control over the panchayats has been given to the courts in judicial matters and to the Deputy Commissioner with regard to their administrative functions. But nothing has been said in the Bill to indicate as to how and by whom the records are to be kept and forwarded to the authorities concerned. Even the question of the custody of the minute book has not been decided and thus it is just possible that one day the panchayat may pass a certain resolution but the next day finding it unacceptable to the Deputy Commissioner quite a different resolution may be entered in the minute book. This will reduce the whole thing to a farce and it will not be possible to place any reliance on the records of the panchayat. In Madras and Bombay there are clear and definite provisions in the Acts about this matter. Even here you have such provisions in the Municipal Act. But in this Act for reasons best known to the Government this question also has been left undecided. The ministers may consider it an unimportant matter but it is not so for those who are going to be affected by the Act and who feel much concerned over it. In Bombay they have firstly the panchayats, secondly the panchayat bench and thirdly the secretary. The duties and functions of all three have been definitely laid down and it is clearly stated as to how the secretary will deal with the maintenance and disbursement of the funds. But here you have only

the panchayat. You may call it the bench or the judge or even the Deputy Commissioner if you will.

Mr. Speaker : I would request the honourable member to wind up his speech.

Pandit Muni Lal Kalia : Similarly, we should have been told as to what will be the rules with regard to voters and their qualification. All these matters require mention but if you so desire I am prepared to resume my seat.

Mr. Speaker : No, no. The honourable member may have his say. I do not want him to stop.

Pandit Muni Lal Kalia : Now I come to the judicial powers. Here I must crave your indulgence because I shall have to repeat a few things that were said on the floor of the House yesterday. The Government is going to make rules with regard to the judicial powers and functions of the panchayats but let me tell them that they are making a mess of the whole thing. The Bill presented by them is such that it cannot work properly unless the whole civil and criminal as well as the Limitation Law is amended. For instance, in the Limitation Act the periods of limitation vary according to the causes of action but here in the Panchayat Act nobody has taken the trouble of sparing a thought for the exigencies of different situations and one period of 3 years has been considered quite suitable in each and every case.

Again, there is no saving clause in regard to the transactions entered into before the Act comes into force. A period of 30 days has been fixed at random without proper consideration. Similarly there are many other matters about which the rule-making powers are absolutely indefinite and too wide. The provisions of the Limitation Act will be set at naught in many cases. For these and many other reasons which I have not time to describe I am of the opinion that the passage of this clause must be opposed.

Mr. Speaker : The question is—

That clause 32 as amended stand part of the Bill.

The Assembly divided : Ayes 67, Noes 34.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan Daulstana, Khan Bahadur Mian.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Balwant Singh, Sardar.

Bhagwant Singh, Raj.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Raj.
Faiz Muhammad, Shaikh.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Sher Khan, Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.

Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghazanfar Ali Khan, Raja.
 Ghulam Qadir Khan, Khan Bahadur.
 Ghulam Samad, Khan Sahib Khan-i-waja.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.

Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Sarfraz Khan, Raja.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasrullah Khan, Rana.
 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, Rai Sahib Thakur.
 Sadiq Hassan, Shaikh.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Tara Singh, Sardar.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Gokul Chand Narang, Dr. Sir.

Gopi Chand Bhargava, Dr.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Muhammad Abdul Rahman Khan, Chaudhri.	Muni Lal Kalia, Pandit.
Muhammad Alam, Dr. Shaikh.	Partab Singh, Sardar.
Muhammad Hasan, Chaudhri.	Prem Singh, Mahant.
Muhammad Hussain, Sardar.	Rur Singh, Sardar.
Muhammad Wilayat Hussain	Santokh Singh, Sardar Sahib Sar-
Jeelani, Makhdumzada Haji	dar.
Sayed.	Sant Ram Seth, Dr.
Mula Singh, Sardar.	Shri Ram Sharma, Pandit.
	Sohan Singh Josh, Sardar.

Clause 88.

Mr. Speaker : Clause 88.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjab*) : Sir,

5 p. m.

clause 88 as it stands empowers the Government to appoint provincial inspector of panchayats, divisional, district and assistant panchayat officers and other staff with their establishments and their expenses shall be defrayed out of the moneys provided by the Punjab Government. Against this my first objection is that if we study all the clauses which the House has so far passed we would find that nowhere is it stated as to what would be the functions of the panchayat officers. I think when no mention has been made about the duties of the panchayat officers there is absolutely no use of appointing them. Now let us see as to what duties the Government can possibly give to these panchayat officers. In this respect, Mr. Speaker, I wish to draw your attention to a few sections of this Bill and I hope you would not rule out my submissions on the plea of repetition.

I can only imagine four or five things which may necessitate the appointment of panchayat officers. Firstly, it may be said by the Unionists that the panchayat officers will be required for the purpose of holding and supervising the elections of the members of panchayats. But I would hasten to submit that there will be nothing new in the elections of panches. Elections are already held in the Punjab for various other purposes. But hitherto the need for appointing a particular agency for elections has never been felt. The elections to local bodies are generally held by the patwaries and other permanent officials of the Government. The same officials can hold and supervise the elections of panches and sarpanches. Again, it may be said from the other side of the House that one of the functions of the panchayat officers will be to see under clause 8 of the Bill whether a person who has been elected a panch, is suitable or not. But I may add that the Government has agreed under clause 8 of this Bill to appoint a "prescribed authority" which may declare the election of a certain panch as null and void. When the Deputy Commissioner is there and his establishment is there, what is the necessity of appointing an additional permanent staff for this purpose?

Secondly, the Government might say that the panchayat officers will be needed to supervise the working of the panchayats. But let us see what administrative duties the panchayats will perform and whether the panchayat officers are needed to control them. I may be allowed to mention in this connection that the Bill does not provide for any appeal against the orders

[S. Kapoor Singh.]

of the panchayat. If an appeal could be allowed, then we might have thought that panchayat officers will be needed for hearing those appeals. But nothing of the kind is contemplated in the Bill. When the orders of the panchayats are going to be final, there will be no necessity of panchayat officers.

Thirdly, the Government may contend that the panchayat officers will be needed in connection with the criminal and civil judicial functions of the panchayats. But here, too, I may submit that the panchayats will decide cases according to their own lights and pleasure. No law will be administered. There is no need to appoint panchayat officers to set right the irregularities or acts of injustice committed by the panchayats, because the Bill has provided that the District Magistrates and the District Judges will do the needful in such cases of irregularities and acts of injustice. It is clear, therefore, that panchayat officers are not wanted for this purpose also.

Now let us come to the civic functions of the panchayats. Here, too, I find that the panchayat officers will not be allowed to interfere. I do not see if there is any necessity of appointing panchayat officers at all.

Mr. Speaker : How is this relevant ?

Sardar Kapoor Singh (Urdu) : There is no need to appoint panchayat officers.

Mr. Speaker : That is a separate question. That matter is not at present before the House. They are ordinary civil servants.

Sardar Kapoor Singh : But I know they are.

Mr. Speaker : That can be discussed when the honourable members of the House are asked to pass the salary of inspectors and sub-inspectors. The House may reject it then.

Sardar Kapoor Singh : But the money shall be paid out of the Government Treasury.

Mr. Speaker : Are they not being paid already from provincial revenues ?

Sardar Kapoor Singh : It is all the more relevant that this section should be opposed.

Premier : May I submit to my honourable friend that this clause is merely meant to overcome some technicalities. It is necessary under the Government of India Act that any sum spent out of the revenues of the province must be recommended by the Governor of the province. It is for this purpose that this clause has been put in. It is merely to bring this within the purview of the provincial Budget, that we have put this clause. The question of payment to panchayat officers does not arise. They were sanctioned by the Assembly long ago.

Sardar Kapoor Singh : I am discussing the question of payment when they are appointed. Then the salary shall have to be paid out of the Government treasury.

Premier : The House has already agreed to their appointment, and has sanctioned their salary.

Sardar Kapoor Singh : But not by any Act.

Minister for Public Works : No appointment is being sanctioned. In English Acts they have a similar clause. It is a technical provision.

Sardar Kapoor Singh : They may be appointed but I say that they shall not be paid a single pie.

Minister : The proper occasion to object will be when the Budget is presented.

Sardar Kapoor Singh : We will oppose it also when that occasion comes.

(Urdu) : Sir, I was submitting that the third duty that could possibly be given to the panchayat officers was that they will be required to see if the panchayats were discharging their civil functions properly. In this connection I may draw the attention of the House to clause 53 of this Bill which says that the revision of the civil orders passed by the panchayats will lie with the district judges. In these circumstances, it cannot be said that the panchayat officers will supervise the work of the panchayats to see that they do not act unjustly with respect to the civil suits which come up before them.

Further, so far as the assessment and collection of taxes is concerned, neither the panchayat officers nor other officers who may be appointed, will be able to interfere. It is, therefore, unjustified that these officers are allowed to draw their salaries out of the provincial treasury for work done in connection with panchayats. If the Government insists on appointing these officers, we, I think, will be justified to apprehend that the Government is aiming at bringing out two lakhs of rupees from the public treasury under this guise and spending it on party propaganda.

Mr. Speaker : The honourable member is requested to be relevant.

Sardar Kapoor Singh : Mr. Speaker, I want to point out that usually the Government is keen in the matter of checking any possible waste of public money. They will not permit any community to misappropriate any public funds. For instance, in connection with the Gurdwara Act the Honourable Minister for Education said that the Akalis were making unlawful use of Gurdwara funds. It may be that Akalis spent some money not on *karakharashad* but on *parchar*. But it was their own money. But what does my honourable friend the Minister for Education say to allocating any public money for party propaganda as is being proposed to be done by his party? It is proposed that panchayat officers will draw pay out of the public treasury although they will not do anything in connection with the panchayats.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) (Urdu) : I have three reasons for opposing this clause. First that the words "Provincial Inspector" or "Divisional Inspector" do not occur in the Bill. We do not know what the Government means by the words "Provincial Inspector". It has been defined neither in the definitions nor in the body of the Bill. The word is not to be found even in the General Clauses Act. The mention of this officer has not been made even in connection with the rules. So we do not know what this officer is going to be and why his pay is going to become a charge on the provincial revenues.

Mr. Speaker : There is an express provision on that point in the Government of India Act.

Pandit Muni Lal Kalia : It has not been declared about him that he is a civil servant.

Mr. Speaker : That provision governs all civil servants of the Crown.

Shaikh Faiz Muhammad : I will refer the honourable member to clause 70.

Pandit Muni Lal Kalia : I know that. You have said in the definitions that the definition of a "public servant" will be the same as given in the Indian Penal Code. But you have not defined "Provincial Panchayat Officer". I am not repeating the arguments advanced by my honourable friend Sardar Kapoor Singh but I want to point out that it has not been clearly stated who will appoint this officer and what exactly will be his duties. In these circumstances we must oppose this clause.

Mr. Speaker : The question is—

That clause 83 stand part of the Bill.

The Assembly divided : Ayes 66, Noes 29.

AYES.

Abdul Hamid Khan, Sufi.	Ghulam Samad, Khan Sahib Khawaja.
Abdul Haye, The Honourable Mian.	Gopal Singh (American), Sardar.
Abdul Rab, Mian.	Gurbachan Singh, Sardar Bahadur Sardar.
Abdul Rahim, Chaudhri (Gurdaspur).	Haibat Khan Daha, Khan.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Hans Raj, Bhagat.
Ahmad Yar Khan, Chaudhri.	Het Ram, Rai Sahib Chaudhri.
Akbar Ali, Pir.	Indar Singh, Sardar.
Ali Akbar, Chaudhri.	Jogindar Singh Man, Sardar.
Amjad Ali Shah, Sayed.	Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Balwant Singh, Sardar.	Manohar Lal, The Honourable Mr. Maqbool Mahmood, Mir.
Bhagwant Singh, Rei.	Muhammad Akram Khan, Khan Bahadur Raja.
Chhotu Ram, The Honourable Chaudhri Sir.	Muhammad Ashraf, Chaudhri.
Dasaundha Singh, Sardar.	Muhammad Faiyaz Ali Khan, Nawabzada.
Faiz Muhammad, Shaikh.	Muhammad Hassan Khan, Gurchani, Khan Bahadur Sardar.
Faqir Hussain Khan, Chaudhri.	Muhammad Hayat Khan, Noon, Nawab Malik, Sir.
Farman Ali Khan, Subedar-Major Raja.	Muhammad Hussain, Chaudhri.
Fateh Sher Khan, Malik.	Muhammad Jamal Khan, Leghari, Nawab Sir.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	
Fazal Din, Khan Sahib Chaudhri.	
Fazal Karim Bakhsh, Mian.	
Few, Mr. E.	
Ghazanfar Ali Khan, Raja.	

Muhammad Sarfraz Khan, Chaudhri.	Pohop Singh, Rao.
Muhammad Sarfraz Khan Raja.	Pritam Singh, Siddhu, Sardar.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Ram Sarup, Chaudhri.
Muhammad Yasin Khan, Chaudhri.	Riasat Ali, Khan Bahadur Chaudhri.
Muhammad Yusuf Khan, Khan.	Ripudaman Singh, Rai Sahib Thakur.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sadiq Hassan, Shaikh.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shahadat Khan, Khan Sahib Rai.
Muzaffar Khan, Khan Bahadur Nawab.	Shah Nawaz, Mrs. J. A.
Nasir-ud-Din, Chaudhri.	Sikander Hyat-Khan, The Honourable Major Sir.
Nawazish Ali Shah, Sayed.	Sohan Lal, Rai Sahib Lala.
Nur Ahmad Khan, Khan Bahadur Mian.	Sumer Singh, Chaudhri.
Pir Muhammad, Khan Sahib Chaudhri.	Sundar Singh Majithia, The Honourable Dr. Sir.
	Tara Singh, Sardar.
	Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Abdul Aziz, Mian.	Krishna Gopal Dutt, Chaudhri.
Bhagat Ram Choda, Lala.	Muhammad Abdul Rahman Khan, Chaudhri.
Bhagat Ram Sharma, Pandit.	Muhammad Hussain, Sardar.
Chaman Lall, Diwan.	Muhammad Iftikhar-ud-Din, Mian.
Chanan Singh, Sardar.	Mula Singh, Sardar.
Dev Raj, Sethi, Mr.	Muni Lal Kalia, Pandit.
Duni Chand, Lala.	Partab Singh, Sardar.
Duni Chand, Mrs.	Prem Singh, Mahant.
Faqir Chand, Chaudhri.	Sampuran Singh, Sardar.
Gopi Chand Bhargava, Dr.	Santokh Singh, Sardar Sahib Sardar.
Hari Singh, Sardar.	Sant Ram Seth, Dr.
Harjab Singh, Sardar.	Shri Ram Sharma, Pandit.
Harnam Das, Lala.	Sohan Singh, Josh, Sardar.
Kabul Singh, Master.	
Kapoor Singh, Sardar.	
Kartar Singh, Chaudhri.	

Minister for Public Works : Sir, The Governor has recommended to this House the consideration of this Bill as required by sub-section (8) of section 82 of the Government of India Act, 1935.

Pandit Muni Lal Kalia : On which date did he recommend ?

Clause 8.

Shaikh Faiz Muhammad (Parliamentary Secretary) : I move—

That for the existing part (a) of sub-clause (1) of clause 8 the following be substituted:—

(a) who is convicted of a non-bailable offence;

[Sh. Faiz Muhammad.]

- (b) who is convicted of a bailable offence or subjected to an order by a criminal court, which conviction or order, in the opinion of the Government or of the officer to whom the Government has delegated its power of removal, implies a defect of character unfitting him to be a panch.

Mr. Speaker : Clause under consideration, amendment moved—

That for the existing part (a) of sub-clause (1) of clause 8, the following be substituted :—

- (a) who is convicted of a non-bailable offence ;
 (b) who is convicted of a bailable offence or subjected to an order by a criminal court, which conviction or order, in the opinion of the Government or of the officer to whom the Government has delegated its power of removal, implies a defect of character unfitting him to be a panch.

Sardar Hari Singh (Kangra and Northern Hoshiarpur Sikh, Rural) : Subject to your consent I want to bring to the notice of the House the wording of the amendment without formally moving it. I am making a speech without moving my amendment and while making the speech, I draw the attention of the House to my amendment so that the House may give its attention to these words and may prefer them to the words which have been proposed by my honourable friend, the Parliamentary Secretary. The words of my amendment are :—

That for the existing part (a) of sub-clause (1) of clause 8, the following be substituted :—

- (a) who has been convicted of an offence involving moral turpitude by a criminal court for a term exceeding one year during the preceding five years.

Parliamentary Secretary (Shaikh Faiz Muhammad) : The words are, 'convicted for a term, . . .' There is no question of sentence.

Sardar Hari Singh : Convicted and sentenced for a period exceeding one year. Part (a) of sub-clause (1) also applies to sub-clause (8) of clause 6. That is, it entails disqualification for the purpose of removal of a panch when he has been elected and also when his election has to be confirmed. So, in the first place, his election may not be confirmed if he is disqualified under part (a) of sub-clause (1). The consideration of this clause had been postponed while it was being discussed on the previous day with a view that the Government may consult the Opposition Leader and find out *via media* satisfying both sides of the House so that it may become less offensive, less restrictive and so that it may be modified and should not exclude a large category of those persons who have been sentenced to various imprisonments under political offences involving no moral turpitude. But what do we find ? After an interval of so many days, the Government instead of living up to its promise, has, through its Parliamentary Secretary, come out with an amendment, which is more restrictive, more offensive and more objectionable than the words occurring in the original sub-clause. (Minister for Public Works : Then accept the original sub-clause). That was objectionable and that was why its consideration was postponed. Now, this new amendment undoubtedly casts a wider net of disqualification than the original sub-clause which it proposes to replace. But we are opposed to both, the original as well as the proposed amendment, because what will happen under this amendment, if it is accepted ? My honourable friend, the Minister for Public Works, a young enthusiast as he

is, suppose one day goes out driving his car himself. He may be rash and he may crush under the wheels of his car a poor coolie and then he is hauled up before a law court and is sentenced for negligent driving causing death. (*Minister of Public Works* : It would be a non-bailable offence.) I am giving an example. He may be sentenced and he will not be able to become a panch in his native village because this sub-clause entails a disqualification and because he has been convicted and sentenced to a term of imprisonment. But he will be able to become a member of the district board, though he has been convicted of an offence for a term of imprisonment not exceeding one year during the preceding five years ; he will become a member of the municipality of his native town though he has been sentenced for a term not exceeding one year during the preceding five years. But under this sub-clause, on account of his conviction and sentence he cannot become an ordinary panch of his native village. He may become a member of the Assembly and he may become a Minister in charge of the portfolio of panchayats, but he will not be able to become a panch of his native village, while he will be running the whole department of panchayats. So, with regard to panchayats the position is very anomalous. A person can become a member of the district board, he can become a member of the municipality, he can become a member of this House and he can become a member of the Ministry of the province, but he will not be able to become a member of the panchayat of his own native village because of this sub-clause or the proposed amendment to the sub-clause. Therefore, I say that the amendment proposed by my honourable friend, the Parliamentary Secretary, is very objectionable, very offensive, and highly undesirable. Even in the case of municipalities, the disqualification in the matter of conviction and sentence for a term exceeding one year during the preceding five years may be removed by the Government. But there is no such provision here and no power is given to the Government to remove this disqualification. In the case of municipalities, district boards and the Assembly, this power is given to the Government but not in this case. The Government may not remove the disqualification even on the application of the candidate. In the present Panchayat Act, so far as I know there is no such disqualification. So in that respect this measure is more reactionary than the measure which it proposes to replace. Let my honourable friend read the Panchayat Act of Bombay. There is a disqualification clause. He should follow better Panchayat Acts, say, of Bombay, or the Central Provinces or France or Japan. Let us see what kind of disqualification is incorporated in similar Acts in those provinces or in those countries. In Bombay it is laid down as follows :—

If a person has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term.

Mark these words :

For a term exceeding 6 months or to transportation or has been ordered to furnish security for good behaviour, so long as such sentence has not expired or such order is in force.....unless relieved of disqualification by provincial Government.

Mark the difference. In this case, (1) the term must exceed 6 months, (2) disqualification will last only so long as the sentence is being served and when it is expired there will be no disqualification, (3) Provincial Government can relieve the person of this disqualification. Mark the difference

[S. Hari Singh.]

between the provisions of this Bill and that of Bombay. There is a similar provision in the Central Provinces Act. It reads like this :—

If such person has been ordered to execute a bond in pursuance of proceedings under section 110 of Code of Criminal Procedure, 1898, or has been convicted by a criminal court of any offence which in the opinion of the provincial Government involves—

Mark these words :

Involves moral turpitude and which carries with it a sentence of transportation or imprisonment for a period of more than six months, unless the offence for which he was convicted has been pardoned or five years have expired from the date of the expiration of the period specified in the bond or sentence.

And there is also a proviso that the Government may remove the disqualification on application. But no such proviso exists in this amendment. What is the difference ? (1) A person will be disqualified if his offence involves moral turpitude. (2) if the sentence exceeds 6 months, (3) if the offence has been committed within the last 5 years together with the proviso that the Government may remove disqualification. Let us go to some other country where local self-government is highly developed. Let us take the case of France. In France no less than 38,000 communes exist in villages, cities and towns and are working very satisfactorily. One under a sentence of law cannot be elected, but as soon as his sentence expires he can be elected. Only those inside the prison walls are disqualified. As soon as one has come out of the prison after serving his term of imprisonment he is worthy of being elected : that is about the city and town communes. My friend, although he is Minister in charge of local self-Government, has not studied local self-government institutions in other countries. Let him for a while pay his attention how that institution is working in Japan.

Premier : May I interrupt my honourable friend for a minute ?

Sardar Hari Singh : I shall finish in one minute. In the case of Japan all citizens are qualified for election to the village self-governing institutions. There, persons having undergone punishment of greater degree than imprisonment or penal servitude for not less than six years, cannot be citizens. A man cannot become a member of a self-governing institution if he has undergone a sentence of six years. Here my friend will not allow Mahatma Gandhi to become a member of the panchayat ; he will not allow Pandit Jawahar Lal to become a member of the panchayat and he will not allow Dr. Khan Sahib and all the ex-Congress Premiers to become members of the puny panchayats while they may become Premiers. A man who has been convicted of a non-bailable offence for a period of a month cannot become a member of the panchayat while he may become a Minister in charge of the panchayat department. He may become a Minister, may become a Major and the Commander-in-Chief of the Punjab forces but he will not be allowed to get himself elected as a member of the panchayat under this clause. That is the anomaly. With these words I wind up my speech because the Premier is very impatient.

Premier : I am not impatient. I merely wanted to inform the House that to-day perhaps we may go on sitting till 8 p.m. I want to make a formal motion at the end.

Diwan Chaman Lall : May I know if this arrangement has been worked out in consultation with the Leader of the Opposition ?

Premier : I have sent a word to my friend the Leader of the Opposition, but I merely informed the House that they may have to sit till 8 p. m. I will make a formal motion at the usual time.

Diwan Chaman Lall : I would request my honourable friend that in future when such a proposition is mooted due notice should be given to the Leader of the Opposition so that the convenience of honourable members on these benches may also be considered. I do hope my honourable friend will bear that in mind when he makes any such motion in future.

Premier : I always bear that in mind. I would have consulted him but I was hoping, as a matter of fact he was also expecting, that we would have finished this Bill yesterday. As the Panchayat Bill is being considered today I proposed that the bar due to time limit be removed if there were any amendments which are not in time. We must try to catch up the time lost. That is why I suggested that we might sit longer to-day to take up other motions before we adjourn. That will have to be postponed till we meet again. But I do normally consult my friend the Leader of the Opposition with regard to such motions.

Mr. Speaker : We have got an hour more.

(Voices : Question be now put.)

Lala Duni Chand (Ambala and Simla, General, Rural) (Urdu) : Sir, it is a matter of gratification that the Honourable Premier is taking some interest in the consideration of the Bill. I hope and trust that he will try his best to make it more acceptable. But still I would like to ask him one thing as to whether it would be proper on the part of the Government to insist upon keeping this provision as it is in the Bill. Even my honourable friend Sardar Hari Singh has admitted that a person who has been convicted of any bailable or non-bailable offence should be precluded from becoming a panch provided that his offence involves moral turpitude. In my opinion nothing can be more reasonable than this. In fact we do not object to the removal of a panch on the ground of his conviction of an offence involving moral degradation. I have not moved my own amendment simply because I was confident that the amendment of Sardar Hari Singh would be more acceptable to the Government than the one that stands against my name. I would request the Honourable Premier to see that only those panches are disqualified who have been sentenced for committing offences that involve moral turpitude or moral degradation. Now the amendment moved by the Government aims at the removal of all such persons as have been convicted of even non-bailable offences. This amendment is a true index of the mind of the Government and it clearly shows its intentions to bar even those political workers from becoming panches who have courted imprisonment in the cause of their country. The present national movement was started some 20 or 25 years ago. During this long and protracted period thousands of leaders and workers have been convicted of bailable as well as non-bailable offences. But can anybody question their high character or doubt the sincerity of the noble cause for which they willingly underwent these sentences ? If not, then will it be just and proper to disqualify them from becoming panches in their native villages ? In

[L. Duni Chand.]

short this provision is extremely harsh and stringent and, therefore, it should not go unamended. The sub-clause as it stands disqualifies even those persons against whom some action has been taken under sections 107, 108 (A) or 109, Criminal Procedure Code, though such order does not amount to conviction of an offence. May I know from my honourable friends

whether it means that he should be disqualified for becoming a member of the panchayat? My honourable friends should know that if anybody is required to furnish security at any time it does not mean that he has committed a crime.

6 p.m.

There is yet another reason why I think that mere taking of security does not constitute an offence. There are some occasions when the taking of security is essential and I think that on such occasions there is no harm if people are required to furnish security. Sometimes it does happen that even very good and law abiding citizens are required to furnish security under preventive sections. Therefore there is no reason why the people should be debarred from becoming members of panchayats on the plea that sometime back they were asked to furnish security for some reason or other. Besides, I may point out to the Honourable Premier that panchayats would be courts of lowest jurisdiction in the country and I think common people should be allowed to seek elections on the panchayats. In view of that, may I know whether it is not proper that election should be open to most men? I may also point out that when the Government of India Act does not disqualify people who have committed even serious offences from becoming members of the provincial Assemblies there is no reason why my honourable friend should prevent people who have committed very insignificant offences, from becoming members of the panchayats. Does it befit the dignity of my honourable friends over there that they should disqualify such persons from becoming members of the panchayats who have been some time required to furnish securities or who have committed some such offence. I wish to make it clear that at present in the rural areas public-spirited and nationally-minded people are to be found among those who sometime courted jail for the love of their country or did something for which they were asked to furnish security. In my opinion they are the very people who can serve the people of rural areas better than anybody else. There is no reason why the Government should debar such people from becoming members of the panchayats. In the circumstances I request the Government to accept our amendment and not insist upon disqualifying persons from becoming members of the panchayats on the ground that on some occasion or other they were asked to furnish security. I think such an attitude on the part of my friends is against all canons of justice and fairplay. With these words I support the amendment of my honourable friend Sardar Hari Singh.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : I move—

That the question be now put.

Minister for Public Works : A lot has been said why we have moved this amendment which places a greater restriction in the case of panchayats than in the case of other local bodies or even in the case of this Assembly. The reason is obvious. These panchayats will have executive

functions also and not deliberative only. In the Punjab we have inflammable material, and when we are going to confer some powers of judges, criminal and civil on panches, we want to have people working in the panchayats who have sound minds and are not carried away by sentiments. So, in the experimental stage I thought it was very essential to have this provision but to meet the wishes of the honourable members opposite we add to clause (b) and say that Government will have the power under special circumstances to remove the disqualification incurred.

Lala Duni Chand : Attach that condition to clause (a) also. Then we will be satisfied.

Minister for Public Works : We can attach that condition to clause (b) but may not attach the same condition to clause (a). If accepted, clause (a) will read :

Who is convicted of a non-bailable offence, provided that Government shall have the power to remove the disqualification.

That is going too far.

Lala Duni Chand : We will be satisfied only if the condition is attached to both the clauses.

Minister for Public Works : That is the last suggestion. Otherwise I would say that the clause be put as it is.

Mr. Speaker : The question is :

That for the existing part (a) of sub-clause (1) of clause 8, the following be substituted :—

- (a) who is convicted of a non-bailable offence;
- (b) who is convicted of a bailable offence or subjected to an order by a criminal court, which conviction or order, in the opinion of the Government or of the officer to whom Government has delegated its power of removal, implies a defect of character unfitting him to be a panch.

The motion was carried.

Mr. Speaker : The question is—

That clause 8 as amended stand part of the Bill.

The motion was carried.

Schedule I.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) :
I beg to move—

That in Part (A), between sections "277" and "288," the words "Danger or obstruction in public way or line of navigation.....288" be inserted.

Minister for Public Works : I accept the amendment.

The motion was carried.

Pandit Muni Lal Kalia : I beg to move—

That in Part (A), between sections "448" and "604," the words "Dishonestly/breaking open receptacle containing property.....461" be inserted.

Minister for Public Works : I accept the amendment.

The motion was carried.

Mr. Speaker : Question is—

That Schedule I as amended stand part of the Bill.

The motion was carried.

Schedule II.

Mr. Speaker : Question is :

That Schedule II stand part of the Bill.

The motion was carried.

Schedule III.

Mr. Speaker : Question is :

That Schedule III stand part of the Bill.

The motion was carried.

Diwan Chaman Lal : May I crave your indulgence in regard to one little matter in regard to Schedule I? The sections of the Indian Penal Code referred to are 379—411. Do we understand that it means only these two sections 379 and 411 or all the sections inclusive from 379 to 411? That is a point that should be made perfectly clear, because obviously a little further up where sections 264—267 are referred to, all of them are included. If that is any guidance, then according to that in the same way "sections 379—411" means all the sections from 379 to 411 inclusive. It is necessary to make that point clear, because under one such section the penalty for the crime is death.

Minister for Public Works : It means only sections 379 and 411. If there is any ambiguity I will see to it in the drafting committee.

Title.

Mr. Speaker : Question is :

That the title be the title of the Bill.

The motion was carried.

Mr. Speaker : Under rule 103 I direct that the Bill be examined by a committee consisting of the Minister to whose department the Bill relates, the Advocate-General and the Deputy Speaker with direction to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting and such report shall be presented by Monday next.

Pandit Muni Lal Kalia : On a point of order. The Bill cannot be sent to the drafting committee because it has not been considered and legally passed. I want to draw your attention to the fact that sanction was received to-day after clause 83 had been considered and disposed of. My point is that there has been no proper consideration of the Bill.

Mr. Speaker : The honourable member may raise that point on Monday after the report of the drafting committee is considered and the motion that the Bill be passed is moved.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I introduce the Punjab Relief of Indebtedness (Amendment) Bill. I move—

That the Punjab Relief of Indebtedness (Amendment) Bill be referred to a select committee.

Before I read the list of names of the members of the committee, I might just say one sentence to indicate to the House why this Bill is necessary. There is a brief Statement of Objects and Reasons attached to the Bill and I merely want to draw the attention of the honourable members to the reasons why it has been considered necessary to move this amending Bill. During the last four or five years, since the original Bill was passed, several defects have come to notice and have been brought to the notice of the Government by people concerned or by those people who have been entrusted to work this Act and even by courts and we thought that we should remove these defects at the earliest possible moment so as to give the fullest possible benefit which we intend to give to the poor agriculturists. At the same time we have taken the opportunity to fill up certain lacunæ in the original Act. There were certain provisions of a very important and necessary character which were left out of the original Act and I believe the main reason was that, that Bill was passed in a council which was more or less not a responsible assembly and because the Bill was moved by the Opposition of the time and was carried in spite of the opposition from certain quarters and even certain provisions were opposed by the Government of the day. Though we are not filling in those lacunæ to the extent that all those provisions are being included—there are several that are new—we are proposing several which could not be carried at that time. We are now taking the opportunity of filling in those lacunæ and making the Act more beneficial to the people and more water-tight.

Dr. Sir Gokul Chand Narang : Does the Honourable Premier mean that this Bill was moved by the Opposition ?

Premier : Originally yes.

Dr. Sir Gokul Chand Narang : Not the Bill that was passed.

Premier : It was a non-official Bill and subsequently it was adopted by the Government after a certain conference and compromise between the two parties. It is, however, immaterial. But I might remind my honourable friend that the Unionists were then in opposition, they were the official Opposition.

I need not detain the House any longer. The objects are clear. It is possible that some people both inside the House and outside might consider that even this amending Bill does not go far enough. I agree that in certain respects we could have taken a still further step in order to give that fuller relief that we all intend to convey to the people, but I personally think that time for these additional provisions has not yet come. It is possible that these provisions which we are now introducing might have the desired effect and if they do not have the desired effect, and if we find that further loopholes are sought and successfully sought by people who are always on the look out to torpedo such measures, then it would be necessary for us to bring a more drastic measure. But the question here is merely to fill

[Premier.]

the loopholes and provide for the lacunæ which they think essential in the interests of poor agriculturists. And I might also add that a suggestion has been made that the definition of 'debtor' should be so revised as to include the poorer classes of urban areas as well. That is a question which we will be prepared to consider in the select committee stage and I hope I shall have the benefit of members from all sides of the House to consider that very important question. It is important, from my point of view, because the policy of the present Government is to give relief to the backward or poorer classes wherever they are, whether they belong to villages or cities. My honourable friend, Dr. Sir Gokul Chand Narang, put forward very weighty considerations when that resolution was moved in this House for fixing no restrictions so far as urban part of the population was concerned. Therefore, it is an important matter which will have to be very carefully considered before that particular category of people is included. But I personally think that some device will have to be provided with a view to give relief to the poorer classes in the cities and I shall be only too glad to incorporate that provision. I hope with the help of my honourable friends both on these benches and those it should not be difficult to devise some means to do that. With these words I beg to commend my motion to the House. Following are the names of the members of the select committee :—

Minister for Development.

Mir Maqbool Mahmood ;

Sufi Abdul Hamid Khan ;

Chaudhri Sumer Singh ;

Rai Bahadur Mr. Mukand Lal Puri ;

Chaudhri Abdul Rahim of Gurdaspur ;

Khan Sahib Shaikh Muhammad Amin ;

Rai Faiz Muhammad Khan ;

Sardar Tara Singh ;

Chaudhri Prem Singh ;

Chaudhri Muhammad Qasim ;

Chaudhri Ahmad Yar Khan of Gujrat.

And the three *ex-officio* members which are essential under the Rules and four members which my honourable friend the Leader of the Opposition may nominate and if he wants to substitute somebody for Rai Bahadur Mukand Lal Puri, then in that case five which he may suggest.

Sardar Sohan Singh Josh : Out of how many ?

Premier : In addition to 12 members named above and three *ex-officio* members.

Dr. Gopi Chand Bhargava : The Honourable Premier has referred to my nominating four or five people on this committee, five including Rai Bahadur Mukand Lal Puri. Sir, as there are nineteen members out of which the Advocate-General will not be a voting member, so there are in fact 18 members. There may be 18 or 19, that matters little, but the point

which I have been pressing is that there should be a proportional representation of the parties, so that all parties may be represented. The Honourable Premier has just been pleased to remark that it is an important Bill and he wants every part of the House to have its say. Therefore it is in the fitness of things that the Opposition which numbers 61 should be given one-third of the total number of members on the select committee and as there are 19, they are entitled to at least 6. Their due share is $6\frac{1}{3}$ but as one-third is less than one-half, they must have at least six. Since I am given the right to nominate these which I will do in consultation with my honourable friends, I shall be only too glad to help the Honourable Premier in the select committee, but as we are not getting six, I am sorry it will not be possible for me to nominate the quota given to me.

Premier : I want to submit that if my honourable friend wants to thrust on me a rigid fixed proportion of one-third for all occasions, I am not prepared to accept that principle. Sometimes it may be necessary to have more than one-third of the members of the Opposition on the select committees and sometimes it may be necessary to have less than one-third. Therefore I am not prepared to accept any rigid proportion as a matter of principle. But in the present case if the honourable member, the Leader of the Opposition, wants to have one or two more members than I have allowed him to nominate on the ground that they will be helpful on the select committee, I am prepared to accommodate him. But if he insists on the principle of a fixed proportion, I must respectfully decline to accept that principle.

Dr. Gopi Chand Bhargava : If the Honourable Premier is prepared to accept a convention of this nature, then I will have no objection to nominate members from this side on the select committee. I do not want any favours from him. If he gives us more than one-third representation on any select committee, that will not be favour, it will be weightage. We will see whether we want weightage. But for the present I want this convention established that we must have on every select committee representation proportionate to the strength of our party in the House.

Premier : My honourable friend is now trying to tie knots and it is these knots that are responsible for the obstacles in the way of progress of the business of the House. He wants to set up a convention of fixing a rigid one-third proportion. I have said that if he wants to thrust that rigid proportion down my throat I am not prepared to be a party to it. Such a convention if established may be embarrassing to this House and to my successors in the Government. The Leader of the Opposition may make political capital out of it, but I think he will concede that in my position as the Leader of the House and as a responsible member of Government it is not open to me to lay down a rigid convention which may be embarrassing to this House and to the future Government. This convention does not exist in any democratic government anywhere. If my honourable friend can give one instance where such a convention exists I shall be only too glad to reconsider the matter. But I may assure him that he can find no instance of that sort. If he still insists on it, I can only say that it will be unfair to this House and also to my successors whoever they may be. As I have already said he has got in the present case the option of nominating five members. I have also said that if he wants one additional member to be added because

[Premier.]

of the importance of this measure and because he thinks that would be beneficial and helpful, I am prepared to accommodate him. But as a matter of principle I am afraid I must oppose the rigid proportion of one-third.

Dr. Gopi Chand Bhargava : I do not insist on the fixed proportion of one-third. What I contend is that our representation in the committees should be proportionate to the strength of our party in the House. If our party strength increases the proportion may be more than one-third and if it decreases the proportion also will correspondingly decrease. I only want the Honourable Premier to agree to the convention that our representation in any committee should be proportionate to our party strength in the House.

Premier : My honourable friend probably forgets that there have been certain committees on which his party has got more than one-third representation. What I object to is only the rigid convention of a fixed proportion. (*An honourable member :* You have been showing narrow-mindedness.) The honourable member may say what he thinks about me, but I may assure him that I am not narrow-minded. I look far ahead, while he does not.

Mr. Speaker : The House may proceed to consider the motion—

That the Bill be referred to a select committee.

The composition of the committee may be decided later.

Premier : I should like to point out to the honourable Leader of the Opposition a very recent instance in which his party had five members in a committee consisting of thirteen members, that is, more than one-third proportion. This is the select committee on the Trade Employees Bill.

Mr. Speaker : The House will now consider the motion—

That the Bill be referred to a select committee.

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

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

At the very outset I wish to state that my amendment is not meant to be a dilatory or tactical motion. My object is really to ascertain public opinion on the Bill. If there was no public opinion worth having I would not have moved this motion. In a matter like the present one I sincerely feel that the House can have most valuable public opinion that will throw considerable light on this Bill. First of all there is the High Court which can help this House considerably and give its opinion on the various issues involved in this Bill. There are district judges and subordinate judges belonging to all communities who are quite competent to offer valuable opinion on a Bill like this.

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

There are a number of Bar Associations all over the province that are equally competent to offer the most useful and valuable opinion. There are different groups in the province that will be affected by this Bill one way or the other. They have also got the right to make their voices heard. They also desire to know as to how far this Bill is going to help them. I am speaking not only on behalf of the money-lenders, but I am speaking

on behalf of the agriculturists as well. You should ascertain the opinion of the agriculturists also as to how far this Bill is going to help them. I am not asking you to do anything extraordinary. All that I am asking the Government is to collect all the material that is available to them. After the collection of public opinion if the Government comes to the conclusion, in the light of that public opinion, that this Bill is beneficial to those for whose benefit it is proposed to be enacted, I shall agree to its being passed.

There is another reason also for moving this motion. The ground that this Bill proposes to tread is a very dangerous ground. It is a ground that can be treaded only by those who know the ground. Unless the opinion of eminent jurists, judges of the High Court and other eminent lawyers is obtained, this Bill, instead of being a source of help to the agriculturists, might prove a source of hardship to them. The Honourable Premier who is in charge of the Bill, notwithstanding his great ability and eminence, is after all a layman so far as this Bill is concerned. (*Hear, hear.*) He cannot claim that knowledge which a lawyer can claim with regard to the usefulness or utility of a Bill of this kind. I do not want to delay this matter. I have said in my motion that opinion should be elicited by a certain date. The Government should extend the period a little further. It is not necessary that this Bill must be passed within the next one or two weeks. The Government will not stand to suffer if the Bill is passed after two or three months nor would those people suffer for whose supposed benefit it is going to be enacted. It may be difficult for the Honourable Ministers to believe that what I am submitting before them is all in earnest. My object is to improve the Bill and make it a really useful measure. By referring to some of the provisions of the Bill I will be able to convince the House how necessary it is to elicit public opinion with regard to various provisions of this Bill. Clause 2 (e) defines the maximum rate of interest in regard to secured debts and in regard to unsecured debts. What is necessary is to ascertain whether the maximum rates mentioned in this Bill will serve the economic requirements of the people who shall have to borrow from time to time. If the Government is satisfied that it will meet the economic requirements of the agriculturists, I shall have no objection. If instead of fixing the maximum rate of interest at seven and a half per centum per annum and twelve and a half per centum per annum in regard to secured and unsecured debts respectively, you are going to reduce it still further, I shall be a willing party to that. The point to be ascertained during the course of eliciting public opinion will be whether at such rates of interest people will be coming forward to advance loans to those people who will be in need of borrowing money from time to time. In this clause seven and a half per cent or two per cent over the bank rate is mentioned. I am at a loss to understand how it will be possible for any money-lender—whether agriculturist or otherwise—living in a village to know this. You are imposing an impossible task upon the people who may have to advance loans. You should see whether a provision like that can be useful. I need not say much about clause 3 but I want to say something about clause which runs as follows :—

4. (1) For the present subsection (2) of section 13, the following shall be substituted :—

“(2) Every debt owned to a single creditor, of which no such statement has been submitted to the Board in compliance with the provisions of subsection

[L. Duni Chand.]

(1) shall be deemed to be discharged for all purposes and all occasions against such creditor; and every debt owed to two or more creditors jointly, of which such a statement or statements signed by all such creditors has or have not been so submitted, shall be deemed to be so discharged against all such creditors whether or not each individual creditor has submitted the required statement: Provided that no such debt shall be deemed to be discharged against any creditors whose names have not been included in the application made under section 9."

I want that the debt that is owed by the agriculturists of this province should be considerably reduced. I shall have no objection to a certain portion of the agricultural debt being reduced by means of legislation.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Lala Duni Chand : I have no desire to be otherwise. What does this clause lay down? If there is a single creditor who has not furnished the statement, his claim for all time to come shall be considered as having been discharged. There may be cases in which a single creditor may not be able to furnish the statement within the stipulated time. There may be cases in which all the creditors may not be in a position to file a joint statement regarding their claim. The penalty that you are going to impose upon them that if for any reason—as there can be a thousand and one reasons—a single creditor is unable to furnish a statement or more than one creditor are unable to furnish a statement jointly or severally, the claim will be considered as discharged, is too drastic. There is a perfectly honest way of doing things. The peasantry of this province is heavily indebted and we should come to their rescue and we should reduce their indebtedness to a certain extent. On the one side there is a machinery set up by the Government for the settlement of their debts and on the other, they are making a provision that if for any reason the creditor is unable to appear in the court the debt will be wiped out. I hope that no person in fairness would allow this. There is also a provision that if these conditions are not complied with, the debt shall stand wiped out.

Then, Sir, I come to sub-clause (2) of this clause. It says:—

If the creditor or any of the joint creditors fails without sufficient cause to be present at any of the hearings fixed by the Board, or fails to produce full particulars and documents as required under subsection (1) of section 14, the debt due to him or to the joint creditors shall be deemed for all purposes and all occasions to have been fully discharged.

It means that if a single creditor or all the creditors or any of the joint creditors fail to be present on the date fixed by the conciliation board, then their debts shall stand discharged. Will the Government guarantee that no creditor should fall ill and no creditor should leave his place or none of the joint creditors should fall ill or should not have any reason not to be present? There can be so many reasons for a man not to be present in the court. We know every day in the courts that all the plaintiffs and all the defendants do not appear in courts. In good many cases there are variety of reasons for the plaintiffs and defendants not to appear. Suppose in the case of a Hindu joint family there are a number of creditors and one or two creditors do not appear, then that shall render the whole claim liable for dismissal. I

ask, is there any sense in it? Certain conditions can be laid down as they are laid down in the Civil Procedure Code, that is, if a plaintiff does not appear, his case shall be dismissed in default.

Mr. Deputy Speaker : The honourable member is not in order in discussing the details of the Bill.

Lala Duni Chand : I am pointing out the seriousness of the provision and in the light of it I submit before the House that it is highly necessary and desirable that this Bill should be circulated for eliciting public opinion. I am not dealing with minor details. I am pointing out the serious defects of the Bill and in the light of serious defects I want to induce the House to consent to the sending of this Bill for eliciting public opinion. I suppose that I have explained myself satisfactorily.

Now, I will invite the attention of the House to clause 5. It says :—

If a creditor or debtor, as the case may be, challenges the genuineness of any claim included in an application, the Board shall adjudicate upon the issue. The decision of the board under this section shall be final, and shall not be open to dispute in a civil court.

I invite the attention of the House to the import of this clause as to what it means. The underlying principle of this Bill is that if parties want to have their disputes settled by the conciliation board, they shall be at liberty to do so. The Bill does not impose any principle of compulsion. The Relief of Indebtedness Act, 1934, lays down that if two parties agree to a settlement arrived at through the intervention of the panchayat, then that agreement will be given effect to and if they refuse to abide by the proposed settlement, then in that case they will be at liberty to go to a civil court and have their claims settled. What does this clause lay down? It lays down that if the panchayat has adjudicated upon the genuineness of the claim, it will not be open to any civil court to go into that question. It is opposed to the very fundamental basis and the very fundamental principle of the Relief of Indebtedness Act. If the Relief of Indebtedness Act, which this Bill proposes to amend, lays down that the genuineness of the claim shall be gone into by the panchayats, then I can understand that the Bill does not lay down or does not introduce the principle of compulsion into legislation. It is doubtful to me whether it will be competent for this House to enact a clause like this. Suits of large amounts can be sent to the panchayats and can be settled through the machinery of the panchayats. Now, we know that it is a fundamental right of every party to have their disputes settled and decided one way or the other by regularly constituted judicial tribunals. It is ununderstandable why that fundamental right of litigants is taken away? Will the conciliation board be as competent as a subordinate judge of the first class, or the district judge or the High Court? The law implies that litigants should have a right to have their disputes settled by a judicial tribunal.

Mr. Deputy Speaker : The honourable member is again entering into the details of the Bill.

Lala Duni Chand : I am pointing out the extraordinary nature of clause 5. I do not know whether it has been framed in ignorance of what it implies or what it means. My submission is that a provision of this kind is

[L. Duni Chand.]

unthinkable that any responsible Government should introduce. There is a conciliation board, say consisting of 3 or 4 ordinary men and there is a claim of say Rs. 5,000 or 10,000 and the parties go to the panchayat. One party says that the claim is not genuine or the document is a forged one. Then these 3 or 4 men go into the question and give a judgment that the claim is not genuine and the document is forged. Then parties are precluded from going to a civil court after that. Would any principle or rule of justice or jurisprudence known to mankind justify a thing like that? I submit that it is a thing which should not be tolerated. Let us have the opinion of the Judges of the Honourable High Court, and see whether they would approve such a machinery to settle the dispute of litigants regarding their claims. So much about clause 5.

Premier (Urdu) : I would request the honourable member not to go into the details of the Bill at this stage.

Lala Duni Chand : With every respect to the Honourable Premier I want to say that if he goes into the provisions of this Bill with the help of some lawyers of his own choice, then he will find out that there are anomalies in this Bill.

At this stage the Assembly adjourned till 12 noon on Monday, 11th December, 1939.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 11th December, 1939.

The Assembly met at the Assembly Chamber, Lahore, at 12 noon of the clock, but for want of quorum it adjourned and re-assembled at 12-10 p.m. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

DESTRUCTION OF CROPS BY ODES IN LUDHIANA AND FEROZEPUR DISTRICTS.

***5608. Khan Sahib Khawaja Ghulam Samad :** With reference to the reply to starred question No. 4800,¹ dated the 28th March, 1939, will the Honourable Minister of Public Works be pleased to lay on the table of the House the report of the committee appointed to examine the Odes problem and suggest any feasible solution of this problem ;

(b) the action, if any, to be taken by the Government on the report ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The report has not yet been presented. A reference has recently been received from the honourable members who were asked to deal with the matter, stating that they have collected much material but that they find it difficult to prepare a complete report without a census being made of the Odes and their animals. The question whether an attempt should be made to carry out a rapid census, or whether the honourable members concerned should be asked to prepare as good a report as they can without accurate figures is now under consideration.

(b) Does not arise.

Khan Sahib Khawaja Ghulam Samad : May I know from the Parliamentary Secretary whether he is aware or not that in reply to my own question the figures for the census of the Odes were given on the floor of this House ? I am informed that there were 20,000 Muslim Odes, 12,000 Hindu Odes and 756 Sikh Odes. Was that information not quite sufficient for the honourable members who were appointed for the purpose of preparing the report ?

Minister : The position is that the census figures quoted are not final in this case. Sometimes their numbers are more and at other times they are less. What the President of the Committee has asked us to do is to take the census of the Odes at a particular time when they are all in British territory.

Khan Sahib Khawaja Ghulam Samad : Did he not make enquiries in all the quarters in which the Odes reside ?

Minister : But that does not give the number of the Odes. He has to examine other problems. The question whether he should be asked to prepare a report without accurate figures is under the consideration of Government.

Sardar Hari Singh : Sir, the Honourable Minister is not facing the Chair. He is facing the other side.

Minister : I am addressing the Chair, but I have the liberty of facing any way I like.

Sardar Hari Singh : May I, on a point of order, ask, through you, the Honourable Minister whether he is in a theatre hall or in an Assembly Chamber ? (*Laughter.*) He says he can face any way.

Mr. Speaker : Does the honourable member think that 'facing' and 'addressing' are synonymous ?

Sardar Hari Singh : He is not answering questions. He is acting. (*Laughter.*)

Premier : There are still people in some parts of India, in the south who have to face the wall when they talk to people of a higher standing.

Minister : I do not think that it is essential that one should face the Chair.

Mr. Speaker : Ordinarily when an honourable member addresses the Chair, he faces it too ; but it is not necessary to do so, as one addresses the Chair by words and not by face. He may face all sides, and yet he may be addressing the Chair.

Sardar Hari Singh (*with his back towards the Chair*) : Would you like me addressing you like this ? (*Laughter.*)

Mr. Speaker : When the honourable member acts, as he says, I shall see. (*Laughter.*)

Dr. Gopi Chand Bhargava : We want that the answer should be audible to the whole House and not only to one section of it, and that would be done best if he faces the Speaker.

Mr. Speaker : The honourable member while addressing the Chair, may face this way or that way ; but he should face the House in such a way that all present may be able to hear him.

Minister : But there is another consideration. When one is making a reply, the primary object is to make the reply audible to the honourable the questioner—and the House.

Mr. Speaker : The House includes the questioner.

Dr. Gopi Chand Bhargava : The Minister should be audible to the whole House.

Mr. Speaker : Yes. The Minister should be audible to the whole House and not only to the questioner. Therefore, the best course for the Minister is to face the Speaker.

Khan Sahib Khawaja Ghulam Samad : Will the committee constituted for the purpose have to wait for the next census of the province ?

Minister : The committee have asked for a special census and if the Government decides to have a special census, then it will be undertaken shortly.

Khan Sahib Khawaja Ghulam Samad : Do I understand that the reply given on the floor of this House previously by the Government benches was wrong ?

Mr. Speaker : Disallowed.

Khan Sahib Khawaja Ghulam Samad : I want to know whether the figures supplied to me already were correct or not.

Mr. Speaker : The honourable member may satisfy himself.

Khan Sahib Khawaja Ghulam Samad : May I know whether there are any motives on the part of the members of the committee ?

Minister : No motives can be attributed. The members of the committee represent all sections of this House and the committee is considering a particular matter. There are absolutely no motives committed with the census figures.

Lala Duni Chand : May I know how many days have been spent on the enquiry entrusted to the Odes Committee ?

Minister : If the honourable member gives notice of a fresh question the number of days and hours will be stated in the reply.

Lala Duni Chand : May I know as to how much money has been spent on this committee ?

Minister : If you give fresh notice, an answer to that question will also be supplied.

Lala Duni Chand : Am I to understand that the Honourable Minister is absolutely ignorant of these matters ?

Mr. Speaker : When the Honourable Minister has told the honourable member that he requires a fresh notice, the question should not be asked without giving notice.

Khan Sahib Khawaja Ghulam Samad : May I know in what towns and parts of the province have the members of the committee been travelling to solve this problem ?

Minister : If the honourable member gives notice, the tour programme of the committee will be communicated to him.

Khan Sahib Khawaja Ghulam Samad : May I know whether the committee travel in those parts only where the Odes reside or whether they travel in other parts of the province also ?

Minister : I think they travelled where the Ode problem exists and not where it does not exist.

Pandit Shri Ram Sharma : May I know as to when the report of the committee is expected to be published ?

Minister : As early as possible.

**RATE OF FINE CHARGED IN CATTLE POUND AT NAGROTA SOBIAH,
DISTRICT KANGRA.**

***5635. Lala Bhagat Ram Choda :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that in the cattle pound at Nagrota Sorian, tahsil Dera Gopipur, district Kangra, a fine of Re. 1 per day per cow and a fine of Rs. 2 per day per buffalo is charged from the owners of the cattle impounded for trespass ;
- (b) whether he is also aware of the fact that in other cattle pounds in the same district the fine is charged at half the rates, and if so, the reasons for the difference in the rates in the same district and the action, if any, that the Government is prepared to take in the matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I regret the reply to the question is not yet ready.

REMISSION OF LAND REVENUE GRANTED IN LUDHIANA DISTRICT.

***5660. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of villages in each tahsil of the Ludhiana district where crops failed this year on account of want of rain ;
- (b) the remission, if any, granted by the Government to the proprietors of any such villages ;
- (c) the amount remitted to each proprietor in these villages ;
- (d) the area under cultivation of each of such villages during the last and the present year ;
- (e) whether any of such villages were inspected by the Collector, the Revenue Assistant and the tahsildar of the tahsil ;
- (f) what was the criterion for granting remission of land revenue to the inhabitants of these villages ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The crops did not fail in any village in *rabi* 1939. Information regarding *kharif* 1939 will be available only after the results of the *girdawari* are known.

(b) to (f) Do not arise in regard to *rabi* 1939. As regards *kharif* 1939, nothing can be said at this stage in view of the reply to part (a).

Chaudhri Muhammad Hasan : Is it a fact that these *girdawari* records are submitted to the Collector by the 15th of April and the 15th of November each year ?

Parliamentary Secretary : The reports do not reach the Government before the middle of December.

Chaudhri Muhammad Hasan : Has Government received any report from the Collector recommending a remission of land revenue on the basis of this *girdawari*.

Parliamentary Secretary : If the honourable member gives me fresh notice of that question, I will answer him.

FAILURE OF COTTON CROP IN CERTAIN VILLAGES IN MULTAN DISTRICT.

***5683. Sardar Ajit Singh :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that cotton crop of 289-F quality has failed in the Jahania, Khanewal and Mian Chanun *ilagas* of the Multan district, especially in the Chaks of 117-10-R., 188/10-R., tahsil Khanewal ; if so, what action does the Government propose to take in the matter to afford relief to the zamindars concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Special *girdawari* is in progress : and until the results are received I cannot specify the extent of failure of any particular variety or any action that could be taken for the purposes of relief.

FAILURE OF COTTON CROPS IN KASSOWAL, DISTRICT MONTGOMERY.

***5684. Sardar Ajit Singh :** Will the Honourable Minister for Revenue be pleased to state whether the cotton crop in the Kassowal *ilaga*, especially of Chak No. 4/14-L., district Montgomery, has failed due to a serious attack of *tela* ; if so, what measures does the Government propose to take to afford relief to the zamindars of this *ilaga* ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The crops are being inspected with a view to ascertain the extent of damage. The question of relief will be considered in due course according to rules after the reports are received.

Mian Sultan Mahmud Hotiana : May I know whether any report from the officers has been received by the Government about the damage of the cotton crops so far ?

Parliamentary Secretary : No, not as far as I know.

REMISSION OF LAND REVENUE AND WATER RATES TO FEROZEPUR DISTRICT.

***5685. Pir Akbar Ali :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that in the Ferozepore district *kharif barani* crops have totally failed ;

[Pir Akbar Ali.]

(b) that the following *nahri* crops have also failed owing to *tela* ;

- (1) *gowara* owing to *tela* ;
- (2) cotton owing to *tela* ;
- (3) *jowar* owing to red worm ;
- (4) *chari* owing to *tela* ;
- (5) *makki* owing to *tela*.

(c) if the answer to (a) and (b) above be in the affirmative, whether any steps have been taken to give remission of land revenue for crops mentioned in (a) and water rates and revenue for those mentioned in (b) ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) It is a fact that the *barani kharif* crops have been damaged in most parts of the district.

(b) The damage to *chari*, *makki* and *gawara* is not appreciable. *Jowar* has been adversely affected in some places, but on the whole its yield is normal. Cotton has been affected in parts of the Fazilka tahsil only. The general condition of the *nahri* crops in the district as a whole is average.

(c) The question of relief will be considered in due course according to rules after the results of the *gi dawari* are known.

DAMAGE TO WHEAT CROPS IN MULTAN AND MONTGOMERY DISTRICTS.

***5716. Sardar Ajit Singh** : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether he has recently received representations from the zamindars of the Montgomery and Multan districts regarding the damage to wheat crop of 1938-39 due to a severe attack of *kungi* in the months of April, May, 1939 ;
- (b) whether any investigation has been made by the canal and revenue authorities into the matter ; if so, what recommendations did they make to Government after making inquiries into the matter ;
- (c) whether Government intends to grant any remission to the sufferers in these districts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Representations were received from the zamindars of the Montgomery district. There was no damage by *kungi* in the Multan district.

(b) and (c). Do not arise in regard to Multan. As regards Montgomery the recommendations made were not exactly in accordance with rules. Special investigation was necessary. It is hoped to issue orders very shortly.

AMOUNT OF DEBT ADVANCED BY CO-OPERATIVE SOCIETIES IN AMBALA
DIVISION TO THEIR MEMBERS.

***4869. Chaudhri Sahib Ram :** Will the Honourable Minister of Development be pleased to state—

- (a) district-wise total amount of debt up-to-date advanced by the co-operative societies to their members in the Ambala division ;
- (b) realizations made on this account (i) through civil process and (ii) otherwise since 1st April, 1937 ;
- (c) the decisions of the Government ; if any, to deal with the debtors as mentioned in (a) who are unable to pay and their number district-wise in respect of the Ambala division ?

Parliamentary Secretary (Chaudhri Tikka Ram) : A statement is laid on the table.

Pandit Shri Ram Sharma : Is the statement so long that the Parliamentary Secretary cannot read it ?

Parliamentary Secretary : It is fairly long, but I can read it.

Pandit Shri Ram Sharma : With reference to part (b), may I ask the Parliamentary Secretary what are those processes other than civil processes through which realizations have been made ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware that realization is also made by declaring the societies to have gone in liquidation, and then realize debt under joint responsibility from those who do not actually owe debts.

Parliamentary Secretary : It is extremely rare.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware of the fact that a large number of societies have been declared to have gone in liquidation in Rohtak and Karnal districts ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Has the Government received a published notice to the effect that in Rohtak and Karnal districts realizations are being made by compulsion ?

Parliamentary Secretary : No, I have not received a copy of it.

Khan Sahib Chaudhri Sahib Dad Khan : May I know how many D class societies are in Hissar district ?

Parliamentary Secretary : I require notice for this question.

Pandit Shri Ram Sharma : Is the Government aware that the people of that ilaga have paid their debt by selling their articles, cattle and even daughters as written in this poster which I have got in my hand.

Parliamentary Secretary : No.

*Amount of debt advanced by Co-operative Societies in Ambala Division
to their members.*

Serial No.	District	(a)	(b)	(c)
		District-wise total amount of debt up-to-date advanced by Co-operative Societies to their members.	Realizations made on this account— (i) through civil process, and (ii) otherwise from 1st April, 1937.	The decisions of the Government, if any, to deal with the debtors as mentioned in (a) who are unable to pay and their number district-wise.
			Rs.	
1	Gurgaon ..	Rs. 28,83,482 on 31st January, 1939.	(i) 21,141 (ii) 3,66,218	Government has no direct control over the operations of Co-operative Societies and no direct responsibility for their debts. The Co-operative Department does, of course, attempt to guide societies in this and other matters along general lines of policy. The policy pursued in this matter of debts due to the societies is to advise societies, when the financial condition of their debtors requires it, to make the utmost concession that the state of their own reserves and the interest of their own creditors allow; at the same time it is vital to avoid doing anything which may impair the general moral sense of obligation to repay debts upon which ultimately the co-operative credit movement rests. Where debtors are absolutely unable to pay, it is clearly impossible for societies to make any recoveries from them. The information as to number of debtors, who are unable to pay is not available.
2	Hissar ..	Rs. 23,40,230 on 31st March, 1939.	(i) 32,666 (ii) 4,60,857	
3	Rohtak ..	Rs. 21,08,496 up-to-date.	(i) 82,636 (ii) 4,18,165	
4	Karnal ..	Rs. 13,69,309 up-to-date.	(i) 48,245 (ii) 2,49,637	
5	Ambala ..	Rs. 21,59,573 up-to-date.	(i) 55,930 (ii) 9,93,920	
6	Simla ..	Rs. 7,96,793 up-to-date.	(i) 5,081 (ii) 7,28,476	

**MONEY ADVANCED AND REALIZED BY CO-OPERATIVE SOCIETIES IN
HISSAR DISTRICT.**

***4914. Chaudhri Sahib Ram :** Will the Honourable Minister for Development be pleased to state the amount of money realized and advanced as loan to the zamindars in the Hissar district by the co-operative societies in the district from 1st April, 1938, to 31st March, 1939 ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Figures for the period from 1st April, 1938, to 31st March, 1939, are not readily

available as the co-operative year ends on 31st July. Figures for the co-operative year from 1st August, 1937, to 31st July, 1938, are as under:—

	Rs.
Amount realized	1,10,956
Amount advanced	1,02,568

Pandit Shri Ram Sharma : May I know which amount of money was greater between the amount realized and advanced as loan during the famine?

Parliamentary Secretary : The difference is very small. It is almost negligible.

Pandit Shri Ram Sharma : Has the Government issued instructions to the societies to show leniency in connection with the realization of money in the famine-stricken area.

Parliamentary Secretary : It is a request for action.

Pandit Shri Ram Sharma : Has the Government decreased the interest?

Parliamentary Secretary : Yes, certainly.

DEATH OF COWS IN GOVERNMENT CATTLE FARM DAIRY, HISSAR.

***4961. Munshi Hari Lal :** Will the Honourable Minister for Development be pleased to state whether it is a fact that some cows died suddenly in Government Cattle Farm Dairy, Hissar, very recently; if so, how many have died and what was the cause of their death?

Parliamentary Secretary (Chaudhri Tikka Ram) : The honourable member is referred to the answer given to question No. *4897¹ during the present session.

Pandit Shri Ram Sharma : May I know if the amount of loss sustained by the death of these cows is much greater?

Pandit Shri Ram Sharma : May I know what punishment has been given to the man concerned due to whose negligence cows have died?

Parliamentary Secretary : I require notice for this question.

INDO-BRITISH TRADE AGREEMENT.

***4969. Munshi Hari Lal :** Will the Honourable Minister for Development be pleased to state whether the Punjab Government was consulted by the Central Government in the matter of the Indo-British Trade Agreement; if so, whether the Government will be pleased to place on the table of the House the correspondence, if any, that may have passed between the Punjab Government and the Central Government on this subject?

Parliamentary Secretary (Chaudhri Tikka Ram) : The present Government was not consulted. The pre-autonomy Government was consulted in 1936; but it is contrary to normal practice to make public any confidential communications which may have passed between a provincial Government and the Central Government.

GENERAL INSANITARY CONDITION OF RAJA SANSI IN AMRITSAR DISTRICT.

***5032. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Development be pleased to state whether any officers of the Department of Rural Reconstruction have so far visited the town of Raja Sansi in the Amritsar district and noticed the general insanitary condition of the town and the dilapidated condition of the roads and streets in and outside the *abadi* ; if so, what steps have so far been taken or are proposed to be taken to improve the condition of this important town in the district and if not, the reasons therefor ?

Parliamentary Secretary (Chaudhri Tikka Ram) : *First part.*—There is no such department as the department of Rural Reconstruction, the main duty of the Commissioner being to co-ordinate and advise existing departments. The Commissioner does not remember whether he or any of his assistants ever visited Raja Sansi but the officers of the Public Health and the Revenue Departments have, however, visited it.

Second part.—They endeavoured to persuade the inhabitants to join in improving its sanitary condition, but owing to lack of response no joint effort was possible. There is a Sanitary Committee appointed under District Board regulations, but this is inactive.

Third part.—The Government cannot compel villagers to improve the sanitation of their village, but can only use the methods of advice and persuasion.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware that the inhabitants of the said village requested the Government to establish a municipal committee ?

Parliamentary Secretary : I require notice for this question.

Sardar Sohan Singh Josh : Is the Government aware that Raghbir Singh, Rais of Raja Sansi, interferes in the establishment of a municipal committee ?

Parliamentary Secretary : I am not aware of it.

— — — — —
FOREST FIRES.

***5067. Sardar Hari Singh :** Will the Honourable Minister for Development be pleased to state—

(a) the number and particulars of forest fires that occurred in the Punjab since 1st April, 1939 ;

(b) extent of damage to life and property, etc., caused by the said fires ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) 215 fires occurred in the Punjab forests since 1st April, 1939, affecting an area of 17,690 acres.

(b) There has been no damage to life. Besides damage to undergrowth and Deodar, Kail and Chil regeneration, about 808 trees and 2,500 sleepers (of a trader) were burnt and 902 trees were scorched. There has been damage to 12,877 resin blazes. Outhouses of rest-house and a forest guard's hut in Kangra division were also destroyed.

Sardar Hari Singh : May I know the estimated value of the damaged property? Have the Government estimated the value?

Parliamentary Secretary : No.

Pandit Bhagat Ram Sharma : Is the Government prepared to go into the causes of these fires?

Parliamentary Secretary : Yes, if the honourable member gives notice of the question.

Pandit Bhagat Ram Sharma : Is the Government aware that these fires occur owing to the fact that the Government has not taken care to take the zamindars into confidence as far as forests are concerned?

Parliamentary Secretary : No.

Pandit Bhagat Ram Sharma : Is the Government aware that these fires take place because the present regulations of the Forest Department are very stringent for the zamindars?

Parliamentary Secretary : No.

AGMARK GHEE.

***5189. Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of varieties of the Egg Ghee for the sale of which the Government have granted licences so far ;
- (b) the considerations for granting the same ;
- (c) the tests or guarantees provided against the adulteration of the Egg Ghee ?

Parliamentary Secretary (Chaudhri Tikka Ram) : No commodity under the title "Egg Ghee" is on sale in this province. If the honourable member means the "AGMARK" ghee which is graded and marked under the Agricultural Produce (Grading and Marking) Act, 1937, the following information is supplied :—

- (a) Four qualities of ghee are recognized for purposes of grading. These are :—
 - (i) Cow.
 - (ii) Buffalo.
 - (iii) Special.
 - (iv) General.

In the Punjab "General" quality ghee is not being graded at present as the standards which have been prescribed for it do not conform to the standards laid down for ghee under the Punjab Pure Food Act (1929). The other three qualities are, however, being graded in the Punjab.

- (b) The principal considerations are that applicants for licence should be parties fully conversant with the trade in ghee and of financial status satisfactory to meet the obligations of the scheme.

[Chaudhri Tikka Ram.]

- (e) Prior to packing for sale ghee is tested by seven prescribed and well recognized scientific tests, both as to its physical and chemical constituents and on the basis of the results of these tests it is graded into different qualities given under (a) above. Each grade of ghee is separately packed and labelled, different coloured labels being assigned to them. These packages are then put on the market in a sealed condition. All labels used on the packages bear the "Agmark" seal of the Agricultural Marketing Adviser and they are also serially numbered. Stringent penalties are prescribed for false labelling, adulteration and misuse of labels on the part of the license holders. Officers of the Marketing Section of the Punjab Agricultural Department make frequent checks at these grading stations with a view to see that the above requirements are observed.

Officers of the Marketing Section also inspect the godowns of the dealers in "AGMARK" ghee and take random samples for the purpose of test and check. These samples are sent to the Central Ghee Control Laboratory, Cawnpore, where they are tested and the results compared with the analysis recorded previously by the license holders at the time of packing. If discrepancies are noticed between the two results and samples are found to be adulterated immediate action is taken by way of suspending the licence.

"AGMARK" Ghee Grading Stations are also open to inspection by some selected officers of the Agricultural, Veterinary, Public Health and Co-operative Departments.

Lala Duni Chand : May I know who is the licensing authority or authorities in a district ?

Parliamentary Secretary : I want notice.

Lala Duni Chand : A part of the questions asked was what considerations are kept in view in granting licences ?

Parliamentary Secretary : I have given a fairly detailed reply to it.

Lala Duni Chand : I have not been able to understand.

Pandit Shri Ram Sharma : May I know which department is concerned with the grant of licences ?

Parliamentary Secretary : The Agricultural Adviser to the Government of India is concerned with it.

Pandit Shri Ram Sharma : Does the Government grant licences on its own initiatives or on applications made ?

Parliamentary Secretary : I want notice.

Mian Sultan Mahmud Hotiana : Is it not the duty of the Parliamentary Secretary to know these little things ? Is he really so ignorant ?

Mr. Speaker : Disallowed.

AGMARK GHEE.

***5274. Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of varieties of the Egg Ghee for which the Government or their officers have granted licences so far in the province ;
- (b) the number of licences granted in the Punjab and the considerations which prevailed in granting the same ;
- (c) the tests or guarantees provided against the adulteration of the Egg Ghee ?

Parliamentary Secretary (Chaudhri Tikka Ram) : The honourable member is referred to the answer given to question No. *5189 (above). As regards first part of (b) eight licences have been granted up to this time.

Pandit Shri Ram Sharma : Are these licences for any special area or for the whole of the province ?

Parliamentary Secretary : I want notice.

Pandit Shri Ram Sharma : How is it you want notice for everything ?

Lala Duni Chand : May I know if the Parliamentary Secretary is in a position to state what is the minimum and what is the maximum income that the grantee of a licence is expected to make every month or every year ?

Parliamentary Secretary : I cannot say anything without notice.

Lala Duni Chand : May I know if the idea of patronage or favour is altogether absent from the mind of those who are given this power of granting licences ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Is it not true that the general feeling in the Punjab is that these licences are granted only to those people whom the Government or authorities want to favour ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state whether there is any fee for licences ?

Parliamentary Secretary : I want notice.

Pandit Bhagat Ram Sharma : What sort of questions is he prepared to answer without notice ?

Lala Duni Chand : Is any security taken from those to whom licences are granted in order to ensure that they will discharge their duties satisfactorily ?

Parliamentary Secretary : I want notice.

Khan Sahib Khawaja Ghulam Samad : May I know the names of the districts in which licences for Agmark ghee have been issued so far ?

Parliamentary Secretary : I want notice.

RESOLUTIONS PASSED IN THE DISTRICT POLITICAL CONFERENCE,
MULTAN, HELD AT KHANEWAL.

***5336. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether the attention of his Government has been drawn to a number of resolutions passed in the District Political Conference, Multan, held at Khanewal on 2nd and 3rd September, 1939, in which he and other members of his Cabinet have been urged to take steps to ameliorate the condition of the agriculturists in the said district ; if so, what action has been taken or is intended to be taken in the matter ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Government are aware of the resolutions passed in the so-called District Political Conference of the Multan district held at Khanewal, on the 2nd and 3rd of September, 1939. Government continue to take all possible steps to ameliorate the conditions of all agriculturists, but I must observe that some of the resolutions passed in this gathering were not altogether likely to achieve that object. Further, Government are entitled to draw their own conclusions as to the claim of this conference to speak for the agriculturists in Multan from the nature of some of the speeches made and some of the resolutions passed.

Lala Duni Chand : May I know if the Government takes notice of all resolutions only for the purpose of starting prosecutions and not for carrying them out ?

Mr. Speaker : Disallowed.

Munshi Hari Lal : May I know how many resolutions were passed in the conference ?

Parliamentary Secretary : If the honourable member gives me notice I will give him the number of resolutions. I have seen them and carefully examined them.

Sardar Sohan Singh Josh : How many people were arrested ?

Munshi Hari Lal : May I know if the Government started prosecutions after this conference was over and how many prosecutions were instituted in connection with this conference ?

Parliamentary Secretary : I beg to submit that that question does not arise out of this question.

Munshi Hari Lal : It arises out of the question, what action has been taken or is intended to be taken ? Was not this action taken against those who participated or moved these resolutions ?

Pandit Shri Ram Sharma : Has the report of the Criminal Investigation Department about this conference come to the notice of the Government ?

Parliamentary Secretary : Not only the report of the Criminal Investigation Department but other reports also have come to the notice of the Government.

Pandit Shri Ram Sharma : Have all the resolutions come to the notice of the Government ?

Parliamentary Secretary : Yes, Sir.

Pandit Shri Ram Sharma : What has the so-called Government done about them ?

Parliamentary Secretary : There is no such thing as a so-called Government. In the Punjab the Government is functioning effectively.

Sardar Partab Singh : What other reports have reached the Government which the Secretary has mentioned ? Will the Parliamentary Secretary kindly give particulars of other reports ?

Parliamentary Secretary : I have also the report of the Deputy Commissioner and I have the report of a certain gentleman as well with me who happened to be present.

Pandit Shri Ram Sharma : May I know whether the Deputy Commissioner was present in the conference for taking down the report ?

Mr. Speaker : Disallowed.

Munshi Hari Lal : Is it a fact that one resolution out of so many passed at Khanewal related to the introduction of rifle training in Government and non-Government schools ?

Parliamentary Secretary : There was one resolution more or less of that type but there were certain other resolutions and I do not wish to be drawn into a discussion of war resolutions because some of the resolutions would be uncompromising to certain members of the House in the Opposition ?

Munshi Hari Lal : Was there any resolution relating to the introduction of rifle training in Government and non-Government schools ? This is a specific question.

Parliamentary Secretary : My information is that it was not with regard to rifle training but with regard to military training.

Munshi Hari Lal : What difference does the Government make between rifle training and military training ?

Mr. Speaker : Disallowed.

Sardar Partab Singh : What steps has the Government taken to implement that resolution passed in that conference ? What steps have been taken for carrying out that resolution ?

PRINTING PRESSES.

***5346. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state—

- (a) the number and names of the printing presses registered as factories in the province up-to-date ;
- (b) the number and names of the printing presses registered as such from January, 1939, to September, 1939, in the province ;
- (c) the number of unregistered printing presses in the province employing more than twenty workers and the reasons for not registering them as factories so far ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) and (b). A statement is laid on the table.

(c) Nil.

Statement.

Names of Printing Presses registered as factories up to 30th December, 1939—

- (1) Printers Limited, Ambala.
- (2) Government of India Press, Simla.
- (3) Liddel's Printing Works, Simla.
- (4) Army Printing Press, Simla.
- (5) Handa Electric Press, Jullundur.
- (6) North-Western Railway Printing Press, Moghalpur.
- (7) Government Printing Press, Punjab.
- (8) Central Jail Press, Lahore.
- (9) Borstal Jail Press, Lahore.
- (10) Civil and Military Gazette Press, Lahore.
- (11) Mufid-i-Am Press, Lahore.
- (12) The Tribune Press, Lahore.
- (13) The Mercantile Press, Lahore.
- (14) Khosla Printing Works, Lahore.
- (15) Kapur Art Printing Works, Lahore.
- (16) Law Publishing Press, Lahore.
- (17) Dewan Printing Press, Lahore.
- (18) Amrit Electric Press, Lahore.
- (19) Lahore Art Electric Press, Lahore.
- (20) Gilani Electric Press, Lahore.
- (21) Feroze Printing Works, Lahore.
- (22) Ilmi Printing Press, Lahore.
- (23) Muslim Printing Press, Lahore.
- (24) The Northern India Printing and Publishing Company, Lahore.
- (25) Arorbans Press, Lahore.
- (26) Nami and Hindi Press, Lahore.
- (27) Branch Co-operative Capital Press Limited, Lahore.
- (28) Ripon Printing Press, Lahore.
- (29) Sabir Electric Press, Lahore.
- (30) Vir Milap Press, Lahore.
- (31) Azad Hind Press, Lahore.
- (32) Din Mohammadi Press, Lahore.
- (33) Indian Stationery and Publishing Company, Lahore.
- (34) Oxford and Cambridge Press, Lahore.
- (35) Peco Art Press, Lahore.
- (36) Wazir-i-Hind Press, Amritsar.
- (37) Gurm Khalsa Press, Amritsar.
- (38) Ram Stationery Factory, Amritsar.
- (39) Punjabi Press, Amritsar.
- (40) Laxmi Art Steam Press, Rawalpindi.
- (41) Frontier Exchange Press, Rawalpindi.
- (42) Private Secretary to His Excellency the Viceroy's Press, Simla.
- (43) Virja Nand Press, Lahore.
- (44) University Tutorial Press, Lahore.
- (45) Ramesh Printing Press, Lahore.
- (46) Din Mohammadi Electric Press, Lahore.
- (47) The Indian Printing Works, Lahore.
- (48) The Commercial Press, Lahore.

(b) Names of Printing Presses registered as factories from January, 1939, to September, 1939—

- (1) Private Secretary to His Excellency the Viceroy's Press, Simla.
- (2) Virja Nand Press, Lahore.
- (3) University Tutorial Press, Lahore.
- (4) Ramesh Printing Press, Lahore.
- (5) Din Mohammadi Electric Press, Lahore.
- (6) The Indian Printing Works, Lahore.

REPRESENTATION OF PRESS WORKERS' UNION, LAHORE (REGD.).

***5347. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state whether he has recently received any representation from the Press Workers' Union, Lahore (Regd.) putting forth their demands and suggestions ; if so, the action proposed to be taken in the matter ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Yes, a representation has been received. The matter is under consideration.

Sardar Sohan Singh Josh : For how long should I wait to get this answer ?

Parliamentary Secretary : No time can be specified.

COMMUNICATION FROM THE PRESS WORKERS' UNION, LAHORE (REGD.).

***5348. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state whether he received any communication from the Press Workers' Union, Lahore (Regd.) some time back inquiring into the reasons why the Manohar Press, the Commercial Press, F. W. Co. (Printers) and the Aneja Press, Lahore, have not been registered as factories under Factories Act ; if so, the action taken thereon ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Yes, but the communication did not mention the Aneja Press, Lahore. The Commercial Press and F. W. Co. have since been registered under the Indian Factories Act. The Manohar Press has not been registered as inquiries show that it employs less than twenty workers.

2. The Aneja Press is employing less than twenty workers and therefore has not been registered.

RULES REGARDING GIVING OF NOTICES OF DEBT CONCILIATION BOARDS AND LAW COURTS TO NEWSPAPERS.

***5426. Master Kabul Singh :** Will the Honourable Minister for Development be pleased to state the rules according to which notices of the Debt Conciliation Boards and law courts are given to newspapers at present and are proposed to be given in future ?

Parliamentary Secretary (Chaudhri Tikka Ram) : Regarding the publication of the notices of Debt Conciliation Boards, the honourable member is referred to the answer to the question No. *5245.¹ The Civil

(Chaudhri Tikka Ram.)

Courts, subordinate to the High Court of Judicature at Lahore, follow such instructions for the purpose of publishing their court notices as the High Court may be pleased to give them from time to time. These instructions and such advice as the Punjab Government may give the High Court in this connection are confidential and cannot be disclosed.

Pandit Shri Ram Sharma : May I know whether the Government keeps an approved list of such papers to which notices are given by conciliation boards for publication ?

Parliamentary Secretary : The answer has already been given in reply to the original question.

Pandit Shri Ram Sharma : May I know as to who prepares the list ?

Parliamentary Secretary : All these questions were originally put and elaborate answers were given.

Pandit Shri Ram Sharma : May I know whether there is one list of newspapers for all the conciliatory boards or separate lists are prepared for separate conciliatory boards ?

Parliamentary Secretary : I cannot give any further information than has already been given in reply to the original question.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary kindly read out that answer ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know whether the chairman of the board or any department of Government determines the rate of advertisements ?

Parliamentary Secretary : Generally tenders are invited from the newspapers and then the chairman determines the rates of advertisements.

Pandit Shri Ram Sharma : Has the Government determined the maximum rates of such notices ?

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : May I know whether any chairman of a conciliation board has sanctioned excessive rates to any newspaper ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : May I know which department gives the notices of revenue and criminal courts to newspapers ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : It does arise out of this question. It is stated in the question : " the rules according to which notices of the debt conciliation boards and law courts are given to newspapers". In view of this may I know which department gives notices of criminal and revenue courts to newspapers and whether any approved list of such newspapers is kept by Government ?

Parliamentary Secretary : This question does not relate to the Development Department.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary be pleased to state whether such an important newspaper as "The Hariana Tilak" was ever given such notices?

Dr. Gopi Chand Bhargava : May I ask the honourable member to repeat his question?

Mian Sultan Mahmud Hotiana : May I know whether such an important newspaper like "the Hariana Tilak" has ever been supplied with an advertisement?

Dr. Gopi Chand Bhargava : May I know whether the Parliamentary Secretary knows that "the Hariana Tilak" has been stopped because of the orders of the Government?

Pandit Bhagat Ram Sharma : On a point of order. I want to ask whether it is open to any member of the Government to say that the question does not refer to any particular department of which that honourable member is in charge?

Pandit Shri Ram Sharma : On a point of order. It is stated in the question : "Will the Honourable Minister of Development be pleased to state the rules according to which notices of Debt Conciliation Boards and law courts are given to newspapers at present and are proposed to be given in future?" Now, Sir, the Parliamentary Secretary has given a reply about the notices of the conciliation boards and about the other part of the question he has stated that that part of the question does not relate to his department. I wanted to know which department issued notices of revenue and criminal courts for publication but no answer has been given. May I know whether the Parliamentary Secretary can refuse to reply the question on the plea that it does not relate to his department?

Mr. Speaker : Under the rules in force, a question can be addressed only to an Honourable Minister or any other honourable member concerned with its subject matter.

SECOND VETERINARY HOSPITAL IN JAGADHRI TAHSIL.

***5454. Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state if the question of establishing a second veterinary hospital in Jagadhri tahsil, Ambala district, has ever been considered by the Government; if so, with what result?

Parliamentary Secretary (Chaudhri Tikka Ram) : No, the matter has never been referred to Government.

VETERINARY HOSPITALS IN JHANG DISTRICT.

***5468. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state—

- (a) the total number of veterinary hospitals in Jhang district at present;
- (b) the amount of contribution out of the Special Development Fund for opening veterinary hospitals and for providing other veterinary facilities for the Jhang district;
- (c) the steps which Government proposes to take to provide more veterinary facilities for the area lying between the rivers Jhelum and Chenab in the Jhang district;

[Mr. Dev Raj Sethi.]

- (d) whether it has been brought to his notice that the officer in charge of the District Veterinary Hospital, Maghiana, is over-worked ; if so, reasons why no assistant has been given to him so far ?

Parliamentary Secretary (Chaudhri Tikka Ram) : (a) Ten.

(b) The following amounts have so far been spent out of the Special Development Fund on providing veterinary facilities in the district :—

1938-39.

	Rs.
(i) 4 Veterinary First Aid Centres started at a cost of Rs. 100 each	400
(ii) 2 one-day cattle shows held and the prizes awarded therein	298
(iii) 10 foot baths constructed at Rs. 25 each ..	250
(iv) Sheep shearing demonstrations ..	15
Total ..	963

1939-40.

	Rs.
(i) First Aid Centres	400
(ii) One-day cattle shows	300
(iii) Equipment of outlying dispensaries ..	375
Total ..	1,075

Besides, a sum of Rs. 400 is expected to be allotted to the district for the construction of foot baths during the year 1939-40.

(c) The question of opening more veterinary hospitals in the said area is under correspondence between the Superintendent, Civil Veterinary Department, Multan and the Chairman, District Board, Jhang.

(d) One reserve Veterinary Assistant was posted at the Veterinary Hospital, Jhang, but on account of famine conditions in the Ambala Division he had to be withdrawn for duty in that area. A reserve Veterinary Assistant will be posted again at this hospital, as soon as the additional staff at present employed on famine duty in the Ambala division is relieved.

LITERARY GRANTS OF LAND TO EDUCATED UNEMPLOYED.

***5490. Khan Haibat Khan Daha :** Will the Honourable Minister of Development be pleased to state—

- (a) if investigations have been carried out to find the number of educated unemployed in the province ; if so, what it is ;

- (b) the total number of 'literary' grants of land awarded to the educated unemployed?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) An inquiry was attempted by the Punjab Unemployment Committee to find out the number of educated unemployed in the Punjab. In spite of the fact that all possible efforts were made to register all unemployed educated persons, the Committee felt that not more than 50 per cent of such persons had cared to enlist themselves. The total number of such persons was roughly estimated by the Committee at 1,50,000.

- (b) 162.

DEBT DISCHARGED BY JHANG DEBT CONCILIATION BOARD.

***5515. Mr. Dev Raj Sethi:** Will the Honourable Minister for Development be pleased to state—

- (a) the total number and amount of such debts as were held to be discharged by the Jhang Debt Conciliation Board for the failure of the creditors to appear or submit a written statement of debts under section 18 of the Act;
- (b) the number of cases in which actual service through postal notices (acknowledgment due) was effected as provided by rules on those creditors whose debts were held to be discharged by the board for failure to appear and consequent non-submission of written statement of debts?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) and (b) The information is not readily available and the amount of labour and time involved in its collection would not be commensurate with the results obtained.

DEBT CONCILIATION BOARDS OF JHANG AND CHINIOT TAHSILS.

***5516. Mr. Dev Raj Sethi:** Will the Honourable Minister for Development be pleased to state—

- (a) since when the Debt Conciliation Boards of the Jhang and Chiniot tahsils, district Jhang, are working;
- (b) the total amount of debts claimed by the creditors through the said boards;
- (c) the amount of debt settled by the said boards;
- (d) the total number of applications filed and those still pending before the boards;
- (e) the amount involved in the pending applications;
- (f) the amount of money paid to the members of the conciliation boards and their establishments;

(Mr. Dev Raj Sethi.)

(g) the number of sittings of the boards since 1st April, 1989 ;

(h) whether it is a fact that the Deputy Commissioner, Jhang, has recommended to the Government to dissolve the boards ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a) Debt Conciliation Board, Jhang,—20th September, 1985. Debt Conciliation Board, Chiniot,—15th August, 1988.

(b) Rs. 2,72,82,968.

(c) Rs. 77,77,426.

(d) Applications filed—12,028.

Applications pending—2,865.

(e) Rs. 29,08,716.

(f) Rs. 52,920.

(g) Debt Conciliation Board, Jhang—142 sittings.

Debt Conciliation Board, Chiniot—164 sittings.

(h) No.

RURAL DEVELOPMENT WORK IN RAWALPINDI TAHSIL.

***5531. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Development be pleased to state—

(a) the amount of money allotted to Rawalpindi tahsil for the rural development last year ;

(b) the amount so far spent out of that money ;

(c) the nature of the works upon which the amount has been spent and the nature of the work under contemplation of the local authorities, to be executed out of the remaining sum, if any ;

(d) whether it is a fact that very little work regarding the sanitation of the villages has been done, if so, the reasons for the same ;

(e) the manner in which it is proposed to spend the remaining money in connexion with the sanitation and water-supply of the villages of the tahsil ?

Parliamentary Secretary (Chaudhri Tikka Ram): (a), (b) and (c) A statement is laid on the table.

(d) According to the adopted programme, works mentioned in column 4 against serial No. 3 of the statement laid on the table were only to be carried out and this is being done ;

(e) the remaining money is to be spent on the schemes for which the grant was originally meant.

Khan Muhammad Yusuf Khan : Will the Parliamentary Secretary please name those villages where sanitation was done ?

Parliamentary Secretary : I cannot give the names of those villages. The names of tahsils are given in the statement.

Khan Muhammad Yusuf Khan : In the statement the number of tahsils is given. May I know the reasons why he is unable to give the names of those villages ?

Parliamentary Secretary : The amount spent is given departmentally.

Khan Muhammad Yusuf Khan : The statement shows the allotment made to the Rawalpindi tahsil. May I know from the Parliamentary Secretary the names of those villages ?

Parliamentary Secretary : I am not in a position to give the names of villages without notice.

Khan Muhammad Yusuf Khan : May I take it that it is only a bogus statement ?

Mr. Speaker : Disallowed.

5	Veterinary	..	970	970	<p>(1) Two one day cattle shows at Rs. 150 per show at which prizes were awarded to cattle owners.</p> <p>(2) Ten foot baths constructed at a cost of Rs. 25 each.</p> <p>(3) Four veterinary first aid centres at Rs. 100 per centre.</p> <p>(4) One sheep shearing demonstration which cost Rs. 20 was held.</p>	Nil.
6	Co-operative	..	1,725	1,725	<p>(1) One Additional Sub-Inspector for non-Credit Activities .. 750</p> <p>(2) First Aid Centres .. 200</p> <p>(3) Assistance for Egg Grading Society .. 400</p> <p>(4) Contribution towards the pay of Special Sub-Inspector for fruit plantation .. 375</p>	Nil.
7	Deputy Commissioner	..	5,900	5,900	<p>(1) Rs. 500 were distributed as cash prizes to deserving persons who took prominent part in connection with the Special Development Programme.</p> <p>(2) Rs. 5,400 were spent on the construction of three village roads :—</p> <p>(a) Gher Hardo to Bhamartarar.</p> <p>(b) Jhang Saydan to Kirpa.</p> <p>(c) Dhok Tithan to Tamair.</p>	Nil.
	Total	..	15,839	15,192		

(*Mr. Speaker called Shaikh Karamat Ali to put the next question.*)

Mian Sultan Mahmud Hotiana : What about my question No. *5541 ?

Mr. Speaker : It is postponed.

Mian Sultan Mahmud Hotiana : But I was not informed. May I put it now ?

Mr. Speaker : Our rule 22 (ii) runs as follows :—

In case the answer to a question is not ready before the sitting of the Assembly immediately following the expiry of the period of notice, the Speaker may on such intimation by the Minister concerned extend the time for answering the question, and if the question is on the list of questions it shall not be called on that day.

UPLIFT WORK IN ZAFARWAL IN THE SIALKOT DISTRICT.

***5553. Shaikh Karamat Ali :** Will the Honourable Minister of Development be pleased to state whether any rural uplift work is at present going on in the Sialkot district ; if so, whether Zafarwal town is included in the programme of uplift work proceeding at present in the said district particularly so far as improvement in the sanitation of the town is concerned ?

Parliamentary Secretary (Chaudhri Tikka Ram) : *First part.*—Yes.

Second part.—The uplift work is being carried out in rural areas only. Zafarwal town being a Small Town Committee it is not included in the programme of uplift work.

SHORT NOTICE QUESTION AND ANSWER.

Mr. Speaker : Short notice question.

Mr. Dev Raj Sethi : The Assembly met at 12-10. So the question hour must go up to 1-10.
1 P.M.

Mr. Speaker : There was no quorum at 12 and therefore I had to adjourn the House for 10 minutes. But the day's business began at 12 noon.

DEATH OF SOHAN LAL BY POLICE TORTURE.

Sardar Harjab Singh : Will the Honourable Premier be pleased to state—

(a) whether Sohan of village Chitara, tahsil Una, district Hoshiarpur, was summoned as a suspect in a theft case in last week of September ;

(b) whether he died on 23rd September while in the custody of the police and if so, what was the cause of his death ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The death of Sohan Lal (who was, as indicated in the question a suspect in a house-breaking case under investigation by the Police of the Una station) has been the subject of a magisterial enquiry under section 176.

of the Code of Criminal Procedure. The magistrate has given his opinion that Sohan Lal was subjected to some form of torture immediately before his death and that the main responsibility rests with the head constable who was investigating the house-breaking case. This head constable and another lower subordinate of the police station were suspended some time ago by the Superintendent of Police, and departmental proceedings against them will shortly begin.

Dr. Gopi Chand Bhargava : May I know whether it is only the departmental action that will be taken or whether they will be sent to a court for trial also ?

Minister : It depends upon the evidence. If there is sufficient evidence, probably the case will be registered.

UNSTARRED QUESTIONS AND ANSWERS.

NUMBER OF STUDENTS IN GOVERNMENT SCHOOLS IN RUPAR AND KHARAR TAHSILS.

971. Pandit Shri Ram Sharma : Will the Hon'ble Minister of Education be pleased to lay on the table of the House a statement containing the number of students receiving education class-wise from infant to 10th class in all Government schools in the Rupar and Kharar tahsils separately for each of the years ending with 31st March, 1916, 1921, 1922 and 1923 ?

The Honourable Mian Abdul Haye : I regret I am unable to reply to the question as any benefit likely to be derived from the supply of the desired information will not be commensurate with the time and labour involved in the collection thereof.

TIMINGS FOR INTERVIEWS WITH TOWN PLANNER.

972. Chaudhri Ali Akbar : Will the Honourable Minister for Public Works be pleased to state—

- (a) Whether the Town Planner at Lahore has fixed days and hours for visitors ; if so, on what days and at what time public can have an interview with him ;
- (b) Whether he interviews the visitors himself or sends out junior clerks to interview them on his behalf ;
- (c) if the reply to part (b) is in the affirmative, whether Government intends to take any action against this officer ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : (a) Visitors to the Town Planner's office are seen by appointment and also on Mondays, Wednesdays and Fridays, between 2 and 3 p.m.

(b) No visitors are interviewed by junior clerks on behalf of the Town Planner.

(Minister for Public Works.)

Visitors who call in connection with town planning negotiations are interviewed personally by the Town Planner, whilst those who call in connection with municipal building applications are referred to the Municipal Chief Building Surveyor who has been appointed to deal with such cases.

(c) Does not arise.

DISPOSAL OF REVISED PLANS FOR BUILDINGS BY TOWN PLANNER.

973. Chaudhri Ali Akbar : Will the Honourable Minister for Public Works be pleased to state whether it is a fact that no time limit is fixed for the disposal by the Town Planner of revised plans of buildings and for the disposal of appeals against orders rejecting the building plans as is fixed in the disposal of new building plans ; if so, whether in the interest of public, it is intended to fix some time limit in the disposal of revised plans and appeals ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : It is not understood what the honourable member means by suggesting that a time limit be fixed for the disposal by the Town Planner of revised building plans. Under section 193 of the Municipal Act a Committee is required to pass orders on a building application within a prescribed period and consultation with the Town Planner, who is an adviser of the Committee, does not affect this time limit.

The appeals are heard as expeditiously as possible with due regard to other work to be done by the appellate authorities. Government do not propose to fix any time limit.

974. Cancelled.

EXTENSION TO DISTRICT ENGINEER, DISTRICT BOARD, GURDASPUR.

975. Sardar Sohan Singh Josh : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that District Engineer of District Board, Gurdaspur, has been granted extension of service twice by the Chairman of the said District Board against the protest of some of the members of that Board ; if so, the reasons therefor ?

The Honourable Nawabzada Major Malik Khizar Hayat Khan Tiwana : The extensions have been granted by the Board itself and not by the Chairman. The latter part of the question, therefore, does not arise.

CLOSING OF THE HINDU AND ARYA SCHOOLS FOR WANT OF
RECOGNITION.

976. Lala Duni Chand : Will the Honourable Minister of Education be pleased to state the number of Hindu and Arya schools in the Province division-wise that had to be closed during the period from April, 1937, up to the present time on account of the refusal of the Educational authorities

to grant them recognition and also the number of schools opened by other communities which had to be closed for the same reasons and during the same period ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table.

Statement showing the number of schools closed on account of the refusal of Educational Authorities to grant them recognition.

No.	Division.	NUMBER OF HINDU AND ARYA SCHOOLS WHICH WERE CLOSED DURING THE PERIOD FROM APRIL, 1937, UP TO DATE ON ACCOUNT OF REFUSAL OF RECOGNITION.			NUMBER OF SCHOOLS OPENED BY OTHER COMMUNITIES WHICH WERE CLOSED FOR THE SAME REASON AND DURING THE SAME PERIOD.		
		Boys.	Girls.	Total.	Boys.	Girls.	Total.
1	Ambala ..	1	..	1	..	..	..
2	Jullundur ..	11	..	11	2	..	2
3	Lahore ..	..	..	..	..	..	..
4	Rawalpindi ..	3	..	3	..	..	..
5	Multan ..	..	..	..	..	..	..
	Total ..	15	..	15	2	..	2

HEAD MASTERS IN JULLUNDUR DIVISION.

977. Lala Duni Chand : Will the Honourable Minister of Education be pleased to state the number of head masters, community-wise, including officiating ones serving in the Government Schools, District Board schools and Municipal schools on 1st October, 1939, in the Jullundur Division ?

The Honourable Mian Abdul Haye : A statement giving the requisite information is laid on the table.

Statement showing the number of head masters of high, middle and primary schools community-wise, as it stood on the 1st October, 1939, in the Jullundur division.

Kinds of schools.	NUMBER OF HEADMASTERS.							
	Hindus.	Depressed.	Jains.	Muslims.	Sikhs.	Christians.	Others.	Total.
GOVERNMENT.								
High	3	..	..	5	4	1	..	13
Middle	1	..	..	..	1	..	..	2
Primary .. .. .	..	..	..	..	..	..	..	..
Total	4	..	..	5	5	1	..	15
DISTRICT BOARD.								
High	2	..	..	3	4	..	..	9
Middle	207	2	..	151	98	..	..	458
Primary	457	2	..	325	140	..	..	924
Total	666	4	..	479	242	..	..	1,391
MUNICIPAL.								
High	2	..	..	..	..	..	..	2
Middle .. .. .	..	..	..	..	1	..	..	1
Primary	9	..	..	13	4	..	..	26
Total	11	..	..	13	5	..	..	29
GRAND TOTAL	681	4	..	497	252	1	..	1,435

ADJOURNMENT MOTION.

REDUCTION IN FAMINE RELIEF WORKS.

Pandit Shri Ram Sharma : 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 all-round reduction in the Famine Relief Works and measures in Hissar district in face of the worse famine conditions now prevalent there, as is clear from the answers given to starred question No. 5492¹, and to the supplementaries on it.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, I object to this adjournment motion being admitted mainly on the ground of urgency.

Mr. Speaker: May I ask in what respect and to what extent is the administrative responsibility of the Government involved?

Pandit Shri Ram Sharma (Urdu): Sir, the famine has assumed more dangerous proportions but Government have decreased the relief measures. People are starving and dying. The Government should show greater responsibility, but what is it doing? It has brought about an all-round reduction in relief measures. You may say that this matter ought to have been brought to the notice of the House earlier. I wanted first to receive Government's answer and get information, so that you may not say that we have no information and corroboration. The Government has told us in answer to questions that whereas there were 81 test works in the famine area previously now there are only 13. A question was put about cotton centres and a strange answer was given to that question. We were told that cotton is not available. The Honourable Minister said that we should get him the requisite quantity of cotton. Then we have been told that in June there was rain, so reduction in relief measures was justified, but what are the conditions after June? Is not the district a famine-stricken area? It was admitted in answer to supplementaries that the number of labourers has been reduced to one-fifth of the previous figure. It is strange that recently money was asked for by way of supplementary demands for cotton centres and it was stated that the number of centres was simply reduced, but in answer to our supplementary questions we were told that now not a single cotton centre exists.

This is a most urgent matter of public importance.

Mr. Speaker: Is the Famine Code in force in the Punjab?

Pandit Shri Ram Sharma: The most pathetic thing is this. According to the Famine Code the labourers working on the test works should get wages sufficient to bring them 18 *chhataks* of corn. I beg to draw your attention to the relevant provision in the Famine Code where the wage of a digger is mentioned as 18 *chhataks*. Now, at present 18 *chhataks* of corn sells at two annas but the labourers employed at the Government test works are given six pice each in Hissar and seven pice each in Rohtak. My point is that the Government is not giving even as much as has been provided in the Famine Code.

Mr. Speaker: Was not a Supplementary demand put before the House?

Dr. Gopi Chand Bhargava: Yes, there was a supplementary demand.

Mr. Speaker: Why was this matter not discussed then?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Sir, my first objection is that the matter is not urgent.

Mr. Speaker: Let us first take up the question of Famine Code.

Parliamentary Secretary: In the first instance, this adjournment motion is mainly based on the reply given to a question. The question was

[Raja Ghazanfar Ali Khan.]

whether the number of relief works has been reduced and the answer was that the number of relief works at present is 30. It was also stated in that reply that this number was reduced in July, that is about four months ago. Sir, this was not a fresh announcement made by the Government or any information given to the honourable member which he did not possess before. As a matter of fact, Government issues famine bulletins almost every month. A bulletin was published in the papers and also by the Director of Information Bureau on the 15th July containing this information that the number of relief works is now 30 instead of 32.

Mr. Speaker : Was the bulletin circulated to honourable members ?

Parliamentary Secretary : It was published by the Information Bureau. My submission is that the honourable member who belongs to these districts naturally knew that the number of relief works had been reduced. Therefore if the honourable members wanted to criticise the Government, they should have brought forward a resolution. I would submit that there are so many things going on in the province and if adjournment motions are going to be based on the replies to questions asked, then there will be no end to the adjournment motions. I can quite understand the position if Government makes a fresh announcement which the public did not know. The number of relief works had been reduced from 32 to 30 in July and this has been the case for the last five months. The honourable member did not have an opportunity to bring this question before the House except by means of an adjournment motion. An adjournment motion can only be given notice of if a thing suddenly happens and it is a matter of urgency, is of public importance and is of recent occurrence. The thing happened in July. May I further submit that the number of relief works was not reduced under the orders of the Government or under anybody's orders. As a matter of fact, the number of relief works depends on the number of labourers who attend the relief works. The number of labourers was very much reduced ; no people came to the works. Therefore the Government had to reduce the number of relief works. The second point raised is about cotton. I have said that some spinning centres have already started. Some more will be started now because cotton is now available. Government did not want to stop any spinning centres.

Mr. Speaker : But I did not ask about spinning centres.

Parliamentary Secretary : So far as wages are concerned they are being paid in accordance with the Famine Code (*Opposition benches :* Certainly not). They were paid six pice : now they are paid 7 pice ; and if the prices go up naturally their wages will increase strictly in accordance with the rules laid down in the Famine Code. As a matter of fact the misunderstanding has arisen because Government was paying higher wages in the beginning than they were required to do under the Famine Code.

Mr. Speaker : But as they paid higher wages, the Government's administrative responsibility was involved.

Parliamentary Secretary : They were reduced strictly in accordance with the Famine Code. What they were paying was strictly in accordance with the rates prescribed in the Famine Code.

Dr. Gopi Chand Bhargava : Sir, objection has been taken to the adjournment motion on the ground of urgency.

Mr. Speaker : Please restrict your answer to the question whether Government was paying wages according to the Famine Code.

Dr. Gopi Chand Bhargava : Three objections have been raised and if you will permit me I would like to reply to all the three of them. First, let me take the question of wages under the Famine Code. If you will look at page 48 of the Famine Code you will find—

139. The principle of the wage scale is that the famine wage should be the lowest amount sufficient to maintain healthy persons in health. Persons who are not in health when they come on the works should be treated specially, within the terms of this Code.

140. The following wage scale shall be adopted on all public works :—

Class.	WAGES IN CHHITAKS (1 CHHITAK = 2 OUNCES).	
	Male.	Female.
Special—Mates and special gangu	One pice more than Class I.	
Class I—Diggers	18	18
Class II—Carriers	14	14
Class III—Working children	10	10
Class IV—Adult dependents and rest-day wage ..	12	10
Class V—Non-working children—		
Over 10, but under 14 years	8	8
Over 7, but under 10 years	6	6
Under 7 years, but not in arms	4	4
Children in arms	One pice extra to the mother, or 3 chhitaks.	

NOTE.—If cooked food is given the price of the ration, including the allowance of salt, oil, condiments, etc., should equal the price of the wage given in the above table.

141. (a) The scale of wages given in the preceding section can be altered only by the Local Government or by the Famine Commissioner, if such has been appointed under section 68 of this Code, specially empowered by the Government of India in this behalf. The circumstances under which an enhanced scale of wages may be required would include the following :—When the physical condition of the people has so deteriorated that a more liberal diet is required ; when severe cold calls for a larger supply of food ; when owing to variations in the market prices the ordinary wage is insufficient to procure the proper proportion of oil, condiments, vegetables, etc. It may be assumed that out of a full wage of 18 chhitaks the worker should purchase 11 chhitaks of grain, and oil, condiments, vegetables, etc., with the price of the remaining 7 chhitaks of his wage. On the other hand a reduction in the wage scale is necessary in the case of workers on non-departmental village works, or may be required at the end of a famine, or if a demand for labour has arisen and the able-bodied relief workers remain on the works without necessity. In no case shall the full wage of a digger be raised so as to exceed 20 chhitaks, or reduced to less than 15 chhitaks, the wages of the other classes, or of such of them as may be considered necessary, being altered proportionately.

[Dr. Gopi Chand Bhargava.]

(b) On private works, whether aided or unaided, the persons undertaking the work shall make their own terms with the labourers.

When the power of altering the wage is exercised, it should take the form of a direction that the wages in the pice-wage table shall be increased or lowered by so many pice, and not that the grain-wage or allowance shall be altered by so many chhitaks.

142. Wages shall be paid in cash unless the Local Government otherwise directs.

143. The basis of conversion shall be the price prevailing in the nearest bazar of the cheapest grain in common use, not flour, but grain cleaned for sale. The price basis shall be fixed by the Commissioner, and shall not be altered on account of small variations in market prices. But, to meet sudden and sharp oscillations in market prices, the Deputy Commissioner shall have power to alter the basis within a limit of 20 per cent, reporting his action by telegram to the Commissioner.

I have read out these relevant rules from the Famine Code. You will find that ordinarily when a man is healthy, the wages allowed to him to keep him in good health should be 18 chhitaks. There is a ready-reckoner showing maximum relief wages and allowances in pice. You will find the statement on page 46 of the Famine Code. You will see that for 18 lb. the man should get 8 pice as wages and not less.

The price of grain when they gave two annas was much higher. It was 24 lb. at that time. Now it is 18 lb. They gave two annas at that time probably because.....

Premier : Are we discussing the merits of the motion ?

Mr. Speaker : I simply wanted to satisfy myself as to the administrative responsibility of Government, that is to say, whether Government was acting against the provisions of the Famine Code.

Premier : Government is not acting against the Famine Code. As a matter of fact it was acting against the provisions of the Code in giving higher rates.

Dr. Gopi Chand Bhargava : No Sir, I beg to submit that the wages which are being given to people are not according to the Famine Code, specially because the people are weaker than they were last year and consequently they require more food and more wages. At the same time because they are weak in health, they are exposed more to the cold this year than they were during the last year. They have no clothes at all. If they are to live, they need more and nourishing food.

It was stated at the time of the discussion of the supplementary grants that spinning centres had been reduced, but in reply to the supplementary questions on Thursday it was stated that there were no spinning centres at the time the information was collected. In reply to a further supplementary question, the Honourable Minister was pleased to say that there was no money. I want to prove that they have got the money. The Assembly sanctioned Rs. 50,000 as far as spinning centres are concerned. If you look at the supplementary demand, you will see that Rs. 1,05,000 was demanded from us while the estimated demand was Rs. 1,55,000. It is obvious that Rs. 50,000 out of that demand was for the spinning centres.

Mr. Speaker : The honourable member need not go into such details.

Dr. Gopi Chand Bhargava : I am replying to the objection that has been put forward. The objection should not have been entertained but when once it has been entertained we should be given opportunity to reply to the objection.

Then I want to reply as to the question of urgency. It is argued that the matter is not urgent. I would have understood the arguments of the honourable Parliamentary Secretary if he had stated that the question is not recent. He said that they made an announcement in July and we are bringing forward an adjournment motion now. There could have been no objection against the urgency of the matter, but its being recent is a different affair. As far the urgency, the matter is so urgent that I must invite the attention of the Government and of the House to the fact that lakhs of people are dying of hunger. (*Interruptions*). Therefore it cannot be that the matter is not urgent and no objection is valid on that ground. The matter is really very urgent and nothing could be more urgent than this.

Premier : The honourable member in the heat of the moment has stated that lakhs of people are dying of famine. I can assure the House that not a single person has died of starvation.

Dr. Gopi Chand Bhargava : I can prove that people have died of starvation and of starvation diseases. (*Interruptions*).

Mr. Speaker : I request the honourable members of the House to exercise restraint. Certain facts have been stated by Pandit Shri Ram Sharma in support of his motion. But all these facts have been contradicted by the Government members. Therefore, if I allow the motion, one side will contradict the other and there the discussion shall end. According to parliamentary practice an adjournment motion must not be based on an uncorroborated report. In this case where is the corroboration beyond the honourable member's statement?

Dr. Gopi Chand Bhargava : The facts cannot be denied. In fact they have been admitted by the other side.

An Honourable Member : Entirely wrong.

Dr. Gopi Chand Bhargava : The adjournment motion is based on the replies given by the Government.

Minister for Revenue : When the question is discussed, then we will prove that your information is not correct.

Mr. Speaker : I understand that the supplementary estimate about famine was under discussion for a long time and that it was not guillotined.

Dr. Gopi Chand Bhargava : These facts were not known then.

Mr. Speaker : What happened then was that the Opposition, including the honourable member who has now given notice of the adjournment motion, discussed inefficiency of the staff controlling the famine. I regret to say that under these circumstances, I am unable to allow the motion.

Dr. Gopi Chand Bhargava : The reply, which has been given now by the Government, was not given when that particular demand was under discussion.

Mr. Speaker : What will happen if I allow the motion? Some members will make certain statements from one side while they will be denied by some members of the other side. What is, therefore, the use of wasting the time of the House?

Dr. Gopi Chand Bhargava : What is an adjournment motion meant for? What we say, the Government always denies. We have not "manufactured" the facts, but we are basing the motion on the facts given by the Government itself.

Is it or is it not a fact that the Government has said that labour has been decreased, that there were no spinning centres, that cotton was not available and all that? Are these not the statements made by my honourable friends opposite? They have themselves admitted all these things and these are in the official records of the proceedings of the House.

Mr. Speaker : The annual budget which will be discussed before long will afford ample opportunity to discuss the matter.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume discussion on the motion that the Punjab Relief of Indebtedness (Amendment) Bill be circulated for eliciting public opinion.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, while dealing with clause 5 just before the Assembly adjourned on Friday, I was submitting to the House that the basic principle of the relief of the Indebtedness Act of 1934 was option and not compulsion. It was unjust and uncalled for to empower the conciliation boards to decide once for all as to the genuineness of the claim made and thereby rob the civil courts of the jurisdiction that the Relief of Indebtedness Act confers upon them. The Punjab Relief of Indebtedness Act deals with large amounts of claims. The members of the conciliation boards are empowered under clause 5 of the amending Bill to decide that a certain claim—may be for Rs. 5,000 or Rs. 10,000—is not genuine and after that the civil courts will be precluded from going into the matter. This is contrary to the very principle of the Act.

Then I do not say anything in regard to clauses 6 and 7. Coming to clause 8 it says—

After the figure "25" at the beginning of section 25, the figure and brackets "(1)" shall be inserted.

The following shall be added as subsection (2) :—

"(2) When any execution proceeding pending before a civil court is suspended under subsection (1), and any animal has been attached and made over to a supaddar in connection with such proceeding, the animal shall be returned to the judgment debtor and the attachment shall cease to have effect for such time as the proceeding remains suspended; but the judgment-debtor shall not be competent to sell or in any way part with the ownership of any animal so attached during the suspension of such proceeding."

I have already submitted that I shall welcome any concessions that are made to the agriculturist judgment-debtor. The clause says that after the execution proceedings are suspended then in that case the property under attachment shall be returned to the judgment-debtor. But there is no provision to say what will be the result if the judgment-debtor refuses to return the property attached. I can well understand if there had been some provision to the effect that if the judgment-debtor refuses to return the property attached that has been given to him, he shall be liable to some legal action. The clause is absolutely silent on that point. I fail to understand why there is no provision to the effect that if the judgment-debtor fails to return, he shall be liable to pay the loss.

Then there is clause 9 which runs as follows :—

For sub-section (2) of section 30, the following subsection shall be substituted :—

“(2) In any suit brought after the fifteenth day of October, 1939, against a debtor as defined in section 7 for the recovery of a loan, no court shall pass a decree for a larger sum than twice the amount of the sum actually advanced.

I understand this clause is supposed to give effect to the doctrine of the Hindu Law, *Damdapat*. But I ask the honourable Minister in charge to have a look at any commentary on Hindu law and he will at once see that this clause offends against the principle laid down in the Hindu Law. It means that if a man has advanced Rs. 500 knowing that he will not expect the money back say within 20 or 25 years and he believes that the man to whom he is advancing money is an honest man, he would pay sometime, he will not be entitled, under this clause, to recover more than Rs. 1,000. I ask you whether if a man makes a deposit in any bank even at the bank rate which is after all the smallest rate of interest, after 20 or 25 years the amount with interest will be much more than the amount originally deposited. My contention is that if it were the doctrine of Hindu Law I would have no objection, but the Hindu Law does not say so. *Damdapat* does not mean that if a certain sum has been advanced at one time the lender even after 50 years cannot recover more than twice the amount originally advanced. I therefore submit that this clause offends against the Hindu Law on which it is based. According to the Hindu Law, *Damdapat* means that if a certain sum is advanced originally and interest accrues on it, that interest from time to time becomes a part of the principal. It is that principal that is regarded as the amount advanced and if a claim is brought for the recovery of the original sum, it will also include the interest that becomes a part of the principal. This is Hindu Law. Then I invite the attention of the House to clause 10.

Mr. Speaker : At this stage the honourable member should not discuss the Bill clause by clause.

Lala Duni Chand : I am inviting the attention of the House to certain drastic provisions of this amending Bill. I submit that in view of the drastic nature of these provisions, it is only fair and just that this Bill should be circulated for eliciting public opinion particularly of the Honourable High Court. The Honourable Speaker was not present when I advanced this argument. What I want is that opinion should be obtained from the Honourable High Court and from judicial officers and Bar Associations and different bodies of persons affected by this Bill. I am trying to point out that some of the provisions of the Bill besides being unjust are quite uncalled for and some of the provisions are radically wrong. I am not however, discussing each and every provision of the Bill. I was dealing with clause 10. I want to draw the attention of the House to one point. My point is this: let the milch cow be exempted from attachment. I have no objection to that. But what I want is that if Government goes out to protect the agriculturists to that extent, is it not the duty of the Government to make some law for meeting the requirements of the non-agriculturists? I submit it can be done only in two ways. Let the Government establish a money-lending portfolio. Let some kinsman of Chaudhri Chhotu Ram be placed

[Lala Duni Chand.]

in charge of the money-lending department. I have no objection. Let the Government take responsibility. If the Government wants to deprive the needy people, borrowers, from the possibilities of raising any loan whether big or small, in that case it is the duty of the Government to make some arrangements. In other provinces and in other countries, there are what are called land mortgage banks. The object of these banks is to advance money to agriculturists on the security of their landed property.

Dr. Gopi Chand Bhargava : Is it any use discussing the Bill because neither the Minister in charge of the Bill nor the Minister in charge of the department is present here?

Mir Maqbool Mahmood : The Honourable Premier has left me here to take notes.

Dr. Gopi Chand Bhargava : And no Minister need be present?

Mir Maqbool Mahmood : It is not necessary under parliamentary conventions.

Lala Duni Chand : My objection is that the Government is trying its level best to destroy the entire credit system without which no society can possibly exist. At the same time Government is not making any provision to meet the requirements or the needs of these agriculturists whom the Government wants to protect. I submit it will create extraordinary state of affairs if the Government goes on with this policy. If the Government allows the "haves" and the "have-nots" to live in the same place and the Government is unable to adjust the economic relations of the borrowers and the lenders, the result will be violence and bloodshed. I can well understand that the Government is resourceful enough to make some provision. The Government denies any kind of protection to the agriculturist. Then I come to clause 11. It reads—

In section 37 for the words "may at its discretion disallow the whole or any part of the sum claimed by the plaintiff" the following shall be substituted—

"shall disallow the whole claim with costs".

The section as it exists in the Relief of Indebtedness Act lays down that if a money-lender enters more in his books than he advanced, for that malpractice his claim shall be liable to be dismissed wholly or partly by the court. Now what does this clause lay down? Supposing a man has advanced 99 instead of 100 and he makes an excess entry of only one rupee. Then this clause lays down that if it is proved that instead of advancing one hundred rupees, he only advanced Rs. 99, the court shall have no discretion left in the matter and that it shall be obligatory for the court to dismiss it. Take the case of a man who has entered one thousand rupees but has only advanced Rs. 999. No system of jurisprudence, no system of law can allow a provision of this kind that the whole of this money advanced should be lost. Now I come to clause 12. It is a very important one. Clause 12 creates a new kind of offence. I venture to submit that the object intended to be served by clause 12 is already served by section 193 of the Indian Penal Code. Section 193, Indian Penal Code, says that if any body fabricates false evidence, he shall be liable to imprisonment which may extend

to three years or in certain cases to seven years. Now, what does this clause say? It says—

After section 37, the following new section shall be inserted :—

38 (1) If any party to a suit for the recovery of a loan uses in such suit any document in which he is aware that there is any statement or entry relating to such loan which is false in any material particular he shall on conviction be punished with imprisonment of either description which may extend to three months or with a fine not exceeding one thousand rupees or with both.

I submit I am at a loss to understand the necessity of the addition of this clause in the presence of section 193 of the Indian Penal Code. Let the Government make a law, I have no objection. I do not hold any brief for the money-lenders, I admit that I condemn them as strongly as the Honourable Premier will, if they are in any way unjust. But the question is whether it is not a fact known to all people that when the borrowers appear in courts they also resort to all sorts of false receipts and documents. We have seen in a number of cases that false receipts and documents are produced against the claim of the defendant. I submit that that is the experience of many lawyers who practise in courts. I can well understand if a similar provision was made against the borrowers who are guilty of similar misbehaviour or malpractice such as forgery or false evidence and so on. But there is no such provision. On the other hand if a creditor happens to make a wrong entry of Rs. 5 by oversight, he is liable not only to get his suit dismissed but he is also liable to be prosecuted under clause 12. There is nothing whether in the principle of law or in the principle of justice, to justify this action. I submit that in the Indian Penal Code there is ample provision—

Mr. Speaker : That is repetition.

Lala Duni Chand : But now I was not going to refer to section 193. I was about to refer to other sections of the Indian Penal Code which can meet cases of this kind. I was just going to refer to them when you interrupted. I may assure you that I am not going to refer to section 193 once again.

This is all that I should like to say with regard to the drastic provisions of the Bill. I do not propose to say anything further about them. But I should like to say one word and it is this. Government is under the wrong impression that by enacting laws of this kind Government can help the agriculturists. I may tell the Ministerial Party that we are more anxious than they to help the agriculturists. My contention is that the physicians who are sitting on the ministerial benches do not know what remedy there is which they can provide. The remedy they propose instead of curing the disease will only aggravate it. They are now in a position to be told "Physician, heal thyself." The honourable member who has brought forward this legislation is not a lawyer and so he is not in a position to judge the remedy. But he does not want to consult the High Court. If he consults, the verdict of the High Court will be that he is not the right type of physician to heal this disease and that if he persists in this kind of treatment, things will grow from bad to worse and the Punjab will have to face a situation which it is difficult to prophesy now. With these words I commend my motion to the House.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*) : Sir, at the very outset of my speech I wish to make it clear that we have not moved this circulation motion with a view to use dilatory tactics against the enactment of this measure. On the other hand, our object is quite different. Let me make it clear that the Congress Party, to which we have the honour to belong and on whose ticket we have been returned, made it abundantly clear in its manifesto, that one of its aims was to scale down all the rural debts. We are earnestly looking forward to the day when the people who are the backbone of the province are relieved of the curse of indebtedness. In the circumstances it is against our principle that we should use dilatory tactics against Bills which are introduced with a view to scale down the debts of the rural people. However I may submit that there are certain facts which we have to take into consideration before proceeding with this Bill. It is a matter of common knowledge that according to the Central Banking Committee report of 1929 the amount of rural debts was 185 crores of rupees. Now this figure has jumped to 200 crores of rupees and daily it is piling up. In addition I may also point out that the harvest which a cultivator produces after six months of hard labour finds its way into the houses of other individuals and the poor fellow who did all the toils has to go home empty handed. Actually it does happen that no sooner the cultivator gathers his crop the landlord appears with a *danda* under his armpit and demands more than half the crop as his share. Then the *tahsildar* appears on the scene and demands Government's share by way of land revenue. Last but not the least the *sahukar* goes to him and demands his pound of flesh out of the rest of his produce in lieu of his debts. Consequently the poor cultivator has to go almost empty handed to his house. Now I may point out that even if the rate of interest as provided in the Bill be fixed at seven and a half per cent or even less than that, even then the burden of interest which 2 crores of *kisans* have to pay from their pockets is enormous. Calculated at the minimum average rate of $7\frac{1}{2}$ per cent, the total interest will amount to 15 crores. (*Interruptions.*) I am of the opinion that even if we carry out the amendments sought to be introduced by the proposed measure we will not be able to do much good to the *kisans* of this province. It is really very unfortunate that although as compared with other provinces of India Punjab is better off, yet the conditions prevailing here are such that Punjabi *kisans* are head over heels in debt. I may also point out for the information of the honourable members that according to the Banking Inquiry Committee's Report Madras as a whole was leading in the matter of indebtedness. But if we take into consideration incidence of debt *per capita* we would find that the Punjab is leading other provinces. Now it is high time that we should do something to relieve the cultivators of their huge debts as soon as possible. In this respect I may point out that when the Punjab Relief of Indebtedness Bill was introduced in the Punjab Legislative Council in the year 1934 it was circulated for eliciting public opinion thereon because of its importance. If we study the proceedings of that year we would find that circulation of the measure referred to above resulted in immense benefit. Many sessions judges, district

judges, and deputy commissioners expressed their opinions about that Bill. Valuable opinion of such eminent persons as the Honourable Judges of the High Court were obtained and quoted on the floor of the House and are included in this big volume. At that time it was clear beyond all doubt that the circulation of that Act resulted in much good, and in the light of the opinions thus expressed amendments were carried in the Bill referred to above. After that the Act was passed and enforced. Now we see that that Act had been in force in the Punjab for the last five years. We have now to see what experience we have gained within five years and whether the suffering rural people have got any real relief by virtue of that Act or not? In view of that experience we will see whether and in what manner we should further amend the said Act. Besides, I may also point out that when the Bill referred to above was circulated for eliciting public opinion thereon, there were many kinds of commentators. Some of them were of the opinion that the provisions of that Act did not go far enough and there were others who openly expressed their apprehensions about the working of that measure. Those persons who entertained apprehensions about the working of the measure included amongst them high officers of the Government. One of those officers, Mr. King, the then Deputy Commissioner of Rawalpindi district, expressed his fears about the working of that Act. The Sessions Judge, Ambala, went to the length of saying that the Bill "embodies neither sense, policy nor justice. It is intrinsically unworkable, morally inequitable and juristically an outrage." I do not agree with this opinion.

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

Mr. Dev Raj Sethi : I was submitting, Sir, that we should view the Bill in the light of those comments which are received after circulation. I do not object to the rates of interest that have been proposed in this Bill. I would not object even if those rates are further scaled down.

Mr. Speaker : Repetition.

Mr. Dev Raj Sethi : Another objection against the Bill is that the Government have thereby sought to mete out a step-motherly treatment to some creditors. For instance, they have exempted the Imperial Bank and certain other banking companies from the purview of this Bill. I admit that the Indian Negotiable Instruments Act may be an obstacle in the way. But why should the co-operative societies be exempted, is more than I can understand. It is an admitted fact that the poor kisans and other landholders are steeped in debt and something must be done to relieve them. They take loans from the co-operative societies to pay land revenue and other Government dues. Is it not strange that while a set of creditors are being subjected to the provisions of this Bill, a certain set of other creditors and especially co-operative societies are being exempted from its application.

Another very important thing to which I want to draw the attention of the House is the following part of the statement of objects and reasons appended to this Bill :—

A number of defects in it have come to notice particularly in regard to power and procedure of debt conciliation boards.

Now I would submit, Sir, that when the proposal of debt conciliation boards was first made public, the present Chief Secretary of the Punjab

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Government who was at that time the Commissioner of Multan division had expressed his opinion about that proposal. I would like to quote that opinion here.

Mir Maqbool Mahmood : I would again rise to a point of order in view of the ruling you have already given. The honourable member is not in order in referring to opinions given on the original Bill by certain officers.

Sardar Hari Singh : Why not? Under what rule?

Dr. Sir Gokul Chand Narang : He wants to point out absurdities of amendments. He wants to point out greater absurdities.

Mr. Speaker : Honourable members are presumably aware that at this stage they can discuss the principle of the Bill and its general provisions, but the clauses of the Bill cannot be discussed.

Dr. Sir Gokul Chand Narang : He is not discussing any particular clause.

Mr. Dev Raj Sethi : Sir, I was going to quote the opinion of Mr. J. D. Penny which runs as follows :—

The danger is that the machinery will be misused.....there is a danger of collusive settlement covering bogus debt under clause 13 calculated to harm the interests of persons who stand out against them.

This was the opinion of our present Chief Secretary five years back. It has now been proved to be true by the actual working of the conciliation boards. All the dangers apprehended by him have materialised cent. per cent. Bogus creditors crop up to help the debtors in the conciliation boards. The Revenue stamps affixed by them on the pronotes are those of 1938 and the debt relates to 1930. Almost 90 per cent. of the creditors produced before the boards by the debtors are declared fictitious in civil courts.

Now an amendment sought to be introduced in the existing Act is to take away those very powers from the civil courts and delegate the same to the conciliation boards who will be full and final judges about the genuineness of the creditors. Certainly this is arming the board with too many powers. This will give a great fillip to fictitious transactions to the great detriment of the genuine creditor. That is one aspect and a very serious one of the question. The complaint is based, not on the experience of a day or a month or a year, but on the experience of several years. Hundreds of bogus creditors turn up in the boards to deprive the real creditors of their dues. That is why I want that the Bill should be circulated for eliciting public opinion thereon, so that the reality about the proposed amendments may be exposed. In the original Act the maximum amount of debts that can be entertained before a conciliation board is fixed at 10 thousand. But in actual practice the conciliation boards have been deciding suits relating to 20 thousand and even more.

Another evil that has been noticed in connection with the working of the conciliation boards is that even applications of the urban debts are entertained by the conciliation boards for adjudication. When two Hindu brothers quarrel with each other, one of them applies to the conciliation board and gets his debts adjudicated. Next comes the question of

corruption. Every one is aware of the widespread tales of corruption rampant in the working of the boards. There is hardly a district where the debt conciliation boards are not notorious for corruption.

Mr. Speaker : The honourable member is irrelevant.

Mr. Dev Raj Sethi : I am, Sir, discussing the working and procedure of the debt conciliation boards and I cannot be out of order in referring to the corrupt practices of some boards. I may be allowed to point out that a reader in the conciliation board of a certain district has had an illegitimate income of 35 thousand during the last four years.

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

Mr. Dev Raj Sethi : My only point is that the conciliation boards already constituted are not doing well and, therefore, they should not be given more powers. I am anxious to see that the boards are purged of their corrupt practices. It is a pity that the powers already entrusted to the boards have not been rightly used by them. Hardly any member of the conciliation boards has any judicial training. Those with a judicial mind are purposely kept at a distance. More than half the members of the boards are not even matriculates. Some of them are retired police officials or pensioners of other departments. In almost all cases they are toadies and henchmen of the Unionist Party. It would be very dangerous to give them more powers by depriving the civil courts of some powers which the latter have been exercising. Moreover, there should be a condition that every member of the board must have certain qualifications without the possession of which he should not be appointed on the conciliation board. (*Khan Muhammad Yusuf Khan : Lawyers alone may be appointed.*)

One word more and I have done. The real question before Government ought to be not only the lightening of the burden of the existing debts. The second question is as to how to avoid further indebtedness of the agriculturists. The House is grieved to find that no genuine effort has been made by Government so far to tackle this twofold problem. No attempt worth the name has been made to remove indebtedness permanently from the Punjab. Several committees have made their recommendations one after the other but Government has not attempted to do anything of permanent value. The present Bill which is being pressed by Government in the name of the poor kisans, the starving agriculturists and the poverty-stricken rural population of the Punjab is nothing but an eye-wash. It only aims at shelving the problem. It is no remedy for the temporary or permanent debt. All that is being sought thereby, is to establish a class of henchmen of the Unionist Ministry.

With these words, Sir, I commend the motion for the acceptance of the House, namely, that the Bill be circulated for eliciting public opinion thereon by the 10th of January, 1940.

Parliamentary Secretary (Mir Maqbool Mahmood) : Sir, I think

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the House will agree that there has been a great deal of discussion with regard to the details of the Bill with which we are not concerned at this stage. It is not claimed that the Bill is not capable of improvement with regard to the drafting of certain sections so far as the Bill is concerned. I submit that at this stage we are

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concerned with the general provisions of the Bill and to see how far they deserve the support or the disapproval of the House. What are those general provisions? The Honourable Premier in a brief but very exhaustive speech explained the main purpose of this Bill. He said that the working of the original Relief of Indebtedness Act of 1934 had displayed certain defects for which it was necessary to implement that Act and he also said that there were certain other subsidiary questions of equal importance which have been brought in. Now, what does circulation at this stage mean so far as the general provision of this Bill is concerned? It is said originally that there shall be interest at 12 per cent on secured debts and 18½ per cent on unsecured debts. The present Bill provides that in the first case the interest shall be 7½ per cent and in the second case it shall be 12½ per cent. I submit that this is the question which hardly needs any reference to public opinion at this stage. The question of limitation of interest has been under discussion in this House and in various provincial Governments outside this province and they have all laid down a standard. If my honourable friend, Lala Duni Chand, would compare the rates of interest levied there, he will find that it is much higher than is provided under this Bill and that this Bill is better even so far as creditors are concerned.

The second point is with regard to the general provision that is brought in here. There is a definition of debt given in the original Act and that Act excludes from that definition certain debts which are due to the Imperial Bank or other banks or to co-operative societies. The experience of the working of that Act has shown that certain people, in the course of pendency of application concerning debts, transfer their debts to co-operative societies and other banks and evade the provisions of that Act. Under this Bill such evasion will not be possible and this Bill seeks to stop it.

The third point is with regard to joint debts and about that also section 7 is clear that every debt is intended to be covered by the original Bill. The actual working of that Act and certain judgments have shown that there are some defects when there are joint creditors. The present Bill seeks to meet that lacuna also.

Then there is the question with regard to revision and appeal. Sections 21 and 20 are clear. Since some doubts had been expressed in the interpretation of section 21, the present Bill seeks to remove them by means of this provision. It is clear that it does not debar any person from the provisions of the original Act.

Then, Sir, there is a clause on which my honourable friend, Lala Duni Chand laid great emphasis and that is with regard to the return of animal to the judgment-debtors when the proceeding is suspended. He said that this clause would defeat the legitimate claims of creditors. I beg to invite his attention to the later portion of that clause where it is definitely stated that a judgment-debtor shall not be competent to sell or in any way part with the ownership of any animal so attached during suspension of such proceedings. That is a clause which requires further consideration whether it is necessary or redundant and what would be its legal effect. These are matters of detail which, I can assure my honourable friend, would be considered on their merits when the Bill goes to the select committee.

Then, Sir, we come to the next clause where it is said that in certain cases it should be open to the conciliation board to insist that if a person, after filing his statement, does not appear before the board, the claim shall be considered to be discharged. It is the duty of the Government to see that justice is done. So, that is the provision which no legitimate and fair-minded person should object to. The present position according to the working of the Act by the conciliation board is that in certain cases, due to bad drafting of the original Act, it happens—according to clause 13—that a creditor appears on the first day and files a statement and after that he does not appear before the board under the law. There is no power given to the board to compel his attendance in the interest of justice. That surely is not a matter which requires circulation.

There is one other clause, clause 15-A., as is now proposed, to which objection has also been taken. That clause gives powers to the board in certain cases to decide on merits the genuineness of certain disputed documents. My honourable friend said that this is a novel procedure and it does not find place in any other law of jurisprudence here. Now, Sir, I ask, with due deference to the legal acumen of my honourable friend to refer to the amending Bill of the Central Provinces. He will find that their conciliation boards have been definitely given powers of deciding certain matters. We go even further than that. There he will find that the limit of claims to be settled by conciliation boards is Rs. 5,000 ; while here it is 10,000 and we can extend it still further. There is another provision and that is whether the decision of conciliation boards in such matters should be final. That is a matter surely of detail which would require further consideration of the select committee as to what are the pros and cons with regard to that matter.

I come to the next clause to which objection has also been taken and for which circulation is sought and that is clause 11 of the amending Bill. There it is said that if a person makes an entry in his books recording greater advance of money than was actually advanced, then all of his claims would be liable to be cancelled. I am surprised that a lawyer of the experience of my honourable friend Lala Duni Chand should have come forward and said that such a clause should not be provided. I claim that the Government does not hold any brief for these dishonest creditors and I claim equally that it is the duty of the Government to see that honest money-lenders are not harassed. But surely it does not lie in the mouth of any fair-minded honourable member to say that a person, who forges a document and records more money than actually paid should be given any asylum in this House. I am sure that this proposition will not stand examination.

Now, we come to last clause 12. My honourable friend said that clause 12 suggests a penalty for a forged document and dishonest witness and he said that section 198 of the Penal Code already deals with such cases. Section 198 of the Penal Code does provide that in such cases where a person gives false evidence or fabricates false evidence shall be punished with imprisonment for 7 years and in certain cases for 3 years. We find that that section does not cover all the points and so it was thought necessary to add this clause. Here again I would submit that this question requires further

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consideration of the select committee to see that all the points which arise in the course of proceedings are covered by section 198 of the Penal Code. These were some main points of attack.

Now, I come to the question of merits. I ask my honourable friend opposite, who has sought circulation of this Bill, where is his love and affection for poor agriculturists or his love for debtors or his love for fair play in the province that on a matter of this nature he has brought in a dilatory motion? His main charge was that we should have opinions from the High Court, that we should have opinions from the deputy commissioners and that we should have opinion from other public. I submit that perhaps he does not know that Government originally drafted an amending Bill with regard to this provision. They circulated it to all the Commissioners, Deputy Commissioners and through the High Court to a few District Judges and Senior Sub-Judges and some leading lawyers; and as a result of their opinion the Bill was amended in certain provisions and is now in its present form put before the House. Therefore this measure has reached a stage when any delay would be playing with the problem and it would be unfair to the interests of debtors of the province. Now I would like to say a few words with regard to the point suggested by my honourable friend Lala Duni Chand. He said that he would like a certain portion of the debts to be reduced. Therefore I submit that in the same generous spirit in which he made that statement he would give his co-operation to make the Bill perfect in its provisions. So far as the principle of the Bill is concerned I am sure that it follows as a corollary to the measures advanced by the Opposition. He made another statement. He said by this measure you are reducing the credit of the cultivators. An old cry. He will forgive me that so far as the opinions of the cultivators are concerned I can claim that we on this side of the House or a majority of members on this side of the House can speak with greater authority than my honourable friend opposite as is clear from the result of bye-elections in several constituencies in which they have lost and we have won. Apart from that he made another suggestion that Government should set up a special portfolio for money-lending and make the Honourable Sir Chhotu Ram in charge of it—a very valuable suggestion. I hope it will not be necessary to set up a machinery to deal with loans but so far as Mortgage Bill is concerned I think that is a matter where many of us feel that necessary omissions will be made as soon as possible and perhaps my honourable friends on the Opposition benches know that the Honourable Premier, when he was on the Reserve Bank, did signal service to the whole of India by making improvements in the rural credit section and I hope that before long something will be done in the province.

I come now to deal with some other points raised by Mr. Dev Raj Sethi. He started by saying that the Congress manifesto stands for the relief of indebtedness of the masses. I claim that with few exceptions the manifesto has not been acted upon so far as their actions are concerned. Surely the object of Mr. Dev Raj Sethi in making the dilatory motion is that a Bill of this nature does not reconcile with the manifesto of the Congress to which he made a reference. I am sorry he is not in his seat. He made a statement with regard to the constitution of these conciliation boards. I am sure in his calmer moments he would realise that such a preposterous statement was not

justified. My honourable Leader informs me that the number of applications was increasing and it was greater than when they started in the beginning. That in itself is the best testimony to the needs and the utility of these boards. Apart from that I do not claim that the members of these boards are great lawyers and judges competent to deal with matters which are referred to them. They are primarily of a nature which requires integrity and commonsense. I am sure that reports, both from officials and non-officials support the proposition that they have done very well indeed and deserve the best thanks of the province and of those interested in the good of the province (*cheers*). It was stated that the claims of the university were not represented on these boards. With due deference to Mr. Singha and others I may point out that in old times we had able men who were *mukhtars*; but apart from that I would like to refer my honourable friend opposite to the position in the adjoining province where honorary magistrates have been selected not on merits but by a committee wherein the majority of the members belonged to a particular party and those persons who were selected were given magisterial powers (*Opposition benches*: Where?). In the United Provinces. I am very sorry to refer to the United Provinces Government.

Diwan Chaman Lall : What sort of committee ?

Mir Maqbool Mahmood : There was a special committee appointed for the selection of honorary magistrates wherein there was a majority of members of a particular party.

Mr. Speaker : I do not think it is fair to make disparaging remarks about any other Government.

Diwan Chaman Lall : The Government were in majority there and they made the appointments. You do the same thing here.

Mir Maqbool Mahmood : I am very glad my honourable friend has conceded that point. I hope those sitting behind him will support the Government so far as their constitution is concerned.

Diwan Chaman Lall : It is not a question of constitution : it is a question of fact.

Mir Maqbool Mahmood : That question will remain a question of fact when we make some appointments on this side.

I was surprised to find my honourable friend Mr. Dev Raj Sethi making a statement that urban debts should be excluded. I am one of those who feel and I base my statement on substantial evidence, that the time has come when the salutary provisions of the Indebtedness Bill should be extended to all classes as also to the urban areas. I know there are certain arguments advanced from the other side that certain *bona fide* transactions might be excluded. That is a question that would be considered in the select committee. My honourable friend Sardar Sampuran Singh is not present but when a similar measure, the old Indebtedness Bill, was before the House an amendment was made by my honourable friend to the effect that the trade and commercial interests of the urban areas should not be brought in. There was my stalwart friend who made a speech that he would like urban trade to benefit from the legislation. I hope when we go to the select committee Sardar Sampuran Singh and those who agree with him will vote with us.

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I have been trying so far to refer only to the general provisions of the Bill. I tried to show that so far as the general provisions are concerned we have come forward with a reasonable proposition. I would now repeat what I said that the Bill is certainly capable of improvement in more than one direction and when we go to the select committee we shall welcome suggestions; but I feel that there is urgent necessity of expediting the Bill and there should be none on the reasonable side of the House who would prevent the poorer classes of the province, who have been suffering for a long time under the heavy load of indebtedness, being given effective assistance, for which our Premier is entitled to our gratitude. It is no use bringing in a legislation if you are not prepared to make good any omission. I may assure my honourable friends opposite that we have examined the reports from all the conciliation boards, as well as from independent persons, and it has been found necessary that this measure should be passed. With these words, I submit that there should be no further delay in expediting this Bill and that the time has come when both sides should expedite this Bill.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, the Honourable Parliamentary Secretary waxed eloquent that the circulation motion brought forward by the Opposition will not prove beneficial to the zamindars. He has tried his best to convince the House that the Congress does not stand for the help of poor peasantry and that it is only the present Government that is the well-wisher of the zamindars. As regards these remarks I should like to submit that he being an able parliamentarian should not have neglected this fact that we could not have discussed this Bill if we had not adopted this method. We are to see whether the Bill is equitable or not. Had it been published in papers other than the official Gazette, we would have found ample opportunities to invite the attention of the public and the Government towards its main defects.

Now what we can understand from the statement of objects and reasons attached to this Bill and from the speech made by the Honourable Premier while moving this Bill amounts to this much that the Government has considered advisable that some remedy must be found in order to remove the defects in the working of the Punjab Relief of Indebtedness Act. It is these defects in the original Act which Government seek to remove and that is why the Punjab Relief of Indebtedness (Amendment) Bill has been brought forward. One amendment is that the maximum rate of interest that can be allowed should be lowered. Secondly, more powers are going to be invested with the debt conciliation boards for discharging their duties efficiently. We are opposed to it, so far as this matter is concerned. As regards the interest, I am glad that the rate is being lowered to scale down debts. (*Cheers from Government benches.*) I too believe that this is the only method to scale down debts, but it is not clear whether this restriction is to apply to past debts or to those to be incurred in the future or to both. I am afraid that at the time of conciliation of debts the boards would not permit the payment of interest thereon. Should I take it that in future only the maximum interest will be charged on loans, as has been provided in this Bill? We know that banks had already been excluded from the provisions of the Bill, while the co-operative societies were left untouched at that

time; but now the co-operative credit societies are also sought to be exempted. The Government justify themselves by saying that a clause to this effect has been provided after keeping the working of co-operative societies in view. In this connection I should like to read out a few lines from the Report recently submitted by Mr. F. B. Wace, Officer on Special Duty in the Co-operative Department, for your kind consideration. He says in paragraph 110 which I think is quite relevant to the matter under discussion :—

110. It is, I think, unnecessary to put forward any elaborate justification for the special treatment of Co-operative Credit Societies under such legislation and indeed special treatment has already been accorded in some respects. It is only necessary to point out (a) the fundamental difference between Co-operative Credit and the credit supplied by money-lenders and similar agencies, and (b) the fact that other credit agencies have by recent legislation practically been driven out of the field, and unless Co-operative Credit is given certain special facilities and special treatment under these Acts, it will be impossible for it to take the place of previous agencies to the extent that agriculture undoubtedly requires.

It has been said in the last lines that other credit agencies have by recent agrarian laws practically been thrown in the background and the provisions of those Acts do not apply to co-operative societies. Sir, as you are aware that we have always been trying to protect zamindars from the burden of debts, we will oppose every such measure that is likely to go against their interest. If Government wants to claim credit for lowering the rate of interest, I may tell them that not only in the Punjab but in order to scale down debts, everywhere in the world the interest is being lowered. As the agricultural credit has suffered a lot, I wonder what the zamindars will do in future when they will not be able to borrow money as easily as they have been doing before. For this purpose, it is said, that co-operative societies and land mortgage banks have been exempted by Government. It is clear that money-lending is not allowed by Government under the law; but, if a person gives up money-lending and starts a bank then money can be borrowed from him without any obstruction. How strange that seems to be! I am afraid that by doing so the co-operative societies and banks would become more dangerous than even money-lenders and that it would be impossible for co-operative societies to take the place of previous agencies to the extent that the agricultural needs require. When this is the state of affairs I do not think Government should say that they have enacted the agrarian laws for the good of agriculturists. As a matter of fact, as it stands to-day the number of 'agriculturist' money-lenders is much greater than that of non-agriculturist money-lenders. Sir, what I want to submit is that if Government is out to afford opportunities to the zamindars to borrow money from the co-operative societies, the rate of interest here also should be lowered down, so that the zamindars may be able to get as much money as they require. But what is being done here? Laws are made in order to stop the credit supplied by money-lenders and similar agencies, and nothing is being done to find out a substitute for it. It is a well-known fact that money-lenders used to supply large amounts of money to the zamindars, but now what will they get from co-operative credit societies? These societies will advance them as much money as it lies in their power to lend. It shows that instead of sending the zamindars to knock at a money-lender's door, who would supply them more, they are being compelled by Government to go to co-operative societies that will

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charge unregulated rate of interest. I, therefore, submit that by limiting the rate of interest Government would do a lot of good to the zamindars, but as they are going to leave it unrestricted and unregulated in the case of scheduled banks including co-operative societies I am sure, this attitude of Government will not stand the zamindars in good stead at all. They will simply fall out of the frying pan into the fire.

It may be asked by Government benches why the zamindars should borrow money from anybody, may I submit a word in this respect? Sir, if you take a bird's eye view of the present condition of the peasantry of the province you will see that they are so hard hit that they cannot pull on without borrowing money. I should like to quote the Honourable Mr. Manohar Lal's words in this connection. He said in his speech in 1934 while discussing the Relief of Indebtedness Bill that out of a Punjabi zamindar's expenditure the land revenue dues alone amount to 40 per cent. And this amount of money he must, in all circumstances, pay to Government. Since the land revenue has not been decreased, the zamindars shall have to borrow money even at the expense of his house and cattle. Sir, because the zamindar of the Punjab is too poor to pay Government dues, so he will have to borrow money for the purpose. Now, since he has lost all resources he would be prepared to go so far as to sell a part of his land, but even then he would not be able to obtain the requisite money as a non-agriculturist money-lender cannot buy his land. Thus having been disappointed from all sides he would be obliged to approach the co-operative credit societies for the purpose. Now the rate of interest, as you know, Sir, prevalent in these societies is higher than the one at which the money-lenders are allowed to advance loans to the agriculturists. The co-operative credit societies charge interest at a much higher rate than $7\frac{1}{2}$ per centum per annum. In short the very institution which was founded for the welfare of the zamindars would be responsible for their financial ruin. If the Government sincerely wishes to save them from any financial embarrassment it should not exempt the co-operative credit societies from the application of the provisions of this section. On the other hand it should see to it that the rate of interest annually charged by these societies is considerably reduced. Apart from these societies you have also exempted the Imperial Bank and the other banking companies from the provisions of this Bill. Our fear is that when the private money-lenders would not find their money-lending business a paying concern and would strongly feel the brunt of the present Bill they would form small private banks in order to get themselves exempted from the restrictions that are being sought to be imposed under the Bill. Thus my contention is that so long as the Imperial Bank or the other banking companies are exempt from the imposition of the restrictions envisaged in the Bill it cannot be safely asserted that the zamindar stands to gain by these provisions. The other day the Honourable Premier was pleased to remark that his Government intended to find ways and means to scale down even the urban debt. I personally welcome the idea and wish it to be brought into operation as early as possible. But here again I would like to impress upon the Government that without effecting a reduction in the rates of interest charged by the co-operative societies and other banking companies it cannot possibly render any help to the urban debtors. On the one hand the Bill

enjoins upon the money-lenders to charge a certain rate of interest but on the other it exempts these societies from such restrictions. In other words the Government compels the debtor to approach the latter and borrow money at a much higher rate of interest. I wonder if they can scale down his debt without lowering the rate of interest charged by these organisations. It was in the fitness of things to elicit the opinion of those who are going to be adversely effected by the operation of the present measures. This Bill was published in the Gazette on the 7th October. Now two months have elapsed since it was published first. During this pretty long period we have disposed of a considerably heavy agenda, and we could very conveniently spare a day or two for considering the circulation motions in the early days of the present session. Had the Government decided on the very first day of its publication to circulate the Bill for a month or two we would have been by this time in possession of very valuable information in the matter, and in that case we would have been in a better position to start discussing it clause by clause.

Then, Sir, it was provided in the original Act that the Board would grant certificates to debtors if creditors claiming at least 40 per cent of the total amount of debt agree to the proposition. But this time they have provided in the present Bill for the deletion of that provision. Government may try to scale down the debt in this way but they will have to see whether this act of theirs would be just and equitable so far as the creditor is concerned. It would, I am sure, further diminish the already reduced credit of the zamindars. I know that to-day the agriculturist of the Punjab is not in a position to repay his debt. He borrowed money when the agricultural prices were very high, then how can he possibly discharge himself of the debt when the prices have gone down? I may state that the present rise due to war is insignificant and temporary but not permanent. Let me point out to Government that the chief factor that prompted the agriculturist to borrow money was the attitude of Government in recovering its dues with an iron hand. At least 40 per cent of the agricultural debt represents the Government dues that the poor zamindars were called upon from time to time to pay in the form of land revenue and water rates. Thus the incidence of Government dues added to the volume of the compound interest resulted in the accumulation of all this colossal agricultural debt. Now if it is the duty of the Government to scale down that debt it is also imperative on it to look after the interest of the creditors. If they provide safeguards for the debtor then it is also incumbent on them to see that the interests of the creditor are not ruthlessly jeopardised. They are anxious to declare a moratorium; they bring forth measures for scaling down debt; they do this and do that for the debtor. Have they ever considered the fact that by doing so they are closing the business of the creditor, throwing him out of employment and depriving him and his dependents of their only means of livelihood? Should I think that the Government need be told that such a policy is sure to effect an increase in the number of unemployed in the province? If they throw the creditor at the mercy and vagaries of the debt conciliation board, they should also arrange for the speedy recovery of his loans already considerably reduced by the board. I may be allowed to mention here that the creditor is also an inhabitant of the Punjab and he too deserves consideration at your hand. He may be a sinner or a criminal but

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it is our duty as a human being to look after his legitimate rights and interests.

Now let us approach the matter from another point of view. The rate of interest fixed in the Bill is very high. The Government may advance an argument that it being provided that the interest should not be deemed excessive if it were more than two per cent. over the bank rate, and as the banks generally charge at the rate of 2 or 3 per cent., the rate would not exceed 4 or 5 per cent. My submission is that by keeping the words "whichever is higher" in the relevant clause the Government has definitely encouraged the money-lenders to extend their rate of interest to $7\frac{1}{2}$ per cent. per annum so that their rate may be at par with the rate allowed to the credit societies. Now this rate is higher than the rate of the Imperial Bank or other banking companies by $5\frac{1}{2}$ per cent. and, therefore, the money-lenders would naturally charge interest at this very rate. But the banks are affording cheap credit to the debtors. Who will be foolish enough to go to the private money-lender to pay him interest at a higher rate? In fact the business of the money-lender would come to a stand-still and he would suffer a lot. Unless Government bring forth any measure by which the interests of the creditors also can be safeguarded it is of no use backing up the debtor at the expense of the former. Besides, in 1934 it was pointed out by the Government Member concerned that there were only three other countries in the world where Acts of such nature were in force. They are Rumania, Yugo Slavia and the United States of America. These were the only countries in which such Acts had been enforced. I think it will interest the honourable members if I read out a part of the speech of the Honourable Member relating to this part of the question. He stated:—

If I remember rightly, the condition of the zamindars of Rumania was as bad as it was before they tried this experiment of wiping the slate clean, and if we try the same thing in the Punjab, I have no doubt whatever that we will come to the same result. There is another European country where agriculture is the premier occupation that is, Yugo Slavia. I have here the issue of "the Economist" of September, 1933, from which it appears that owing to agricultural depression the purchasing power of the peasant of Yugo-Slavia was all but lost, that he was unable to buy and the trader was unable to sell and so on, on which the Government of that country had to declare a semi-moratorium for the zamindar class. First of all they had to step in and reduce the rate of interest. It had often exceeded 24 per cent. Government first reduced the maximum rate of interest. Then the peasant became a little bit better off, but this improvement was counterbalanced by another factor. The semi-moratorium soon hit the little shopkeeper, he passed it on the big trader, the big trader passed it to the banks and the result was a financial crisis in that country.

There is another country—a country of which the ruler is probably one of the most powerful men in the world except perhaps the Punjab tahsildar—I refer to the President of the United States. Recently I think we have seen a statement in the "Statesman" that the attempt made in the United States to fix prices had failed. I quote these three instances to show that any interference with economic laws is almost as difficult and dangerous as any interference with laws of nature.

I may submit, when the Punjab Relief of Indebtedness Act was being passed it was stated on the floor of the Punjab Legislative Council that only an experiment was being made and if it proved successful, then and then only the Government would proceed further. But my submission is that the proposed measure will not give any relief to the zamindars unless and until some amendments are made in it. I do not think that it will do

any harm at all to my honourable friends opposite if the people who are going to be affected by this Bill are allowed to express their opinion about it. With these words I support the motion for circulation of the Bill under discussion.

Pandit Shri Ram Sharma : On a point of order, Sir. Is it not essential that any member who has given notice of any amendment should be allowed an opportunity to speak on his amendment, as is the case with me? I gave notice of an amendment, and am not being allowed to speak.

Mr. Speaker : When the same amendment is given notice of by several members and on the motion of one of such members, it is brought under discussion, if any one of them rises to speak and catches the eye of the Chairman, he can take part in the discussion. But he cannot move his own amendment, unless the amendment already moved is voted upon.

Pandit Shri Ram Sharma : Even if he rises in his seat can he not be allowed to speak?

Mr. Speaker : Not necessarily. Does the honourable member mean that if fifty members give notice of the same amendment, every one of them should be called to speak?

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjab*): Sir, I have given notice of an amendment to the effect that the Punjab Relief of Indebtedness (Amendment) Bill be circulated for eliciting public opinion thereon, and I wish to put forward some arguments in support of it. At the very outset I may point out that it is for a long time that Government has been making an attempt to place on the statute book enactments which aim at ameliorating the condition of the poor agriculturists. Now the proposed Bill has been moved with a view to carry out certain amendments in the Relief of Indebtedness Act of 1934. In this respect I may point out that it was Mr. Darling who first revealed to the people of the Punjab that the rural population was indebted to the extent of 90 crores of rupees. Now at the time of the Banking Inquiry Committee it was pointed out that the rural population of the Punjab owed something like 135 crores of rupees by way of debt. When the Relief of Indebtedness Act, which is sought to be amended by the proposed Bill, was being passed, it was stated on the floor of the Punjab Legislative Council that the debt of the rural population amounted to 200 crores of rupees. Now five years after the enactment of the Punjab Relief of Indebtedness Act this amending Bill is being moved by the Government but it has not been pointed out as to what is the extent of the indebtedness of the rural people, and whether their debt has decreased or increased. As a matter of fact nothing has been told by the Government. I may point out that the Acts which have so far been enacted for providing relief to the poor agriculturists, have failed to give any relief to them because if we take into consideration the rural indebtedness we would find that the debts of kisans instead of decreasing have actually increased. It means that the remedies which have so far been proposed have not helped the people in getting rid of their loans. In my opinion these remedies were not the correct remedies. Although I am of the opinion that from some points of view those remedies have proved useful for the rural people, yet I may point out that the present Government or for the matter of that the Unionist party had not that strength of mind to propose such remedies which could have given sufficient relief to the poor people. I think it

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is idle to think that the amount of debts of the rural people which has gone up by leaps and bounds during the last five years, can be reduced by this amending Bill. The proposed measure is inadequate and I do not think that any useful amendments have been proposed by which the debts of the rural people can be scaled down. Even the Parliamentary Secretary has admitted in the course of his speech that the proposed measure did not go far enough and he has pointed out that the Bill can be improved upon in the select committee. But I may point out that such like amendments can be accepted only if all of them are placed before the public and they are allowed to express their opinion on them. If they say that they require those amendments, then and then only those amendments should be carried out. I am also of the opinion that unless and until there is strong opinion in the select committee we cannot hope to carry out any amendments. In the circumstances it would be better if this Bill is circulated for eliciting public opinion thereon.

Besides, I may point out that there are one or two things in this Bill which are very important and to which reference has already been made by the Leader of the Opposition. The most important of them is that in future the rates of interest charged by the co-operative banks would not be regarded excessive by any court of law. My honourable friends are actually placing these co-operative banks at par with Imperial Bank of India. This fact proves beyond all doubt the extent to which the party in power has any sympathy for the poor zamindars and as to how far they are going to provide any relief to the poor agriculturists. It is a matter of common knowledge that these co-operative banks are even worse than *sahukars*. I may also point out that the co-operative banks were not included in the previous Acts. But now they have been included in this proposed Bill. According to the previous Act the co-operative banks were not exempted from the operations of that Act and it affected them in the same way as it did other *sahukars*. It is a matter of great regret that in the proposed Bill which has been moved with a view to lighten the debts of the kisans, co-operative banks have been given exemption and no court can deem the rates of interest charged by them as excessive. There is no justification for this exemption. If seven and a half per cent. rate of interest can be regarded as excessive in the case of *sahukars* there is no reason why the same rate should not be regarded as excessive in the case of co-operative banks.

But I would submit, none the less, that the rates of interest proposed in this measure do not afford very substantial relief to the poor agriculturists who are steeped in debt. In my humble opinion the rate of interest should on no account be allowed to exceed 6 per cent. Again, I want that the measure should equally apply to all debtors irrespective of their belonging to one community or another. What I mean will become clear by the perusal of clause 10, sub-clause (4) part (3) (b) which runs as follows :—

Every member of a tribe notified as agricultural under the Punjab Alienation of Land Act, 1900, and every member of scheduled caste shall be presumed to be an agriculturist until the contrary is proved.

In this sub-clause it is defined as to who will be an agriculturist. In the first place, all those persons will be regarded as agriculturists who are members of a notified agricultural tribe under the Punjab Alienation of Land Act.

1900. Secondly, the members of scheduled castes will also be regarded as agriculturists. It is here that distinction has been made between the different members of the scheduled castes. One class of members of the scheduled castes has been favoured while two classes of them have been hit hard by this provision. Whereas Hindus, Muslims and Sikhs are equally treated under the Punjab Alienation of Land Act, I afraid the same is not going to be the case with regard to the members of the scheduled castes. Only those members of the scheduled castes will be benefited by this Bill who are Hindus, while those who have embraced Sikhism or Islam and are called Mazhabi Sikhs or Mussallis, will be deprived of the blessings of this Bill, although they belonged before their conversion to the same scheduled castes to which the Hindu members of the same tribe belong. A number of other privileges and concessions are given to the Hindu members of the scheduled castes, like the right of vote and the fee concessions in the schools, while the same concessions are denied to them as soon as they are converted to Islam or Sikhism.

Mr. Speaker : Irrelevant.

Sardar Kartar Singh : I do not know whether this discriminatory clause has been deliberately introduced in the Bill or it has crept into it unnoticed. Be that as it may, I want that this discriminatory provision should not be allowed to continue in the Bill extending the advantages of the Bill to the Sikh or Muslim members of those very scheduled castes.

My next objection to this Bill relates to the cases of *mustajari* : A '*mustajari*' is valid for 20 years, that is, for the better part of the life of a debtor who obviously becomes a debtor when he is quite grown up. It is clear, therefore, that a land once placed under *mustajari* practically remains out of the possession of the real owner for the whole of his life. The House will be astonished to learn that even the so-called life sentence of a criminal lasts for 14 years only. The poor landowner is worse off than the criminal who is sentenced to life imprisonment. I want that a *mustajari* should be valid only for a term of six years or so.

Again, I would submit that the agricultural debt has not been eliminated from the province in spite of the repeated efforts of the Government. As a matter of fact 80 per cent. of debt should be wiped out by the Government and the remaining 20 per cent. should be paid by the Government. This will not constitute any hardship to the Government. In reality the Government is responsible for about 40 per cent. of the debt of the agriculturists because most of the debt was raised by them in order to pay the land revenue or *abiana*. Without this procedure there can be no other solution of this difficult problem. A more radical measure is needed than the one proposed by the Government. Minor and ordinary Bills will not suffice. A mere eyewash will not do. The Government should not try to throw dust into the eyes of the poor agriculturists. But if it will persist in its slow methods, a period of full hundred years will be wanted by this Government to scale down the debts of the poverty-stricken agriculturists, and God forbid this Ministry should continue to enjoy so long a lease of life ! Unless the remedy suggested by me is applied, no amount of economic measures will solve the real difficulty. But the Government wishes to set one caste against another. In fact caste in this province only means a

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certain profession. We can tell from one's profession as to what caste one belongs, and *vice versa*. The Government is responsible for raising the communal question by giving certain privileges to certain castes of people. This leads to disorder and riots in the province. If this were not so, the Government would have succeeded in scaling down the debts of the agriculturists, but that is not the case. Originally we were told that the agricultural debt amounted to 90 crores, but after applying the remedies which the Government prescribed in the form of debt legislation, we are surprised to learn that the debt has increased to 135 crores. Thus if the benevolent Government will try to further apply their remedies, we are afraid, the agricultural debt will be enhanced to 200 crores of rupees. If the Unionists will try still further, the fear is that the debt will multiply to 300 crores. The fact of the matter is that there is no real will to scale down the debt. That is why wrong remedies are applied. The Unionists are only demonstrating their lip sympathy with the poor and indebted classes. They are showing the poor how they are spending their valuable time in the Assembly for the good of the latter. I want a radical improvement in the Bill and that cannot be brought about unless the Bill is circulated for eliciting public opinion thereon. That is why I strongly support the circulation motion.

The select committee will not be able to improve it very much. More drastic changes are needed than the select committee can effect. When the Bill is circulated the press and the public will give their opinion about this measure. In the light of that opinion it is hoped that the Bill may be improved and then entrusted to the select committee which will be able to make the necessary amendments.

3 P.M.

In view of the foregoing reasons, I support the circulation motion.

(Voices : Question be now put).

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : To my mind, Sir, this is one more addition to the list of black Bills that have so far been passed by this House. The scope of the Bill, as is recognised on all hands, is very wide and its effect will be very far-reaching indeed. If the object were really to benefit the agriculturist or poor people by reduction in the rate of interest, I would not have a word to say against it. I would, in that case, have been the first man to support this measure. But what do we find? The position here is that whereas one class of creditors is sought to be ousted, the same privileges—rather greater privileges—are being given to another set of creditors who may exploit the zamindars to the best of their ability. I have not been able to understand why the Imperial Bank, which has all the resources of the State at its command and which has crores of rupees lying without interest in its coffers, be permitted to lend money to the poor zamindars at more than seven and a half per cent., while the ordinary creditor is not allowed to do that. The same facility was given to the Imperial Bank and to the scheduled banks at the time of the last legislation. Now the co-operative societies are also brought in. I ask the Government, in all seriousness, whether they think that the co-operative societies are as honest as the Imperial Bank. Is not corruption rampant in co-operative societies

to a very great extent? Or, do they believe that the loans which the poor agriculturists might take from the co-operative societies at a higher rate than from the other class of creditors would not be burdensome to them? Why should they not take loans from the class of creditors from whom they have been taking for centuries past? This is a clear question and I want a clear answer. If the idea is to reduce the burden of poor men—agriculturists and others—the universal and uniform method would be to reduce the rate of interest to as low a limit as you possibly can. To that nobody will have the least objection. If you decide that the rate of interest on these transactions hereafter should be lowered, there would be nobody who would object. If it pays the creditor to advance money at that rate of interest, he will do it, otherwise he will not do it. Another thing that I ask in all seriousness is whether they think that this one class of creditors is dishonest, as is assumed by this Bill that they are, whilst the debtors as a class are all honest and angels. My honourable friend Mir Maqbool Mahmood did tell us in the course of his speech that this measure has been brought in as a result of the experience gained by the working of this Act since the year 1935 when it was enforced. Have not things during the course of last four years come to their notice that the debtors, even after decrees were obtained against them, did their level best to see that the objects of the decrees were entirely defeated? Are they not aware of the real difficulties of the decree-holders and of the fact, that their real troubles start from the moment a decree is obtained? Are they not aware of the fact that eighty or eighty-five per cent. of decrees amounting to crores of rupees have never been realised? What have they done to protect that class of creditors who are affected in this manner? My reading of the situation is that the Government is determined to perpetuate class hatred by passing this measure. That is my honest and sincere conviction. The class hatred is being imposed without any good being done to the class of people for whom they profess that they are doing this good. Some good might be done to some people but what about the real tiller of the soil?

Let us now see what are the amendments that are sought to be introduced by this Bill. The first is 15-A. Clause 15 as it stands in the former Act is as follows:—

15. The Board shall call upon the debtor and each creditor to explain his case regarding each debt, and shall use his best endeavours to induce them to arrive at an amicable settlement.

A very noble idea that they will advise them to arrive at some suitable arrangement between the creditor and the debtor. Let us see what is the new addition that is proposed. It is as follows:—

- 15-A. If a creditor or debtor, as the case may be, challenges the genuineness of any claim included in an application, the board shall adjudicate upon the issue. The decision of the board under this section shall be final, and shall not be open to dispute in a civil court.

I do not really know whether these powers can, with any justification, be given to a set of people who neither know law nor are conversant with it and in most cases to people whose honesty even is not above board. Would you give any such power to an experienced first class sub-judge, that he may adjudicate upon a claim and the result of the adjudication shall be final without any appeal to any authority whatsoever? I do not know in whose interest this thing is being done unless you come forward and say that you

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want all debts to be wiped off. Do be honest and tell us if you want all the debts to be wiped off. Then there is section 20. Formerly a certificate could not only be granted if forty per centum of the creditors of a debtor had come to certain arrangements with him. So there was some check. Now, even if all the creditors do not settle with the debtor simply because the proposal is very unreasonable, the board has still the right to grant that certificate in utter disregard of the wishes of the creditors as a whole. May I ask if this is fair and honest? Now, I would draw the attention of the House to proviso of section 20. Formerly it was provided :—

Provided that the board shall not grant a certificate unless the board is satisfied that creditors to whom not less than forty per centum of the debtor's debts are owing have come to an amicable settlement with the debtor.

Now, this proviso has been deleted. The result of the deletion of this proviso is too clear to need any further comment and means that even if one per cent. of the creditors have not come to settlement with the debtor, the board, if it in its wisdom thinks, will still grant a certificate in respect of that claim.

Now, I come to section 37. Formerly it read like this :—

Where, in a suit for the recovery of a loan, the court is satisfied that an entry relating to the loan has been made in any document showing the amount of the sum advanced to be in excess of that actually advanced *plus* legitimate expenses incurred, the court may, at its discretion, disallow the whole or any part of the sum claimed by the plaintiff.

The court, after going into the merits of the case, *may* disallow whole or part of the claim, where it is found that something wrong has been done. What do we find now? The present Bill says that the court *shall* disallow. It makes it mandatory. Just imagine the loss to a creditor say of Rs. 20,000 if an entry of Rs. 2 out of the claim for Rs. 20,000 somehow or other is found to be false by the board.

Mr. Speaker : These arguments have been advanced already and have been discussed in detail.

Sardar Sahib Sardar Santokh Singh : Now, what is the amendment from this side? It is that the Bill be circulated for eliciting public opinion and that public opinion should come by the 8th January, 1940, or 20th January, 1940, hardly a period of one month or one month and a half. Heavens will not fall if the Government were to wait for one month or 40 days. We do not forget the time when the Marketing Bill was passed and was under discussion. The Government said that zamindars were losing crores of rupees and that they could not wait a day longer. Now, what do we see? This wise Government has taken more than a year to frame their rules. May I ask them where their sympathies are now towards poor zamindars? Are they not losing crores now? Why have they not made the rules as yet? To my mind it appears that it is a matter of *aid* with the Government. If the Opposition says that a certain measure should be referred to a select committee, the Government refuses it and says, 'No.' And if the Opposition wants a measure to be circulated, they say, 'No.' If they send this Bill for eliciting public opinion for one month or 40 days, I am sure, heavens will not fall. May be that they do not want to benefit by the sane advice of public, but why should they hesitate to receive that advice? It will

be for them to act or not to act upon it. Their sister governments have also passed such measures. They have passed the Tenancy Act in the United Provinces. It was a contentious measure. They gave opportunity to the zamindars to discuss the measure for two years. Then they passed it into law in a modified form. But here the Government is only counting upon their numbers. I submit that the period of one month or forty days is not long. They may not be able to enforce the Act if passed for two years. I think, the Government will not be losing anything if they agree to circulation motion. It is not dilatory at all. Opinions are not sought to come by 1941, but by 8th January, 1940. So, they are losing nothing. With these words, I support the amendment.

Mr. Speaker : The Honourable Premier may now speak to the amendment only.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I had expected that this amendment would get the support of only a few members of the Opposition and others would not countenance it. But I was surprised to find the names of my friends Sardar Partab Singh and Sardar Kartar Singh among its sponsors. Of course, I had not expected my honourable friends to part company with the members of their party and support their zamindar brethren, but I was surprised to find these two honourable members exploding the myth of their love and sympathy for the zamindars by adopting these dilatory tactics with regard to this Bill.

Sardar Partab Singh : It is a question of only twenty days.

Premier : The honourable member says it is a question of twenty days only, but it is an unnecessary delay all the same. As has been pointed out by the leader of the Opposition the Bill bears the date of 7th October and thus during the last two months there was ample opportunity for all concerned to express their opinion. Opinions could be expressed through newspapers and they could also be sent direct to the Government so that they could be taken notice of in the select committee. Similarly those honourable members who have made a special study of the provisions of this Bill can give us the benefit of their knowledge and advice in the select committee.

I did not expect that the whole Opposition which consists of so many diverse elements and conflicting interests, would support this dilatory motion with one voice. I had thought that they would be divided among themselves as was the case when the golden Bills were being discussed. But we find that even a small number of capitalists can make others vote to order and not according to the dictates of their conscience.

To my mind it appears that my honourable friend has very confused ideas. He is sailing in the same boat along with his other capitalist comrades. He being responsible to a few capitalists cannot ignore their interests. If he honestly believes that by postponing this Bill to an indefinite date he is likely to gain something, then I must submit that he ought to have gone through its clauses carefully. There is no use in deferring it to a future date. It is already overdue. The Bill has taken two months and I am still giving two months more for further consideration. In the meantime

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every association can easily express its views. Even people living in Rangoon can send us their opinion. I cannot understand why they are insisting on the 21st December. What purpose will this extension of time limit serve? Are they sure to create a new heaven and earth during these fifteen days? Will they be able to make the people change their views within these two weeks? If they really believe so then I must confess that they are living in a fool's paradise. The Opposition asked me to give them twenty days. I have given more time. Now it is the duty of the members of this House as well as the outside public to inform the Government of their views about the Bill. If anybody wants to make any constructive suggestion or if anybody wants to make any alteration, amendment or improvement in the Bill he must inform the select committee to that effect. After having done all this I must say that if the Opposition is not satisfied with the arrangement but wants to delay the Bill then without any prejudice to anybody, my opinion is that the Opposition is not behaving properly. This attitude of the Opposition is a clear index to the fact that they do not favour the idea of an early passage of the Bill. They want to keep it in abeyance. We were condemned by the Opposition when we passed the agrarian Bills and similar language is being used by them now. They say that the agrarian Bills were black Bills and the present Bill is their child.

Shrimati Raghubir Kaur : Those were really black Bills.

Premier : My honourable sister says that those were really black Bills. I submit that the members sitting on the opposite benches opposed agrarian Bills on the assumption that they were meant to benefit the big landlords only. Now when events have proved to the contrary they have invented a new formula simply to abuse the Government. Let me repeat what I said in the Simla Session that we do not want to injure honest creditors. I submitted many a time that agrarian Bills were not meant to harm honest and fair dealing persons whether they belong to urban or rural population. I ask my honourable friends to go through this amending Bill carefully and I give them a solemn assurance that if they convince me that this Bill is likely to injure the interests of honest creditors I shall withdraw it forthwith. I shall always try to protect honest creditors. Then, Sir, the representatives of the Opposition in the select committee have full liberty to submit their proposals. My friend the Leader of the Opposition did not speak so forcefully to-day as he usually does. I think he was rather timid. I understand very well the reasons of this obvious change. He was pressed on one side by the high sounding and oft-repeated creed of the Congress that it stands for the emancipation of the poor and on the other side by the dread of the capitalist voters who have sent him to represent their interests in this House. He found himself just between the devil and the deep sea. The fear of speaking against the Congress creed or the dread of uttering something against the interest of his capitalist voters made him timid and therefore, he could not rise to the pitch of his usual fury in the speech.

Sardar Hari Singh : The same landlords who are backing you.

Premier : Yes. My honourable friend has perhaps forgotten that his leader is representing here those urban capitalists who have been sucking my

blood for the last so many years. The difference between him and me is that I have not given up the cause of the poor and exploited rural population whereas he has. Sir, I was not surprised by the speech of the Leader of the Opposition. I know he was on the horns of a dilemma. He had to please two masters ; he did not want to give up the ideal of the Congress, nor was he prepared to annoy his voters. Consequently he made an irrelevant speech and kept throughout beating about the bush. Under these unenviable circumstances he found only one escape, and he supported the circulation motion and sat down. It is very happy that his tactics will win him a cheap reputation through the Congress Press. He has thus succeeded in saving the Congress creed and the backing of his voters.

Now I should like to deal with the objections raised by my honourable friend the Leader of the Opposition. The first objection raised by him is that the proposed amendment to the rate of interest does not apply to co-operative societies. I may point out that a perusal of the Bill would show that if a debtor applies for settlement to the conciliation board, the co-operative societies would be treated like other debtors. Besides co-operative societies have been placed in the category of other banks because their rates of interest are very low and generally they deal with well-to-do persons or with those whose credit is high. Then another objection has been raised by him to the effect that when the bank rate is 3 per cent., why have the co-operative societies been permitted to charge 9 per cent interest ? In this connection I may add for the information of the House that the maximum rate of interest is fixed in such matters. Instructions are issued to the Registrar in order to fix a maximum limit up to which rate of interest can be charged. It is our earnest desire to bring the credit of co-operative societies to the level of the Imperial Bank. I may point out to my honourable friend that we have already exempted the Imperial Bank as far as this matter is concerned and I would ask him not to assume that by doing so we want to obstruct the business of the province. My honourable friend should not ignore this fact that the rate of interest in banks is already low. Therefore our object in fixing a reasonable rate of interest is that the banks may not use dishonest means while advancing loans to people.

Then my honourable friend was pleased to remark that the proposed rate of interest was greater than the prevailing one. May I point out to the honourable member that at the time of fixing the rate of interest we have kept in view not only the present circumstances but also we have taken into consideration the future circumstances. Perhaps my honourable friend has compared it with the rate of the Imperial Bank of India. If he has done so, then the proposed rate of interest is certainly greater. Then he has raised an objection as to why these banks have not been permitted to charge 9 per cent interest. My honourable friends Dr. Sir Gokul Chand Narang and Mr. Bhim Sen Sachar might know that in England the rate of interest went up to 7 per cent during the Great War and similar was the case with the Imperial Bank of India. I may, therefore, submit that while fixing this rate of interest we have taken into consideration all these facts so that it may not affect anybody adversely.

The Honourable Leader of the Opposition behaved like a man with his legs in two boats. He began by saying things which when published in the newspaper would be likely to meet the approval of zamindars. But then all

[Premier.]

of a sudden he thought of his constituents and adopted the usual tactics of a very well known newspaper of our province. That paper is famous for its cold logic. It will go on proving things by saying that two and two make four and that it requires 8 two-anna pieces or two eight-anna pieces to make a rupee. But when the same thing is said by my honourable friend Nawab Fazl Ali or Rao Pohop Singh or myself the journal would say "Yes, two and two make four, but " and then it will go on trying to prove everything said by us to be incorrect. This pastime is so favourite with the paper that very often it will put certain things in the mouth of some one in order to enjoy the satisfaction of discrediting him. Similarly, the speech of the Honourable Leader of the Opposition was punctuated by too many "buts" and he ended by appealing for consideration to the interests of the creditors. Let me inform him that now most of the applications received by the debt conciliation boards are not from the debtors but from the creditors. The reason for this state of affairs is not far to seek. They have so many facilities in applying to the boards which are not possible in the case of the courts. They have nothing to pay to the lawyers or their clerks and there are no court fees. Then again even if a creditor obtains a decree from a court he has to face a good deal of botheration and to offer illegal gratifications in addition to legal and lawful charges in order to get it executed. Even then the recovery of the amount decreed is not certain. But in the case of the boards they know that whatever amount is settled they will get it. It may be four annas or eight annas in the rupee but the creditor will surely get it in cash or in kind. Hence the increase in the number of applications made by the creditors themselves.

Lala Duni Chand : On a point of order. Is the Honourable Premier now discussing the principle of the Bill?

Premier : I am only answering the questions which have been raised by the honourable members.

Mr. Speaker : He is as relevant or irrelevant as other honourable members were. (*Laughter.*)

Dr. Sir Gokul Chand Narang : He is the Premier and ought to know better.

Premier : Then my honourable friend Sardar Santokh Singh raised an objection to the removal of the proviso to clause 20 (1) which lays down that the board is not to grant a certificate unless the creditors whose loans amount to at least 40 per cent of the debts are agreeable. He has asked for a straight answer to the question whether it is not likely to ruin the creditors, and my reply is that the removal of the proviso is proposed to benefit the creditor and not to harm his interests in any way. If you pay a little attention to the question you will realize the truth of my statement.

Dr. Sir Gokul Chand Narang :

اگر شہ روز را گوید شب است این
باید گفت اینک ماء و پیرین

Premier : In reply to that I can only refer the honourable member to the verse the second hemistich of which is—

چشمه آفتاب را چه گناه

So long as this proviso is there a creditor who wants to settle his loans is helpless if he cannot get others to join hands with him to satisfy the condition about the 40 per cent of the debts and, therefore, sometimes false claims have to be brought forward to serve that purpose. I referred to this aspect of the matter in Simla also. If you ask the opinion of the creditors in the rural areas, you will find that they are in favour of the amendment proposed. You should also remember that even if one of the false claims is admitted the genuine creditor stands to lose to the extent of that claim. Thus it is in the interest of the creditor that we want to effect this change.

My honourable friend Sardar Kartar Singh made a speech which could be made with great advantage in his constituency. He said that at the commencement of the measures of relief the debt stood at 90 crores of rupees then they rose to 100 crores and now according to his information the amount is not less than 300 crores.

Sardar Sohan Singh Josh : Do you challenge these figures? You cannot, because they are correct.

Premier : So that is your standard of correctness. Anyway, my honourable friend should know that the amount appears to have increased because it is expressed in terms of produce. When the price of wheat rises it will come down again and you will be glad with the thought that the agricultural debts have decreased. If that is what you teach in your Agrarian Institute then God help your pupils. According to your way of calculation I can assert with authority that since this Government has entered office the debts have come down by 80 per cent (*Hear, hear*). In other words it means that if any zamindar is indebted to the extent of Rs. 100 his debt has been reduced by Rs. 80. (*Interruptions.*) I may point out that my honourable friends on the opposite benches are mistaken in thinking that the measures which we have enacted for affording relief to the poor agriculturists have given them no relief whatsoever. I assure them that if they take into consideration the figures of rural indebtedness or ask some one who understands these intricacies, they would find that since the present Government had come into power, by means of notifications and legislation they had reduced the debt of the poor zamindars by eighty per cent. The remaining 20 per cent is the real debt which the zamindars genuinely desire to pay. I may also make it clear that I for one do not desire that such real debt should not be paid back to the lenders. I think it is the bounden duty of all honest zamindars who have taken loans from the creditors to pay reasonable rate of interest as well. Do my friends want me to wipe out this debt as well? I tell them that I will never do it. I do not think there is any zamindar living in the Punjab who would not like to return the loans he has taken in the hour of need. It is just possible that some zamindars of my honourable friend's way of thinking may have come into existence in the Punjab, who would not like to return the debts to their creditors who lent them in times of dire necessity. (*Hear, hear.*) It is my considered opinion that an honest zamindar can never think of doing so. However I assure my honourable friends opposite that we are taking effective steps to scale down even the remaining twenty per cent debts of the zamindars as soon as possible. If the prices of the agricultural produce go up, I assure you, even the remaining debts of the zamindars would be cleared in no time (*Begum Rashida Latif*

[Premier.]

Baji : May I know whether the Honourable Premier always thinks about the rise in prices of the agricultural produce and that he feels no concern for the other sections of the public ? Not at all. I think my honourable sister is perhaps unaware of the real significance of the rise and fall in the prices of the agricultural produce. I may point out to her that if anybody is hard hit by rise in prices at any time, he gets benefit of it as well soon after. Now if the prices of agricultural produce go up, naturally the wages of the labourers would also increase. If, however, their wages do not increase I assure her that we would see that with the rise in prices of agricultural produce, their wages are also increased. In this connection I may also point out that sometimes a sort of 'lag' creeps in. That is what the capitalists do not like. Sometimes this 'lag' goes on for one year or even two years. In the last Great War this 'lag' continued for eighteen months. But I assure my honourable friends opposite that this time this 'lag' will not continue for more than six months. If this 'lag' is not adjusted in the coming harvest, we hope to do so at the time of the next harvest so that the poor should also get some benefit. (*A voice* : What would become of the tenants ?) My honourable friend over there is again talking of theoretical things. He thinks as if no one here understands these matters. I may tell him that the share of the tenants and landlords is one-half each. If, for instance, there is a profit of Rs. 5, half of it will go to the landowner and half to the tenant.

Then, Sir, my honourable friend Sardar Kartar Singh has objected to the members of the scheduled castes being included in the definition of "agriculturist." Though I have not been able to understand the exact line of his argument, yet I think what has pinched him most is why we have included the members of the scheduled castes in the definition of "agriculturist." I may tell him that we have included them in this definition only because they are also poor agriculturists and their poverty is even more appalling than that of other zamindars whom my honourable friend over there represents in this House. Instead of feeling pleasure on their inclusion in the definition of an agriculturist he has objected that while scheduled castes have been so included nothing has been done in respect of Mazhabi Sikhs and Mussalies. He further inquired whether Mazhabi Sikhs were regarded as Sikhs that they had not been granted any relief by this measure. Apparently my honourable friend is anxious to win over the sympathy of Mazhabi Sikhs and nothing more. However I wish to make it clear to him that if he reads the definition, to which he has objected, he would find that any person who mainly depends on income from land is included in it. With your permission, Sir, I will read it out. It is as follows :—

(3) The following subsection shall be deemed to be inserted after subsection (2) of section 60 of the Code of Civil Procedure :—

"(3) (a) For the purposes of this section the word 'agriculturist' shall include every person who depends for his livelihood mainly on income from land whether as owner, tenant, partner or agricultural labourer."

It is quite clear from the above definition that all those persons who are engaged in agricultural work would get relief by virtue of the proposed

measure. Consequently all the people who live in villages and depend entirely on income from land would get relief by virtue of this measure. Does my honourable friend want that the members of the scheduled castes should be excluded from this definition merely because they belong to the scheduled castes? I may tell him that at least we cannot ignore them like many others who have ignored and treat them like *pariahs* inasmuch as they do not allow them to draw water from their wells nor do they eat or drink with them. The reason why we have specially mentioned their name is so as to dispel any doubts which the courts or any persons may entertain about their being agriculturists. In the circumstances, I am constrained to remark that the criticism of my honourable friend was not at all justified.

In conclusion I may point out that for providing relief to the urban labourers also necessary amendments will be made in the Bill in the select committee. When I moved the Bill I had no intention of providing for the poor people of the urban areas, but my honourable friends Dr. Sir Gokul Chand Narang and Sardar Santokh Singh advanced so very cogent arguments in support of their contention that I was inclined to think that we would have to consider this point as well. They pointed out that in urban areas the residential houses of only those judgment-debtors would be exempt from attachment or sale whose total assets do not exceed Rs. 5,000. This limit was provided in a resolution which was moved in this House. I think the trouble will arise in the case of people who carry on money-lending business on a small scale. So if we include poor people living in the urban areas in the definition of a debtor, naturally money-lenders who do their business on a small scale will stop lending money to them. Therefore in the select committee we will have to take this matter into consideration, so that businessmen should not suffer in any way and at the same time some sort of relief should be provided to the people who possess huts in cities to hide their heads in. In my opinion this difficulty can be solved by incorporating in the Bill an enabling or permissive provision which may be availed of by any one who so desires. If anybody wants to avail of that enabling provision he can apply to the proper authority that he is prepared to act in accordance with that provision. It is, therefore, clear that the businessmen will have the discretion either to stop or continue their business. I think this is the right course which we should adopt and which would benefit both the businessmen and the people to whom we want to afford relief.

In view of these facts, I hope that my honourable friends occupying the opposite benches will support this highly beneficial measure, although it has been sponsored by the Unionist Party that is regarded incompetent by them. I further hope that they will not be taken by the flattery of the clever capitalists and will openly demonstrate their sympathy with the poor by walking into the lobbies along with us and vote against the circulation motion to-day. I also hope that the Opposition will desist from pressing for division on this important occasion.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I give an undertaking to finish my speech in ten minutes and I hope to finish it before ten minutes, if I am not interrupted. There are four points of policy involved in this Bill. I will not go into details. The first point is the reduction of interest, as we find in clause 2. The second point is involved in

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a number of clauses and that principle is to wipe out all debts. Sardar Santokh Singh said that the Government should be frank and say that they want to wipe out all debts. Every clause speaks out loudly the mind of the Government that their intention is to wipe out all debts. Eighty per cent of the debt, the Honourable Premier said, has already been wiped out and the remaining would be wiped out almost entirely by this clause. These debts are being wiped out by seven devices. One device is that the debts would be wiped out where a debt is owed to joint creditors and the statement is not signed by them all jointly, even if it has been signed by each of them individually. This is a most astounding thing. I do not want to dilate upon it. It is absolutely clear that the amendment proceeds from a sinister mind and has been actuated by a sinister motive. (*Honourable Premier* : No, no.) The second device is that if a creditor is absent on any date, his debt would be wiped out subject to revival under certain conditions. But once he is absent his debt would be wiped out. Then there is the third device. Up to this time there was a doubt whether the conciliation board had the right to go into the question whether a certain claim was genuine or not. Some conciliation boards refrained from going into that question and the High Court had to deliver rulings on the point that the conciliation boards were not boards of adjudication, but boards of conciliation. There are two rulings on this point which probably the Government had in mind. Now what will happen? Full power has been given to the boards to determine whether a debt is genuine or not and no appeal is allowed. This means that full licence has been given to the conciliation boards to declare even the most genuine debt as fictitious, because they will know that there is no appeal and no revision. This is the third device to wipe out debts. The fourth device to wipe out debts is—and I am surprised that the Honourable Premier considered that to be a favour shown to the creditors,—the deletion of the proviso to section 20 of the existing Act. Formerly an agreement of the holders of forty per cent of debts was necessary. That has been wiped out. He says it has been wiped out because fictitious creditors came forward. What will happen now? Now it will be open to the conciliation boards to say with respect to any offer that is made by a debtor that it is a fair one and the creditors will be bound to accept that offer. He tried to throw too big a handful of dust into our eyes, but I think the attempt was too palpable and if he is genuinely of this opinion then I would say that he is entirely mistaken and he has been deluded into this belief. It is not in the interests of the creditors. It is entirely and absolutely detrimental to their interests. We will all know the stuff of which the conciliation boards in the provinces are made. A vast majority of them belong to the debtor class and therefore it is their effort always to wipe out debts as far as it lies in their power. There may be honourable exceptions but we have to search them with a microscope or with a telescope. We have not yet come across people to whom we can give that credit. Then, Sir, the fifth device is that if in execution proceedings some animals are attached and if the execution is suspended, the animals should be returned to the debtor with the proviso that the debtor will not be able to sell them. He can kill them, he can have them stolen and he can tie them up in the *tavela* of his neighbour and say, I do not know where the cattle have gone. After all the cattle have got four

legs, they can move and they have run away. They had been sent to the pasture land and they have not returned and so on. The beauty is that no penalty has been imposed upon the judgment-debtor for even selling the cattle or doing away with them. This is the fifth device. The sixth device is the application of *damdupat* to the original principal amount advanced. I need not go into the question because it has been partly discussed by Lala Duni Chand and others. The seventh device is in clause 10 which seeks to amend section 60 of the Civil Procedure Code. The meaning of agriculturist have been widely extended. Even those gentlemen with an income of three lakhs, seven lakhs a year, may be sometimes ten lakhs a year, will be considered agriculturists and the onus will be on the other side to show that they are not agriculturists.

Minister for Revenue : Who is he ?

Lala Bhim Sen Sachar : *Chor ki darhi men tinka.*

Dr. Sir Gokul Chand Narang : There is no straw in his beard.

Minister for Revenue : He is the owner of many sugar mills.

Dr. Sir Gokul Chand Narang : Another device is in clause 11. It says—

In section 37, for the words 'may at its discretion disallow the whole or any part of the sum claimed by the plaintiff' the following shall be substituted :—

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'shall disallow the whole claim with costs'.

This is another device in which the debts are going to be wiped out. The Honourable Premier said that 80 per cent of the debts have been wiped off and every gentleman on this side was very glad. I would not say how many of them are debtors and how many of them have been benefited. However, they were very happy when the Honourable Premier claimed that 80 per cent of the debts had been wiped off. But may I ask the Honourable Premier at whose expense this 80 per cent has been wiped off ? Are they not God's creatures ? Are they not the subjects of His Majesty ? Have they no claim on the sympathy of this Government ? Are they not entitled to justice and fair play at the hands of this Government ? I was going to use some strong word, but I will refrain from doing so. But I can say without any hesitation that in making this statement, the Honourable Premier damned his own Government that it had been unfair and that during its two or three years' regime it had robbed a certain class of people of this province of 80 per cent of its dues. This is a confession of which any decent and just government would be ashamed instead of claiming any credit.

The Government has been claiming that it has done this thing and that. But, has it made any provision in this Bill for the payment of any amount, however small it may be, that is found due by the conciliation boards ? There is not a word about it. The Honourable Premier has been saying that the conciliation boards help in recovering the amounts due after scaling down the debts. But even that requires examination, because such cases if any must be very rare. If the object of the Government is to scale down the debts and also to do some justice to the creditors whose debts are scaled down from Rs. 100 to Rs. 20 or Rs. 30, what is the duty of the Government ? It should make a provision for the repayment of that small amount. Did they

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not have before them the example of the Central Provinces Government to whose Bill Mir Maqbool Mahmood referred? In the Central Provinces where the conciliation boards scale down the debts, the scaled down debts are recovered as arrears of land revenue. This statement the Government cannot challenge. Even in the small State of Bhavnagar the Government has taken steps to scale down the debts and take them over to itself and pay back the debts to the creditors and recover the amounts in small instalments from the peasants. Why should not our Government do the same here? This clearly shows that the Government is showing discrimination between one class of its subject and another. It is all one-sided robbery of which no Government can be proud. If I had time I would quote passage after passage from the speech of the present Finance Minister who drew the attention of the then Government to various points. I would however be content with merely commending Mr. Manohar Lal's speech to the attention of the Honourable Premier. If Mr. Manohar Lal had been occupying these benches he would have condemned the present Government. With your permission, however, I should like to quote a few lines from his speech. At page 193 of the Punjab Debates, Volume XXV, he says—

The other consideration is a dominant principle which governments must bear in view, and which I trust and I make no doubt, the Punjab Government is bearing in view, that nothing should be done to shake the basis of rural credit, because if that were done, we would not be helping the very class which we are most anxious to help.

I also have said this so often in connection with the discussion of the so-called black Bills. Again he says speaking of the agriculturists—

He has to pay to the Government in land revenue and abiana something like 40 per cent of his total expenditure. His expenses on the upkeep of bullocks is about 36 per cent, his expenses in seeds is about 6 per cent. Then there is expenditure of something on hired labour which varies, call it about 10 per cent. The rest is represented by implements and similar items. You will note that we have only to look at this analysis to realise what large percentage of the total expenditure is taken away by our honourable friend, the Finance Member—40 per cent of the total expenditure.

He is now doing exactly what his predecessor was doing in those days. He further says—

The question still remains whether the measure proposed is an appropriate one, whether it gives the necessary amount of relief, whether in the effort to give relief it does not affect seriously the very foundations of rural credit so essential for village economy and whether it touches improperly the fundamental principles of justice and propriety.

He goes on to say—

If that be so, is it not the dictate of wisdom that we should adopt some method by which something can be realised? What strikes me, and what is so clearly expressed in that most eminently sane opinion of Mr. Moon that we have before us, is that we must face the necessity of assuring payment of debts. Mr. Moon has used no really harsh words when he insisted on certain fundamental provisions that a piece of legislation such as this must embody. I do not think there is any getting over this that when you are making an effort to reduce the amount that may be due from the borrower, you must also see that recovery is made more easy and payment is better assured.

Instead of making recovery more easy, they are making it more difficult. Then with respect to the question of interest he says—

I will just read half a line from the Punjab Banking Inquiry Committee's Report at page 33—

'In the circumstances, though the rates in this country press heavily upon the cultivator, the customary rate of 18½ per cent (*paisa rupia*) for small loans can hardly be regarded as usurious—so far as it is honourably applied.'

Just a few lines more and I have finished. There is another point which Mr. Manohar Lal brought out and that was the distinction between poor agriculturist and the big zamindars. I cannot do better than quote his own words—

Another principle that we must bear in mind is that a distinction must be drawn between large and small proprietors. That is absolutely essential. It can never be the policy of Government, it should never be the policy of any Government, and if it were so Government would stand irretrievably condemned, that in trying to help the peasant who is hard hit and who cannot bear the burden of debt, relief is being given to my agricultural friend there who gets a fat salary in addition to the thousands of acres of land which he owns.

I suspect he was referring to Sir Sikander or Malik Sir Firoz Khan Noon or some other big landowner.

Mr. Speaker : The honourable member need not read very lengthy extracts.

Dr. Sir Gokul Chand Narang : I shall quote only one line more and then I shall conclude. He says—

In considering this measure let them pause and think.

I do not know whether he gave the same advice to the present Government also—

Let them be just to the money-lenders though they themselves have started in the race of lending only a short while ago.

I shall also conclude by asking the Government to be just to everybody and not to rob Peter to pay Paul. I apologise to you, Sir, for exceeding my time, and I am thankful to you for your kind indulgence.

Premier : I should like to reply. I will not take much time of the House.

Mr. Speaker : The Honourable Premier may exercise his right of reply after the amendment is disposed of. (*Interruption*) The question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

(NOTE.—Division was claimed by some members of the Government Party.)

Dr. Sir Gokul Chand Narang (*While the division bell was ringing*) : On a point of order. My point of order is whether any one can mock with the procedure of the House. You know as well as anybody in this House that the gentlemen who have called for the division are going to vote against the motion and it was not for them to call a division on behalf of the Opposition. (*Interruptions.*) It is frivolous and division has not been called seriously. That is unconstitutional. However, I leave it to you to decide.

Mr. Speaker : I will decide the point according to Parliamentary Practice. (*Hear, hear.*)

Dr. Gopi Chand Bhargava : Once such a division was called on a confidence motion and there was not a single member to vote against.

Mr. Speaker : But on that occasion no honourable member raised a point of order inviting my attention to the irregularity.

Premier : Why is my honourable friend afraid of a division? It will record the votes.

Dr. Gopi Chand Bhargava : By all means do it, but do not try to waste the time of the House by these divisions.

Premier : I see.

Mr. Speaker : The honourable members need not worry. According to parliamentary practice a member's vote must agree with his voice. (*Hear, hear from Opposition benches.*)

Diwan Chaman Lall : On a point of order. You have been kind enough to decide according to Parliamentary Practice, but may I ask who the gentleman is who said "Aye"? (*Interruption.*)

Mr. Speaker : If no honourable member can name the members, who claimed division, I may put the question again.

Dr. Gopi Chand Bhargava : Did they speak from their own seats or from other seats? People who said 'no' were not in their places.

Mr. Speaker : The question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

The Assembly divided.

(While the Division was going on.)

Diwan Chaman Lall : On a point of order. May I ask in regard to this proposition as to whether an honourable member, whose voice says 'Yes', but does not vote in the 'Ayes' lobby, but votes in the 'Noes' lobby, is entitled to have his vote counted or it should be counted as an error?

Mr. Speaker : I have already ruled that a member's vote must agree with his voice. So, where voices and votes are at variance and this fact is brought to my notice before numbers are declared by me, I will direct those votes to be counted with the 'Ayes' or 'Noes,' as the case may be.

Diwan Chaman Lall : I draw your attention to the fact that according to Parliamentary Practice, the voice must necessarily go with the vote.

Mr. Speaker : Yes. I have said so more than once.

Diwan Chaman Lall : I invite the attention of the House to page 279 of May's Parliamentary Practice where it is said :—

Members must bear in mind that their opinion is collected from their voices in the house, and not merely by a division; and that, if their voices and their votes should be at variance, the voice will bind the vote. A member, therefore, who gave his voice with the "Ayes" (or "Noes") when the Speaker took the voices, is bound to vote with them.

The practice on this point was formerly unsettled. It was debated in the house in 1796. Mr. Pitt maintained that a member was at liberty to force his opponents to a division; while the Speaker pronounced such conduct to be unbecoming and contrary to the rules and practice. All that I ask you is this. If there are any honourable members of the House who have

exercised their voices one way and voted another, will you be kind enough to ask them to rise in their seats so that we may know how many of them there are in this House?

Mr. Speaker : Can the honourable member give me any names?

Diwan Chaman Lall : I request you to ask whether there are any honourable members who said, 'Aye,' but actually voted in the 'Noes' lobby.

Dr. Gopi Chand Bhargava : I pointed out at the very moment when they left their seats and came here and said 'Aye,' and they are now waiting in the 'Noes' lobby.

Mr. Speaker : If honourable members can give the names of such honourable members, I will take the necessary action.

(At this stage Opposition members mentioned the following honourable members :—Raja Ghazanfar Ali Khan, Rao Pohop Singh, Rai Sahib Lala Sohan Lal, and Mian Abdul Rab.)

Premier : When the question was put the second time, nobody, except one honourable member from this side, said, 'Aye.'

Mr. Speaker : I think the Honourable Premier is right. When I first put the question, I think, more than one honourable member said, 'Aye,' amidst noise and uproar. But when I put the question again only one or two honourable members said, 'Yes.'

Diwan Chaman Lall : You ask from those gentlemen whether they said so or not.

Mr. Speaker : I will. But let me announce the result of division. Ayes 1, Noes, 86.

AYES.

Tara Singh, Sardar.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
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 Husain, Captain.
Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
Bhagwant Singh, Rai.
Dassundha Singh, Sardar.
Faiz Muhammad, Shaikh.
Faqr Hussain Khan, Chaudhri.

Farman Ali Khan, Subedar-Major Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Qadir Khan, Khan Bahadur.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur 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.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Maqbool Mahmood, Mir.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Na-
 wabzada.
 Muhammad Hassan Khan Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Jamal Khan Leghari,
 Nawab Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Saadat Ali Khan,
 Khan Bahadur Khan.
 Muhammad Sarfraz Khan, Chau-
 dhri.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Wilayat Hussain Jee-
 lani, Makhdumzada Haji Sayed.
 Muhammad Yasin Khan, Chaudhri.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.

Muzaffar Ali Khan Qizilbash, Sar-
 dar.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Riasat Ali, Khan Bahadur Chau-
 dhri.
 Ripudaman Singh, Rai Sahib Tha-
 kur.
 Roberts, Sir William.
 Sadiq Hassan, Shaikh.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Shah Nawaz Khan, Nawab Sir.
 Sikandar Hyat-Khan, The Honour-
 able Major Sir.
 Singha, Diwan Bahadur S. P.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sir
 dar.

Diwan Chaman Lall : On a point of order. We cannot go further because the division is incorrect.

Mr. Speaker : It will be corrected.

Diwan Chaman Lall : It must be corrected now.

Mr. Speaker : It may be corrected even later.

Diwan Chaman Lall : How can we proceed with the business of the day ?

Sardar Sahib Sardar Santokh Singh : On a point of order. The time is up.

Mr. Speaker : Not yet. The question is—

That the Punjab Relief of Indebtedness (Amendment) Bill be referred to a select committee.

The motion was carried.

Premier : I beg to move—

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

The Honourable Minister for Development,
Mir Maqbool Mahmood,
Sati Abdul Hamid Khan,
Chaudhri Sumer Singh,
Chaudhri Abdul Rahim (Gurdaspur),
Khan Sahib Shaikh Muhammad Amin,
Rai Faiz Muhammad Khan,
Sodhi Harnam Singh,
Chaudhri Prem Singh,
Chaudhri Muhammad Qasim,
Chaudhri Ahmed Yar Khan (Gujrat),
Pandit Muni Lal Kalra,
Lala Bhagat Ram,
Master Kabul Singh,
Rai Bahadur Mukand Lal Puri,
Sardar Uttam Singh Duggal,
Mr. K. L. Gauba.

Diwan Chaman Lall : I rise to oppose these names that have been read out by you.

Dr. Gopi Chand Bhargava : The time is up and it is obligatory for you to adjourn the Assembly now.

Premier : I may suggest that we should sit till 6.30 to-day. (*Voice from the Opposition Benches :* No, no.) I hope with the concurrence of the Honourable Leader of the Opposition we might dispense with the question hour to-morrow and go through the third reading of the Panchayat Bill, (*Voices from the Opposition Benches :* No.) Otherwise my honourable friends shall have to sit up to 10 o'clock. It is their own look out. We should have one or one and a half hours to-day and sit till we finish the third reading of the Bill to-morrow.

The Assembly then adjourned till 12 noon on Tuesday, 12th December 1939.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 12th December, 1939.

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

QUESTION HOUR.

Premier : I move—

That the question hour be dispensed with to-day.

Mr. Speaker : I hope the Leader of the Opposition will agree to the motion. The question is—

That the question hour be dispensed with to-day.

The motion was carried.

MOTION UNDER RULE 12 (8) (c).

Premier : My next motion is—

That the proceedings on the motion "that the Punjab Village Panchayat Bill be passed" appearing on to-day's list of business be exempted at this day's sitting from the provisions of the rule "sitting of the Assembly."

I may add that in case we finish the third reading of the Bill earlier no other business may be taken up and the House may adjourn till after the Christmas recess.

Mr. Speaker : The question is—

That the proceedings on the motion "that the Punjab Village Panchayat Bill be passed" appearing on to-day's list of business be exempted at this day's sitting from the provisions of the rule "sitting of the Assembly."

The motion was carried.

ADJOURNMENT MOTION.

DECLARATION OF JHAJJAR AS FAMINE-STRICKEN AREA.

Pandit Shri Ram Sharma : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the failure of the Government to declare tehsil Jhajjar (district Rohtak) as famine-stricken area in face of the worst famine conditions now prevalent there.

Mr. Speaker : The motion is out of order.

APPROPRIATION AND FINANCE ACCOUNTS.

Minister for Finance : I beg to present the Report of the Committee on Public Accounts of the Punjab Legislative Assembly on the Appropriation Accounts and Finance Accounts of the Punjab Government for the year 1937-38. I may also in this connection intimate to the House that Government proposes to give the 8th of January, the first day after the Christmas recess, for the consideration and discussion of this report.

ADJOURNMENT OF THE ASSEMBLY.

Premier : Sir, I move—

That the Assembly at its rising to-day shall stand adjourned to Monday, the 8th January, 1940, at 12 noon.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The gentlemen alleged by the Opposition yesterday as having voted contrary to their voices are now absent otherwise I would have asked them and decided the matter.

Diwan Chaman Lall : You may take up the matter when they come in.

Mr. Speaker : Does the honourable member insist on his objection or may I now proceed to put the names of the members of the select committee to the vote of the House ?

Diwan Chaman Lall : I have no objection to your proceeding with the business.

Mr. Speaker : The question is—

That the following shall be the members of the select committee on the Punjab Relief of Indebtedness (Amendment) Bill :—

The Honourable Minister of Development,

Mir Maqbool Mahmood,

Sufi Abdul Hamid Khan,

Chaudhri Sumer Singh,

Chaudhri Abdul Rahim (Gurdaspur),

Khan Sahib Shaikh Muhammad Amin,

Rai Faiz Muhammad Khan,

Captain Sodhi Harnam Singh,

Chaudhri Prem Singh,

Chaudhri Muhammad Qasim,

Chaudhri Ahmad Yar Khan (Gujrat),

Pandit Muni Lal Kalra,

Lala Bhagat Ram,

Master Kabul Singh,

Rai Bahadur Mr. Mukand Lal Puri,

Sardar Uttam Singh Duggal.

Mr. K. L. Gauba,

Nominee of the Honourable Speaker,

The Advocate-General, and

The mover.

The motion was carried.

Mr. Speaker : The question is—

That the quorum of the select committee shall be 7.

The motion was carried.

VILLAGE PANCHAYAT BILL.

Minister for Public Works : Sir, I beg to present the report of the Drafting Committee on the Punjab Village Panchayat Bill.

Mr. Speaker : The amendments recommended by the Drafting Committee have been circulated to honourable members. All of them are formal and consequential. Is there any objection to any amendment? (*Voices : No.*)

The question is—

That the following amendments recommended by the Drafting Committee be adopted :—

1. In sub-clause (b) of clause 3 of the Punjab Village Panchayat Bill (hereinafter referred to as the said Bill), for the word 'Punjab' the word 'Provincial' should be substituted.
2. In clause 6 of the said Bill, in sub-clause (4)—
 - (a) after the word "take" the word "the" should be inserted ;
 - (b) the words commencing " Notwithstanding" and ending " confirmed" should be numbered as sub-clause (5) of clause 6 ; and
 - (c) in sub-clause (5) for the words 'the Government', wherever they occur, the word "Government" should be substituted.
3. In clause 7 of the said Bill, in sub-clause (3), after the words "unable by" the words "reason of" should be inserted.
4. In clause 8 of the said Bill—
 - (a) the paragraph commencing "who refuses" and ending "insolvent" should be re-lettered as paragraph (c) of sub-clause (1) of clause 8 ;
 - (b) paragraphs (c), (d), (e), (f) and (g) should be re-lettered as paragraphs (d), (e), (f), (g) and (h) of sub-clause (1) of clause 8 ;
 - (c) in paragraph (g), as so re-lettered, after the word, "panchayat" the word "or" should be added ; and
 - (d) in paragraph (h), for the word "Government" the word "Crown" should be substituted.
5. In clause 12 of the said Bill, in sub-clause (2) for the word 'Act' where it occurs for the first time the word "law" should be substituted.
6. In clause 19 of the said Bill, in sub-clause (1)—
 - (a) in paragraph (k), for the word "purpose" the word "purposes" should be substituted ;
 - (b) in paragraph (c) the word "and" where it occurs for the third time, should be omitted ;
 - (c) in paragraph (p)—
 - (i) after the word 'maintaining' the letter "a" should be inserted ;
 - (ii) for the word "by" the word "and" should be substituted ; and
 - (iii) after the word "approve" the word "and" should be added.
7. In clause 20 of the said Bill, after the word "District Boards Act," the figures "1883" should be inserted.
8. In clause 21 of the said Bill, in sub-clause (1)—
 - (a) in paragraph (c) the word "and" should be omitted ;
 - (b) in paragraph (e) after the word "animal", where it occurs for the third time, the word "and" should be added ; and
 - (c) in paragraph (f) for the word "passengers" the word "passers by" should be substituted.

[Mr. Speaker.]

9. In clause 23 of the said Bill, in sub-clause (2), for the words "the Government" the word "Government" should be substituted.
10. In clause 29 of the said Bill, in sub-clause (1), in paragraph (b), for the word "Europen" the word "European" should be substituted.
11. In clause 33 of the said Bill—
 - (a) in sub-clause (2) for the word "maagistrate" the word "magistrate" should be substituted;
 - (b) in sub-clause (4) for the words "not later than fifteen days" the words "not more than fifteen days later" should be substituted.
12. In clause 36 of the said Bill, in sub-clause (1), in paragraph (a), after the word "caused" the words "by his act" should be inserted.
13. In clause 39 of the said Bill, for the words "the Government" the word "Government" should be substituted.
14. In clause 43 of the said Bill, in sub-clause (1)—
 - (i) in paragraph (c), for the words "market committee or where" the words "market committee constituted under the Punjab Agricultural Produce Markets Act, 1939, or when" should be substituted; and
 - (ii) in paragraph (d), for the word "where" the word "when" should be substituted.
15. In clause 44 of the said Bill, in sub-clause (2), for the words "which are transferred under the provisions of section 46 or 59", the words "to which the provisions of section 46 or 59 are applied" should be substituted.
16. In clause 48 of the said Bill, in sub-clause (3), for the word "future" the word "further" should be substituted.
17. In clause 50 of the said Bill—
 - (a) in sub-clause (1), for the word "defendent" the word "defendant" should be substituted; and
 - (b) in sub-clause (2), for the word "other" the word "further" should be substituted.
18. In clause 59 of the said Bill, for the word "date" the word "dates" should be substituted.
19. In clause 70 of the said Bill, for the word "Inspector", wherever it occurs the word "Director" should be substituted.
20. In clause 74 of the said Bill, for the words "the Government" the word "Government" should be substituted.
21. In clause 82 of the said Bill—
 - (a) sub-clause (3) should be re-numbered as sub-clause (2) of clause 82;
 - (b) in paragraph (1) of sub-clause (2) after the figures "25" the word "and" should be added; and
 - (c) paragraph (n) should be re-lettered as paragraph (m) of sub-clause (2) of clause 82.
22. In clause 83 of the said Bill, for the word "Inspector" the word "Director" should be substituted.
23. In Schedule I to the said Bill—
 - (a) for the figures "264—267" the figures and word "264 to 267" should be substituted; and
 - (b) for the figures "379—411" the figures and word "379 and 411" should be substituted.

The motion was carried.

Minister for Public Works : Sir, I beg to move—

That the Punjab Village Panchayat Bill, as considered clause by clause, and as amended be passed.

Mr. Speaker : Motion moved—

That the Village Panchayat Bill, as considered clause by clause and as amended be passed.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :
Mr. Speaker, I rise to oppose the motion for the third reading of the Bill, moved by my friend the Minister for Public Works with his newly acquired

powers of the Police Department, not because the party to which I belong, that is, the Congress party is opposed to a sound system of panchayats in the villages of the Punjab. We are as keen as, rather keener and more eager and more anxious than the Government benches that the village life in the Punjab should be reconstructed and rehabilitated by a sound system of panchayat life. We are very keen that the villager should be trained in the art of self-government through a good system of panchayats. They should be uplifted and they should be made to lead better, happier and brighter lives by a better system of self-governing institutions in the villages in this land of five rivers. If I rise to oppose the third reading stage it is because this Bill, which has passed the second reading stage, is full of certain pernicious principles, certain harmful provisions on account of which this measure may prove very short-lived and on account of which this Bill may not succeed. On account of its shortcomings and vices this Bill may founder on the same rock on which its predecessor has foundered. The old Indian panchayat system was famous all over the world. The historians of the ancient civilisation have showered encomiums on our old panchayat system.

We learn from history that invasion after invasion came, but the panchayat system remained intact. But what was the authority behind these panchayats? There existed no law, which gave sanction to these panchayats. It was the moral authority behind the panchayats on which the elders of the villages or the heads of various families served. The hand of the iconoclast, the hand of the invader did not touch the vitality of the old panchayat, it could not. It was the product of political circumstances of those ages. We cannot rehabilitate that system with that moral authority in the present day India. Western notions, western principles, western ideas have made inroads into the country and so we have to rehabilitate the panchayats with the legal authority behind the system. With these words of introduction, let us examine the various provisions of this Panchayat Bill.

First of all we fail to find any provision in this Bill, as regards the framing and formulation of budgets, and I think it is a very important, very significant omission.

Mr. Speaker : At this stage the debate should be generally restricted to matters contained in the Bill.

Sardar Hari Singh : I have to discuss the acts of omission and commission of the framers of this Bill.

Mr. Speaker : I think the honourable member should discuss what is contained in the Bill.

Sardar Hari Singh : Does it mean that I cannot make suggestions as to how the Bill could have been improved? It may have been improved in a thousand and one ways.

Mr. Speaker : May I invite the attention of the honourable members to page 421 of May's Parliamentary Practice, where it is expressly stated—

The debate on the third reading is more restrained than it is on the second reading of a bill and is limited to the matters contained in the bill.

Diwan Chaman Lall : May I draw your attention to the fact that the procedure in the Parliament is not the same as ours. Here the third

[Diwan Chaman Lall.]

stage is the principal stage at which all matters relevant to the Bill before the House can be discussed. It is the general discussion stage that we have reached now, whereas in Parliament it is restricted to the matters contained in the Bill.

There is no stage at which honourable members of this House can express their complete opinion regarding the Bill which is going to be passed, except this third reading stage. This stage is the stage at which all amendments have been disposed of and the Bill as amended is before the House. At this stage the amendments have been disposed of and the House is possessed of the actual nature of the Bill. Therefore the third reading stage in India is reckoned to be the stage in which full discussion of the measure takes place and when an honourable member may make suggestions in regard to the improvement of the Bill or he may oppose the Bill.

Mr. Speaker : If an honourable member does not discuss the matters contained in the Bill, but discusses the omissions only, I think he will be going beyond the limit.

Diwan Chaman Lall : As I have stated before, there is no stage at which an entire body of opinion regarding a particular matter can be brought in at this stage when the amendments have been discussed. You will notice that the third reading stage in the Parliament is the stage at which certain amendments can be moved ; we have passed that stage.

Mr. Speaker : I think even at this stage verbal amendments can be made.

Diwan Chaman Lall : But substantive amendments cannot be made. It is only drafting amendments which may be permissible. The amendment stage is over. What we can now discuss is the general aspect of the Bill, how it affects the country and how it affects the people.

Mr. Speaker : The honourable member is at liberty to do that.

Sardar Hari Singh : Perhaps my position has been misunderstood. I am opposing the passage of this Bill at the third reading stage and in opposing the passage I can adduce any arguments, so far as they are relevant to the discussion of the Bill, as to why it should not be passed into law by this House, and I hope to carry conviction.

Mr. Speaker : The honourable member is right so far.

Sardar Hari Singh : However I bow to your ruling and I shall refer to omissions when they are material omissions and when they help my arguments to the effect that this Bill should not be passed by this House, because the Bill has got glaring omissions and because it has got very great defects and shortcomings in it which will not allow the Bill to prove of any use and be successful in the province. However, I proceed further. In this Bill the franchise on which the superstructure of the panchayat system is to be raised is entirely left to the rules. The franchise of voters and the qualifications of electors have not been embodied in the body of the Bill which is a fact that creates grave suspicions as to the intentions of Government. In other Panchayat Acts—go to the Central Provinces, go to Bombay or to Bengal, or take the Government of India Act—you will find that franchise

is laid down in black and white in the body of the enactment. But it is omitted here. It is left to the rules, to the discretion of one man.

Minister of Public Works : Even under the District Boards and Municipal Acts the franchise is left to the rules.

Sardar Hari Singh : Thanks for that correction—a bit of correction. Mr. Speaker, it all depends on the qualifications of electors whether this Bill is going to set up really democratic and useful institutions in the villages or to set up despotic tyranny of the landlords under whom a large number of tenants are working and tilling the lands of the landlords. It all depends on the sweet will of one man out of 175 members whether the institutions that he is going to set up under this Bill will represent, will look after the interests of the depressed classes, whether it will look after the interests of the kamins, whether it will look after the interests of the tenants and working classes, the villagers or whether it will vest the whole authority which may prove to be tyrannical authority, in the hands of a clique of landlords in the villages, of a few chaudhris who style themselves the natural leaders of the people.

Passing further, there is another great defect on account of which this Bill is shorn of whatever utility, whatever usefulness, whatever virtue it might otherwise have possessed. We find and we have already discussed it no doubt at the second stage, that the panchayat officer or any other prescribed authority set up by my honourable friend, the Minister of Public Works, may refuse to confirm a panch who has been elected by the votes of his compatriots in the villages without assigning any reasons but merely saying that it is undesirable in the public interest that such and such panch should not remain in his seat as a panch. May I ask him, why not reject his application when he is standing as a candidate for election? Why allow him to undergo the botheration of election, of wooing the electors and when he has been elected, why turn down his election on the flimsy, arbitrary ground that his election is not desirable in the interests of the public? And the interest of the public in the terminology, in the dictionary of our honourable friends opposite is well-known to the world, at least to this House and to those who listen to the proceedings of this House outside. In their dictionary "public interest" means interest of their own party, of their own clique, the interest of the Unionist propaganda machine. If in that interest it is not considered desirable that Mr. A should be a panch of a certain village, his election will be set aside, although he secures the majority of votes in his favour. The most popular man in the village will be the most undesirable in the eyes of the prescribed authority set up by my honourable friend Mr. Tiwana. Not only that, but a panch who has been working and serving his constituents say for six months or one year, may at any time, if the prescribed authority takes it into his head that he should be removed, would be removed without any reason being assigned beyond the statement that his continuance in office is not in the public interest. Perhaps you would allow me to refer to an instance in my own district of Hoshiarpur where a very popular president of a panchayat, a very successful panchayat of a big village, was turned out of office by the simple fiat of a revenue assistant who was in charge of panchayats in the district on the ground that his continuance as president was not in the public interest. And what was the fault of the poor fellow? He was a member of the Congress; he was the president.

[Sardar Hari Singh.]

of the Congress Committee which consisted of hundreds of Congressmen in his village and it was a most successful Congress committee. He was a strong champion of the Congress cause. Therefore in the eyes of the revenue assistant or my friend, he was not desirable in the public interest as president of the panchayat. What did the revenue assistant do? He dismissed him, perhaps with the permission of the deputy commissioner or some other higher authority and the constituents, the voters of the village were told that they were to elect another president in the place of the dismissed president within a certain time. The villagers gathered together to elect a new president. What was the result? The same president, whom the revenue assistant had dismissed on the ground that his continuance in office was not in the public interest, was re-elected unanimously,—not by an overwhelming majority but unanimously. No one in that village dared to oppose him, stand against him, for this post of president. What happened next? The revenue assistant was shocked. The prescribed authority was shocked. The panchayat was suspended. For what fault? Because the panchayat had the audacity, had the courage, to re-elect the same man as president whom the revenue assistant did not want to continue in office because he was a Congressman and the president of the local Congress committee. That is what is going to happen under the auspices of this Bill. Anybody who is not in public interest, who is a Congressman or who is a political opponent of our friends opposite, will not be confirmed when elected as a panch and if the Maginot Line of the prescribed authority is crossed and somehow his election is confirmed, then six months later or one year later, when it is brought to the notice of my honourable friend sitting opposite and laughing—I do not know at what—looking to the galleries this way and that way—unparliamentarily (*laughter*)—when it is brought to his notice, then surely he will not pass the Maginot Line of my honourable friend opposite.

Minister of Public Works : Why not the Siegfried Line?

Sardar Hari Singh : Then that most successful panch is sure to be scotched there because his continuance is not in the interests of the Unionist party which is synonymous with public interest in this province at least. Mr. Speaker, my submission is that in all the democratic institutions in other lands it is the people who have got the right to remove an undesirable panch. In Switzerland, in Belgium, in France and other places, it is the people, the majority of the people, who are given the right of recalling a panch who has not proved successful and whose continuance in office is not desirable. If at all a person is not desirable and should be dismissed, he should be dismissed in the public interest by the people, by the public, who are the panch's master to judge whether that panch or that president is fit to continue in office or not.

Further on, we have already discussed the disqualification in the case of a panch. We moved an amendment that this provision should be brought in accord with the provisions in the other Panchayat Acts in the Central Provinces, Bombay and Bengal and I quoted from the Panchayat Acts of those provinces to show that there a person could be disqualified on account of a conviction only if he had a certain minimum punishment, that he could be disqualified only if sentence fell within certain years previous to his election

and further on that the Government could remove the disqualification and it is within the power and discretion of the Government to remove the disqualification on application. That is generally done in the case of Assemblies and district boards and municipalities. But our arguments, our words of advice fell on deaf ears which are very keen otherwise and the honourable Minister of Public Works stood up to answer these arguments and he thought he gave a very short shrift to our arguments. He said in case of district boards the things are otherwise. In case of Assemblies it is quite a different matter. These are deliberative bodies and the panchayats are going to be executive bodies. I pointed out at that time that if my friend were to be convicted, he could not become a panch, but could become a member of the Assembly and even a member of the executive government of this province, a member of the cabinet of the council of Ministers. That was a very anomalous position that a person by virtue of his popularity may become a member of the cabinet in charge of the portfolio of panchayats, running the whole system of panchayats in the province, but he may not become a member of a panchayat. I ask my honourable friend to remove this anomaly and he answers my argument with a smile, with scorn and with laughter.

Minister for Public Works : I made a particular offer.

Sardar Hari Singh : Further on in clause 10 it has been laid down that if the people of a village fail to elect a panchayat the deputy commissioner or the collector will be authorised to appoint panches to constitute a panchayat. Now I fail to see any reason behind this provision. I fail to see any force, any argument in favour of this provision. If the people of a village do not elect panches, it means that they do not desire a panchayat. Why impose a panchayat on an unwilling people? If they do not want a democratic institution to run their municipal functions, to decide their suits, it means they are not politically conscious and well-awake. Give them political education. Let them imbibe the democratic spirit. Let them learn the usefulness of these institutions. Educate them and then when they are sufficiently educated and demand a panchayat, establish a panchayat. Do not impose a panchayat on unwilling people through the agency of the deputy commissioner or the collector. Further on clause 13 lays down that the meetings of the panchayats shall always be public. No doubt they ought to be public generally, but provision ought to have been made that in public interest where personal issues are involved, the meetings of the panchayat may be held *in camera* where it is not in the public interest, in the interest of the panchayat, in the interest of the issues involved that the proceedings should be held in public, they ought to be held in *in camera*. In other Panchayat Acts, I think, this provision has been made. But this Bill makes no provision of this sort. Now as regards administrative powers and functions, though the matter to which I mean to refer is not a very material matter, yet it gives an insight into the mentality of my friend opposite. Part (k) of clause 19 mentions that one of the duties of the panchayats is to improve the breeding of horses and other animals. In the Bill though horses have been specifically mentioned, cow and the bullock which are the mainstay of agriculture in this province, have been put in the category of other animals, while the Government and especially the Viceroy of India has been trying to emphasise the improving of bullocks.

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My honourable friend is perhaps very fond of riding, he may be interested in the breeding of horses, but the ordinary peasant in the Punjab is more interested in the bullocks than in the horses. However that does not matter. It only provides an insight into the mentality of my friend towards the interests of the peasants of this province.

Minister for Public Works : There are parts of the Punjab where people are interested in horses. There are thousands of peasants who are interested in horse breeding in certain parts of the Punjab.

Sardar Hari Singh : Let us pass on from this minor matter to the compulsory duties of the panchayats. The list is quite a long one, but I would rather have included in that list a very important matter in regard to the duties of the panchayats for the provision of recreation in the villages. If you want to make the lives of people happier, if you want to make them live longer, live joyfully, live happily, amicably without fighting and quarrelling among themselves, it is very necessary that the panchayats should provide recreation for the villagers, not only for the mind, but for the body as well. It should organise tournaments in order to revive the old village games. There should be a provision that it will be necessary for the panchayats, provided funds are available, to instal radios. Further on in part (b) of sub-clause (1) of clause 19 where ponds and tanks are mentioned, and the panchayats are to make provision for wholesome drinking water supply through wells and tanks, I may bring to the notice of my friend opposite that in many villages where the water level is going down wells are drying up, ponds are drying up, tanks have dried up, people have resorted to water-pumps under the advice of the Rural Reconstruction Department. He might as well have included pumps along with wells and the provision of these should have been one of the duties of the panchayats. One very important matter I would like to mention which he has not provided for in the Bill and which he should provide for in the rules if possible. In the villages the wealth of the peasants is mostly drained through the death of cattle. Every year in the Punjab epidemics break out and medical aid cannot reach the villages which lie far from the veterinary hospitals or even if they are near veterinary hospitals, it is almost impossible for the staff in charge of the hospitals or the staff which is present in the district to cope with the epidemic and thus thousands of cattle, the precious wealth of the peasant, perishes every year. Therefore it is necessary that when the cattle are bought and brought to a village from another village where an epidemic has broken out, that cattle should be kept segregated from other cattle so that the epidemic may not spread to the village to which the cattle from epidemic stricken village have been brought. Rural uplift scheme talks of segregating cattle. But no arrangements have so far been made in the villages for the segregation of cattle. The people in the villages will not do this voluntarily themselves, because they do not know how to do it. Therefore it is necessary that it should be one of the compulsory duties of panchayats to make segregation arrangements for newly brought cattle from other villages for at least fifteen days. He could have mentioned the disposal of carcasses of cattle as one of the compulsory duties of panchayats. (*Minister for Public Works :* There are already

provisions for these things.) Yes, but it is only optional and not compulsory. The word used is 'may' and not 'shall'.

I now come to one of the most important aspects of the Bill relating to judicial powers. I am not speaking on behalf of my party here, because I have not consulted it, but speaking for myself I should say that I am opposed to judicial powers being given to panchayats at least in the early stages. In other provinces where the panchayats are elected by the people, they have got administrative and executive duties and if the people of the village think it necessary that the panches should be appointed to try cases and to settle petty disputes in the village, then the Government comes along and sets up a bench in consultation with the panchayats. But here in this Bill as soon as a panchayat is constituted it will become a full-fledged judicial bench and try cases and settle disputes although the poor panches may be quite illiterate and may not know the A B C of law. (*Minister for Public Works* : All the better.) My friend says 'all the better'. My reply to that is what the Commissioner for Lahore has said in the Panchayat Report for 1934-35. He said that he was very much of the opinion that in order to make the experiment of panchayats a successful one it should be necessary that they should be given municipal functions in the beginning and when they have well started on their career, if they have successfully carried out municipal duties in the village, then judicial powers may follow. But even in the beginning you are giving them too many duties and placing unbearable burden on their slender shoulders. My objection is that the panchayats should not be vested *ipso facto* with judicial powers. (*Minister for Public Works* : That is swadeshi.) Everybody knows how much swadeshi the Honourable Minister himself is. He got his education in the Chiefs College. (*Minister for Public Works* : I did not go abroad for education). Indeed the Honourable Minister has had a very sound swadeshi national education ! a patriotic education imbibing the spirit of patriotism in the Chiefs College ! Now, he sits here giving us lessons in patriotism and swadeshi ! My friend wants to give the panchayats too wide powers apart from the enhanced powers he wants to give them later on.

Now I shall pass on to clause 66. In other provinces fines realised by the panches are not credited to the provincial revenues, but to the village fund. It is not sportsmanlike for Government to ask the panches to realise fines from the poor people of the village and send them to the *khazana* of the Government to meet the heavy salaries of the Ministers. Why should not those fines be utilised for the purposes of ameliorating the condition of the villages, for use on the municipal functions of the local panchayats ? If you study the provisions of the corresponding Acts in other provinces you will find that these fines are credited to the village fund and spent compulsorily on the villages.

Next, I come to the question of taxation. Power of taxation was given to panchayats even under the old law. But from the reports of the working of the panchayats in the past years we see that they did not utilise this power of taxation because they were afraid of the people of the villages. They thought that if they imposed any tax they would not be elected at the next elections. It would have been better not to have repeated the mistake in this Bill, not to have given the same powers again to the panchayats. What the Government should have done is to have made a provision for

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taxation with the consent of the majority of the people in the villages as is done in other countries. People in the villages concerned must be gathered together at a meeting to discuss what amount of cess they should raise in order to improve the amenities of the village, such as the metalling of streets or improving the tanks and so on. Even now unofficially people meet in the villages and discuss their common affairs and sometimes they impose taxes upon themselves for common purposes without resorting to any provisions of law like the present one. It would, therefore, be better if a provision is made in the rules to the effect that cesses should be raised by the panchayats with the consent of the villagers, the villagers meeting at a place and deciding by majority of votes what taxes should be levied. Then only will this provision work successfully, otherwise not.

Now, I come to a very important matter which gives us an insight into the policy behind the Bill. It arouses very great suspicion as to the intentions of Government, I mean the speech made by my friend opposite on the occasion of opening the Panchayat Training School. It was delivered by him on the 15th of October at Lahore to the class of panchayat officers. You will be surprised and shocked to learn what words my honourable friend over there used on the occasion. Though some of the sentiments expressed were noble, the following expressions are unworthy of a democrat sitting on the Treasury benches. The whole speech is given on page 2 of the *Tribune*, dated 16th October, 1939. While warning them of 'mischief-mongers' he said :—

The Government of India Act of 1935 had brought within reach of the masses vast possibilities. "It will" the Minister added, "be your task as Panchayat and Assistant Panchayat Officers to train the zamindars to shoulder their responsibilities and to derive the maximum advantage from their newly-won powers. Mischief mongers and selfish people range through the village trying to lead astray the gullible zamindars."

(An honourable member: Yes.) Certainly yes. Further on he said as follows :—

It will be one of your essential duties to protect him from these vile attempts, and help him to distinguish friend from foe.

So, it is the duty of a panchayat officer to help the zamindar to distinguish between his political friend and political foe. He means political friend and political foe, otherwise whom else does he refer to? Does he, otherwise, refer to the dancers, the musicians and the gypsies roaming in the villages?

Minister for Public Works: I was referring to the foes of the zamindars.

Sardar Hari Singh: He said that it would be one of their duties to make them distinguish friends from foes. He further said—

The zamindars should be made to realize that the glib-tongued demagogues who often pose as his friends are really his enemies, and before lending ear to them, he should comprehend the danger to which he is exposing himself.

If he is not referring to his political opponents of Congress persuasion what else is he referring to?

Nawab Sir Shah Nawaz Khan: چور کی دادرہی میں تکا

Sardar Hari Singh: Let me tell my honourable friend that this game is not going to pay him. This prostitution or attempt at

prostitution of the panchayat officers for party purposes so as to carry on propaganda for his party is not a paying game. Let him come out with his sleeves up in the open and let him carry on propaganda on behalf of his Ministry. He should meet the arguments, meet his propositions, meet the propaganda of the Congress or political enemies of the present Ministry, but let him not depend on the panchayat officers. He should join Sir Chhotu Ram, sit in his car and start his propaganda too as the former does. That Dr. Goebbles of this Ministry is enough for propaganda purposes. Let my honourable friend join with him if he is not considered adequate for propaganda purposes on behalf of the Unionist Ministry, but let him not stoop so low as to use the panchayat officers undemocratically, unconstitutionally and illegally and ask them to do propaganda against those 'glib-tongued demagogues'. It is laid down in a certain clause that personally interested panches should not sit in a panchayat. That is very good indeed but who is to decide that thing? The Bill does not mention as to who shall decide as to whether a panch is personally interested or not. In the Central Provinces, Bombay, and Bengal Acts it is specifically laid down that a certain prescribed authority, on the application of one of the parties to the dispute may decide the issue.

Minister of Public Works : Provision for transfer application is there.

Sardar Hari Singh : Transfer application is quite a different thing. It may be urged by anybody and at any time. That is quite a different thing. As regards the number of panches, seven is the maximum limit and three is the lowest limit. Perhaps my honourable friend is not aware that there are villages with a population of three or four thousand and to carry on municipal functions in such villages is quite an arduous task. So it will be necessary to set up sub-committees in these villages to deal with various municipal duties. If the maximum number is only seven, it will be placing too heavy a burden on the seven persons to carry on all the multifarious municipal duties especially if the villages are big ones like those in Jullundur district which is the constituency of my friend Master Kabul Singh. Any reference to Russia would be like a red rag to a bull to my honourable friend. Even if we do not like a particular system of Government, we are well advised to learn the good points of those governments however strongly we may differ from their ideology. In a famous book by Sydney and Webb we are told that more than seventy thousand village panchayats—known as Selosoviet—are working very satisfactorily in Russia and they have got very wide powers. They are running the whole administration of the villages on behalf of the Central Government. There are triennial elections. Every adult is a voter. Election takes place in the village meetings by show of hands. There is one panchayat for every hundred of population. The minimum number of panches is three. The electoral meeting elects a revision or auditing committee which is distinct from the Selosoviet. It is the village panchayat which sets up the village court. The Selosoviet itself is not the court. The judicial panchayats are set up by the Selosoviet which decides the disputes arising in the villages.

Minister of Public Works : No difference.

Sardar Hari Singh : However defective this Bill may be we wish that, if it is to be put into operation, it may lead to some measure of success but it cannot achieve that measure of success—even the minimum measure of success—unless certain pitfalls are avoided, certain precautions are taken, and certain principles are followed.

I would like to make a few constructive suggestions to my honourable friend because he is very fond of constructive suggestions. Let him take a pencil and a note book. If the panchayats are to work successfully, they should not be imposed on the people. Let the people develop these institutions more by emulation than by imposition. Develop model panchayats in every tahsil, just as you say, you are developing model villages in every *ilaga* for emulation by other villages. As I have already said, my honourable friend should beware of importing political prejudice and bias in the working of these panchayats. Let a Congressman, if he is elected a president, remain there. If you are going to win the goodwill and confidence of all parties, this system should be worked as if it were an all-party affair and it should be worked not with a view to gaining political advantage. Start training classes for panches. Train them in the art of self-Government. Train them in the proper spirit of serving their countrymen who have elected them. Then quality should be preferred to quantity. The new panchayat officers are over-zealous to show that there are so many panchayats in so many villages, and I learn that they are already pressing people to give their thumb-impressions that they want panchayats in their villages. Ask them that they should show good panchayats rather than good number of panchayats. Tell them and advise them that they should emphasise quality rather than quantity. Tell them that the Honourable Minister does not want large number of inefficient and ill-working panchayats and that he wants a few, but very efficient, very useful and very good panchayats working in villages in the beginning.

As regards panchayat library, we suspect that the panchayats may be asked by the panchayat officers not to buy certain newspaper, not to buy certain variety of literature, but to buy a particular limited variety of newspapers and literature. That will not be conducive to the development of panchayats. There will be disputes in villages if panchayats are asked that they are only to buy certain newspapers which are liked by my honourable friend. My submission is that this child of my honourable friend may have a good career, although it is full of defects, yet I wish it a success. But he should not import political prejudice and bias in the working of this Bill. If he can, he should act upon these suggestions and if he can improve its working by means of good rules, he should do so. I wait for a response from my honourable friend.

Khan Muhammad Yusuf Khan (Rawalpindi Sadar, Muhammadan, Rural) : Sir, I have been listening to the well-thought out and considered speech of my honourable friend, Sardar Hari Singh, with rapt attention. The objections that my honourable friend has raised appear to me to be indefinite and in some cases quite such that they should be absolutely ignored.

Sardar Hari Singh : May I ask my honourable friend if his speech was prepared before I delivered my speech ?

Khan Muhammad Yusuf Khan : My honourable friend was not attentive when I began my speech. The very first sentence of my speech was that I have listened to the speech of my honourable friend with rapt attention. When I proceed to meet his objections, he will come to know that my words are quite true. The foremost thing that one finds in this Bill is that it is quite clear that this Bill is a marked improvement over the old Act. My honourable friend said that because some provisions of that Act were not workable and were found to be impracticable, therefore, the whole panchayat system failed. Now, that system had failed, but it is due to the experiment that we have encountered during the past regime and we have tried our best in this new measure to rectify all those mistakes and all those omissions and all those drawbacks and defects which were in the old Act. The foremost thing we find in the present legislation is that the panchayats have been given enhanced powers both in the case of criminal jurisdiction as well as civil jurisdiction. But unfortunately, my honourable friend attacked that very enhancement of powers, on the judicial as well as on the criminal side, which have been conferred on the panchayats under this new measure, as a drawback in the Bill. I may submit, with due deference to my honourable friend, that it is only an angle of vision from which a person looks at certain things, as the well-known adage goes, everything looks pale and yellow to jaundiced eyes. Now that very thing, which is rather a contributory factor, a thing which deserves praise and commendation from all concerned, from public at large and specially from poor villagers who are quite unknown and quite foreign to the democratic constitution, a thing which had been commended and praised, a thing which is indeed laudable, has been criticised by my honourable friend as a thing which should not be considered at all or as a thing rather wrongly bestowed upon the panchayats. His remarks were that it has over-burdened those poor ignorant people and they would not be able to exercise those powers duly. They may or may not, but it will be only time that will make this clear to us whether they will or will not be able to exercise those powers. But as the time is advancing, the awakening is increasing in villages. There should be democratic spirit prevalent throughout the province and there should be general awakening and people should come to know of it and should be entrusted with the matters which concern their own welfare and benefit and they should have some interest in politics and they should come to know what the legislatures are, what their duties are, what people's government is and what democracy is. It is the first alphabet of that institution and those people will learn more through these very panchayats. These enhanced powers are a step forward and a clear and marked step towards democracy, towards enjoyment and towards utilization of democratic principles which have been under the provincial autonomy, bestowed upon provincial governments.

Sir, the first objection raised by my friend was concerning franchise. He says that under this measure franchise and other matters concerning it have been entirely left to the rule-making authority and no provision has been made in this Bill which deals with the question of franchise or elections. It is so ; but I may remind my honourable friend that if this can be done in the case of municipalities and district boards it can be very well done under this Bill. As regards the question of franchise and elections

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the panchayats will be governed by the rules which will be framed and which will be quite consistent with the principles that have been detailed out or incorporated in these provisions. He tried to make capital of a small thing that a panch who has been elected by the majority of the voters under this Bill can be removed under the arbitrary powers and at the sheer will of the provincial Government or by the officers to whom powers may be delegated by the Government. His objection is that a panch who has been elected by the majority of the people should not be arbitrarily removed by the government or by any officer, that the right of removal should only vest in those people who elect the person for a certain seat. This principle may seem to him to be correct; but if we have a look at the provisions of the Municipal Act you will find that therein a municipal commissioner can be removed by a provincial authority and if it can be done in their case there is no reason why it should not be done in the case of the panches. The panchayats are very petty institutions as compared to municipalities or district boards and if the members elected by the people to these bodies can be removed by a certain authority I do not think there is anything which can be made capital of or which can be said to have given arbitrary powers to the provincial Government. Again my friend says that in the case of a seat of a panch falling vacant it will be filled by the deputy commissioner or the collector. It is so. This seems to him to be very strange and undemocratic.

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

We are given the right of election and these seats are to be filled by election and if any seat falls vacant people are not going to be asked to elect their representative for a particular seat and my honourable friend finds no reason why a member should be superimposed upon an unwilling people. This is his remark. It cannot be denied and it is a commonplace matter of fact that our villagers are ignorant. Ignorance, illiteracy, disease and poverty prevail in our villages. We, as the representatives of these ignorant and poor people, have come to the conclusion that they must be given the right kind of lesson and they should learn the A, B, C of their responsibilities in these minor institutions. If we find that in any village due to party factions or due to some other causes these people are not willing to have any institutions in their village which may be the cause of the removal of their worries and mitigate their expenses which they incur by resort to law courts, if we find that those institutions are very useful and beneficial and conducive to the betterment of their economic life and these people due to their ignorance are unwilling to derive full benefit from the powers that have been given to them by this legislation, we do not find any unreasonableness or anything strange or anything which can be treated as abominable if such right is given to any authority to superimpose upon them such beneficial institutions. It is a commonplace fact that if a doctor finds a patient suffering from any infectious disease and he finds that some organ of the man should be amputated by which only the life of the man can be saved, he then operates on the person. It is for the benefit of the patient and no one has got any right to complain if a doctor after diagnosing the disease resorts to a treatment which appears to him to be very conducive to the health of the patient.

If he does that nobody has the right to complain against that treatment. It is done for the good of the whole body. Similarly, if we come to the conclusion that these people must be given the knowledge of elementary principles of constitutional institutions and if we think that it is for the good of the people that they should be awakened to their obligations to their country and to their people then I think there is no harm if we superimpose such an institution even though they do not like it in the first instance. Then my honourable friend dealt with the question of the breeding of horses and said 'we find horses are placed first and then other animals.' He must have known that 'cattle' does not include horses as well and 'animals' would have included dogs and cats and even mice. Therefore I think the phrase used is "horses and other animals" which means horses and every other animal which includes buffaloes and sheep. If we put horses in the first place, it does not mean that we are excluding cows and if cows are given the first place, it would have been much better for the peasants as well as for our province, simply because cows are first mentioned and later on horses are mentioned. I should not dilate upon this, but I do not see any force in the argument that has been advanced by my friend that the Honourable Minister has put horses first merely because he loves the races, or he comes from a family which is not a family of proletarians but a family of demagogues.

Another objection that has been raised is regarding the quarantining of certain cattle. The honourable member means by that phrase that if cattle are imported from a neighbouring village or villages where some epidemic is prevalent, there ought to be some provision under which the panchayats should have powers to quarantine those animals for the good of all other animals, so that the epidemic may not rage and the infection may not be the cause of death of those animals. I do not think this amendment has ever been tabled by any honourable member opposite. I stand open to correction, but as far as I know I have not seen a single amendment of this character from the opposite side which might have asked the House that some quarantine arrangements should be made. I have come to know from the speech of the honourable member that he has now read of some analogous enactment of some other province and that is how these new facts have come to light. Those facts were quite unknown to him and it is only after he has read that particular Act that he has now come up and attacked the Government for not making such and such a provision for the preservation of the cattle and for the good of the cattle.

Then again, as regards the question of taxation indeed taxes wherever they are, whether they emanate from a provincial body or from a local body, are a thing which is feared by the people and disliked by them and in opposition to which much trouble sometimes arises. It is a fact that people do not like taxes. But it is well known that in spite of the fact that the old panchayats were given powers to a certain extent to levy taxes, they did not take advantage of those powers, and in spite of that past experience of the old panchayats the new Bill contains a provision enabling the panchayats to levy taxes. The principal idea underlying this provision is to acquaint the public with the well known principle of "no representation without taxation." We know that whenever any provincial body or any local body wants to levy a tax, there is so much hue and cry raised and there are

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flag processions and so much *siapa* is done at the houses of the members of that body. All this trouble arises on account of the ignorance of the electorate, because they do not understand the principle of "no representation without taxation." This is an elementary principle of every democratic government and if, in spite of the past experience that no taxes were levied by any panchayat even though they had the power to levy taxes, we have got a provision incorporated in this Bill, it shows how much we like that our people should learn the fundamental principles upon which democratic governments of all countries are run, and if they are of the opinion that there should be taxation levied from the people and if they can persuade the people of their *ilaga* to agree to the taxes being levied and if the people of that *ilaga* realize the necessity of the taxes and the indispensable nature of taxation, then so much trouble and worry will in course of time vanish and people from the ignorant, illiterate, poor, semi-clad peasants of the province to the highest man will come to know the value of taxation, and everyone will come to realize that taxation ultimately results in the good of the people and if it is levied and goes to the common exchequer of the Government then it is undoubtedly for the good of those people. Therefore I am submitting that in spite of the past experiences, which are not very sweet and which clearly prove that taxation is not liked by the people, still we have got this provision in this Bill and it is only for the reason that by and by people will come to realize the importance of this principle, with the result that they will, if these taxes are levied by any institution, may be by the provincial Government or by the local bodies, hail those taxes as calculated to be for their own welfare and for their own advancement.

Another very good provision and one which has been attacked by my honourable friend—I see no reason why it should have been attacked—is the provision under which when it is known that a panch is interested in a particular case, he cannot sit in that panchayat to decide that case. My honourable friend remarked that no provision has been made in the Bill as to who is to decide whether a panch is interested in a case or not. My friend wants that there should have been a provision made quite definitely and clearly that if any panch is interested he should not take his seat in the panchayat for the decision of that particular case, but I may submit that under this Bill which will in the near future become an Act, we find that there would be a staff of panchayat officers and assistant panchayat officers, and over and above them will be the district authority and then again we have got the divisional officers or divisional panchayat officers and then we have the director of panchayats and so on up to the Minister. Under this Bill we find that a provision has been made that wherever it comes to light that a panch is interested in a certain case, he cannot take part in the proceedings of that case. When this principle has been enunciated in the Bill, I think there is absolutely no lacuna left. If any of the officers I have just mentioned come to know that a panch who is interested in the proceedings of a particular case, but has not of his own accord vacated his seat as far as the proceedings of that case go, it is quite within the powers of the officers mentioned to remove him from the panchayat. I would ask my friend to let me know whether there is any provision in the Bill which debar any such officer from issuing instructions to that panch to

vacate his seat from the panchayat, so that he does not take part in the proceedings? There is absolutely no bar for these officers who are running those panchayats *de facto* and who will be time and again visiting those panchayats in their working. I think they will not be debarred or prevented by the provisions of this law to order or direct those panches not to take part in any proceedings. Moreover I may submit that every conscientious person when he comes to know that under the law he is not allowed to take part in certain proceedings and the law prohibits him, if he is a reasonable man, if he has got commonsense and if he has got any sense of justice and fair play, will of his own accord refrain from taking part in the proceedings according to the elementary principles of justice, equity and good conscience. Over and above that he is even barred by the provisions of this law to take part in any such proceedings. I do not think that he will be so immoral or devoid of any commonsense as to take part in those proceedings in spite of these provisions. So there is absolutely no force in the arguments advanced by my friend that there is no provision made in the Bill to the effect that an interested panch should not take part in the proceedings. Therefore those arguments of my honourable friend, as I have already stated, fall to the ground.

In conclusion, I may be failing in my moral duty if on this occasion I do not congratulate the Government on sponsoring this measure which is going to resuscitate those old indigenous institutions which date beyond even the Moghul period and which is now placing enhanced power into the hands of very conscientious persons, the panches. I think in the long run this measure will be for the ultimate good of our province and will guide the people towards democratic institutions and will awaken the political conscience of our people. With these remarks I give my whole-hearted support to the Bill.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (*Urdu*): Sir my honourable friend sitting opposite who has just finished his speech congratulated the Minister in charge for bringing forward such a beneficial measure before the House. I appreciate the idea no doubt and I congratulate him for congratulating the Minister incharge, as he being a member of the Unionist party has done his duty. As far as the Panchayat Bill is concerned, had my honourable friend read it as a lawyer, he would have found hundred and one defects in it. But I am afraid he has not done so. Now I should like to draw your attention to some of its main defects (*interruptions*) and I am sure you will come to the natural conclusion that this Bill is being enacted into law simply for the reason that the Government wants to concentrate powers in its own hand. First, I would invite your attention to the wording of section 6, subsection (2). It says:—

- (2) The results of all elections shall be reported to the prescribed authority and no election shall be valid until it has been confirmed by the prescribed authority.

What does it mean? It means that instead of giving any opportunity to the members of district board, municipal committee and official chairmen to utilize this Bill they have closed all avenues for them.

Mr. Deputy Speaker : The honourable member should speak to the motion and address the chair.

Chaudhri Muhammad Hasan : I am speaking to the motion. But I am being interrupted and I request you to kindly ask the members of the Unionist Party not to interrupt me. Otherwise I will have to reply to them, though through you.

Mr. Deputy Speaker : It is the business of the chair to stop interruptions. The honourable member should go on with his speech.

Chaudhri Muhammad Hasan : It is quite clear that Government want to exercise their own power even in the matter of elections and that is why it has been provided that no election shall be valid until it has been confirmed by the prescribed authority. Who will be this prescribed authority? He might be the inspector of panchayats, revenue assistant or somebody else, we are not much concerned with it. Then my honourable friend has conveniently neglected subsection (3) of section 6 which reads thus :—

- (3) The prescribed authority may refuse to confirm the election as panch of any person who would be removed from office under any of the provisions of section 8 or whom such authority for any reason which it may deem to affect the public interest may consider to be unfit to be a panch and upon such refusal the election of such person shall be void.

The second part of subsection (3) referred to above is more objectionable than the first one. I think it would have been made clear to the House that the prescribed authority may refuse to confirm the election of any person for any reason which it may deem against the public interest. What does this mean? It means that the Government do not want to stop nominations and appointments but they want to continue them. In fact it does not become a Government which claims to be democratic to have permitted this sort of subsection to appear in the Bill. Now let us take clause 8 (f). It provides—

Whose continuance in office is, in the opinion of Government or of the officer to whom Government has delegated its power of removal, undesirable in the interests of the public or of the panchayat.

It means that if the officer, so empowered, thinks that the presence of a certain panch is prejudicial to the interest of the Government or he is undesirable in the opinion of the former, then the said officer can safely remove him from the panchayat. In other words although a certain panch might have been returned to the panchayat with a thumping majority of votes yet he will not be allowed to remain as such on the panchayat if he happens to be unfortunately a man of independent views. He may be enjoying the confidence of the whole village but this qualification cannot save him from an ignominious removal. The first Panchayat Bill was passed into law in 1909. Then it was amended in 1921, and it was further amended in 1931. Now we were under the impression that the new Bill would be a great improvement upon the previous ones and would go a long way in constituting really democratic institutions in the villages. But clause 8 in general and 8 (f) in particular has dashed all our hopes to the ground. Where was the necessity for wasting the precious time of the House and public money if after all this hue and cry you had to bring forth such a defective as well as harsh and stringent measure? You could safely have utilized this time and money for other purposes. The present Government is in the habit of declaring from the housetops that it is out

and out a zamindar government. Now, let me point out to the so-called zamindar government that the zamindar of to-day stands in need of its financial help and not of such useless and frivolous measures. He wants a reduction in his land revenue. He requires a curtailment in his *abiana*. He does not want your Panchayat Bill. Unfortunately it has never struck the Government to take right step in the right direction. But why should the Honourable Ministers take notice of such things? Their chief concern is to draw big salaries and to retain all such powers to themselves. In clause 10 it has been provided that:—

If for any reason the panches of a panchayat are not elected or a casual vacancy is not filled within the time prescribed the Deputy Commissioner may appoint the necessary number of duly qualified persons to hold office as members of the panchayat, and any person so appointed shall hold office as if he had been duly elected under this Act.

It is well known that the majority of the villagers happen to be illiterate. They know nothing about their own rights and interests. Now supposing a certain panch is removed from his office by the deputy commissioner and the panchayat inadvertently omits to fill the casual vacancy within the prescribed time. In such a case the said officer has the necessary powers to nominate any of his favourites for the purpose, and so by creating an official bloc on the panchayat he may rule over it. Thus the sting of the whole Bill lies in this very clause. The deputy commissioner can by a single stroke of his pen change a democratic institution into a body of certain inspired and nominated flatterers. The Government knows that the average Punjabi is not unaware of its intentions and designs, and has become politically conscious. The Government, therefore, wants to maintain its hold on the rural population by making such a harsh and undemocratic provision. The establishment of panchayats may be useful to the village population but the queer sort of bodies that are intended to be constituted under the Bill would certainly prove detrimental to the best interests of the villagers. Probably the Honourable Minister has the weakness of enjoying the sight of sycophants and job-seekers rallying round him with a begging bowl in their hands. It is a fact that several people daily seek interviews with him in connection with the nominations to municipalities and district boards and now he wants that unpopular villagers who fail to defeat their opponents in the open elections to the panchayats may approach him with a request to remove the elected panch and fill the vacancy so created by their nomination. But the Government may rest assured that such things cannot take place now. You cannot fool all men for all time. I have just met certain deputationists who were asking the honourable member from their constituency to tender his resignation from his party.

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

Chaudhri Muhammad Hasan : Sir, I am only developing my argument. The said deputation consisted of big landlords and respectable chaudhries of their *ilaga*. All of them were bringing pressure to bear upon their representative in the House to resign from the party forthwith. I would not mention the name of the member.

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

Chaudhri Muhammad Hasan : I am speaking to the motion.

Mr. Deputy Speaker : I hold his last remarks as irrelevant.

Chaudhri Muhammad Hasan : Anyway, the complaint of the deputationists was that the decision made by the old panchayat established in Gurgaon for the welfare of the zamindars of that ilaqa have not so far been confirmed by the local authority. Now they were telling their representative that since he had failed to get their grievances redressed through the Honourable Minister it was imperative on him to leave the party forthwith.

Mr. Deputy Speaker : I request the honourable member not to bring in irrelevant matters.

Chaudhri Muhammad Hasan : My submission is that the Unionist Government is, in spite of its various declarations, not prepared to do anything substantial for the welfare of the agriculturists. It may argue that it has empowered the proposed panchayats to find out ways and means for the agricultural development in their respective *ilagas*, but it is not the real thing which the zamindars require to-day. They want the Government to effect reduction in their land revenue and water rate. The Government should empower the panchayats to submit periodical reports to the effect as to whether the crops of their respective villages or *ilagas* are such as could enable the zamindars to pay the Government dues without facing any special financial embarrassment. But the so-called zamindar government has not delegated this power to the panchayats. Such a power would have gone a long way to redress the grievances and mitigate the miseries of the agriculturists. Moreover, the panchayats have not been delegated the power to submit a report to the Government against corrupt officers. My honourable friend, Raja Ghazanfar Ali Khan, who has not completely divorced honesty as yet like his other colleagues, is not present in the House. Had he been here I would have asked him as to whether all these things have been inadvertently omitted in the Bill or the Government has deliberately done so. In fact the Government fears lest the panchayats should prick the bubble of the so-called honesty and probity of those officers upon whom the Government mainly depends for getting votes in the elections.

Mr. Deputy Speaker : I would request the honourable member not to bring in irrelevant matters. This is too remote a sort of relevancy. The honourable member cannot make everything relevant by bringing it in his speech. The honourable member should confine his remarks to the passing of this Bill.

Chaudhri Muhammad Hasan : You have stated that it is far from being relevant. It may be remotely relevant. All the same it is relevant, and so far as it is relevant, I can proceed.

Mr. Deputy Speaker : It is immediate relevancy that is required.

Chaudhri Muhammad Hasan : May I ask you to point out under what rule things which are remotely relevant are not allowed ?

Mr. Deputy Speaker : Everything may be said to be relevant in the remotest sense. The honourable member may bring in any matter and may say that it is relevant though remotely. But it is immediate relevancy that is required and not remote relevancy.

Sardar Sampuran Singh : Sir, it has been often stated by the Honourable Speaker that even an irrelevant matter can be made relevant by a clever man and I think that is exactly what the honourable member is doing.

Chaudhri Muhammad Hasan : It is for you to determine which is remotely relevant and which is immediately irrelevant. But so far as I am relevant I will be perfectly in order, it does not matter whether it is immediately relevant or remotely relevant.

Mr. Deputy Speaker : I would request the honourable member to go on with his speech.

Chaudhri Muhammad Hasan : I was submitting that the prime need of the day is that the panchayats should be entrusted with the work of appraising the success of the crops of their respective *ilayas* so that they may be in a position to recommend to the deputy commissioner the extent to which they want their land revenue to be reduced or remitted. But I know it for certain that the Government has deliberately omitted to make these provisions in the Bill. It is not an inadvertent omission. However, it is a matter between the Government and its true masters living in the villages. I trust the latter would see to it that the Government is properly chastised for this dereliction of duty on its part. Anyway, I need not bother about it.

The Honourable Minister was pleased to remark that Sardar Hari Singh had not carefully gone through the Bill. But my submission is that the Bill has not been properly read out to the Honourable Minister himself. (Laughter.) There are many sections included in this Panchayat Bill from which it appears that the principle of this Bill is diametrically opposed to what it should have been. I may point out that if we are opposed to the present Bill it does not mean that we object to the establishing of panchayats. On the other hand we earnestly desire that the zamindars should go to courts very seldom and that they should get their disputes settled in their panchayats. I am conscious of the fact that by advocating such views I am doing harm to the people who belong to the legal profession; all the same it is our ardent desire to save the zamindars from unnecessary botheration and expenditure. But at the same time we do not want that they should get out of one botheration and walk straight into another. This is what my friends are at present doing. Although by introducing this Bill they want to save them from the botheration of going to courts, at the same time they wish to entangle them in fresh troubles. We on this side of the House do not like that the zamindars should accept such a system of dispensing justice for themselves where there will be no appeal, no *dali* and no *wakil*. It is our bounden duty to see that they do not go out of the frying pan and fall into the fire. If they are saved from the botheration of going to courts we should also see that such a panchayat system should not be imposed on them from which instead of getting any relief they should get into fresh troubles.

[Chaudhri Muhammad Hasan.]

Besides, I may point out that one of the reasons why this Bill has been enacted is that the Unionist Party or for the matter of that the Punjab Government do not desire that the zamindars should get proper representation and proper guiding. In other words although the Honourable Minister for Public Works has asked the panchayat and assistant panchayat officers that they should go to villages and bring home to zamindars as to who are their friends and who are their foes, it is very difficult to expect from them that they would tell the zamindars as to who are their real friends. I may also point out that there are many parties who profess to be the well-wishers of the zamindars. But how are we to judge as to which party is their well-wisher? In my opinion we can judge this thing from the attitude which a particular party adopts towards them. Now from the attitude of the Unionist Party it is quite clear that in the guise of establishing panchayats it is creating fresh troubles for the zamindars. From this we can safely conclude that the members of that party are the foes of the zamindars, who want to entangle them in fresh troubles.

Then, again, there is another point which I wish to bring to your notice and that is that the question of agriculturists and non-agriculturists will not arise in the panchayats. In my opinion generally panchayats would consist of agriculturists. In the circumstances I fail to understand why the Unionist Government has adopted such an attitude towards them inasmuch as the election of panches will not be regarded as valid unless and until they are confirmed by the prescribed authority. It appears as if the Government want to keep the panches entirely under their control. So the provision regarding election of panches is merely an eye wash.

Now, Sir, you are aware of the fact that the real aim of the Panchayat Bill now before the House is to establish more panchayats. But in my opinion this Bill instead of rendering any help in establishing the panchayats would rather discourage them. However from the attitude of the present Government we do not expect that at any time any salutary panchayat measure would be forthcoming. We do desire that the members of the Unionist Party should know what are the real needs of the people of the Punjab in connection with panchayats. But it is a thousand pities that they are not doing any such thing. They have simply brought forward a Bill which is full of pernicious and harmful provisions and it is my firm opinion that it will founder on the same rock on which its predecessor has foundered. I think all the members are aware of the fact that all the Panchayat Acts which were enacted in 1912 and 1922 failed to achieve anything. The reason for their failure was that the panchayats which they established were not based on the customs and traditions of this country. Naturally when some of them were established they failed to achieve any object. In this connection I may point out that even the Decentralization Committee expressed the opinion that such spirit should be created in the minds of the rural people which was found to be in the urban people, but the pity is the urban people whether they were agriculturists or non-agriculturists instead of raising the standard of the rural people have always

been taking advantage of their illiteracy. The fact of the matter is that they never helped them. To-day the Unionist Party is following in their footsteps and they also want to exploit the rural people.

Then I may point out that there are some sections in the Bill which go to show that the Bill is not different from its predecessors. If there is any difference that is merely in words only. The object of this Bill is the same as that of the previous Acts. For example we find that it is provided in this Bill that panches would be elected. In the previous Acts the panches were nominated. If we study closely the provisions of the Bill we would find that this election of panches is nothing more than nomination, for it is provided in the Bill now before the House that no election shall be valid unless and until it has been confirmed by the prescribed authority. In other words the election of panches means nothing. It will entirely rest with the Government to declare the election of any panch valid or not. In the circumstances I may point out that the word "election" is a mere eye wash. As a matter of fact panches in the guise of election will be nominated as before by the Government. I am also of the opinion that in many cases if not on any other account the election of panches would be declared void on the ground of public interest. I will now cite several examples to show as to what is public interest in the eyes of my honourable friends opposite. For instance, if anybody asks the Government to grant remissions in land revenue they say it is against the public interest to do so. If anybody tells them that their officers get bribes, they at once declare that it is against the public interest to take action against them. If anybody tells my honourable friends that they are not doing their duty properly they at once jump up and say that it is against the public interest to say so. In short on some such excuses my honourable friends would generally declare the elections of panches as null and void. In view of this I may point out that whatever panches would be elected, would be merely the nominees of the Government and we cannot expect them to do anything substantial for the villagers. Moreover, Sir, you must have experienced in the district board, Ludhiana, as to what is the difference between elected and nominated members. Nominated members are merely the 'yesmen' of the Government. So will be the case in the panchayats. All the panches will remain under the thumb of the Government, and they will do only those things which the Government ask them to do. Besides, you must have seen in the Ludhiana District Board that whenever it is pointed out that the conditions of zamindars are very bad and that they should be given some relief, the members are told by the deputy commissioner, who himself belongs to a family of small landholders and who should have more regard for the small landholders, that such a matter is out of the purview of the district board. I am constrained to remark that the same state of affairs would prevail in the panchayats as well. Here I may tell my honourable friends opposite that if the Unionist Party wished it could make the panchayats successful. These panchayats can perform good things and disputes of the zamindars can also be settled. But the pity is that the Bill which is now before the House would instead of settling the disputes of the zamindars increase them and corruption could also prevail among the zamindars. As a result of corruption it would become all the more difficult for the zamindars to make their living in the villages.

[Chaudhri Muhammad Hasan.]

I warn the Government that this Bill should not be placed on the Statute book and they should have mercy on the zamindars and withdraw it. I think the panchayats that will be established by virtue of this Bill instead of affording any relief to the zamindars would prove detrimental to their interests.

Now Sir, I wish to draw your attention to a few provisions of the Bill. In the first place I may point out that there is a provision the effect of which will be that any person who is opposed to the panches in any way, would always be afraid lest any tax may be imposed on him which he may not be in a position to pay. All the honourable members are fully aware of the fact that it is beyond the power of zamindars to pay any more taxes. What to speak of paying more taxes the poor zamindars even cannot pay *mālba* and they are agitating over it. In the circumstances it is impossible for them to pay any more taxes. In my opinion the power of imposing taxes is very dangerous. I ask the honourable members over there, where is the guarantee that the sarpanch will not impose any such tax on the zamindars which is beyond their power to pay? I may inform them that great resentment is prevailing amongst the zamindars on this account. Therefore it behoves them to do something to assuage their feelings.

If this Panchayat Bill is passed into an Act, the poor zamindars will not be able to act according to it. Crime will increase, corruption will flourish and the expenses of the people will multiply. 2 p.m. The time will soon come when the zamindars will be compelled to oppose the provisions of the Panchayat Act. An honourable friend was saying just now that I was committing a mistake in opposing the Panchayat Bill but he knows full well why I oppose it. Although the legal practitioners, to which class I also belong, will be the losers on account of the Panchayat Act, still I am prepared to support it provided it is presented in the real form and aims at giving the villagers full autonomy. But unfortunately the present Bill does not aim at this objective. Here wide powers are proposed to be given to the deputy commissioners. I do not think that if deputy commissioners are given the sole authority, they will act according to the best interests of the zamindars. May be five per cent of them will do that. But a vast majority of them will act to the detriment of the villagers. Under clause 76 of the present Bill powers are given to the deputy commissioners who may further delegate those powers to the revenue assistants, magistrate, inspector or director of panchayats. This is nothing short of suicide on the part of the zamindars. The agriculturists will thereby be humiliated. I would like to strike a note of warning that if the Panchayat Bill is to be enforced, a more genuine Bill should be drafted than this, so that the villagers may be allowed to settle their disputes by themselves without the intervention of the officers and without wasting their income on litigation. If that is done the villagers will be able to save time and money for the pursuit of education and other salutary activities. I can say without fear of contradiction that the Bill in its present form is not calculated to benefit the rural population.

Further, the Bill makes distinction in optional and compulsory functions. It will be compulsory for the panchayats to do certain things while it will be optional for them to do certain others. My honourable friend Sardar Hari

Singh had also drawn attention to this effect. I, therefore, do not want to dilate upon it any further. But I may be allowed to mention this much that the Punjab Government have not actively supported and helped the Honourable Chief Justice in uprooting corruption from this province. (*Mian Abdul Rab: Question.*) The honourable member is not in his seat and is questioning my statement. He should stand in his seat and then I will give way.

Mian Abdul Rab : The honourable member has said that the Punjab Government has not helped the Honourable Chief Justice in eradicating corruption from the province. If he has made this statement, he should corroborate it by instances. I question the relevancy of his speech.

Chaudhri Muhammad Hasan : Mr. Deputy Speaker, I recognize you as the Deputy Speaker and not any other honourable member sitting on my right or left. They have no right to say whether this is relevant or otherwise. (*Interruption.*)

Mian Abdul Rab : On a point of order. When an honourable member is making a speech, during the course of which he makes wild allegations that remain uncorroborated, is it then not relevant for another honourable member to ask him a question during his speech?

Mr. Deputy Speaker : There is no point of order involved. The honourable member may go on with his speech.

Lala Duni Chand : If you permit me I can give instances.

Mr. Deputy Speaker : Order, please.

Chaudhri Muhammad Hasan : I was submitting that the Punjab Government were not helping the Chief Justice in eradicating corruption from the province.

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

Mian Abdul Rab : May I ask the honourable member a question through you, Sir? Is it not a fact that the Punjab Government has opened an anti-corruption department with a special officer in charge of it who has up to this time dealt with hundreds of cases?

Mr. Deputy Speaker : This has no relevancy. (*Laughter.*)

Chaudhri Muhammad Hasan : I was submitting that with the establishment of panchayats the danger of corruption spreading will be enhanced. The Punjab Government should try to stamp out corruption.

Mr. Deputy Speaker : The honourable member should go on with his speech and should not refer to it.

Chaudhri Muhammad Hasan : Sir, I was submitting that there were such clauses in the Bill as would increase the expenditure of the zamindars. As there are optional and compulsory functions and as the right of making an application for the transfer of a case is also given, I am afraid the people will have to go to the same courts from which it is intended to save them. There will be the same danger of incurring expenditure in litigation. In order to apply to collector, a person will have to affix a stamp which will cost him a good deal. In short, there are innumerable defects and loopholes

[Chaudhri Muhammad Hasan.]

in the Bill and I am sure if the Minister in charge had known them or if they had been brought to his notice, he would have removed them at once.

Again, the question of appointing "prescribed authority" by the Government gives rise to certain suspicions in our minds. We do not know as to who will be so appointed. It should be a person who enjoys the confidence of the public, and not any petty official whom the Government may have the pleasure of entrusting with this responsibility. In brief the Bill is full of many defects and in my humble opinion is not worth consideration of the House. The House should not have wasted its valuable time over it.

One of the most serious objections against this measure is this that when it is passed into an Act, its working will add to the taxation of the rural population which is already groaning under the heavy burden of taxes. The zamindars are already protesting against the levy of *malba*. We all know how this *malba* is spent. A great agitation is going on against *malba* in the districts of Ferozepore, Lyallpur and Ludhiana. You will agree, therefore, that if the panchayats are allowed to impose taxes much harm will result from this system and things in the countryside will go from bad to worse. No provision has been made to ensure that the money collected on account of these taxes will be utilized towards the improvement of life in rural areas.

My honourable friend Lala Harnam Das complained that no arrangement has been made to give representation to the untouchables in the panchayats. The Government professes to be sympathetic towards the untouchables and a few representatives of these classes do sit on the Government benches. These gentlemen say that the untouchables will get adequate representation in panchayats. But not a single word to that effect has been incorporated in the Bill. I wonder how the untouchables will get any representation when no provision for that has been made in the Bill. It is a well-known fact that the untouchables are made victims of the tyranny of zamindars in villages. When the untouchables have not been given any representation by this Bill, it cannot be said that the new Act will in any way prove beneficial to the untouchables. I am afraid the new Act is going to prove a burden for these depressed classes. For instance, if a complaint comes up before a panchayat in which there is no representative of the untouchables that *begar* has been taken from an untouchable, the poor fellow will not be able to get justice. The panchayat will certainly decide that it is not a *begar*. It was work taken in regular course because it is the zamindars who provide corn to the untouchables at the harvest time and the untouchables gather fuel from the trees owned by the zamindars.

In the end I wish to point out that when all is said and done the Panchayat Act is not the first necessity of the needy zamindar. His first necessity is reduction in land revenue and *abiana* demands. At present hundreds of thousands of zamindars are starving in rural areas. The Government, therefore, should reduce the burden of the Government dues. Sir, I am sure many speeches will be made from that side of the House to show that the Panchayat Act will be a real blessing for the zamindars. You will kindly ask the learned speakers to quote sections and subsections of this Bill.

to prove that this Bill is going to be really a blessing. It is not sufficient to say that members of the Opposition make incorrect statements. Concrete facts must be given in order to establish that this measure is really useful. My point is that the very principle underlying this Bill is most mischievous and pernicious. With these words, I oppose this Bill.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, my learned friends who have spoken from those benches have congratulated the Honourable Minister in charge of this Bill, but I am not prepared to join in their chorus of congratulations. I would have certainly joined them in offering felicitations to the Honourable Minister if I believed that the Government would work the panchayat system in the old beneficent way. I agree that the principle underlying this Bill is sound enough. I am in its favour. I agree that it was the success of the panchayat system which saved people in olden times from so many ills. For instance, much of the peoples money is now wasted on litigation while litigation was equal to nothing when the panchayat system worked efficiently. I have no hesitation in saying, therefore, that there is nothing wrong in the principle underlying this Bill. What I object to is that this institution of *satjug* is being introduced by a Government of the *kaljug*. I am, therefore, of the opinion that in the hands of the present Government this institution will do more harm than good to the people of this province. The Government, I am afraid, will try to exploit the system for its own purposes. The system has existed in its legalised form since 1912 and up to 1939 it has not worked successfully. What is the reason? Not that the system was not good. The reason was that the Government which was working it did not wish that it should work successfully. From 1912 to 1939 only one thousand panchayats could be established in the province. If you examine the working of these panchayats you will come to the conclusion that they have not been working successfully. In view of this I am of the opinion that the panchayats will not work successfully even under the present Government.

Minister for Public Works: We have ousted the agents of *kaljug*.

Sardar Kapoor Singh: And you have taken their place. If there had been some other Government the Act would have been made a success. But so far as you are concerned, we know your mind too well. You have no mind to make the panchayat system a success. You want to strengthen your party's position and that is all. Sir, the real intention of the Government is revealed in the advice which is given by the leading men in this Government to the panchayat officers. I will refer you to a speech delivered by no less a person than the Honourable Premier on the 12th of October. So far as the first part of the speech is concerned, that is, the panchayat officers should not bear themselves arrogantly in villages and should not assume airs like high officers. I quite agree with the Honourable Premier. But later on while giving the panchayat officers certain instructions the Premier said something which indirectly was calculated to cause hatred between communities living in villages. His words aimed at bringing about class-hatred. This is a report of his speech.

"The Premier expressed his displeasure at the present leadership of the Sikh community. At present the Sikhs were led by a class who did not adequately represent the true interests of the Jat Sikhs. The Premier, however, regretted that they were being led by irresponsible leaders who did not know their own interests."

[Sardar Kapoor Singh.]

Now, these are the words of the Premier meant for those people whose primary duty in the villages is to tell people to give up their factious spirit and live peacefully. It is desirable that these people are told to work in such a way that no differences between classes, that is between agriculturists on the one hand and non-agriculturists on the other, are allowed to assume dangerous proportions. But the Honourable Premier says nothing of the sort. He simply reminds the panchayat officers that the Sikh leadership has passed from zamindars to non-zamindars. In view of all this may I ask the Honourable Minister whether or not—

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

Sardar Kapoor Singh : That is exactly what I am doing. My doubts and apprehensions are not based only on these speeches. My honourable friend Sardar Hari Singh also quoted a speech which goes to prove that these apprehensions are not without foundation. But more than anything else the Act itself is a clear index of the intentions and mentality of the Government. From end to end it is an Act of discretions. There is not a single clause in respect of which the Government has not reserved discretionary powers for itself. (*A voice :* What about clause 19 ?) My honourable friend has referred to clause 19, but may I draw his attention to the very first expression ? The clause begins with the expression "subject to such rules as may be prescribed", I hope my honourable friend is satisfied now. Then, Sir, you know that we put it to the Government that if it was not prepared to accept the proposal to make these rules "subject to the approval of the Assembly", at least it should agree to the rules made by it being discussed in a formal manner in the House. But even that was not acceptable to the Government. This is another proof of the fact that the Government is not so anxious about the success of the measure or the welfare of the zamindars as about carrying on party propaganda through the panchayat officers.

I frankly admit that I am not so strongly opposed to the whole measure as my honourable friends Sardar Hari Singh and Chaudhri Muhammad Hasan are. I want a speedy spread of the panchayat system in the province. But it must be of the right sort and absolutely genuine. I am not in favour of centralization of all powers. I am for decentralization and giving as many powers to the panchayats as possible. But I must submit that whatever powers are to be given must be definitely stated in the Act so that there may be no doubt about them and no chance of their being abused by the higher authorities and the Government. I cannot brook the idea of the Government retaining all powers in its hands and the panchayats awaiting its instructions in regard to the minutest detail. But what do we find here ? Let us begin from the very beginning and see how the panchayat area will be constituted. Clause 4 says that—

The Government may by notification declare any area situated within the limits of a tahsil to be panchayat area for the purposes of this Act and may by notification alter the boundaries of any area so declared.

This throws a flood of light on the *bona fides* of the Government. It should be clear to the meanest imagination that it is one of the essentials,

of democracy that if you want to include more than one village in one panchayat area the opinion of the residents of those villages must be elicited as to whether they do or do not agree to this inclusion. But the Government has taken arbitrary powers to include any village in any panchayat area at its sweet will.

Again, if a Government wants to work this Act in a true democratic spirit there may be nothing wrong in its taking such powers. But, look at the power to alter the boundaries of any area and the potentialities of mischief latent in that power. Supposing a certain village is congress-minded and is likely to elect a panchayat consisting of congressmen. The Government can at once include in that panchayat area another village which is thoroughly reactionary, and, therefore, suitable for the purpose of the Government. This practice of putting an old spent up bullock to the same yoke with a young calf will surely retard the progress of the panchayat system in the province. Thus the whole structure is based on doubtful foundations. First of all this measure itself is sure to give rise to many apprehensions, and then there are certain special powers taken by the Government which go to confirm our doubts and misgivings. After all, what is the fun in arbitrarily putting together in one panchayat area two villages which have nothing in common so far as their social, cultural, and, may be, economic problems are concerned.

I need not touch the question of elections because it has been thoroughly discussed by my friends Sardar Hari Singh and Chaudhri Muhammad Hasan. Now I want to say just a few words about the powers of the district board. I am of the opinion that a good many powers and functions of the district boards can be transferred to panchayats with advantage. As you are aware, the district boards generally deal with five or six departments and so naturally their duties are more than those of any other local body. For instance, district boards mainly deal with education, public health and public works. My submission is that all these departments except education should be dealt with by panchayats. I should like to submit why I have suggested to exclude education department from the powers of district board. If you take the income of a district board into consideration you will see that it is nearly one crore of rupees realized by local rate and professional rates and moreover a grant of one crore of rupees is advanced by the Government to the district boards. There is hardly any district to which less than 60 per cent grant is given by the Government, otherwise grants are given to some districts between 60 per cent or 100 per cent. There are certain districts to which cent per cent grant is being provided by the Government. What I mean to say is that the greater amount of money spent on education is borne by the Government itself. I, therefore, submit that as far as the department of education is concerned it should be directly controlled by the district boards. We are fully aware of the fact that a considerable amount of money is granted by the district board for the purpose of repair and a greater part of it is misappropriated by contractors. For instance, if a grant of Rs. 800 is provided by a district board for repairs, it is hardly Rs. 100 that will be spent on actual repairs, the rest of it is embezzled by contractors. My submission is that if these repairs

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are made through panchayats it will do a lot of good to the people and district boards as well. If the powers of a district board are invested in the panchayats I am sure, a lot of money can be saved. So much I have to say about the repairs of the Government and district board buildings.

Next thing which I object to is the provision in the Bill relating to cattle pounds.

Minister of Education : Do not go to cattle pounds.

Sardar Kapoor Singh : Then I shall take up sanitation. This provision is also objectionable. Had Government thought over this question seriously and wisely they could have saved a lot of money. But unfortunately what they want to do is to consolidate their party by appointing as many servants as possible under the Unionist Government so that the party propaganda may reach its full swing. It is a pity that they neglect this fact that there is overlapping almost in every department.

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

Sardar Kapoor Singh : As it is our earnest desire that the Government should not squander money of the people in the shape of the Development Fund, I submit that every effort should be made in order to save even a penny of the poor people of this province. This can be done if the Government stop the grants that are given to Rural Reconstruction Department through deputy commissioners and get this money spent not by these agencies but directly by the panchayats. And as far as the Public Health Department is concerned I would submit that the amount of money spent on constructing streets in villages and providing quinine in rural areas should also be spent through panchayats. I may also point out that even in this department money is being misappropriated. I, therefore, request the Minister in charge that all the special grants provided to Better Living Societies, Rural Committee Boards, and Rural Uplift Societies should be left at the disposal of panchayats. I may also tell the Minister in charge that if the panchayats do not succeed in discharging their administrative duties the reason would be shortage of funds. As the panchayats will have to depend upon the Government contributions they cannot go their own way and if under these circumstances the Government expect them to levy tax in case of shortage of funds, I may assure them that it will be quite impossible to expect it of panchayats. What to speak of panchayats, even the Minister of Education has not the courage to levy a tax as far as his Primary Education Bill is concerned. The thing is that the Government is afraid of taking direct action. Therefore it seems practically impossible that panchayats will improve themselves by levying a tax. It is useless to think so. When this is the state of affairs I would request the Government that they should empower the panchayats with the authority to discharge the duties of all these departments which I have just referred to and place the grants and contributions at panchayats' disposal. Otherwise many a measure like this has been enacted by the Government and has proved futile and useless later on. For instance, may I ask the Government to show me a single application submitted to them by a zamindar in connection with

the Restitution of Mortgaged Lands Act. If the Government wants to exploit the rural population by saying that they have made the Panchayat Act in order to save them from the clutches of lawyers then that is another thing. Then they may increase the number by adding this one to the Acts already passed by this House. If they are really the well-wishers of the poor peasantry of the province and they want to see this Bill successful they should comply with my requests. But I am sure they will not do so as their ulterior motives do not permit them to act upon our suggestions.

In the previous Act it was laid down that the panchayats would take steps to start and encourage cottage and agricultural industries. But the average amount spent by each panchayat in this connection is no more than Rs. 46 a year. Then at another place I read that the average expenditure on this item of the duties of the panchayats since the passage of the Act is Rs. 200 only. Imagine Rs. 200 being spent by a panchayat during the whole of the long period of its life for the encouragement of cottage and agricultural industries. How can anybody blame the panchayats for their failure in this respect? What could they achieve with this meagre sum? You send propaganda parties to districts like Hissar, Rohtak or Dera Ghazi Khan to induce people to take to cottage and agricultural industries. But can they be of any use, unless, of course, you want them to carry on your party propaganda? If you really want the movement of cottage and agricultural industries to succeed you should hand over this work to the panchayats.

In the end I would again warn the Government not to indulge in their favourite pastime of making such speeches as are sure to encourage party factions in the villages. In this connection, I must refer to a very sound piece of advice given by Mr. Brayne. It is that if the Government wants the panchayats to succeed they must put an end to party factions. The cause of the failure of the previous Act was nothing but these party factions and if the Government do not eradicate this evil they may rest assured that the new Act is bound to fail too.

Thus, Sir, as I have already said I have no quarrel with the principle of the Bill but in view of the previous record of this Government I hesitate to support a measure which gives the substance of power to the Government leaving only its shadow for the panchayats.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, I wish we could, all of us, congratulate the Government on this piece of legislation. For more than 30 months we have been opposing this Government at every step because we have not been able to see eye to eye with it on any question. We on this side of the House, have tried our level best to offer co-operation to the Government, but there has been no response from the other side. This Bill, however, could have been an exception, because both sides agree so far as its principle is concerned and if the Government so desired it could have widened the scope of the harmony and increase the points of agreement with regard to the various provisions also. But it is a pity that the Government willed otherwise. It is regrettable but it is a fact all the same.

Now let us look at the progress made in this direction so far. The old Panchayat Act was passed in 1921 and we find from the official reports that

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the number of panchayats in the province is 1,142. Just imagine a province with 36,000 villages and with a population of more than 20,000,000 living in villages, having no more than 1,142 panchayats in all these years. This works out to just over three panchayats for every hundred villages. It is the wish of every one of us that we had by now established a panchayat in every village or if cent per cent success was not achieved the figure should have been at least 97 per cent. But, alas, it is no more than 3 per cent! And what is the cause of this meagre success which is worse than failure? Some honourable members have expressed doubts about the *bona fides* of the Government while others have attributed this failure to the attitude of the officers concerned. But let me submit, Sir, that the real cause of this state of affairs is that the panchayats have not proved really useful to the people. This, in turn, is due to a great extent to lack of funds. Let me draw your attention to the following passage in the report:—

The expenditure increased from Rs. 27,000 to Rs. 32,000.

There being 1,142 panchayats, this means that on an average a panchayat spent about Rs. 30 a year for the benefit of the people. May I ask what a panchayat can be expected to achieve with Rs. 30 a year or Rs. 2-8-0 a month? You want the panchayats to do so many things. Clause 19 lays down the duties to be performed by a panchayat. There are as many as 15 items comprising the compulsory functions to be performed by a panchayat. And all this is to be achieved with no more than Rs. 2-8-0 a month. It may be said that a panchayat has been empowered to levy taxes. True. But what is the practical value of that power? Let me draw your attention to an official report which says that in the district of Amritsar—

A village rate was levied in three panchayats as an experimental measure. But nothing was realized as none of the panchayats had the necessary strength to realize the tax that they imposed.

May I ask what store you can lay by the power that has been given to the panchayats in the face of this confession? And I cannot blame the three panchayats concerned. The fact is that the villagers are unable to pay any such new taxes. They already contribute about 10 crores of rupees out of a total revenue of about 12 crores. On an average every village pays Rs. 3,000 as Government dues. What more can you expect from poor villagers? They really cannot pay a single copper more. Therefore, you should help the panchayats by making liberal grants. The Bombay Government gave a conclusive proof of its *bona fides* by compelling the district boards to give one-fifth of the local cess to the panchayats. If you make a similar provision the panchayats will get at least as much as Rs. 5,00,000 every year. It may be argued that if every village pays, on an average, Rs. 3,000 to the exchequer they get as much in turn. I admit that you spend money on education, public health, etc. But that cannot amount to more than Rs. 500 a year for each village. Is it asking too much if these people who pay you Rs. 3,000 a year request you to grant them not all of it, not half, nor even one-fourth, but just a fraction for ameliorating their lot through their panchayats?

The crux of the problem is that so long as the panchayats have not sufficient revenues at their disposal they can do nothing. We are enacting this Bill and are giving so many duties to the panchayats but it is impossible

for them to carry out their duties without any funds. Unless and until they have sufficient amount of revenues at their disposal they cannot make any arrangements about the matters which have been entrusted to them. In this connection I may point out that although under the authority of section 69 of this Bill a panchayat can levy taxes, from the practical point of view, this section will remain a dead letter and no taxes would ever be levied under this clause because the zamindars are already so much overburdened that they cannot pay any new taxes. After all wherefrom should the panchayats bring money for carrying on their duties and functions properly? In my opinion if the panchayats fail, the fault will not lie with the rural people. I may tell my honourable friends over there that if they wish to establish panchayats they should establish them after the panchayats of the pre-British period. Now they have given them so many functions but they have not made any arrangements for supplying funds to the panchayats with which they can carry on their duties. How can these village institutions function when the Central Government takes away every penny from the rural people and the taxes thus realized find their way to the central exchequer? But when the time for spending the money comes the Government says that it has no money to spare and that the panchayats can carry on their functions by imposing new taxes. I fail to understand the real object of the Government. I for one cannot support such a thing. I am also aware of the fact that the Bombay Government has imposed a compulsory house tax in the villages with a view to provide funds for the panchayats. But I may point out that we do not agree with that idea of imposing a new tax. The poor villagers are already so much hard pressed by the burden of other taxes that they cannot pay any new taxes. As a matter of fact they have to pay many taxes in the form of land revenue, *abiana*, *malba* and *chaukidara* cess. Even against these taxes lot of agitation is going on in the villages. In the circumstances how can the poor villagers pay any new taxes. My friends think that by passing this section 69 they have done their duty, but I may point out to them that so far as the question of providing funds for the panchayats is concerned they have done nothing. It behoves them to think over the matter and devise some method for supplying funds to the panchayats by which they would be able to carry on their duties.

Further, I may point out that now we have repealed the Panchayat Act of 1921 and after 18 years we are enacting a new measure. Do the Government think that after enacting this measure they will be able to establish 10 to 15 thousand panchayats in the Punjab? If not, am I not right in saying that this wish of theirs will remain a pious wish for all times to come. Let alone this, I may point out if my honourable friends opposite were anxious to establish panchayats they should have taken some effective steps to establish panchayats in the Punjab. The example of Bombay is before us and we could very well have followed it. It has been provided in the Bombay Panchayat Act, 1938, that villages which have a population of 2,000 or more persons, should have a panchayat by compulsion. Our Government could very well have followed in the footsteps of the Bombay Government and could have provided some such section in the Bill now before the House. We could very easily have provided in our measure that all the villages with a population of 1,000 or more persons should necessarily have a panchayat established in them.

Minister for Public Works : You can establish panchayats in the Punjab anywhere you like.

Mr. Dev Raj Sethi : Yes, if the Government so desire, panchayats can be established, otherwise not. But our contention is that a definite provision should have been made in this Bill so that the day on which it is enforced, panchayats would be established in those villages. If this procedure had been followed at least 5 to 6 thousand panchayats would have been established on one single day. Against this the Government can very well say that they have appointed panchayat and assistant panchayat officers to establish panchayats in the villages and that they are being paid Rs. 75 and Rs. 50 by way of salaries. One of the duties of these officers will be to establish panchayats in villages where there are no panchayats. But I may point out to the honourable members that that is not the only object of appointing the panchayat officers. The honourable members have heard the duties which the Honourable Minister for Public Works and the Honourable Premier want these officers to perform. Now I will read out to them a passage from the speech of the Honourable Minister for Development in which he has laid stress on the functions and duties of the panchayat officers. *(At this stage Mr. Speaker resumed the Chair.)*

With your permission, Sir, I will read out as to what duties my honourable friend over there, who at present is not present in his seat, expects from panchayat officers. While addressing them he stated :

Go to the villages with the determination to sweep aside the cob-webs of falsehood so subtly woven by the political adversaries of the Unionist Government in the province. They have exploited all the resources for moving up the masses against the present Ministry.

and now what is their duty :

Now it is your turn to apprise the masses of the real state of affairs *(hear, hear)*.

In short this will be the duty of the panchayat officers. After all how can we expect from these officers who draw Rs. 75 and Rs. 50 by way of salaries, that in such a time of unemployment they would work impartially? In short every one of the Ministers whether he is Minister for Public Works, or Minister for Development dings into the ears of these panchayat officers that their duty is to make propaganda in favour of the Unionist Government. As a matter of fact these officers have been entrusted with the work of a washerman to wash away the deeds of the Unionist Cabinet. They have not been appointed to help in establishing more panchayats, but their main duty is to go from place to place and "apprise the people of the real state of affairs". Further on the Minister for Development stated :

"political agitators had created misapprehensions in the minds of the credulous zamindars by telling them that the Unionist Government rendered nothing for their welfare and that no relief had been granted to them in the matter of malba, chankidars, abians and land revenue."

Now these are the duties which have been imposed on the panchayat officers.

I may point out that we do desire that the panchayats should be established in the villages. We are not opposing the measure merely for the sake of opposition, but our object is to improve this Bill. I may point out that it is quite true that if we find any flaws and drawbacks in this Bill it can be amended in future. But what is lacking is the will. If we have a

will we can make a programme that within the next 10 years out of 86,000 villages panchayats would be established in 18,000. This is the way in which panchayats can be established. The old adage "where there is a will there is a way" is quite true. It behoves my friends to act according to this adage.

Then again, my honourable friend Sardar Hari Singh stated in the course of his speech that according to him too many civil and criminal powers have been given to the panchayats and that they should not have been given. I very respectfully differ from him (*hear, hear*) and I think that even more powers should have been vested in the panchayats. It is just possible that the panchayats may misuse these powers or even commit mistakes; but I may point out that in the beginning every institution is bound to make mistakes (*hear, hear*). When beginnings are made it is necessary that mistakes must be committed. I may also point out that in view of the fact that the responsibilities of the panchayats were many we proposed an amendment that the sarpanches should instead of for one year be elected for three years in order that the experience which they gain in the first year should stand them in good stead in the following years. After an experience of 12 months they would very efficiently carry on their duties. If my friends had any idea of successfully working these panchayats, in that case they would have agreed to our amendment. But as they have no such idea, so in the intoxication of the power of their majority they rejected our amendments without giving a moment's reflection to it. I warn them that to-day on the strength of their majority they reject our amendments but the coming events will show to them as to who was right and who was wrong and what was good for the people and what was bad for them.

One the chief aims of panchayats was to eliminate the hardships of the villagers, especially those of the backward communities among them. It was, therefore, hoped that Harijans would be given special representation in the village panchayats. The Bombay Government's Panchayat Act was there to serve as a model only if the Punjab Government had cared to follow it. That Act does not leave such things to rules. How can we depend upon rules? Who does not know that the Honourable Minister merely signs whatever is presented to him by his Secretary? That is why the question of reservation of seats for the Harijans has been left to the Government who will make the rules. With regard to that the Harijans should be given some weightage because we know that the Village officials like the lambardars and the zaildars oppress them in various ways. The powerful zamindars commit all sorts of atrocities on the achuts. I am afraid our Government will not give them adult franchise. It is just possible that their fate will be left to be decided by the local officers.

One word more and I have done. There is no denying the fact that our Unionist Ministry is not actuated by any desire to do good to the public at large. In fact the Unionists are out to consolidate the position of their own party in the Punjab. They are afraid of their deminishing influence, and want to do all they can to strengthen their hold on the masses. The principle of the Bill is so good and its provisions are so bad that when I wish to congratulate the Unionist Government my reason suppresses the sentiment and thus a conflict arises between my head and heart.

[Mr. Dev Raj Sethi.]

In the end I may be allowed to make a prophecy, although it is very dangerous to make any prophecy in politics. If this measure is enacted, I am afraid, the next Ministry will realize within six or seven years that this measure of 83 clauses is no good and must be thrown into the waster-paper basket, and a new one should be enacted in its place. That is why, Mr. Speaker, I strongly oppose this Bill in spite of the fact that I agree to its principle.

Pendit Nani Lal Kalia (Ludhiana and Ferozepore, General, Rural) (*Urdu*): Sir, the Bill still abounds in defects although some amendments of minor importance have been accepted and it has reached the third reading stage. Had the Government any intention to improve it, its shortcomings would have certainly been removed by this time. It is really strange that our Government means to try those things to-day that have already been put to the acid test of experience by our neighbouring Governments in the past. For instance, the United Provinces Government had given these powers to the panchayats as far back as the year 1890, which the Unionist Government is giving in 1939. Again, these very judicial powers were given to panchayats in Bengal in 1885. But when the Panchayat Act was introduced in the Punjab in 1912, the panchayats were empowered to settle suits relating to an amount of 20 rupees only. And even that power was subject to the mutual agreement of the parties concerned. The second instalment was given to us in 1918 when a few criminal powers were given to the village panchayats. The late Mian Sir Fazl-i-Husain introduced the present Village Panchayat Act in 1922 in the old Punjab Legislative Council. The same arguments that were advanced against that measure are being urged even now against the present Bill. That shows that the present Bill is no improvement on the old Act. The only difference between the two is that the Bill now under consideration is more bulky. The old Act has only 34 sections while the present one consists of 83 clauses. But when we proceed to consider as to whether the additional clauses embody the spirit of the age or not, we are sadly disappointed. Most of the powers are given to the local Government. The Government nevertheless expects us to say 'yes' to their call. But we are highly suspicious about the motive. Out of these 83 clauses, about 40 clauses are such as give certain powers to the Government rather than to the panchayats. The power of making rules is vested in the provincial Government. We are sorry to find that there is the same tendency on the part of the popular Government of the Punjab in reserving powers for itself which was shown in the British Parliament for the last few decades. Mr. Speaker, I wish to draw your attention to a book written by The Right Honourable Lord Hewart, Lord Chief Justice of England entitled "The New Despotism," in which he cited fifty laws by which the Ministers of the British Government have taken enormous powers under the rule-making provisions. I will give you an instance out of those fifty laws. An Act of Parliament, namely, the Rating and Valuation Act was passed in 1925. The marginal heading of section 67 of the Act is "Power to remove difficulties." It provides that a Minister could, by order remove difficulties, even by modifying certain laws. Now, the present Bill also contains provisions which mean that a Minister may modify a law if it stands in his way. We are not jealous of the Minister. Our position is not this that the Minister should not be allowed to do certain things. Our complaint is that the Minister does not do it. For instance, look at the drafting of this Bill.

This is a standing instance of careless work. I am sure that if the Minister had left the drafting in the hands of his Parliamentary Secretary who is an able lawyer, he would certainly have drafted the Bill in a better way. But as it is the drafting was left in the hands of some petty clerk in the local Self-Government Department. The clerk most probably took out some old model from his pigeon-hole and did a bad copyist's job. I am sure that if the drafting of this Bill had been entrusted to some responsible person the defects of bad drafting with which this Bill is replete would not have been there. Then, the Government seems to take its stand on prestige. It thinks that if any suggestion offered from the opposite side is accepted that will lower its prestige. So, the Bill has not been improved.

There are certain sections of the Bill which show obviously enough that the real intention of the Government in passing this new law is not what is given out to be. There is one thing at seeing which I cannot suppress my laughter. You will see that the Bill nowhere says when it will be enforced. The date is usually inserted if not earlier at least in the drafting committee. I will draw the attention of the Honourable Minister to this defect but he is busy having a conversation. I want to tell him that we cannot know from a study of his Bill as to when it is going to be enforced. Usually in all legal enactments the words occur in the very first section. "It shall be enforced at once, or from such and such date. But nothing of the sort occurs in any of the 83 sections of this Bill. May I take it, Sir, that the Bill will never be enforced? Or will an amendment be brought forward to get it enforced? We know, Sir, that several agrarian Bills or the so-called "golden Bills" were enacted by the Punjab Government. But not a single one of them has been enforced with any effect. The reason is that these Bills were not intended to serve any other purpose but propaganda for the party in power. The Government knows it well that if all the new Acts are enforced their working will bring about awakening among the masses and it is the awakening among the masses which this Government dreads most.

Minister for Public Works : You will know when this Act is enforced.

Pandit Muni Lal Kalia : It may be said that this Act will be enforced when rules made under it are ready. Compare this with what is done in other provinces and in other countries. Everywhere all the details, as to what is useful for the country and what is not, are settled while a Bill is on the anvil of the legislature. But what is being done here? A Bill is brought forward. Lengthy discussion takes place on it. But after its passage through this House it is not enforced for a long time, too long a time, under the plea that the necessary rules are not ready. I ask, if you are not to enforce a Bill, why pass it? Does the Government not know how many Bills have so far been passed in this House and how many of them were enforced? And could you tell when the rules made under this Bill would be ready? There are more than eighty provisions in this Bill with respect to which the rules have got to be made. For instance, rules have to be made as to how the elections will be held. Who will hold the elections of the panchayats? Who will have the vote and who will not have the vote? What will be the franchise? How will corruption be checked in elections? What will be the circumstances in which the panches and the

[Pandit Muni Lal Kalia.]

panchayats may be removed? What cases will be allowed to come up before the panchayats? How many registers will be kept by the panchayats and what will be contained in those registers? What will be the nature of evidence to be led before the panchayats and how will the panchayats give copies of statements to the litigants? What will be the maximum punishment which the panchayats will have the power to award? How will the orders of the panchayats with respect to the award of a punishment of fine be enforced? Then, there are as many as twenty-five administrative functions laid down for the panchayats in this Bill. All these have got to be defined by the rules. This means that you will have to take a very long time over making the rules. It is in order to avoid such delays that other Governments try to make their Bills as self-sufficient as possible. For instance, take the Bombay Act. It is not a Congress legislation. It was passed by the bureaucratic Government. There is a clear provision in that Act that the rules will be first published in the Gazette. After thirty days they will come up before the legislature. During these thirty days the public is invited to make suggestions. And all those suggestions are considered when the rules come up before the House. And the House can reject and rescind certain rules. But no provision of this type exists in the present Bill. This Bill is here before this House for a few hours. We have the chance of having our say on it for a while. After that it will be dead, cold and buried. We will not hear of it as has been the case with other Bills passed by this Assembly. My honourable friends on the other side are anxious that the question be put as soon as possible. Naturally they do not want to listen to any more criticism on it. They do not wish to hear that this Bill is replete with useless and redundant provisions and mistakes of drafting, and lacks in sound provisions.

The case is different with the Bombay Panchayat Act. The Act is almost self-contained. It definitely provides as to where the panches are to be appointed; where the deputy commissioner can interfere and where not. All the duties and powers vested in the commissioner and the local Government are well-defined. You may contend that the Bombay presidency is much more advanced than the Punjab. So let us take the case of a comparatively less progressive province—I mean the Central Provinces. Despite its limited financial resources the Central Provinces Government has reproduced in its own Act all the important provisions of the Bombay Act. Moreover, the Central Provinces Act empowers the House to approve of the rules made thereunder and see that they are consistent with its spirit and powers. I would like to state for the information of those honourable members who are bent upon supporting every motion of Government whether reasonable or not that under this most reactionary Act nowhere in the Punjab can a real and democratic panchayat possibly be established. So far as the date of the commencement of this Act is concerned we find that the present measure is absolutely silent. It does not tell us as to when it is going to be enforced which means it depends upon the sweet will of the Government. Under clause 4 the Government has the power to declare any village or a group of villages

to be a panchayat area. Moreover, it can arbitrarily alter the boundaries of any area so declared. In other words the Government can through gerrymandering, exclude from or include in the panchayat area any village in order to secure disproportionate influence in the elections. It has been repeated *ad nauseam* on the floor of the House that the Government has extended jurisdiction to the panchayat to try criminal as well as civil cases. But it is interesting to note that in the very clause under which such powers have been delegated we find a provision to the effect that the Government may by notification withdraw from a panchayat the power to take cognizance of all or any of the offences mentioned in the first part of the clause. Moreover, the Government has retained to itself the right of abolishing or suspending any panchayat. In other words the Government has the power to spoil the whole show even under the slightest pretext. Then it has been provided in clause 69 that the panchayats may, with the previous sanction of the Government levy any tax in their respective areas. Now, Sir, under the Government of India Act it is absolutely necessary to obtain the sanction of the Governor before introducing such a provision. But during all this period it did not strike anybody to obtain the necessary sanction. It was only day before yesterday that the requisite sanction was obtained on telephone. This idea occurred to the Honourable Minister only after the passage of clause 88.

Furthermore, Sir, under the present Act the provisions of the Code of Criminal Procedure, the Code of Civil Procedure and of the Indian Evidence Act will not apply to proceedings before the panchayats. Clause 54 says that after ascertaining the facts of every criminal case or civil suit the panchayat shall pass order, sentence or decree in accordance with justice, equity and good conscience. Thus the Government has suspended the provisions of all the aforesaid Acts so far as the panchayats are concerned. Even to the meanest imagination it should be clear that the Government cannot suspend or invalidate the Code of Criminal Procedure, the Code of Civil Procedure and the Indian Evidence Act unless all of them are amended by the Central Legislature accordingly. In fact the Punjab Government has not the necessary power to suspend the provisions of any of the Indian laws. The procedure which the Government is going to adopt in the case of the panchayats is not at all consistent with the provisions of the Government of India Act. It will I am sure create quite a strange situation in the province. In towns and cities, i.e., outside the panchayat areas the Indian laws will operate whereas within the panchayat areas the civil as well as criminal cases will be decided only in accordance with "justice, equity and good conscience," as interpreted by the panchayats. The laws passed by the central legislature will not have the same force in the panchayat areas as they are expected to have in the cities and towns. There is another anomaly which I want to bring to the notice of the Government. The present Bill has sought to suspend the provisions of the Indian Limitation Act too. The Bill dismisses the whole matter in a single sentence. It says that the period of limitation for any civil suit triable by a panchayat shall not exceed three years. Now, the Limitation Act provides different periods of limitation in different cases, but here a uniform period has been fixed for all kinds of cases. Here again this Bill differs from other laws passed by the central legislature. Now the constitutional position is that no such change can be effected unless the

[Pandit Muni Lal Kalia.]

Indian Limitation Act is amended. In this case also the previous sanction of the Governor is necessary under the Government of India Act. Thus the present Bill is going to introduce a queer sort of dyarchy in the province. In the urban part of the province civil and criminal cases will be decided under the statutory laws whereas in rural area such cases will be adjudicated only in accordance with panchayat law. It will certainly create confusion and chaos in the province. Now leaving aside the question of departure from the legal procedure I wish to draw your attention to the fact that panchayats will not be free to use even those meagre powers that have been given to them. The panchayats cannot be definite as to whether the cases brought before them are triable by them or not. Then there is the question of membership. No qualifications have been expressly defined, and even after a person has been elected a member he cannot be sure as to whether or not the Government will allow him to work as such.

Now, Sir, the slave mentality of the Honourable Minister is quite visible in the Bill. There is a section which bars the panchayats from taking cognisance of any offence in which the complainant or the accused is a European British subject. Supposing a European goes to a certain village and commits an offence there. Why should he be not tried by the panchayat? It necessarily follows that a person having white skin can do all sorts of crimes with impunity in the villages. This section is a true index of the mentality of my honourable friend opposite under which he wants to establish panchayats in the villages.

Again, there is another anomaly in the Bill. Even the rules that are going to be made thereunder will have greater force than the Act itself. But it is a pity that the proposed rules will not be placed before the House for consideration. As usual they will be framed, nay copied from the rules relating to the previous Act, by a clerk of the Secretariat. Now, may I ask as to how far it is proper on the part of the Government to entrust the work, which is going to affect the vital interests of the people, to an official who is neither responsible to the province nor to this august House? If the Bill is introduced in the House for consideration, then, why is not the subsidiary legislation placed before the Assembly for approval?

I am one of those who believe that justice is very expensive in the province. I know that corruption is rampant in the courts. Personally I am strongly in favour of the idea of granting enhanced powers to the panchayats. I trust these rural courts would function their duties more efficiently and competently than the urban courts. Because the panches would be alive to the idea that if they would during their tenure of office encourage jobbery or resort to corruption or nepotism the electorate would see to it that they are not returned next time. If you give greater powers to the rural population they are sure to learn by and by the proper exercise of their right to vote. They have already sufficiently learnt this during the last general elections to the Assembly.

I do not want that the Bill should be enacted into law, enforced and not acted upon. The first duty of the Government should be to abide by every provision of an Act that has been put in force. I am not of the

opinion that the Government should in the first instance pass a Bill and then not follow its provisions. I, therefore, submit that this Bill should be put into practice as soon as possible so that the people who are wide awake to-day may be able to understand what sort of Bill it is. The merits and demerits of the Bill will appear, before us, by themselves at the proper time.

When the Government of India Act was enacted the federation of various provinces was taken into consideration and provisions were made to safeguard them separately and the question of minorities was not set aside. But due representation was given to the Scheduled Castes. As far as this Bill is concerned our Government has refused to consider the minorities question and the members of the Scheduled Castes have not been given their due share, inspite of our repeated requests. You have come to know that provincial autonomy has failed in most of the provinces owing to its defects though it was run for two years. As it proved defective in the long run it was spurned. I am sure the consequences of this Bill would be the same, and the people would not care to look at it. I know after a few hours it will be passed but anyhow I deem it my duty to inform the House of its merits and demerits. I do not grudge if our suggestions are not accepted by the Government as we think ourselves to be like birds of passage. (*Cheers*). We are not going to be constantly here and we realise that it is bureaucracy that is working behind it and it is our political duty to curtail it as long as we are here. With these words I submit that the Bill is incomplete and insufficient and there is plenty of room in it for further improvement.

(*Voices : Question be now put.*)

Mr. Speaker : The question is—

That the question be now put.

The Assembly divided : Ayes 77, Noes 37.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Badar Mohy-ud-din Qadri, Khan Sahib Sayed.
Balwant Singh, Sardar.
Bhagwant Singh, Rai.
Dasaundha Singh, Sardar.
Faiz Muhammad Khan, Rai.
Faiz Muhammad, Shaikh.
Fateh Muhammad, Mian.

Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
Ghazanfar Ali Khan, Raja.
Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
Ghulam Rasul, Chaudhri.
Ghulam Samad, Khan Sahib Khawaja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur 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.
 Jafar Ali Khan, M.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad 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.

Nasrullah Khan, Rana.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur Mian.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib 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.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmood Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Talib Hussain Khan, Khan.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Balbir Singh, Rao Bahadur Captain Rao.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Faqir Chand, Chaudhri.
 Girdhari Das, Mahant.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.

Kapoor Singh, Sardar.
 Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mohy-ud-Din Lal Badshah, Sayed.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Hasan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.

Sahib Ram, Chandhri.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.

Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

Minister for Public Works (The Honourable Nawabzada Major-Malik Khizar Hayat Khan Tiwana): Sir, the Bill has been under discussion for the last fortnight and we have had practically every clause discussed threadbare. So I do not mean at this stage to go into the details of the Bill. Past history has been recited. I entirely agree with my honourable friends opposite that there was a time in India when the panchayat system was thriving and when there was complete village self-government in our villages. Empires were established and they vanquished, but the village panchayat system went on working. There were courts of kazis and certain others but the average villager had very little to do with them. That was the state of affairs before the British annexation. Then came foreign rulers who brought a foreign set of laws. There was centralisation and with that centralisation came about the abolition of the village panchayat system. Certain vested interests were created and they began to flourish and succeeded in exploiting the simple villager. With that state of affairs litigation began to thrive and it almost became a disease. Now a stage has been reached when whatever the result in court the villager finds at the end that he is the loser. I mean he might win in a court, but the cost is so much that he is the loser whether he is successful in the law suit or not. These defects were realised quite in the early stages but the first Act on the subject was not enacted till 1912. But it was a measure of very limited nature and it did not go far enough. It was later due to the foresight of the Unionist party that no less a person than the late Sir Fazal-i-Husain, its founder, came forward with a measure in 1921, but under the then reformed constitution it was not possible even for him to go very far. The measure was of a limited nature and it had one particular defect, which in the experimental stage I should not call it a defect but a limitation. However, in subsequent practice we found it was hampering the establishment of panchayats. That was the optional clause in the last Act. One had to canvass for support before a panchayat was established. That and the lack of proper control by means of paid staff were the two factors that did not bring about success to an extent we wanted. Though there are some 1,200 panchayats functioning at present in the Punjab, still we can have a large number of more panchayats, and it is that we are aiming at. The instance of Bombay has been cited. There it has been made compulsory that every place with a population of 2,000 shall have a panchayat, but I must say that in this Panchayat Bill we have gone further. We have laid down that a panchayat can be established in any village where the people and the Government think it desirable to have a panchayat. What is more, the demand for the panchayats has not been made from one quarter only, but the honourable members opposite have also been clamouring for it for a long time. The establishment of the panchayat system has found a prominent place in the programme of every political party. There were notices of resolutions given by three of the honourable members opposite. Those resolutions did not survive the ballot and did not come up before the House, but the notices are there. The resolutions were in the names of Sardar Sampuran Singh, of

[Minister for Public Works]

no less a person than the Leader of the Opposition and that of Lala Duni Chand, asking Government to come forward with a Panchayat Bill vesting powers up to Rs. 500 in the panchayats. Government was already thinking of bringing forward a Bill of this nature and when we found that the honourable members were also in favour of it, we came up with this Bill and have appointed special officers to look after the working of the panchayat system from the very start. The Bill has been carefully drafted and whatever defects there were have been removed in the select committee and then at the second reading before the House. I am not here claiming perfection for the Bill and I do not claim that it is free from all lacunæ and flaws and defects, but if and when we find any defect we can always come forward with an amending Bill. However, I must confess that I am surprised at the opposition from the honourable members opposite. I can very well realise some members who are interested in the legal profession getting up and opposing it. I can very well realise others with vested interests like those of my friend, Mr. Puri, opposing the principles of the Bill, but I did not expect my honourable friends opposite opposing a measure which intends to revive the old panchayat system and to establish a swadeshi mode of village self-government.

Mian Ab'ul Aziz : Nobody opposed the measure. Only there were certain objections to certain provisions of the Bill.

Minister : It is just like blowing hot and cold in the same breath. They say that they do not want the Bill but that they are for the panchayat system. This is because they fear their electorate who will find out their lukewarm sympathy shown in connection with the Bill and want to confuse the issues.

Mian Abdul Aziz : That suits a Unionist to say so.

Minister : They have been trying and asking us to pass a Bill of this sort. But now they have been trying to quote certain bureaucrats against it. I do not think that it becomes them to vote against the panchayat system, nor does it lie in their mouth to ask for amendments based on principles of foreign laws. They have been clamouring for everything ancient and Indian. Here we are actually building and rejuvenating the ancient system. The foundation was laid 18 years ago by a Unionist Minister and I am glad to find that it has again fallen to the lot of a Unionist to build the second edifice. We might say that they are for a foreign system and while they might profess anything they really have got a sympathy for the bureaucratic system which in many cases favoured the vested interests. The Bill as it stands, I am sure, is going to confer a great boon on the villager. At present minor troubles crop up in villages. They lead to litigation. Litigation leads to factions, factions to riots and riots to murder and so on. If most of these troubles are nipped in the bud, I am sure the factious spirit in the villages will decrease and the cost of litigation will be saved and so many other consequent troubles will be avoided also. The villager will be made the master of the village which he should be.

Now let us realise who are going to be these panches. They are not to be nominated by the Government. They are to be elected. They would be elected representatives of the people. Objection was taken that they would

impose taxation and therefore we must consult the majority of the villagers before doing so. When this House passes anything, is it necessary to have a referendum and go to the villager? No. Similarly when the elected representatives of the people, the panches, pass a measure and come to a decision, that means that it has the approval of the majority of the villagers and as such no further referendum is necessary. Objection has been raised that nothing has been said here about the franchise. Some honourable members went on to quote sections from the Municipal and District Boards Acts. I have to remind them that even there the franchise is left to the rule-making power of the Government and there is no departure here from that principle and it is right that it should be so. I can assure honourable members that the Government's intention is to have the lowest possible franchise in villages so that anyone who has any stake in the village will have a vote and as such all the minorities that live in the villages will have, I think, a specially privileged position. As everybody knows, in local bodies even the highest has to go to the lowest when he is out vote hunting. Similarly in villages, I am not prepared to say that there is any lower strata, but there may be what are termed as scheduled castes. In villages there is no caste distinction—it exists mostly in towns—the whole village is one unit knit together—which is the village community. I am prepared to concede that there might be misgivings in some quarters about the minorities. But we will take special care when we come to the rule-making powers to see that we safeguard the interests of the minorities. As a matter of fact ample provision already exists for the safeguarding of the interests of these minorities. The powers of transfer and revision by the district magistrates and district judges are meant to safeguard these interests and to prevent any majority faction trying to harm and harass the minority. But no paper safeguard as suggested by my honourable friends opposite can safeguard the minorities. Suppose we had a clause in the Bill saying that the interests of scheduled castes will be looked after by panches. But who is to look after them—the majority, which shows the same mentality as the constituent assembly—relying on the majority to look after the interests of the minority? We want to tackle the question of minorities from a different angle altogether. We want to bring these scheduled castes up to the same level as the other classes—the higher level that exists in the village. They will have votes and with votes they would be on the same level with others. That being so, why should anybody safeguard their interests? They are there and they have the rights conferred upon them. The idea is to bring them up to the status of others and not keep them down so that somebody else should come along to look after their interests. In villages, when this Bill functions—at least that is my hope—the question of minorities and factions will begin to disappear. The same thing applied to landlords and tenants. Now what do we find? With the franchise of the tenants, the landlords have suddenly begun to think better of them. The same is the case in the municipalities. In villages when the members of the scheduled castes become voters, every party will try to canvass their votes and with their good will and that will be a better and a lasting safeguard for all

[Minister for Public Works.]

times to come and the question of scheduled castes and minorities will begin to disappear then in reality.

Then, Sir, objection has been taken as to why the Government is keeping the rule-making power to itself. Rule-making power left to a bureaucratic government might have been criticised. But as we have repeatedly stated here, the powers that vest in a popular and representatives' Government cannot be criticised because there is always the check of my honourable friends opposite and they can raise the question whenever they want and any defect in any rule can be rectified. The rule making power must exist, otherwise it will involve a constant amendment of the Act and in a matter like the franchise, etc., this would mean unnecessary delay and expense to the province.

Then advisability of the giving of judicial powers to the panches was also raised. I was surprised to find that no less a person than my honourable friend, Sardar Hari Singh, has criticised this. Let us see what we are trying to do. We are trying to replace the so-called legal system by a system of material justice. What is at present happening in courts?

Pandit Muni Lal Kalia : On a point of order. I want to know whether the Minister, a member of the cabinet, is entitled to say "the so-called legal system" with regard to a system of law for which the Government is responsible and for which money is paid from the exchequer.

Minister of Public Works : The system of legal justice is, I am afraid, somewhat different from material justice. This is what we find in many cases. I confess that our legal system is not free from defects. What we find is that lying witnesses come along and the court becomes an arena of these lying witnesses. The court is then helpless. It does not know on which side the truth lies. But in the case of the panch with his local knowledge he will at once be able to spot out which are the lying witnesses and so there will be material justice done and expenses will also be saved to the parties. I believe my honourable friends, who are now criticising, know full well that if you go to the village you can always find the truth, I do not mean from somebody who is standing on the road. But if the parties concerned meet together and if one wants to find out the truth one can do so easily in a village. But it is different in a court. The proverb is well known :—

” ایتھے تے سچ کہدے اے کوئی کچھری تے نہیں “

The man may speak truth in the village but he will not do so in a court. I confess that this Bill is not going to set right everything. It is a humble beginning and what I would like to see established is that this indigenous system of Justice thrives as it is in consonance with the spirit of the people and will have the support of all those who mean well to the villager. I hope the villager will reach a stage by this measure when all the expense and trouble which he is now incurring will be saved and a happy state of affairs will come about in the village. (*Hear, hear.*)

I would not like to go into further detailed criticism against the Bill because that, as I have already stated, was mostly based on either not reading the Bill or certain other misunderstandings. But one matter I would

like to refer to audit is this. Objection has been taken to the speeches made by myself, by the Honourable Premier and by the Minister of Development in addressing the panchayat officers' class. It has been maintained that we said certain things which directed the panchayat officer to take sides. I have heard the quotations cited in this House. I feel that no words of ours express that idea unless anybody reads them with a certain amount of bias. The panchayat officers have been told to advise the villager to find out who are his friends and who are his foes. Is that an unsound advice? It is open to the villager to judge in which category are the honourable members who profess friendship and who act otherwise. There is nothing wrong or objectionable in this. It is not intended that the panchayat officer or his staff should be used for party propaganda purposes. Fears have been expressed on this score and all that I can say is that those fears and suspicions are totally unfounded. We do not intend to use this system for party purposes at all. But if by party purposes any one means doing good to the villager, then we intend using this staff to the fullest extent in the interest and welfare of the villager. It is only experience that will show how the Bill will shape itself in practice but I can assure the honourable members that the intentions of the Government are to work this Bill in order to revive the old panchayat system which, as one honourable member stated, existed in *Satyug*. We are trying to revive it. We may not be able to realise our full hopes but our endeavours are towards achieving this object. My honourable friend said that in this *Kaliyug* nobody will be able to work the system successfully. But we have tried to keep away all the bad agents of *Kaliyug* from that institution and we hope to bring back the institutions of the *Satyug* period and with this hope I commend the Bill for the acceptance of the House.

Mr. Speaker : Question is—

That the Punjab Village Panchayat Bill as considered and amended by the House be passed.

The motion was carried.

LIBRARY COMMITTEE.

Mr. Speaker : I have to inform the House that in pursuance of representations received from honourable members, I have decided to constitute a Library Committee for each session of the Assembly. The function of the Committee will be to advise the Speaker to improve and develop the Assembly Library. The Committee shall consist of the Deputy Speaker, who shall act as its Chairman, and eight honourable members. The Librarian of the Assembly will be its Secretary.

For the current session of the Assembly I nominate the following honourable members to act as the members of the Committee :—

Khan Bahadur Chaudhri Riasat Ali.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din.

Khan Sahib Sheikh Muhammad Amin.

Sheikh Karamat Ali.

Tikka Jagjit Singh Bedi.

[Mr. Speaker.]

Mr. Dev Raj Sethi.

Sardar Hari Singh.

Rai Bahadur Mr. Mukand Lal Puri.

DAMAGE TO COTTON CROP.

Minister of Revenue : I wish to make a statement to the House. Reports of damage to cotton by Tirak tela, etc., have been received from several parts of the province. As the pickings are not yet complete, it is too early to assess the damage at this stage. The zamindars had expectations of a bumper crop, but it is now clear that those expectations are not likely to be realised and that the crop will be barely normal in some cases and below normal in others. According to the reports, the damage, generally speaking, is confined to American cotton on the Upper Jhelum Canal, Lower Jhelum Canal, Pakpattan Canal (perennial), some parts of the Dipalpur Canal, Haveli Canals, Lower Bari Doab Canal and Lower Chenab Canal. Some improvement has recently been reported in the case of Lower Chenab and Lower Bari Doab Canals, the improvement in the case of the latter being more marked. The ordinary *girdawari* operations are over but the local officers of both the revenue and irrigation departments are cognizant of the situation and special investigations are being made where necessary. More detailed information about the extent of the damage is likely to be available in January 1940. I may assure the House that Government is fully alive to the situation and the question of relief will be considered sympathetically as soon as complete information is available. It is, however, fortunate that the damage in question has synchronised with an abnormal jump in prices which will go a long way in making up for some of the deficiency in the produce that may ultimately be found.

The Assembly then adjourned till 12 noon on Monday, 8th January, 1940.

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